

Leave of Absence

Friday, July 18, 1997

HOUSE OF REPRESENTATIVES

Friday, July 18, 1997

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members I wish to advise that I have received communication from four Members of this honourable House who have asked to be excused from today's sitting. They are the Member for San Fernando West, Mr. Barendra Sinanan; the Member for San Fernando East, Hon. Patrick Manning; the Member for Arima, Dr. The Hon. Rupert Griffith; and the Member for Arouca South, Mrs. Camille Robinson-Regis. They are all excused from today's sitting of the House.

PAPERS LAID

1. The Dangerous Drugs (Seizure and Detention - Prescribed Sum) Order, 1997. [*The Attorney General (Hon. R. L. Maharaj)*]
2. The Privileges and Immunities (Caribbean Export Development Agency) Order, 1997. [*Hon. R. L. Maharaj*]

SELECT COMMITTEE REPORTS

PRESENTATION

Dr. Fuad Khan: Mr. Speaker, I wish to lay on the table the following reports:

Saraswati Mandiram (Inc'n.) Bill

1. Report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Saraswati Mandiram and matters incidental thereto.

Sukyo Mahikari (Trinidad and Tobago) (Inc'n.) Bill

2. Report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Sukyo Mahikari Association (Trinidad and Tobago) and matters incidental thereto.

COMPETITIVE BID ROUND

(PHASE THREE)

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Speaker, in my portfolio as Minister of Energy and Energy Industries, I take this opportunity to bring before Parliament the results of Phase

Competitive Bid Round
[SEN. THE HON. F. GANGAR]

Friday, July 18, 1997

Three of the Competitive Bid Round, which offered nine blocks for bidding, five of which were located in the waters to the immediate east of Tobago and four off the east coast of Trinidad, all in water depths of up to 1750 metres. The nine blocks have a total acreage of 1.5 million hectares and are up to 160 kilometres offshore.

The Petroleum Regulations (Competitive Bidding) Order, 1996 dated August 16, 1996 constituted the third phase of a competitive bidding process which was initiated in 1995. Under the Bidding Order, international petroleum companies were invited to offer bids for Production Sharing Contracts which would entitle them to carry out petroleum exploration and production in marine areas located off the eastern and southern coasts of Tobago and the eastern coast of Trinidad.

At the closing date of the bid round, April 2, 1997, a total of 15 bids were received on four of the nine blocks which were put up for tender. The bids were distributed among the companies as follows:

BLOCK NO.

23(a), (b) and (c)	No bids received
24(a) and (b)	No bids received
25(a)	Four bids received
25(b)	Six bids received
26	Four bids received
27	One bid received

Cabinet appointed two committees to evaluate the bids received as follows:

- (1) The Technical Evaluation Committee comprising senior technical and professional officers of the Ministry of Energy and Energy Industries and a senior geophysicist from Petrotrin. This Committee reported to an Overview Committee.
- (2) An Overview Committee comprising senior technical and professional officers from the Ministry of Energy and Energy Industries, the Oil Audit and the Investment Divisions of the Ministry of Finance, the Ministry of Planning and Development and the Ministry of the Attorney General.

The Technical Evaluation Committee used a system of allocating points to each bidder which took into account the benefits that will accrue to Trinidad and Tobago both financially and technically from the bid items presented.

On completion of its analysis and evaluation of the technical, economic and financial aspects of the bids, the Technical Evaluation Committee submitted its report to the Overview Committee, which in turn submitted a report to the Minister and the Energy Sub-Committee of Cabinet.

Cabinet, on the basis of the recommendations of the Energy Sub-Committee and the Minister of Energy and Energy Industries, and being in concurrence with the allocation of points to the bidding companies, agreed that the companies scoring the highest number of points in each block should be offered the opportunity to enter into negotiations on production sharing contracts with the Minister of Energy and Energy Industries. Cabinet agreed upon four preferred bidders for the deepwater blocks offered in phase three of the Competitive Bid Round.

They are as follows:

- (i) the consortium comprising Shell Exploration B.V. and Agip Trinidad and Tobago Ltd., for Block 25(a);
- (ii) the company Exxon Exploration and Production Trinidad Limited, for Block 25(b);
- (iii) the company Exxon Exploration and Production Trinidad Limited, for Block 26; and,
- (iv) the consortium comprising Arco International Oil and Gas Company, Union Texas Trinidad Ltd. And Petrobras International S.A. (Braspetro), for Block 27.

Arrangments will be made for the commencement of negotiations with respect to these companies. Mr. Speaker, the Bid Round has been an unqualified success. This most recently completed round will result in the exploration for hydrocarbons in offshore provinces that have not previously been the object of such serious interest.

The preferred bidders have made proposals for exploration that have satisfied very rigid criteria. The geophysical proposals call for a combined 3-D seismic programme covering 4900 square kilometres and a 2-D seismic programme covering 280 line kilometres in the four blocks. Total projected costs of these programmes exceed TT\$350 million.

The signature bonuses put forward total approximately TT\$550 million, while the work programme submissions call for the drilling of at least 12 wells at a cost in excess of TT\$1 billion.

Competitive Bid Round
[SEN. THE HON. F. GANGAR]

Friday, July 18, 1997

1.40 p.m.

In addition, there will become available, upon the mutual agreement of satisfactory terms and conditions for Production Sharing Contracts, 13 scholarships annually for the training of nationals in appropriate fields of study associated with the petroleum industry. This number could increase to as much as 18 annual scholarships upon discovery of commercial quantities of hydrocarbons.

What this means is that Trinidad and Tobago will, in the next three years, see expenditure on deepwater hydrocarbon exploration in the region of TT\$1.5 billion, along with a concurrent opportunity to further deepen our indigenous skills base.

As you will no doubt agree, the energy sector has been, and continues to be, the leading sector in Trinidad and Tobago's economy and revenue generated in the sector provides the catalyst for our sustained economic growth and development. As such, any major policy decision by the Government, such as the one to offer up new areas for exploration, must be one that is able to add impetus to the drive to ensure that there is stability, growth and expansion of the sector. I feel assured that the figures I have just mentioned have adequately addressed this concern.

I wish to place on record the profound gratitude of the Government to the two Cabinet committees for the excellent and thorough job that they have performed. This Government continues to pave the way for the continued growth and development of Trinidad and Tobago and the provision of a higher standard of living for all nationals.

Members of this august House, today I stand here with confidence, knowing that Trinidad and Tobago's future is beginning to look brighter and no one can deny that the Government's handling of the country's energy resources has been anything less than astute.

I thank you, Mr. Speaker.

**TRINIDAD AND TOBAGO RACING AUTHORITY
(GRANT)**

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I have been authorized by the Cabinet to make the following statement: At its meeting yesterday, July 17, 1997, Cabinet agreed to treat as a grant, advances totalling \$122,349,259 made to the Trinidad and Tobago Racing Authority during the period 1979—1985 to finance expenditure to be incurred in the construction of the now aborted Caroni Racing Complex.

As a consequence, the Comptroller of Accounts is being notified and authorized to remove from his records this huge amount of taxpayers money which is currently reflecting as a loan to the Racing Authority and in fact has remained on the accounts of the Authority. It should be noted that no loan documents were ever drawn up between the Government and the Trinidad and Tobago Racing Authority and hence accountability from the inception of this project was never established.

Mr. Panday: Who was the government of the day, Minister?

Hon. M. Assam: The People's National Movement.

Construction of the centralized racing complex at Caroni commenced in 1979 at an estimated cost of approximately \$60,000,000 and the project engaged a number of local and foreign contractors. The initial estimate included costs of site works, site structure, construction of grand stand and landscaping.

In June 1978, design consultants were appointed and they commenced work on a schematic design similar to one proposed at the time for a race track in the USA. The estimated cost of the project which was revised by this time from \$60 million to \$120 million was subsequently revised by January 1979 to \$135 million and again revised to \$141 million by July 1979.

Mr. Panday: Who was the government of the day, Minister?

Hon. M. Assam: The People's National Movement.

By June 1980, this figure had escalated from \$141 million in July 1979 to \$240 million. The estimated figure included the cost of constructing the grand stand for which a contract had been awarded for \$72 million—more than twice the original cost estimated.

The project from the onset had been mired in controversy with opponents to the construction of the facility claiming that such lavish construction was a clear example of “misplaced priorities” and another avenue for corruption and mismanagement which were the norm for PNM administrations. [*Desk thumping*]

Mr. Speaker: Order, please.

Hon. M. Assam: In May 1981, by which time a total of \$122,349,259 had already been expended on the project, the Government of the day, in the face of a growing public outcry and a project cost overrun exceeding 300 per cent, suspended work on the project.

Trinidad and Tobago Racing Authority
[HON. M. ASSAM]

Friday, July 18, 1997

The project was subject to review by the Demas Committee which *inter alia*, looked at the question of its completion in relation to national development priorities. This committee envisaged that if the project were completed as designed, the final cost would have moved from \$240 million to about \$294 million and ranked it “quite low in any rational and sensible scale of national priorities for the development of Trinidad and Tobago.”

In September 1981, a committee comprising several ministers of the then government was appointed “to consider and advise whether and/on what terms and conditions the complex and associated projects should be continued”.

1.50 p.m.

The committee recommended *inter alia*, that Government should:

- (a) withdraw from its *de facto* primary administrative and financing role in the racing complex and provide instead a clear sense of direction and practical assistance.
- (b) Government should immediately cause to be cancelled all outstanding contracts relative to the projects and make settlements related thereto.

Mr. Speaker, work on the project never resumed. In fact, some time towards the end of 1981, the then Prime Minister announced that Government was not minded to spend any further public funds on the complex but would be willing to consider proposals either from the private sector or from individuals for completion of the project. *[Interruption]* Mr. George Chambers.

Several proposals were made *[Interruption]* The People’s National Movement.

Several proposals were made, but in the end the racing fraternity decided the interest of racing would best be served by centralizing racing activities at Santa Rosa Park, Arima, and as a consequence an improved racing facility was undertaken at that location.

Problems associated with the operation and financing of the centralized racing facilities at Santa Rosa, which ultimately lead to the near collapse of the industry in 1995, are now being addressed. In fact, action is in train to introduce into Parliament, legislation which would chart a new course for the development of the industry. Such legislation would envisage *inter alia* the establishment of a National Racing Commission which would be responsible for the promotion and conduct of all racing in Trinidad and Tobago and the operation of a National Betting System. It is envisaged that profits derived therefrom would assist in the promotion and development of sports and culture throughout Trinidad and Tobago.

Mr. Speaker, could you imagine if this \$122,349,259 had been spent on the development of roads, drainage, electricity, education, water, cultural and sporting facilities, job creation, agriculture and health facilities, the enormous impact on development this expenditure would have generated?

Instead, Mr. Speaker, after 35 years of PNM rule, and billions of dollars of revenue collected, the legacy of the PNM was squandermania, corruption and mismanagement leading to serious gaps in overall development and, in many areas of the country under-development and high unemployment. It is to be hoped that such gross misuse of public funds would never again be repeated in the history of our country.

Thank you, Mr. Speaker.

**SCHOOL CLOSURE CIRCULAR
CARNIVAL WEEK 1998**

The Minister of Education (Dr. The Hon. Adesh Nanan): Mr. Speaker, I have been authorized by the Cabinet to make the following statement.

The Ministry of Education is committed to an academic year of 39 weeks, traditionally divided into three terms, each term being of 11—15 weeks. The carnival week, which occurs in the second term, is a school week of three days. Attendance on these three days, particularly Ash Wednesday, is very poor.

Mr. Speaker, one year has 52 weeks and one day, except a leap year which has 52 weeks and two days. As a consequence, over a six-year period there is a total of seven days in excess of the 52 weeks on which academic years' calculations are made.

If there were no adjustment for the extra week gained every six years, there would be two consequences—

- (i) the academic year would begin in August with earlier and earlier starting dates; and
- (ii) the first term would increase to sixteen 16 weeks with one of the other terms tending to decrease to 10 weeks.

Mr. Speaker, for the year 1998, the Ministry of Education in adjusting for extra days gained in previous years, will in fact maintain the 39 weeks of school to which it is committed, while giving teachers and students three extra days during the carnival week—a week notably marked by poor school attendance.

The Trinidad and Tobago Unified Teachers' Association, as representatives of secondary and primary school principals and teachers, in May, 1997 was given an

School Closure Circular
[DR. THE HON. A. NANAN]

Friday, July 18, 1997

advance copy of the Circular Memorandum and agreed to the issue of Circular Memorandum No. 87, dated June 13, 1997.

Mr. Speaker, on Wednesday, July 16, 1997, the Minister and senior officers of the Ministry of Education met with representatives of the National Parent Teachers' Association; the Principals' Associations of Primary and Secondary Schools; the Denominational Boards, and the Trinidad and Tobago Unified Teachers' Association. At this meeting it was agreed that the closure of schools during the carnival week in 1998—and it is emphasized that this arrangement is for 1998 only—is in the best interest of the children and the national community.

The Ministry of Education has achieved two objectives through Circular Memorandum No. 87, dated June 13, 1997 which are:

- (i) teachers and students will be given three extra days of school vacation in 1997/1998; and
- (ii) there will be a gain in effective teacher/pupil contact time in 1997/1998, as compared to 1996/97.

Thank you, Mr. Speaker.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceed to deal with Bills Nos. 1 and 2 on the Order Paper under “Bills Second Reading”, and then Motions Nos. 5 and 6 under “Private Business”.

Agreed to.

STANDARDS BILL

Order for second reading read.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I beg to move

That a Bill to provide for the preparation and promotion of standards in relation to goods, services, processes and practices by the establishment and operation of a Bureau of Standards, to define the powers and functions of the Bureau of Standards and for matters incidental thereto, be read a second time.

Mr. Speaker, action has been in train since 1992 to review existing legislation with respect to standards. It is no secret that as Trinidad and Tobago becomes increasingly part of the international community—becoming members of important

organizations such as the World Trade Organization and subscribing to important legislation that has, more or less, been enacted in this House in terms of intellectual property and because we are moving to become involved in a number of negotiations relating to market access in Europe, North America, the Caribbean and Latin America—it is extremely important that standards become a very serious topic on the national agenda.

So, the review exercise is focussed not only on ensuring that the Trinidad and Tobago Bureau of Standards be more effectively equipped to promote standardization, but also for the Bureau to be allowed to assume a more dynamic and productive role in developing the export potential of Trinidad and Tobago manufacturers, particularly in the era of trade liberalization.

2.00 p.m.

The overall objective, therefore, is basically to place the Bureau in a position to cope effectively with the challenges of the 21st Century. The Government is also committed to amending the Act as one of the conditions of the loan agreement that was entered into with the World Bank in respect of the Business Expansion and Industrial Restructuring Project.

The amendments which form part of this Bill also include recommendations of the Standards Review Committee which was appointed to review the existing regime of standards, and make proposals for its upgrading in light of the trade liberalization programme. The Standards Bill in effect will:

1. Update the existing Standards Act, Chapter 82:03, and *inter alia*, will give clear, legal authority to the Bureau to certify products and quality systems which conform to internationally recognized quality assurance standards.
2. authorize the Bureau to recognize officially other standard marks such as the Caricom standard mark.
3. authorize the Bureau to provide advisory service to the services sector of the community.

Mr. Speaker, trade in services is becoming an increasingly important development in the economic landscape of Trinidad and Tobago and indeed, the world and all kinds of agreements are being entered into internationally to ensure that trade in services is treated with the same kind of level playing field as trade in manufactured goods. The Bill will also:

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

4. Formalize membership of the Bureau in international organizations such as the International Organization for Standardization and the Pan American Standards Commission with a view to facilitating negotiations with national standard bodies for the recognition of the standard marks on export products from Trinidad and Tobago.
5. Provide for the preparation of standards to ensure the protection and welfare of employees in the manufacturing process, and this is especially important because, as we move to become a part of the process leading to the establishment of the Free Trade Area of the Americas, increasingly countries of the developed world are insisting on core labour standards.

We in Trinidad and Tobago can be no different from other countries attempting to retain our competitive edge and having in the workplace the kinds of conditions that will be conducive to proper safety and health regulations. I am sure before long, the distinguished hon. Minister of Labour and Co-operatives will bring legislation to this Parliament to give effect to some of these important measures. It will:

6. Effectively obviate the anomaly under the existing Act which requires management to produce good quality goods for export but does not apply the same compulsion with respect to goods manufactured for home use, and, indeed, must be a serious anomaly in any situation whereby our own people could be subjected to second-class or substandard goods whereas we are attempting to compete with goods manufactured in other parts of the world through the export of high quality items.

This anomaly is going to be completely addressed and redressed in this Bill before this honourable House. It will:

7. Provide for the recall at the expense of the manufacturer or supplier of goods in circulation whether imported or manufactured locally which do not meet the requirements of the relevant compulsory standard.

Hitherto, this was not possible, or one had to go through a rather circuitous situation and pay expensive litigation expenses in order to get remedies. The Act will now enforce, as a matter of right, the need for recall at no expense whatsoever to the consumer. It will:

8. Allow for the examination of all types of goods whether or not a compulsory standard exists. This will enable the Bureau to investigate and take appropriate action in case of dumping where the particular good has been declared dangerous elsewhere.

Mr. Speaker, as you are fully aware, anti-dumping legislation has been introduced into this Parliament. It was proclaimed and an anti-dumping unit was established in the Ministry of Trade and Industry which also embarked on some very serious cases, and, in fact, established that Trinidad and Tobago has been a victim of dumping practices of a certain type of consumable over the last year or so.

I am very proud to say that the members of that unit in my ministry have worked professionally and assiduously in this regard. It will:

Provide for the seizure of defective goods and related equipment.

Provide testing means of transport bearing in mind that the quality of some goods may be affected during transportation.

Mr. Speaker, in view of the extent of the proposed amendments to the existing Standards Act, it was felt prudent, and moreso for the sake of clarity, to repeal it and replace it with a new Act. However, several provisions of the existing Act nonetheless will, however, remain in this proposed piece of legislation before the House.

At this point I will deal in somewhat more detail with the major changes or amendments which are incorporated in the Bill. In doing so, I would first like to make reference to Caribbean Community Standards which are contained in Part 1 of the Bill.

In view of my Government's commitment to regionalism, provision has been made in the Bill for the discharge of our Caricom obligations by recognizing a Caricom Standard as part of our standards development process. This is all quite logical and quite necessary if we are to move to a single market and economy. The target is 1999 and the distinguished Prime Minister of Barbados has the responsibility to move this process whereby the entire Caricom becomes a single market and economy enjoying a single legal space, and indeed, we have already acceded to Potocol 1.

All members of the Community have signed and ratified Protocol 1, and Protocol 2 has been signed by all but Montserrat, the Bahamas and St. Lucia—the Bahamas will not be signing because they are not part of the Common-Market; Montserrat because of the volcanic eruptions and St. Lucia because of the recent assumption of office of a new government. These two Protocols will give effect to the creation finally, of a single market and economy.

As we are all aware, there are 14 members of Caricom and it would not be in the long-term interest of the region to have 14 different standards for a product. It

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

would be a recipe for confusion and chaos and indeed will be inimical to the advancement of Caricom as a single market and economy and would vitiate the efforts that are being made now by the entire community. The objective, therefore, is to establish a Caricom Community standard which will be expected to contribute to the enhancement of trade in the region and even internationally.

Mr. Speaker, I now turn to the second part of the Bill as the national certifying body. Since the Act was passed 24 years ago, there have been significant changes in technology and in the operations and philosophy of standardization. Indeed, Trinidad and Tobago is grappling with a technology policy in order to be able to compete more effectively because many of the technologies that it uses in its processes and in manufacturing are imported. Therefore, if Trinidad and Tobago is to be at the competitive edge, it must begin to think very seriously of its own local indigenous technology in order to be able to compete.

2.10 p.m.

Additionally, the country is committed to trade liberalization. We have virtually dismantled the negative list. A high level of emphasis is being given to the development of exports because international trade is the lifeblood of the economy of any society. Without international trade the foreign exchange which is necessary to buy inputs of equipment, machinery and other necessities for the people of the country would not be generated. I have said in this honourable House many times that we need to develop exports. It is necessary that arrangements be put in place to assist our manufacturers in their quest for global competitiveness. For that reason, it is proposed that the bureau should be a national body which would be able to certify the quality of our manufactures and the ability of our laboratories to test products accurately.

As a consequence of all this, you must be aware that the Government is attempting to transform the society into a total quality nation. Recently a delegation of the private sector went to Singapore and it returned and presented a report to the hon. Prime Minister and the Minister of Trade and Industry and Minister of Consumer Affairs with respect to its findings. Immediately, we set up a task force and we are on the verge of developing it into a National Quality Council to set guidelines and establish criteria for this transformation. We are setting targets for every ministry, agency and department of government to become part of the ISO 9000 Certification Standards.

There is a follow up to this Singapore mission. There would be a reciprocal mission from Singapore to Trinidad and Tobago towards the end of this month. It

would expose both the private and public sectors to some of the experiences it had in Singapore. It would give us an opportunity to benefit from these experiences to move along the path to a total quality nation. It is also to be noted that the bureau is already working with firms in the packaging and construction industry sectors, among others, in certifying their implementation of the ISO 9000 series of quality standards.

One of the important adjuncts to trade, almost like investment, like Juno swans, coupled and inseparable, is trade and investment, trade and the environment. As you are fully aware, the environment is playing a very important role in the development of trade with our partners and neighbours in the North. It is a very serious issue and is one of the working committees of the Free Trade Area of the Americas. It is always hotly debated in all the trade meetings I have attended, both at the FTAA and of the World Trade Organization. The environment is a very important part of the thrust towards competitiveness and global quality.

With respect to the environment, the bureau's mission is to improve the quality of life of the citizens of the country by ensuring that goods and services produced or used in the country satisfy criteria for good performance. In keeping with the increasing emphasis on the environment which we have on loan from our children and all future generations, we have specifically included its protection as one of the functions of the bureau, and one of the reasons for which a compulsory standard can be declared.

The bureau has been working actively with the Environmental Management Authority and would declare standards for environmental levels, to which the Environmental Management Authority would refer in its implementation activity. It may be said that the bureau might be interfering with the functions and authority of the Environmental Management Authority. That is not so. The bureau would be complementing the activities and responsibilities of the Environmental Management Authority. Every citizen of this country, members of the private sector and non-governmental agencies have a responsibility towards the environment. The responsibility for environmental protection and not abusing and degrading the environment is the responsibility of one and all.

I now turn to membership in international associations. The Bill also deals with this in keeping with our commitment to our exporters to assist them in their efforts at marketing goods regionally and internationally. The Bill has formalized the membership of the bureau in international standards organizations, and has

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

included among the responsibilities of the bureau, liaison with overseas standard bodies. In that way we can become aware at the earliest opportunity of the direction of international standardization efforts, so that we can attempt to influence those efforts and prevent standards from becoming technical barriers to trade of our exporters.

This is one of the techniques which countries use to prevent market access particularly from developing societies. They use all kinds of excuses as the environment, labelling and packaging material to effectively prevent one from exporting. These are called non-tariff barriers which we are seeking to remove through the World Trade Organization. We must make the effort through our institutions and technological advancement to ensure that these things do not become a technical barrier for the exports of our manufacturers from Trinidad and Tobago.

There is also provision for the setting up of subsidiary companies. Given the existing policy of this Government, the bureau is expected to become more financially self-sufficient and to operate within the commercial milieu. I have given this mandate to all the organizations, companies and institutions reporting to, and under the umbrella of the Ministry of Trade and Industry and Ministry of Consumer Affairs. In this connection provision was made for the setting up of subsidiary organizations. This approach was adopted in order to prevent any conflict of interest which may arise or could arise. For example, in instances where the bureau has been requested to provide quality consultancy and, at the same time, it is required to undertake quality certification which is one of its responsibilities, such conflict through this mechanism would and should be avoided at all costs.

I now move on to the area concerned with the provision for the marketing of the bureau's services in the region. Closely allied to the provision for the setting up of subsidiary organizations is that relating to the marketing of the bureau's services in the region. The bureau is recognized in the region for the expertise of its technical personnel and the excellence of its services which are given recognition in this new Bill.

It is unfortunate that not many people in the country are aware of the great work that the Bureau of Standards is doing, the excellence of the equipment and technologies residing in the Bureau of Standards, the professionalism and high standards to which the staff of the bureau adheres. I would like to invite all Members of this honourable House to visit the headquarters of the Bureau of

Standards at Macoya in Trincity to see that it is equal to any other quality or certifying organization in the world.

As a result, the bureau, in like manner as our local manufacturers must view the entire region as the market for its services, it should be observed that our requests are being received from other countries in the region for the assignment of the bureau's staff as trainers and ISO 9000 auditors. To me that is a great compliment for the Bureau of Standards of Trinidad and Tobago.

I move on to the provision of a national quality system. As I indicated earlier, this Government is committed to making Trinidad and Tobago a globally competitive economy. This objective, of necessity, entails that quality must be a national concern. Under this new Bill the bureau is being charged with the responsibility for instituting a national quality system to facilitate the competitive quality thrust.

2.20 p.m

Our experience is that countries which have adopted such a system have benefited significantly from improved economic performance. I have no doubt that Trinidad and Tobago would derive a similar benefit from the introduction of such a quality system. In this regard, I wish to bring to the attention of this honourable House, that following a visit by a delegation comprising members of the private sector of the Bureau of Standards of Singapore, a decision was taken as I mentioned earlier, to establish this particular national quality system and to begin to engender into our country a national quality culture. Just as we are trying to establish a culture of entrepreneurship which is important, particularly for the development of the small and medium enterprise sector, we have to develop a similar kind of quality culture if we are to move Trinidad and Tobago and continue to remain competitive in the world international arena.

We also have to ensure the quality of our local goods at all cost, so my Government's concern for the preservation of the environment is well-known. It is for this reason that the Bill provides for the declaration of standards, the objective of which is the protection of the environment. In pursuit of this objective, the opportunity is also being taken to remedy the imbalance which I mentioned earlier with respect to goods produced for the local market as opposed to goods produced for the export market. The relevant proposal in the Bill will seek to ensure that manufacturers do not provide inferior goods for sale locally, thereby putting consumers at a disadvantage.

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

As you know, I also carry the portfolio of Minister of Consumer Affairs and it is my responsibility to ensure the protection of the consumers in terms of safety, quality, price and availability of goods and services emanating from either the public or the private sectors.

Apart from this disadvantage, the fact that the goods are inferior, could, in a number of instances lead to a shortened life span with the result that there would be need for more frequent disposal, adding more costs to the consumer and putting the poorer members of our society at a distinct, economic disadvantage. This development would largely be associated with consumer durables such as stoves and refrigerators of which it could prove problematic to dispose, and consequently, could add to the adverse effects on the environment. In fact, at this point in time, because of the importation into the country of second-hand goods like stoves, refrigerators, tiles and so forth, we are having an enormous problem dealing with the disposal of these items and it is placing an enormous strain on our land fills and other places where garbage has to be disposed.

We are looking at this to develop what we call the environmental industries, that is, converting garbage into an industry to make money to generate employment to create foreign exchange and to move the economy in a certain direction of protecting the environment. Only recently, I received some very interesting proposals from the Solid Waste Management Company and we will be pursuing this initiative with the Tourism Industrial Development Company and the Ministry of Trade and Industry in order to carry these proposals into some kind of concrete investment decision before long.

Mr. Speaker, I turn to multiple standard marks. In keeping with the practice of other national standardizing bodies, the Bill provides for the establishment of more than one standard mark where it is relevant to do so. In this regard, it should be noted that the bureau is already using a mark on used goods which is different from its regular standard and another one on new electrical goods. This provision will also allow for a mark to recognize environmentally safe products, and for the recognition of Caricom standard marks. All of these things are being done in the interest of the consumer, particularly the unsuspecting ones and those who do not appreciate the Latin expression *caveat emptor* where one buys a good and does not understand that he cannot return it for some reason or the other and is stuck having paid money and having to put more cash from his pocket to replace it. It is an attempt to differentiate between these various classes of goods, whether they are second-hand or electrical goods, or goods that need a different standard, that this kind of labelling mark is being used for the protection of consumers.

There is also provision for the testing, ranking, publication of the ranking and recall of goods. In a liberalized environment, it is imperative that our citizens are provided with information which will allow them to make an informed choice and are protected from goods which do not satisfy a compulsory standard. In fact, in the Ministry of Consumer Affairs, there is a slogan which says, "The power is yours", meaning one has the power to make a choice whether one wants to buy, or not to buy and this is a decision that has to be informed by information and education.

Provision has therefore been made in the Bill for the testing, ranking and publication of the ranking of goods and for the recall from the market-place, at the expense of the manufacturer or supplier, of goods which do not satisfy a compulsory standard. Sometimes this has to do with products with an expiry date, particularly drugs and food products as they relate to infants, as the case which we had recently with *Nestum*, which had expired and was on the shelves of certain groceries. We also had the case of the suitcase trade in pharmaceuticals with expiry dates that were being peddled. So people must be aware of all these matters which could affect their health and safety.

Mr. Speaker, it is all too often that we are made aware of problems which are experienced by members of our population with respect to the purchase of goods. In my capacity as Minister of Consumer Affairs, I am making every effort to ensure the protection of the consumer. The proposal in this Bill will serve to supplement these efforts which I am sure will redound to the benefit of the consumer. We do our bit in the Ministry of Consumer Affairs by attempting to deal with every complaint that we receive, and at the same time to resolve them as best as we can in the interest and to the benefit of the consumer.

I turn now to the safety of goods to be proven before sale. Additionally, the increasing rapidity of global transport and communication is such that the possibility exists for goods which may be inimical to the well-being of our citizens to enter into the country before it is possible to develop a standard to control its quality. The Bill now provides for the bureau to require that the goods be proven safe before they are sold, whether there is standard on the books or not. Hitherto, this was not possible, now with the introduction of this Bill, one can get the particular supplier to prove that the goods are safe before they are sold. As a consequence, every crime must have a punishment and, therefore, increased penalties are being recommended in this piece of legislation. The implementation of the various provisions could prove to be ineffective if corresponding sanctions, including penalties are not put in place to ensure compliance with the provisions.

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

This Bill therefore seeks to add a number of sections which deal with the prevention of the access of dangerous goods on the market-place, providing for the forfeiture of defective goods, increasing the level of punishment for offences under the Act and making provision for the publication of the conviction of the offender at his or her expense—quite a novel approach in this matter. It is expected that the relevant sanctions would react as a break to any inclination to breach the requirements of the Act and so facilitate the achievement of the objectives that have been established.

2.30 p.m.

Mr. Speaker, Part V of the Bill refers to financial provisions. Government recognizes that much of the Bureau of Standard's activities are related to the private sector and, therefore, for the greatest effectiveness of the Bureau of Standards, it must operate in a private sector mode. This does not mean that Government is, in any way, abdicating its social and other responsibilities. Government has a responsibility to ensure that where it is necessary for the Bureau of Standards to be funded by the Government, Government will continue to ensure that these areas are funded. Indeed, however, user charges must be applied to the private sector or people using the consultancy services; the certifying services and the quality protection services of the Bureau of Standards and, therefore, the financial provisions of the Bill must apply.

Mr. Speaker, the aim of this Bill is to encourage the Bureau of Standards to become largely self-sufficient, while recognizing, that as an independent nation intent on taking its place in a technological society, there are certain activities which may not be commercially viable and which Government must continue to support.

I now look at improved provisions for action on behalf of the consumer. As you would no doubt realize, Mr. Speaker, the authority of the Bureau of Standards, with respect to investigating complaints on behalf of consumers, has been strengthened in this Bill and as I indicated, the penalties have been increased for non-compliance. Moreover, while under the previous Act, the activity of the Bureau of Standards, in this regard, was constrained by the availability of funds which Government could provide for the purchase of samples and the carrying out of testing, the Bill now provides for the cost of testing to be recovered from the defaulting manufacturer or supplier. As a result, it is expected that the complaints of customers will now be more effectively addressed.

Finally, in light of the increasing concerns for intellectual property rights to be protected worldwide, provisions have been made for the copyright of any

standard to be vested in the Bureau of Standards. That is extremely important in light of all the intellectual property rights concerns which have been expressed worldwide and which have forced this Government to introduce a whole range of intellectual property rights laws and legislation into this Parliament within recent times.

The Bill before this honourable House is a most important piece of legislation. The Bill actually brings Trinidad and Tobago into the modern mainstream of international life, as we have been attempting to do with all the pieces of legislation we have introduced, hitherto. I, therefore, feel that the enactment of this piece of legislation will take us into the new millennium, sure-footed that Trinidad and Tobago is well placed to continue to be competitive and to be recognized as a country of high standards, where quality prevails and where respect for the consumer and the environment is taken seriously.

In the view of my Government, the Bill is another stone in the foundation that we are laying with a view to providing Trinidad and Tobago with a firm foothold in the global, economic arena. The Bill, of course, is also closely related to those measures we have been taking to make Trinidad and Tobago internationally competitive and a world player. With the combined efforts of the national community, I am convinced we will experience the success that we deserve. It is against this backdrop and with the goodwill of all of us that I commend this Bill for the approval of this honourable House.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I rise to support this Bill before the House. [*Desk thumping*] In getting up here this afternoon I could not help but remember my grandmother who would come and say, “write a letter”, and then one had to find words to put in that letter. I say this because, given the history of this legislation, I could simply say I support it and sit. Even though I was provoked by the Minister, I think I am tempted to do that.

I do not think I need to make the point that this legislation really has anything to do with the Minister. In fact, although he talks about total quality management and so forth, this Bill has been in the works for quite some time. I remember addressing the Manufacturers Association on March 30, 1994, on the whole issue of competing on quality. I think I should really start by complimenting the Bureau of Standards, so ably led by Mr. Hutchinson, who, in fact, has been in the forefront

Standards Bill
[MR. VALLEY]

Friday, July 18, 1997

of this drive—an individual who takes his job seriously—to get Trinidad and Tobago as a quality nation.

Mr. Speaker, as we move from the concept of inward-looking, negative-listing to trade liberalization and export orientation and so forth, obviously, with that paradigm shift we had to change our focus. We were conscious of the fact that as a small nation, we could not have the volumes that would give us the economies of scale so that we could compete on volume. We knew, as a fact, that if we were to get into export markets, then we had to compete on quality, looking at niche markets and high value added markets; as I said, competing on quality. I can say that the Bureau of Standards really positioned us in that direction, so that when I spoke to the Manufacturers Association on March 30, 1994, that speech was ended by making the point that while during the era of the negative list we chose for our watch words, “Discipline, Production and Tolerance”, it is clear that these words still have relevance today, but I would like you to add another word, that of quality. So that our watch words for the ‘90s and the 21st Century must be “Discipline, Quality-Production and Tolerance”. That was just the conclusion of my speech. Mr. Speaker, that whole speech was trying to co-opt the Manufacturers’ Association into that new concept at the time: ISO 9000.

Later in that year, on September 9, when there was the Caribbean Conference, ISO 9000 for Caribbean-based Companies: Total Quality for Global Competitiveness, again, making the same point, the Bureau of Standards was in the forefront of getting our Caribbean brothers to understand that we are small and we have to compete on quality.

I think all power should be given to the Bureau of Standards which has been doing an excellent job. I am extremely pleased that this legislation has eventually reached the Parliament. I can say that manufacturers have already bought the concept, and that is why it is so successful. When one goes to Jamaica and one hears the manufacturers marvelling at the fact that even the labelling of the products in Trinidad and Tobago looks so much more appealing, that is the reality. We are now in the forefront and one would remember that when we were talking about trade liberalization and the removal of the negative list and so forth, the manufacturers were saying 40,000 to 45,000 jobs would be lost.

2.40 p.m.

In those days when the Government was pushing for market access, and was arranging trade missions and so forth, it had to beg the manufacturers to come with the Government. Today, the manufacturers are arranging their trade missions

and telling the Government to come with them because they have already been sensitized, so that the legislation today is the icing on the cake. The whole concept of quality starts up here—it is not the physical thing, the technical standards, the quality must start up here. The concept of quality is an individual thing and it applies across the board. We must all have sets of standards by which we live. And that is why when some of us feel that there are no standards or that the standards are extremely low, that we are bothered.

I do not think that we need much talk on this legislation. This is long overdue, I am glad it is here, I compliment the Bureau of Standards, especially the leader and I ask him to continue. There are one or two things on the legislation I just need to point to and which, of course, we would deal with in the committee stage. Clause 22(1) says;

“A person possessing such qualifications as may be prescribed for the testing or examination of the quality of goods may be appointed either by the Minister on the advice of the Bureau or by the Bureau at the direction of the Minister.”

Mr. Speaker, I have a little difficulty with the second part of that clause. If we are setting up an organization to look at standards and so forth, I do not know what avenue the Minister would use to direct anybody that somebody ought to be given this privilege. I think, in every instance, it ought to be on the advice of the Bureau.

Subclause (2) says:

“The direction of the Minister may be general or specific, conditional or unconditional.”

I do not know who he is going to talk with but it seems to me that he needs the advice of the Bureau to so act. If one compares that to clause 25, one would see that clause 25 seems to obtain. Clause 25(1) says:

“In pursuance of its functions under section 15(2)(c) and of this Act generally the Minister may, on the advice of the Bureau and by instrument in writing designate an employee of the Bureau or any other suitably qualified person to be an inspector for the following purposes:”

In other words, the advice of the board is required here. I am saying that in every instance, the Minister ought to act only on the advice of the bureau.

On the secondment of staff I have taken the position that since there is a Bill dealing with the transferability of pensions, that would be dealt with in that area.

Standards Bill
[MR. VALLEY]

Friday, July 18, 1997

With respect to this Bill, the issue of secondment of staff to the bureau and also the appointment, moving from the public service to go to the bureau, the issue of pension comes into play. I am assuming that with the other Bill we would deal with the area of transferability of pensions between statutory bodies and the public service.

With those few words, I commend this legislation to this honourable House and I ask the Minister to continue doing what he is doing in the hope that he would be a little energetic in coming up with more ideas from the trade front and also getting the other critical pieces of legislation required in the trade area to the Parliament.

Mr. Speaker, I thank you.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, let me thank the hon. Members opposite, particularly the Member for Diego Martin Central, for being so gracious in their total support of this Bill.

It never ceases to amaze me that every time this Government does something, the credit is taken by the opposite side. We have been in office 20 months and a few days and everything that we have done is because of the other side. But do you know what is highly contradictory about that position? It is that they attack us and condemn us for doing wrong things, yet they are saying that we are perpetuating everything that they have started. Is not that a patent contradiction? If we are doing everything that they had started and they are so pleased with what we are doing because they started them, how is it that they could go to what is now called the "People's Parliament" or other fora and condemn us for doing wrong things, bad things or, in fact, doing nothing at all. I find the logic of the Members opposite seems to be rather spurious. That is the first observation I wish to make.

Secondly, the Member talks about this Minister of Trade and Industry. I hate to have to say this, but in talking to all the organizations and people who interacted with that former Minister of Trade, the Member does not have very good testimonials. The Member was never in office; he never made inputs; he was always ducking; he told people that on a Friday night and on a weekend he was unavailable because he had to go and play poker and engage in other peregrinations. People with appointments went to see him and the Member went through the back elevator so they could not see him. These are reports which were told to me by many, many people, organizations, top persons in the *quasi* service

of the Government. The Member comes here today trying to give the impression that he did so much.

It is amazing that in 20 months this Government has carried this country forward in such a progressive way and taken it to such great heights. God was on our side. I mean God was on the country's side when he rescued this country from them. The Member talked about standards. That is why the people withdrew their franchise from them because they had no standards or they were substandard. The Member comes today to excoriate this Government which has been showing some of the highest standards of behaviour possible. Look at the behaviour in Parliament of the opposite side! They have treated this Parliament with such indignity, contempt and they talk about standards of behaviour. I am amazed. Some of them do not even come to Parliament and they are drawing a salary saying they are representing the people; although my good friend from Diego Martin East is making his money, he comes to the Parliament. I like that, he is being responsible but he should talk to his other colleagues. Tell them make their money but come and represent the people in the Parliament.

2.50 p.m.

Their leader—I do not know if he is their leader; he might be a pseudo-leader—is never here, and when he is here, he comes for an hour and then leaves. He leaves them in the lurch to debate a Bill until 5.30 the following morning so that he could sleep, and then there is talk about standards. They do not have a leg to stand on. They talk about the Trinidad and Tobago Manufacturers Association (TTMA). They should be ashamed to call the name because they were never able to meet with the manufacturers, yet they talk about standards. He is talking about the TTMA now leading the Government.

Mr. Speaker: I would simply like to suggest that the hon. Minister speak to me. He could say the same things to me.

Hon. M. Assam: I will, Sir. I am speaking to you, Sir. What I am saying is that the TTMA and the Ministry of Trade and Industry work as partners. When we are planning missions, trade exhibitions, export promotion ventures, we get together and work things out. We work out a whole year's schedule together. A Singaporean delegation is coming on a total quality mission. We have worked out a whole programme to meet with the Cabinet, the private sector and the Multipartite National Commission. We have done all of that together as partners, and the Member is talking about this Minister of Trade and Industry being led by the TTMA. Absolute, arrant nonsense!

Standards Bill
[HON. M. ASSAM]

Friday, July 18, 1997

Ask him how many missions he led when he was the Minister of Trade and Industry. They were in office for almost four years, but every time we bring a bill, it is their bill. We have been here for 20 months and we brought all the bills; all the Trade Bills; the Standards Bill; the Copyright Bill; amendments to the various Acts which we found necessary; and in three years and 11 months, they could not bring the bills. We are bringing them and they are talking about these being their bills. Were they sleeping or idling on the job? Were they being paid under false pretences? Just how they squandered the taxpayers' money on other projects, did they squander it by being paid under false pretences and not doing the job? Those are the questions they should ask themselves and not come here and criticize us for doing our job.

Mr. Speaker, I work very assiduously in the interest of this country, and to talk about my piggybacking on the Member is a lot of rubbish, because I had to correct a lot of the nonsense the Member did as the Trade Minister. It is a pity I have to say it. If he had not provoked me, I would not have said it. I do not want to wash his dirty linen in public. It is sad for him to come here and talk that nonsense. The number of things we have done in 20 months, the PNM was not able to do in 40 years. They were in office for almost 35 years.

The Member talked about clause 22(1):

“A person possessing such qualifications as may be prescribed for the testing or examination of the quality of goods may be appointed either by the Minister on the advice of the Bureau or by the Bureau at the direction of the Minister.”

What is wrong with that? Apparently he does not understand English. In every case, the bureau is advising the Minister, or the bureau is appointing the person at the direction of the Minister. What is wrong with that? He says he does not like that. He likes clause 25(1). If he likes that, so be it.

The transferability of pensions is going to be addressed by the Minister of Finance and Minister of Tourism. We are overhauling the whole philosophy of pensions. The Minister will deal with the whole question of pensions as they relate to the private sector, the public sector, transferability, portability, and so forth. I will leave that for the Minister of Finance and Minister of Tourism to deal with. Nevertheless, I want to thank the Member and the opposite side for supporting the Bill.

Mr. Speaker, I beg to move.

Standards Bill

Friday, July 18, 1997

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 21 ordered to stand part of the Bill.

Clause 22.

Question proposed, That clause 22 stand part of the Bill.

Mr. Valley: Mr. Chairman, I would like to know—now that the Minister has finished the gallery—whether the Minister wants to tell us on what basis he is going to direct the bureau. Does he not have to get the advice of the bureau? From whom would he be getting this advice to direct the bureau?

Mr. Assam: Mr. Chairman, I thought I made it clear in my response that clause 22(1) states that the individual, or the person possessing the qualifications may be appointed either by the Minister on the advice of the bureau—so the Minister is appointing the individual on the advice of the bureau—or, alternatively, the individual may be appointed by the bureau on the direction of the Minister.

Mr. Valley: That is the concern. If the understanding is that a recommendation comes to the Minister and he approves it, that is one thing; but if it is suggested that the Minister may simply direct the bureau—

3.00 p.m.

Mr. Assam: I see no problem there. It was approved in the other place, the other place saw no problem. It was supported by your members and eminent counsel in the other place.

Mr. Valley: Mr. Chairman, I am not complaining. I just want an explanation. If there is a logical reason, fine. To me it appears to be strange. Here, one has an organization with a technical competence and it would seem to me, as it stands right now, that the Minister has the right, all restraint unrestricted, to direct the bureau to hire someone. It would seem that in this important area, the recommendation must come from the bureau.

Mr. Assam: But a minister always has direct control of any organization that reports to him. He is responsible to Parliament, responsible to the people, for any organization that reports to him over which he has responsibility or direct control.

Standards Bill
[MR.. ASSAM]

Friday, July 18, 1997

Even in the Constitution of the country it says that the minister has direct control of his ministry. It says so in the Constitution, that is the power of a minister under the Constitution. Read the Constitution, it tells you that.

Mr. Beraux: The minister has direct control, but the control is usually exercised upon the advice of some competent authority or the persons who advise him. Here it is that the minister is seeking to direct. Why do we not have that the minister would—I think that the first limb is what should remain—upon the advice of the Bureau of Standards, appoint? The point was made just now by the hon. Minister about reference to the other place. We here have been elected and we must have the interest of the country and who elected us at heart. I think the reference to the other place is out of order.

Mr. Assam: Mr. Chairman, in addition to advice from the bureau, the Minister also receives advice from his senior technocrats and bureaucrats in the ministry.

Mr. Valley: But we are not trained in this area, that is my difficulty. Listen, do what you want. I do not understand you.

Mr. Chairman: The position here gentlemen, hon. Members, is that no amendment has, in fact, been tabled, but one has raised it. We are just discussing it, but bear in mind that we do not have any amendment, that has, in fact, been tabled and circulated. So we are just seeing whether we could compromise.

Mr. Imbert: The wording of the clause allows the Minister to appoint every single examiner at the bureau directly. Are you aware of that?

Mr. Assam: No.

Mr. Imbert: That is what it says.

Mr. Assam: It does not say that.

Mr. Imbert: Yes, it gives you the power to appoint every single examiner at the bureau.

Mr. Assam: It does not.

Mr. Imbert: Mr. Chairman, perhaps the Attorney General could comment on that. What is the intent of the clause? In my opinion, it allows the Minister to appoint all examiners directly. Is that so?

Mr. Maharaj: Are you asking me?

Mr. Imbert: I am asking you, yes.

Mr. Maharaj: Mr. Chairman, it does, under clause 22(1). It certainly gives a discretion to the Minister to direct the bureau. A minister functions in his ministry with advisers and he always acts on advice. So therefore, where it says that an appointment could be made, either by "the Minister on the advice of the bureau"; if we delete the parts as requested, it will be limiting the Minister only to the advice of the bureau and not of his own technical people in his ministry.

Mr. Imbert: I accept that.

Mr. Maharaj: I think that would be an attack on the public servants in his ministry.

Mr. Imbert: I am not disputing that the minister should have the right to appoint, but it is an untrammelled right as I see there. He can just appoint whomever he feels. That is how the clause is written, that is how I see it.

Mr. Maharaj: As any other discretionary power, if it can be shown, assuming that the Minister exercises his discretion arbitrarily without proper advice, it does not prevent; it gives that as a basis for judicial review. So that, what harm is done? If one restricts the Minister, one would, in effect, be preventing him from acting in the public interest. On the other hand, if one leaves it as it is, it would mean that if anyone is offended at any time, from a legal point of view, that person can have judicial review. If from a political point of view, the Opposition believes that the Minister has not acted in a proper way, they can come to Parliament, raise it on a motion, debate it and that is what these things are about.

Mr. Imbert: I accept all of that, but the examiner is one of the most powerful people within the bureau. The examiner is the person who declares goods to be unfit, who could close down an entire factory and so forth..

Mr. Maharaj: If the examiner closes down a business arbitrarily or without reasons—

Mr. Imbert: I accept that you have due process, but why do you want to have such an open situation where the Minister can appoint whoever he feels is qualified?

Mr. Maharaj: It is not open, it is subject to the checks and balances that exist with respect to the parliamentary system, with respect to the court. So, it is not open, it is not untrammelled. It must be presumed that he will act in accordance with the law. If he does not act in accordance with law it can be challenged, but if one puts it any other way, it would be restricting the Minister very unfairly. It will

Standards Bill
[MR. MAHARAJ]

Friday, July 18, 1997

probably be preventing him from discharging his responsibilities properly in the interest of the public.

Mr. Imbert: The whole thing is that it just seems a bit too loose to me. I understand what you are saying, but it just gives the Minister the power to appoint virtually every examiner in the bureau. I do not think the Minister should have such unrestricted power. There should be some control on it.

Mr. Maharaj: Mr. Chairman, it depends on the circumstances. Subclause (2) mentions that the direction may be general, specific, conditional or unconditional. A minister has to make decisions, he is answerable to the population, he is answerable to Parliament. If you fetter him and he cannot act properly in the public interest, it would mean, therefore, that the objectives of the Bill may, in effect, be frustrated.

Mr. Imbert: In other situations the Minister is restricted to general policy not specific direction and there is good reason for that.

Mr. Maharaj: No. There are instances in legislation where the Minister gives direction.

Mr. Imbert: I am not saying that there are not pieces of legislation where the Minister can give specific and general but, in many cases, the Minister only gives general policy directions.

Mr. Maharaj: Mr. Chairman, all I could say to try to appease the hon. Member for Diego Martin East and to try to put his mind at rest is that this is not unusual legislation. This is the kind of matter that occurs in other legislation. As the hon. Minister stated when the matter was in the other place, from the records, it reflects really, that it is not something which is unusual, it is the kind of power given to ministers from time to time.

Mr. Chairman: Hon. Members, I think we have exhausted discussion on this clause. I would now put the question once more.

Question put and agreed to.

Clause 22 ordered to stand part of the Bill.

3.10 p.m.

Clauses 23 to 38 ordered to stand part of the Bill.

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

House resumed.

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

ANIMALS (DISEASES AND IMPORTATION) (AMDT.) BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I beg to move,

That a Bill to amend the Animals (Diseases and Importation) Act, Chap. 67:02, be now read a second time.

As I present the amendments to the Bill to amend this Act, I wish to point out that it focusses on diseases of an infectious nature only. It does not address the infestation by external parasites such as ticks. The amendments before this honourable House seek to redress these deficiencies. It is the Tropical Bont tick, *Amblyomma Variegatum* and its associated disease, Heartwater or Cowdriosis, which are the cause of immediate concern.

Mr. Sudama: Why is the other side not responding?

Dr. The Hon. R. Mohammed: While the Bont tick and its associated disease have not been reported to date in Trinidad and Tobago, they nevertheless pose a potential threat to the health and productivity of the domestic livestock population. This potential is on account of the following predisposing factors:

1. The Tropical Bont tick has continued to spread throughout the Caribbean during the past 10 to 15 years.
2. The tick is now widely distributed in the island of Barbados, which is the most southerly and most recently infested Caribbean island in close proximity to Trinidad and Tobago.
3. There exists in Trinidad and Tobago a large islandwide population of migratory egrets, otherwise known as the cattle egret, which can spread immature forms of the tick from infested to non-infested islands.
4. A potential Heartwater vector species, *Amblyomma cajenense* occupies certain ecological niches in Trinidad and Tobago and in particular the Southwestern peninsula. This tick can transmit Heartwater, should the disease causing organism gain entry into Trinidad and Tobago.
5. Epidemiological findings to date indicate that the Tropical Bont Tick and associated Heartwater disease have the potential to spread to other non-infested islands. The CARICOM countries of immediate concern are Trinidad and Tobago, Grenada, St. Vincent and the Grenadines.

6. The Tropical Bont tick is an important vector of Heartwater which is a lethal disease in ruminants such as cattle, sheep and goats. Wherever the tick and associated diseases are present, considerable loss in livestock productivity occurs. If Heartwater is introduced into a disease-free area, a high level of mortality—that is over 50 per cent—is experienced among susceptible ruminant population. In addition, the tick is also associated with a secondary skin disease in ruminants which is known as Dermatophilosis. This disease can be of high morbidity—greater than 90 per cent—and can have serious implications on the productivity of the ruminant livestock population.

I will speak now about the precautionary initiatives taken by this Government in light of the continued spread of the tick in the Caribbean region and its potential threat to Trinidad and Tobago. The Ministry of Agriculture, Land and Marine Resources has put the following mechanisms in place in order to reduce the risk of introduction of the tick and the associated Heartwater disease:

- (1) All ruminants and horses imported from Caribbean countries listed in appropriate Schedules in the Animals (Disease and Importation) Act, must be sprayed with an approved acaricide within 48 hours of shipment.
- (2) Animals are inspected on arrival at the ports of entry for the presence of ticks. Ruminant animals are subjected to a farm quarantine for 21 days upon arrival and horses are isolated in the Equine Quarantine Facility for the same period on arrival.
- (3) The importation of ruminant animals is strictly prohibited from countries in which Heartwater disease is present.

I now turn to the legislative measures. In support of attempts to prevent the introduction of the Tropical Bont tick and the spread and establishment of the tick and associated diseases, should they be introduced into Trinidad and Tobago, necessary legislative amendments and regulations must be effected.

In 1990 the Food and Agriculture Organization (FAO), through CARICOM, implemented regional programmes for the surveillance, prevention, eradication of the *Amblyomma Variegatum* tick from the Caribbean. As part of its input the FAO provided a consultant on legislation who subsequently submitted to the Ministry of Agriculture, Land, and Marine Resources a copy of the technical report entitled *Technical Report for the Government of Trinidad and Tobago - Legislation Required for Eradication of Amblyomma Variegatum*. This document was used by

the Ministry and the office of the Chief Parliamentary Counsel to inform the drafting of the provisions of the Bill before this honourable House.

Mr. Speaker, since the *Amblyoma Variagatum* tick is an external parasite its effect on animals is technically referred to as an "infestation", as opposed to an "infection", which the Act in its present form addresses. It is, therefore, necessary to amend the Animal (Disease and Importation) Act, Chap. 67:02, to adequately support the proposed regulations. Specifically, amendments are necessary primarily because the present Act does not differentiate between "infection" and "infestation" and does not adequately define an eradicated area.

3:20 p.m.

The regulation in control of stray animals within eradicated areas is also a vital prerequisite to the support of the *Amblyomma Variegatum* prevention and control regulations.

Mr. Speaker, the amendments to the Bill before this honourable House are intended to protect our livestock industry, thereby not only safeguarding the livelihood of farmers involved in the livestock subsector, but also all the other benefits which accrue to the economy from the livestock industry, including its contribution to foreign exchange savings and the national security food effort.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Jarrette Narine (*Arouca South*): Mr. Speaker, I rise for an intervention in this debate to support this Bill which has been brought to Parliament by the Minister of Agriculture, Land and Marine Resources.

We are of the opinion that this Bill to amend the Animals (Diseases and Importation) Act, Chap. 67:02, is important to the health and safety of the livestock industry of Trinidad and Tobago. It is also important for the health and safety of the nation as a whole that we support this Bill which is now before Parliament.

The *Amblyomma Variegatum* or tick which the Minister spoke about, is probably a new variety of tick that has been introduced into the country through importation. From time to time there will be other diseases which will creep into the country, affecting our livestock and other materials that we may have for use in Trinidad and Tobago. Our importation bill throughout the years, has been decreased because our poultry industry has satisfied consumers in Trinidad and Tobago. Likewise, the pig industry has also come a long way in satisfying local consumers.

Animals (Amdt.) Bill
[MR. NARINE]

Friday, July 18, 1997

For many years we have tried to introduce new varieties and new species of animals, especially in the areas of cattle, sheep and goats here in Trinidad and Tobago. It is very important that we are continuously vigilant on the importation of new livestock into Trinidad and Tobago, making sure that it does not spread into other areas. Recently we have read of the disaster that took place in the United Kingdom with the mad cow disease. *[Interruption]* I would not say that. I think that the Member's religion does not permit him to eat any cows. I do not know if he does. We are to be vigilant at all times.

In supporting this Bill, one must speak about the quarantining of animals entering Trinidad and Tobago at the various ports of entry. Recently I was at Piarco International Airport where I spoke to some of my colleagues with whom I worked at the Ministry of Agriculture, Land and Marine Resources before coming into Parliament in 1991—I do not know of other ports of entry in Trinidad and Tobago—but they are concerned about staffing at Piarco International and about holding bays for these animals.

Mr. Speaker, you would have read recently where horses entering Piarco International Airport were left in the sun for approximately 12 hours. They had no feed during their trip from the United States to Trinidad and had to be held outside in the scorching sun for at least 12 hours. So holding bays at Piarco International Airport and other areas are of concern to the persons who work in the Quarantine Department of the Ministry of Agriculture, Land and Marine Resources.

Mr. Speaker, the livestock stations at Aripo and at El Carmen, from one point of time to the other, were recipients of a lot of hybrid animals coming into the country, which served to build our livestock industry. It is sad to note that the stock of goats which went to the El Carmen livestock station has been depleted to the extent that the station is about to be closed down. Even the staff at that livestock station has been decreased over the years. It is my opinion that the livestock stations are very relevant today for the upgrading of the livestock industry here in Trinidad and Tobago for the future. Mr. Speaker, not only the holding bays, but those livestock stations should be extended for use as quarantine areas for the observation of new livestock coming into the country before disbursement to private farm owners.

Mr. Speaker, there is a situation in Trinidad with the horse racing industry. I live near to the Santa Rosa Racing Authority where the sale of horse meat has started and is escalating. One can now get horse meat at five dollars a pound and by doing this, they are depleting the blood stock of the horse racing industry in

Trinidad and Tobago. Apart from horses coming in at Piarco International Airport and at other areas in Trinidad, there is also supposed to be a quarantine area at the Santa Rosa race track.

My recent visit to that area revealed that because of what the Member for St. Joseph said here today, they are trying their best to do something about the racing industry in Trinidad and Tobago. Horses would be imported into the country and they are now about to erect some additional stalls that will take care of these animals so as to quarantine them for a period of time before they are sent to the main paddock area.

Mr. Speaker, if this Bill has to do with the caring of livestock in Trinidad and Tobago and upgrading the industry, we are for it. However, we are concerned about the staffing and quarantine efforts in Trinidad and Tobago and vigilance over the animals entering the country, in the case of this disease and other diseases, so that they do not spread into other areas and to other livestock throughout Trinidad and Tobago.

3.30 p.m.

As a matter of fact, Tobago depends a lot on livestock and they depend on exporting their livestock to Trinidad. We are also concerned about illegal ports of entry. The hon. Member for Naparima is quite aware, having grown up in the south east of Trinidad, that animals are imported into Trinidad from Venezuela via Icacos and they do not have a port of entry. This has been historically so for many years.

Mr. Speaker, I know that animals continue to be imported into this country because they are bought at a cheap rate outside. There must be vigilance. There must be some effort made by the Ministry of Agriculture, Land and Marine Resources, not only to try to stop the animals from entering those illegal ports of entry, but also to educate the population, in that area, who venture to import animals because those animals, may be detrimental to the future of our livestock industry.

I am also concerned about other things that take place in the slaughter houses in Trinidad and Tobago. In 1983, the hon. Member for St. Joseph and I, when we went to St. George County Council, we had great difficulty in curtailing some of the illegal activities that took place at the slaughter houses and the mushrooming of poultry depots throughout the country, because if anything should happen, by importing infected animals into this country, it would affect the entire livestock industry in Trinidad and Tobago, as mentioned by the hon. Minister.

Animals (Amdt.) Bill
[MR. NARINE]

Friday, July 18, 1997

Mr. Speaker, we are supporting this Bill, but we are hoping that the hon. Minister of Agriculture, Land and Marine Resources, while it is good for him to come here and say that his ministry is doing something about it, and we accept that, vigilance and education of the public is of paramount importance.

So, in supporting this Bill I say that it is important not only for this new intervention in the Caribbean, of this tick, but to the total vigilance of other diseases creeping into the Caribbean and affecting our livestock industry.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I thank the hon. Member for supporting this Bill and to reiterate the intent of it which is basically to prevent the *Amblyomma Variegatum* tick, being an external parasite, from entering Trinidad and Tobago and also to reiterate that this tick is basically a vector for the organism which causes *Heartwater* and *Dermatophilosis*.

We heard from the hon. Member about the situation at the Aripo Livestock Station as well as the livestock station at El Carmen and I wish to educate the hon. Member for Arouca North, that a small ruminant project dealing with goats was funded by the European Union.

The project has reached the second phase whereby we have now generated sufficient numbers of breeding stock which will enable us to provide an animal of a genetic potential to the farming community through the demonstration stations located through the island, so that the genetic quality of the indigenous stock can be improved.

Under the People's National Movement government, a lot of mismanagement took place at El Carmen Small Ruminant Goat Production Unit. When this Government came into office, the mortality rate at that institution was so high—it was as much as 15 per cent of the new-born animals, and this Government had to take the necessary measures immediately to reduce it, and at present it has dropped to 3 per cent. *[Desk thumping]* That is why, because of the poor survival of the animals and the high mortality rate, that government could not provide the breeding stock to the farmers of this country to enhance and improve the indigenous livestock that we have in Trinidad and Tobago. *[Desk thumping]* This is one of the reasons, as well, why in 1996, because of the insufficiency of quality breeding stock in the small ruminant sub-sector that the sector fell by 11 per cent.

Mr. Speaker, in commending this Bill to this honourable House, I say thanks, once more, to the hon. Members of the opposite side for standing in support.

Animals (Amdt.) Bill

Friday, July 18, 1997

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 16 ordered to stand part of the Bill.

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

House resumed.

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

3.40 p.m.

**SELECT COMMITTEE REPORTS
ADOPTION**

Saraswati Mandiram (Inc'n.) Bill

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I beg to move the following Motion standing in my name,

Be it resolved, That the House of Representatives adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Saraswati Mandiram, and matters incidental thereto.

Mr. Speaker I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the House of Representatives adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Saraswati Mandiram, and matters incidental thereto.

**Sukyo Mahikari Association
(Trinidad And Tobago) (Inc'n.) Bill**

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I beg to move the following Motion standing in my name,

Be it resolved, That the House of Representatives adopt the report of the Special Select Committee of the House of Representatives appointed to consider

Sukyo Mahikari Association (Inc'n) Bill
[DR. F. KHAN]

Friday, July 18, 1997

and report on a Private Bill for the incorporation of the Sukyo Mahikari Association (Trinidad and Tobago) and matters incidental thereto.

Mr. Speaker I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the House of Representatives adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Sukyo Mahikari Association (Trinidad and Tobago) and matters incidental thereto.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, July 25, 1997 at 1.30 p.m.

Mr. Speaker, Friday is Private Members Day. I wish to announce that the Opposition Chief Whip has indicated that on that date Motion No. 2 under "Private Business" will be debated. This deals with the report on the development of the La Brea/Brighton Industrial Estate.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 3.46 p.m.