

Leave of Absence

Friday, July 13, 2001

HOUSE OF REPRESENTATIVES

Friday, July 13, 2001

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received correspondence requesting leave of absence from today's sitting from the Member for Caroni Central (Hon. G. Singh) and the Member for Toco/Manzanilla (Mr. R. Boynes). The leave they have requested has been granted.

PAPERS LAID

1. Report of the Auditor General on the accounts and financial statements of the Project Execution Unit of the Ministry of Housing and Settlements for the year October 01, 1998 to September 30, 1999 in respect of the National Settlements Programme as required by Loan Contract No. 584/OC-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statements of the Basic Education Project for the year ended September 30, 2000, as required by Loan Agreement No. 3956-TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the San Juan/Laventille Regional Corporation for the nine-month period ended September 30, 1998. [*Hon. R. L. Maharaj*]
Papers 1 to 3 to be referred to the Public Accounts Committee
4. The Freedom of Information (Fees and Charges) Regulations, 2001. [*The Minister of Communications and Information Technology (Hon. Ralph Maraj)*]
5. The Freedom of Information (Publication of Arrangements) Regulations, 2001. [*Hon. Ralph Maraj*]
6. The Corporation Tax (Exemption) Order, 2001. [*Hon. R. L. Maharaj*]
7. The Motor Vehicles and Road Traffic (Amdt.) Regulations, 2001. [*The Minister of Transport and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John)*]

8. Annual Audited Financial statements of the Trinidad and Tobago Unit Trust Corporation for the financial year ended December 31, 2000. [*Hon. R. L. Maharaj*] To be referred to the Public Accounts Committee
9. The Extradition (Commonwealth and Foreign Territories) (Extraditable Offences) Order, 2001. [*Hon. R. L. Maharaj*]
10. Report of the Technical Team to the Bipartisan Team to Seek Solutions to the Problems within the Police Service—Legislative Proposals, June 2001. [*The Prime Minister and Minister of National Security (Hon. Basdeo Panday)*]

ORAL ANSWERS TO QUESTIONS

**Construction of Overpass—
Churchill-Roosevelt and Uriah Butler Highways**

- 21. Dr. Keith Rowley** (*Diego Martin West*) asked the Minister of Infrastructure Development and Local Government:

With respect to the proposed construction of the overpass at the junction of the Churchill-Roosevelt and Uriah Butler Highways, would the Minister state how much money would be saved if the structure is designed and built without the proposed arch in the super structure?

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, in response to the question raised by the Member for Diego Martin West, I wish to state that the design of the proposed interchange at the Churchill-Roosevelt and Uriah Butler Highways has not yet been finalized.

My Ministry has several options under consideration, one of which includes a proposal for an arch. Design specifications are now being prepared to be a part of a request for proposals, which are expected to be tendered shortly.

It is only after an evaluation of the bids and a firm decision is taken regarding the inclusion and/or installation of an arch would we be in a position to determine if there would be any savings.

Dr. Rowley: In the light of the fact that we are told that the design has not been completed, is the Minister aware that no less a person than the Acting Prime Minister of Trinidad and Tobago has instructed UDeCOTT to award the contract to Pres-T-Con?

Hon. C. John: This Minister is not aware of any such development, Mr. Speaker.

**Caroni (1975) Limited
(Payment of Bonuses to Contract Workers)**

- 22. Dr. Keith Rowley** (*Diego Martin West*) asked the Minister of Enterprise Development and Foreign Affairs:

- (a) Does any employee at Caroni (1975) Limited have any clause in his or her contract or other terms of employment requiring the consideration or payment of any bonus?
- (b) If so, could the Minister identify the category of officers so affected and the terms of any such bonus payment?
- (c) Has any bonus been paid to any contracted employee of Caroni (1975) Limited since 1995? If so, how much and for what consideration?

The Minister of Enterprise Development and Foreign Affairs (Hon. Mervyn Assam): Mr. Speaker, as at May 31, 2001, five employees of Caroni (1975) Limited had clauses in their contract requiring the consideration of the payment of bonus. This includes an employee whose employment has since been terminated.

The categories of officers and the terms of the bonus payments, which were written contracts, are as follows:

- (1) Former Chief Executive Officer, Mr. Sharma Lalla—an annual performance bonus of between zero and six months' salary on the successful attainment of annual performance criteria, which were outlined.
- (2) Financial Comptroller, Mr. Krishendath Ramlogan—an annual performance based incentive of up to the equivalent of six months' salary. The quantum of the incentive payable would be based on the attainment of pre-established performance targets. Mr. Ramlogan was given the option to receive an advance of up to 50 per cent of the incentive, which would be paid in equivalent amounts on a monthly basis.
- (3) Manager, Environmental Systems, Mr. Rahaz Rajab—an annual performance based incentive of a maximum of three months' basic salary. The quantum of the incentive payable at the end of each year will be based on the attainment of the same kind of pre-established performance targets.
- (4) Manager, Property Development, Mrs. Marian Mohammed—an annual performance based incentive of a maximum of three months' basic salary. The quantum of the incentive payable at the end of each year will be based on the attainment of pre-established performance targets.
- (5) General Manager, Business Development, Mr. Zamir Mohammed—an annual performance based incentive of a maximum of six months' salary.

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Mr. Speaker, during the years 1995 to 1999 no bonuses were paid. In the years 2000 and 2001, the following bonuses were paid:

- (a) Mr. Krishendath Ramlogan, Financial Comptroller, an advance of \$3,500 per month over the period October 2000 to May 2001, a total of \$28,000.
- (b) Mr. Raiaz Rajab, Manager, Environmental Systems, a bonus of \$20,125 over the period June 2000 to December 2000.

The rationale for the payments has been given as achievement of pre-established targets. However there is no evidence to support the achievements of the targets. In the case of the financial comptroller, his letter of appointment provided for the option of an advance made even before the targets were established or achieved. The letter of approval of this advance for the comptroller does not indicate, however, that all or any of this advance is repayable dependent on performance and final appraisal.

Thank you, Mr. Speaker.

1.45 p.m.

Dr. Rowley: Mr. Speaker, I have a supplemental question please. In view of the fact that these are, in fact, public moneys, because the Treasury is supporting Caroni to the tune of billions of dollars, and officers are receiving bonuses where their targets are not met, could the Minister tell this House whether those bonuses would be recovered?

Hon. M. Assam: We are in the process, Mr. Speaker, of doing an audit of all the financial affairs of Caroni (1975) Limited and when that audit is completed, and the report is submitted to the Minister, at that time I would be able to indicate to the Member for Diego Martin West what appropriate action may be necessary to recover moneys that may have been paid without proper attainment of objectives.

Dr. Rowley: Would the Minister tell this House whether it is proper for public moneys to be spent as the bonus before the evaluation could have been done?

Hon. M. Assam: I think I have answered the Member already, that at the end of the audit and the report being submitted to the Minister, I will then determine whether moneys were paid that should not have been paid and how they could be recovered. I agree with him that they are public funds.

Dr. Rowley: Mr. Speaker, finally, is the Minister prepared to prevent Caroni (1975) Limited from paying bonuses to any of its officers in advance or

otherwise, in light of the fact that Caroni (1975) Limited's overall performance has been declining precipitously in recent years?

Hon. M. Assam: I am surprised that the Member would ask that question because he was the Minister of Agriculture, Land and Marine Resources responsible for Caroni (1975) Limited. No Minister is responsible for paying bonuses or withholding bonuses from officers; that is the responsibility of the board and the internal auditor of Caroni (1975) Limited, not the responsibility of the Minister.

Dr. Rowley: Finally, Mr. Speaker, is the Minister aware that as Minister responsible he has the authority to give specific directions to Caroni (1975) Limited on matters of operation—to the board?

Hon. M. Assam: Clearly the Minister has responsibility to give directions based on a policy that has been enunciated by the Cabinet.

Mr. Speaker: Let us move on to question 23 on the Supplemental Order Paper.

Dr. Rowley: Mr. Speaker, I have one final question.

Mr. Speaker: I heard two final questions before.

Dr. Rowley: Based on the answers, Mr. Speaker.

Mr. Speaker: Okay, one more question.

Dr. Rowley: Thank you. Based on the answers, Mr. Speaker; I did not intend to ask, but based on the answers.

Mr. Speaker: Okay.

Dr. Rowley: Is it the Government's policy to have bonuses paid at Caroni (1975) Limited when the company, in fact, is a ward of the Treasury?

Hon. M. Assam: Clearly, it cannot be.

Mr. Valley: Mr. Speaker, I really find it amazing. I wonder whether the hon. Minister can inform this House whether he is prepared to instruct the board of Caroni (1975) Limited that no bonuses should be paid in advance of performance, whether the Minister sees that as his responsibility and obligation.

Hon. M. Assam: Mr. Speaker, I have already said that we are initiating an audit and if it turns out to be so, of course, the Minister will take appropriate action.

Mr. Valley: Please. Please, Mr. Speaker, you see my difficulty is that I think the Minister in answering his question—[*Interruption*] Yes, but in view of the fact

that in answering the question he said quite clearly that bonuses were paid in advance of performance, I am asking whether he is prepared to instruct Caroni (1975) Limited that there should be no recurrence of such an action. That is what I am asking him. I am saying that in view of the fact the Minister stated categorically in his response that, in fact, Caroni (1975) Limited paid bonuses in advance, whether—given that admission—he is now prepared to instruct the board of Caroni (1975) Limited to cease pursuing such action.

Hon. M. Assam: I repeat, Mr. Speaker, when I am in possession of the report of the audit that is now under way, I will determine whether someone or some officers have been paid bonuses in advance that they did not deserve. If they were paid and they did not deserve them we would have to seek to recover them. As a result of that, the Minister can now advise the board that because of this particular flaw no bonus should be paid in advance.

Mr. Speaker: A final question from the Leader of the Opposition on this question.

Mr. Manning: Thank you very much, Mr. Speaker. Would the hon. Minister agree that in light of the fact that Caroni (1975) Limited's liability to the State now stands at \$1.7 billion, and that every year the State makes a subvention to Caroni (1975) Limited, that effectively these bonuses are being paid out of the Treasury?

Hon. M. Assam: I do not know about the \$1.7 billion because I cannot verify your figures, but in fact, everything that is paid by Caroni (1975) Limited to its employees, essentially, is paid from the Treasury.

Government As Guarantor (Borrowed Money)

23. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Finance:

- (a) Could the Minister identify every instance since January 1996 where the Government has provided a guarantee or letter of comfort, resulting in the State or any of its agencies or state enterprises borrowing money with the Government as guarantor?
- (b) Could the Minister state how much money was borrowed in each instance and what is the Government's total exposure as at May 01, 2001?

The Minister of Enterprise Development and Foreign Affairs (Hon. Mervyn Assam): Mr. Speaker, I am not the Minister of Finance; I am merely

answering on behalf of the Minister of Finance, who unfortunately cannot be here this afternoon.

The question is:

- (a) Could the Minister identify every instance since January 1996 where the Government has provided a guarantee or letter of comfort, resulting in the State or any of its agencies or state enterprises borrowing money with the Government as guarantor?
- (b) Could the Minister state how much money was borrowed in each instance and what is the Government's total exposure as at May 01, 2001?

Statements of debt secured by Government guarantee and by letters of comfort over the period January 1996 to May 01, 2001, have been prepared and are available to the Members. It is a long list and it will be circulated.

With respect to the question of Government's total exposure, it should be noted that as at May 01, 2001, total outstanding Government-supported debt amounted to \$6,848,013,555. Of this total, \$6,391,221,507 represented guaranteed debt, while outstanding debt secured by letters of comfort stood at \$456,792,048. The comprehensive list of all of the company's state enterprises, broken down by year and by the various tranches, has been circulated to Members.

Dr. Rowley: I thank the Minister very much for his answer but I did file this question for oral answer and since we have time I would be very happy if the Minister could read the list so it can be recorded.

Hon. M. Assam: If he wants it read, I would read it for him.

Mr. Speaker: We have time, we have until 2.15 p.m. [*Interruption*] Order. Order, please.

Hon. M. Assam: Mr. Speaker:

**SUMMARY OF GOVERNMENT GUARANTEED DEBT 1996—2001
SECURED BY GOVERNMENT GUARANTEE**

DOMESTIC DEBT	OUTSTANDING BALANCE MAY 1, 2001
AATT	\$1,212,025,000
CARONI	\$658,500,000
MTS	\$169,730,221

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[*Interruption*] Well you ought to know because you were probably in charge of it when you were Minister.

DOMESTIC DEBT	OUTSTANDING BALANCE MAY 1, 2001
PTSC	\$49,493,647
TAURUS Services	\$1,018,047,492
TIDCO	\$175,500,000
T&TEC	\$500,000,000
TTMF	\$300,000,000
UDeCOTT	\$201,587,039
WASA	\$1,630,519,362

That was local. The external debt now:

Dr. Rowley: Is that TT or US dollars?

Hon. M. Assam: This is TT dollars. We operate in TT dollars. That is the currency of Trinidad and Tobago so I am talking about TT dollars.

EXTERNAL DEBT	OUTSTANDING BALANCE MAY 1, 2001
PAATT	\$189,162,986
CARONI	\$88,835,760
TAURUS Services	\$197,820,000
WASA and DESALCOT	Zero
BETTING LEVY BOARD	\$169,000,000
METAL INSUSTRIES	\$160,073
NCC	\$11,332,675
NIPDEC	Zero
MTS	\$126,893,813
PATT	\$20,000,000
PTSC	\$30,000,000
REGIONAL HEALTH AUTHORITY	\$420,030,000

EXTERNAL DEBT	OUTSTANDING BALANCE MAY 1, 2001
SOLID WASTE	\$7,544,792
TIDCO	\$13,078,695
TTPOST	Zero
VIMCOT	\$10,000,000
YTEPP	Zero

That is the comprehensive list, Mr. Speaker.

Dr. Rowley: I recognize that you are not the Minister of Finance, but if you happen to know—could you tell whether the amount to UDeCOTT includes the \$150 million cheque that was sent to UDeCOTT with respect to the contract we have been told was not awarded as yet?

Hon. M. Assam: I am unable to answer that question; maybe I can find out for you.

Dr. Rowley: Okay.

2.00 p.m.

POLICE SERVICE REFORM

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, over the years there has been a growing perception that all was not well within our police service. It is a matter of fact that there were and continue to be a number of bad apples among the members of the police service. Thankfully, these are in the minority. The majority of our officers are men and women dedicated to their motto, “To protect and serve”. They continue to dedicate their lives to the service of the people of this country, but hon. Members are familiar with the saying, “One bad apple can spoil the whole barrel”. There was need, therefore, to investigate the operations, functions and other activities of the service with a view to ascertaining the areas of deficiency and to deal with these deficiencies in order to bring the service in line with modern realities and to enable the service to cope with problems that have grown to alarming proportions, particularly within recent times.

Prior to my administration, various governments of the day engaged experts from the United Kingdom to investigate the police service or the police force as it was then known, and to make suitable recommendations for reform. These

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investigations produced three reports: the Darby Report, the Bruce Report and the O'Dowd Report. The last one, the O'Dowd Report, was submitted in 1991. All three reports recognized that there were deficiencies in the management and operation of the police service and made recommendations to correct the situation. Some of those recommendations were implemented by previous governments and by this Government, but it was clear that what, in fact, has been done is not nearly enough. Indeed, as late as 1993 under the previous regime a former Minister of National Security was describing the police service as a disaster area.

The deficiencies in the police service were further glaringly exposed in what is referred to as the "Ramdhanie Report", which commission was appointed by myself following the escape from custody of a convicted drug lord. That report came out of, as I said, a Commission of Enquiry headed by retired Judge Zainool Hosein, appointed to investigate the escape from custody of a convicted prisoner called Deochan Ramdhanie who was in custody and was taken to the Princes Town Magistrates' Court as a witness in a case listed to be heard on the day that he escaped. Ramdhanie was, at the time, serving a life sentence for drug trafficking.

The Ramdhanie Report found that certain policemen conspired towards Ramdhanie's escape and was very trenchant in its criticism of those police officers. I quote from the report:

"The escape of Deochan Ramdhanie and that of Rajendra Singh [another prisoner who escaped from custody] complemented each other and revealed not only unacceptable conduct on the part of those police officers who participated in both but also displayed existing deficiencies of practice and procedure in relation to prisoners who may be required to attend court."

Mr. Speaker, the following statements, which were relevant to the Ramdhanie enquiry and which are also relevant to an examination of the management of the police service, also appear in the report and I quote again:

"In the light of what appear from the evidence to be instances of lies, corruption and/or bribery, deception and breach of duty, the Commissioners were not surprised that Senior Counsel felt impelled to remark that the police service is in a mess."

Continuing, they said:

"The Commissioners for their part are unable to ascertain with any degree of certainty the extent to which discreditable conduct has permeated the Police Service although we remain convinced that there is cause for serious concern.

Suffice it to say..."

The report goes on:

"...that the evidence concerning the matters under enquiry suggests that there is urgent need for an enquiry into the structure and administration of the Police Service as a whole."

The Ramdhanie Report continues, Mr. Speaker:

"A cursory glance at the available procedures under the Police Service Regulations Ch. 1:01 would seem to be productive of delay and although we have no evidence as to the administration of the Regulations it is well known that they lack expediency and efficacy."

The report goes on:

"In this connection it is utterly distasteful and contrary to good and efficient administration that no disciplinary measures whatever were taken against any of the officers in respect of whom serious allegations have been made and that they were permitted to continue to interface with the public and to perform the duties of constable on full pay.

One is therefore driven to conclude that a revision of the Police Service Commission Regulations (supra) is necessary in order that offenders within the Police Service may be brought to book promptly under a procedure less cumbersome and more efficacious."

Mr. Speaker, previously the O'Dowd Report had observed as follows, and I quote again:

"Having reflected on our findings, it is very clear to us that the police have for many years suffered from neglect as the result of under-funding, the policy priorities of successive governments and through a lack of good management and skills training at all levels within the service.

Other areas, including excessive bureaucracy, inefficient and out-dated systems and procedures and undue concern over issues such as nepotism have also inhibited progress and modernisation."

These matters go to show the urgent need to embark on an exercise which re-examines the question of the general management of the police service and the induction of suitable persons in the police service as well as the need to develop a system to deal swiftly and adequately with crooked members of the service. It is accepted that any single act of dishonesty or other impropriety would tend to

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tarnish the image of the entire police service. I believe that we must work to avoid this. Indeed, Mr. Speaker, we must do everything possible to get rid of the bad apples lest they spoil the whole barrel.

It must be recorded that, on conclusion of the Ramdhanie enquiry, the hon. Leader of the Opposition, in a singular act of enlightened leadership, publicly articulated the value of a bipartisan approach in tackling the urgent need for reform of the police service. I immediately responded with an invitation to the hon. Leader of the Opposition for consultations on the problems facing the police service. Having regard to all the matters that I have narrated, in August 1999 a bipartisan team, headed jointly by the hon. Leader of the Opposition and myself, was established to work out measures, including any legislative action that would be required, to provide solutions to problems besetting the police service.

Mr. Speaker, I think I ought to point out that this was long before the Member for Diego Martin West was suspended from this honourable House. Other members of the team were the hon. Ramesh Lawrence Maharaj, Attorney General; former Senator Joseph Theodore, then Minister of National Security; and Mrs. Camille Robinson-Regis, Member of Parliament for Arouca South.

The team agreed that matters requiring urgent attention included:

- i. corruption within the police service and appropriate methods of investigating same;
- ii. the system of recruitment, discipline and promotion in the police service;
- iii. management of the police service;
- iv. other areas of concern regarding the administration of the police service, including those as may have been identified by the Commission of Enquiry into the escape on September 17, 1998 of convicted prisoner Deochan Ramdhanie from lawful custody and matters connected therewith.

Subsequently, Mr. Speaker, and with the concurrence of the Leader of the Opposition, Cabinet agreed to the appointment of a technical team under the chairmanship of Sir Ellis Clarke T.C., G.C.B., G.C.M.G., to work with the bipartisan team in seeking solutions to the problems identified. Again, for those who talk about deals, this was long before anyone was suspended by this House. Other members of the technical team included Justice Guya Persaud, Chairman of the Law Reform Commission; Mr. Eustace Bernard, former Commissioner of Police; Colonel Trevor Mac Millan, Chairman of the Security Advisory and

Management Services Limited, Jamaica and a former Commissioner of Police of the Jamaica Constabulary Force; Sir David O'Dowd, Her Majesty's Chief Inspector of Constabulary of the United Kingdom; management consultant Aldwyn Daniel and Mrs. Joan Massiah, Permanent Secretary in the Office of the Prime Minister.

The bipartisan team held its first meeting with the technical team in early January 2000 and mandated the technical team with the above-mentioned terms of reference, to formulate a plan of action based on the problems which have been identified in various reports and studies on the police service. In addition to the Ramdhanie Report, the technical team addressed existing reports and studies on the police service and, in particular, the O'Dowd Report, their recommendations and the level of their implementation, the need for adjustments and the reasons for non-implementation in some cases.

The team also held numerous consultations with the principal stakeholders in this matter. Those stakeholders include the Commissioner of Police; the Presidents of the first division and the second division associations of the police service; the Chairman of the Police Service Commission and the Chairman of the Police Complaints Authority. Meetings were also held with the bipartisan team at which its members were briefed as to the direction in which the technical team proposed to proceed and obtain its authorization to do so.

In considering the first of its terms of reference—corruption within the police service and appropriate methods of investigating same—the technical team sought to determine how corruption should be identified and defined, the causes of such corruption, the extent to which these determinations might apply to the Trinidad and Tobago Police Service as evidenced in the aforementioned reports and how such corruption could be investigated and its causes controlled. During its research, the technical team observed that there are many competing explanations for police corruption in criminological literature.

One of the traditional explanations has been that it is a product of bad apples and not typical of the organization, but the history of policing, however, is full of examples where the explanation could not be sustained in the face of overwhelming evidence of organized corruption. It is now generally believed that corrupt police officers are not natural-born criminals different from their honest colleagues and that the task of corruption control is to examine the barrel not just the apples—the organization, not just the individuals in it—because corrupt police officers can only exist in a permissive environment. The team's other three terms of reference required that it address precisely this.

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Mr. Speaker, in November 2000 the technical team submitted an interim report to the bipartisan team for consideration of its recommendations before proceeding to draft the legislation necessary to give effect to certain of its recommendations. Principal among these recommendations is the restructuring of the management of the police service. This would require amendments to the Constitution to replace the Police Service Commission with a new oversight body for the police service to be called the Police Management Authority.

It is proposed that this Police Management Authority would be an independent body—may I repeat, Mr. Speaker, an independent body—appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition. The Prime Minister and the Leader of the Opposition both have to agree to the membership of the Authority. Failing such agreement within a reasonable time, the Prime Minister may act on his own initiative and he will appoint. [*Interruption*]

Hon. Members: Freudian slip.

Hon. B. Panday: What did I say?

Mr. Maharaj: The Prime Minister.

Hon. B. Panday: I beg your pardon. The President may act on his own initiative and—thank you very much, Members. I see that you have read the report. There could hardly be a more effective formula for the appointment of a non-partisan independent authority, Mr. Speaker. The Authority would have the power to promote to the ranks of senior superintendent, assistant superintendent, deputy commissioner and commissioner and to remove from office and exercise disciplinary control, including monitoring the efficiency and effectiveness of the discharge of their functions over first division officers.

In carrying out its functions, the Authority would act in accordance with the Constitution as amended and the proposed Police Service Act and Regulations. The proposed amendments to the Constitution would also enable the Commissioner to more effectively control and manage the police service by giving him the power to appoint and promote officers in the second division and officers in the first division up to the rank of superintendent, and to remove from office and exercise disciplinary control over officers in the second division.

As accounting officer, the Commissioner of Police will also have control over the financial resources of the service, in order to better fulfil his new management responsibilities. In carrying out these functions, the Commissioner will also act in accordance with the Constitution as amended, and the proposed Police Service

Act and Regulations. This new legislation, Mr. Speaker, would allow for new systems of recruitment, training, promotion and discipline. The Police Service Appeal Board would continue to serve as the appellate body for the entire police service.

Another matter which was dealt with by the technical team was the limitation placed on the Police Complaints Authority in the investigation of complaints made against police officers. The team recommended the establishment of an external, independent body with the power to investigate alleged corruption and serious misconduct in the police service. Such a body would be vested with the functions of the existing Police Complaints Authority. It is envisaged, however, that a properly structured professional standards unit would be established within the service so that the primary responsibility for handling complaints against the police would remain and be properly dealt with within the service.

Restructuring of the service has also been recommended. This would include the creation of a legal department, a professional standards unit, a forensic unit and an enhanced information technology unit. The job evaluation and reclassification exercises currently under way will be expedited.

In order to give effect to certain of these recommendations, the following legislative action is required.

- Amendment to the Constitution of the Republic of Trinidad and Tobago to abolish the Police Service Commission, establish the Police Service Management Authority and confer new powers on the Commissioner of Police;
- Repeal of the Police Service Act and enactment of new legislation to govern the police service;
- Repeal of the Police Service Complaints Authority Act and enactment of new legislation to widen the powers of the Authority.

Draft legislation in respect of those objectives was completed and submitted to the bipartisan team in June 2001. The package delivered to the bipartisan team comprises:

- The draft Constitution (Amdt.) Bill, 2001;
- The draft Police Service Bill, 2001;
- The draft Police Complaints Authority Bill, 2001;
- The draft Police Service Regulations, 2001.

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Mr. Speaker, these Regulations have sought to combine the existing Police Service Regulations with those of the existing Police Service Commission Regulations which remain relevant in the context of the recommendations of the technical team. On receipt of the legislative proposals, the bipartisan team agreed that:

- They should be laid in the House as a package;
- The package should be circulated to key stakeholders, together with a summary of the recommendations of the technical team, with an invitation to submit comments to the technical team;
- the chairman of the Police Service—and that would include the chairman of the technical team; the chairman of the Police Service Commission;
- the chairman of the Police Complaints Authority;
- the Permanent Secretary in the Ministry of National Security;
- the Commissioner of Police;
- the presidents of both the Police Service First Division Association and the Police Service Social and Welfare Association; and
- the Chief Personnel Officer.
- The proposals should be made available for public comment.

Therefore, Mr. Speaker, in my capacity as Minister of National Security, earlier in these proceedings today I laid before this honourable House a package containing the following documents, together with a summary of the recommendations of the technical team: the draft Constitution (Amdt.) Bill, 2001; the draft Police Service Bill 2001; the draft Police Complaints Authority Bill, 2001; and the draft Police Service Regulations, 2001. Mr. Speaker, I bring these Regulations to the attention of the hon. Members of this House for their information so that they may have full understanding of the reforms envisaged in the draft Police Service Bill.

I also wish to emphasize that the draft legislation is not the final word in the matter. It has been agreed that the views of the various stakeholders and the general public should be invited and will be accorded due importance in the construction of the legislation which is ultimately laid for consideration of hon. Members of this House and those of the other place.

Mr. Speaker, as co-leaders of the bipartisan team, the hon. Leader of the Opposition and I are of the view that the necessary legislation should be enacted as a matter of urgency after due consideration of the anticipated comments. As the nation embarks upon this exercise of transforming the structure and function of the police service into an efficient and effective 21st Century organization, we must be mindful of the nation's debt to the loyal and courageous officers of the police service who defended and protected the citizens of the State and defeated the illegal forces that assaulted our democracy in 1970 and in 1990.

2.20 p.m.

We must again look to the Police Service, together with other branches of our security services, to stand firm in the face of any incitement to anarchy and chaos in the society. In recognition of this, we must urgently take the measures necessary to release the Police Service from the archaic colonial structure which should long ago have been replaced by a system which will ensure that our Police Service attracts and retains the country's finest and rewards them for merit in an environment in which there will be zero protection for the corrupt few who may infiltrate the service.

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

STAMP DUTY (VALIDATION) BILL

Bill to validate the cancellation of certain postage stamps [*The Minister of Finance*]; read the first time.

CIVIL AVIATION AUTHORITY BILL

Order for second reading read.

The Minister of Transport and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John): Mr. Speaker, I beg to move,

That a Bill to make provision for the establishment of the Trinidad and Tobago Civil Aviation Authority, for the regulation of all civil aviation activities, for the implementation of certain international conventions and for the institution of safety requirements and practices regarding air navigation be now read a second time.

Mr. Speaker, the precursor to this Bill entitled the Air Navigation Bill, 2001 was first laid in the Senate. In moving that the Bill be read a second time, I took the opportunity to inform Senators that Trinidad and Tobago, as a signatory to the Chicago Convention on Civil Aviation, was required to properly discharge its obligations under the convention, including the adoption of the standards and

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recommended practices contained in the annexes to the Convention so that aviation operations within our territory can be safely and efficiently regulated.

I explained that a critical element which must be considered by all contracting states in the discharge of the obligations under the Convention is the provision of effective aviation laws consistent with the environment and complexity of the state's aviation community. I cited recent audits by both the FAA and ICAO which identified the need to strengthen our primary aviation legislation and to establish an appropriate state body, hereinafter referred to as the Civil Aviation Authority, with the necessary powers to ensure compliance with laws and regulations.

I further explained that the existing primary legislation presently governing our civil aviation system is British in origin and dates back to colonial times. It derives from the United Kingdom Civil Aviation Act, 1949, as adopted in Her Majesty's Colonies by the Colonial Civil Aviation (Application of Act) Order, 1952.

Mr. Speaker, I also stated that in order for our national aviation industry to be built on a solid legal foundation, on par with that of other developed countries, we needed to strengthen our primary aviation legislation; hence the reason for proposing the Air Navigation Bill.

During the debate on this Bill on May 08 and May 15, 2001, the Senators expressed a number of concerns. Among those concerns were the need to harmonize the requirements of the Bill with other existing legislation, such as the Trinidad and Tobago Civil Aviation Authority Act, and the Airports Authority of Trinidad and Tobago Act; the removal of any duplication in other legislation and better clarity and definition of the role of the Civil Aviation Authority, in particular, as it relates to airports.

Mr. Speaker, based on the valid suggestions in the Senate, which the Government thought would only serve to strengthen the Bill, debate was suspended on the Air Navigation Bill. We went back and reviewed the Bill in light of all the contributions and decided to withdraw the Air Navigation Bill. A new Bill was proposed, cited as the Civil Aviation Act. This Act consolidates the main requirements of the former Air Navigation Bill with the Trinidad and Tobago Civil Aviation Authority Act, 2000 and the relevant sections of the Airports Authority of Trinidad and Tobago Act. We adopted this approach because, as a responsible government, we are committed to take into account as many views as we can when we propose legislation. The Bill was duly passed with further amendments, a list of which has been circulated for the hon. Members of the Lower House.

Mr. Speaker, the purpose of this Bill is to establish the Trinidad and Tobago Civil Aviation Authority for the regulation of all civil aviation activities, for the implementation of certain international conventions, and for the institution of safety requirements and practices regarding our air navigation. Significant parts of the Bill are as follows:

Part I of the Bill defines aerodrome as meaning any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft, and includes any area or space, whether on the ground or the roof of a building, or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, and also includes an airport which has the meaning given to it under the Airports Authority Act, Chap. 49:02. It is important, as we debate this Bill, for hon. Members to understand that airports, heliports and helidecks are all classified as aerodromes.

Part II of the Bill stipulates the functions of the Minister as being the person responsible for the general administration of the Act and for the development of policy on air navigation of Trinidad and Tobago. I must emphasize, as I had emphasized for the benefit of the Senate, that the Minister—certainly this Minister—would not be managing airports, acquiring lands or regulating aviation activities. Such is the responsibility of the Authority. I wish to repeat that the Minister is responsible for the general administration of the Act and for the development of policy on air navigation for Trinidad and Tobago.

Part III of the Bill provides for the establishment of the Trinidad and Tobago Civil Aviation Authority, hereinafter referred to as “the Authority”, as a body corporate, the functions and powers of the Authority, the factors governing performance of these functions, and the exercise of its powers, the delegation of the Authority's functions and powers and the Authority's rights to provide exclusive services. It clearly defines the function of the Authority as that of licensing and regulating airports as distinct from managing airports, which is the function of the Airports Authority.

Part IV of the Bill provides for the establishment and composition of a board, the appointment of the secretary, the appointment of the director general of civil aviation and the responsibility of the members of the board, including the director general to disclose all pecuniary interests in matters deliberated upon by the board.

This Government, in recognition of the impact that aviation has on the environment, decided to include a nominee of the Environmental Management

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Authority on the board. Likewise, this Government, in keeping with our policy of all inclusion, decided that Tobago must have a say in the regulation of civil aviation operations in Trinidad and Tobago and has therefore included a nominee of the Tobago House of Assembly on the board. These inclusions were strongly endorsed by the Senate, and I hope would find favour here amongst Members of this honourable House.

Part VIII of the Bill contains a transitional provision whereby the obligations and liabilities of the Civil Aviation Division and the former authority shall become the obligations and liabilities of the newly created authority, and all duties and functions which are carried out by the Civil Aviation Division and the former authority shall be undertaken by the newly created authority.

Part IX of the Bill empowers the Authority to make, with the approval of the Minister, regulations for the implementation of the Chicago Convention. The Authority will also be empowered to grant certificates and licences in respect of aerodromes, air operators, airmen, schools and repair stations and aircraft. The powers to modify, suspend, or revoke aviation documents would be given to the board. A general right of access to civil aircraft for the purpose of ensuring compliance with safety requirements would be given to the director general. The power to permit flight in certain circumstances would be given to the Authority. Part IX also provides for a right of appeal to persons aggrieved by certain recommendations of the director general, or actions taken by the Authority.

Part X of the Bill provides for the Authority and the Minister to take certain courses of action for the prevention of accidents. This part also imposes an obligation to provide air navigation services and to charge fees for such services, and empowers the director general to give certain directions to the owner or occupier of an installation which can affect safety by interfering with navigational aids.

Part XII of the Bill would make provision for the jurisdiction of the court, prohibitions, offences and penalties. Finally, Part XIII of the Bill provides for the Authority to be a statutory authority for the purposes of the Guarantee of Loans Act exempt from the payment of all forms of tax and duties, and will also provide for the repeal of the Civil Aviation Authority Act, 2000. The four schedules attached to the Bill are self-explanatory.

As previously stated, the Bill was passed with further amendments as proposed by the Senate. Members of the House are asked to take notice of the amendments and, in particular, to the new clause 8 which establishes that the authority shall perform its functions while recognizing and observing the

provisions of the Environmental Management Act. Clause 14 is also of note, as it has been amended in order to clarify the nature of pecuniary interest in respect of voting matters on the board.

Clause 25 establishes a ministerial check and balance on conditions of service, salaries and perquisites of the executive management of the Authority, and should therefore be of interest to Members. I also wish to inform hon. Members that a Bill to amend the Airports Authority Act would be laid within the next two sittings of the Senate upon the conclusion of consultations with the Airports Authority of Trinidad and Tobago. This amendment shall seek to remove any remaining duplicity of functions occurring with the Airports Authority Act and this Bill. Once this is complete and the amendments to the Airports Authority Act are passed, only then shall the Civil Aviation Bill be proclaimed.

Mr. Speaker, I wish to restate that this Bill represents the first phase of the strengthening of our civil aviation regulatory framework in accordance with our international obligations under the Chicago Convention. I must stress that this Bill is not about politics. This Bill is about the safety of our civil aviation system. I stress this because I do not want hon. Members to get caught up in peripheral issues that are in no way related to the purpose of this Bill. Let us leave that for the public platform.

Let us here, as responsible representatives of the people, make very constructive criticism and suggestions. We on this side are very amenable to any suggestions that hon. Members may have to further strengthen this Bill. Its passage will facilitate our next phase of the regulatory process, which is the promulgation of a comprehensive set of user-friendly national civil aviation regulations.

Finally, I wish to place on record my appreciation towards the Senate for their very constructive suggestions on the former Air Navigation Bill, the result of which is a much improved and simplified Civil Aviation Bill, as we have presented here today. I also wish to thank all Senators for agreeing then to take this Bill through all three stages in one sitting and hope that hon. Members would treat this Bill in a similar fashion.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): If the Minister believes that we will support this legislation, then the Minister has great expectations. While the former Minister was fooling around with aborted contracts, such as the scandalous North/South highway fiasco—the former Minister, I understand, used to

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personally go down on the highway and take a look at what was going on, directing traffic on the highway. While the former Minister was creating that scandal that is now that shed of shame at Piarco, which is now infested with flies, rats and other rodents and vermin of various types, the Government, including the present Minister, allowed our country to be downgraded. Too busy with voter padding and other things!

Let me read into the record what happens when a country is downgraded by the Federal Aviation Administration (FAA). We are now category two. It is the country. It is not the airport. It is the whole country. Trinidad and Tobago is now in category two. When one is in category two, one does not comply with ICAO standards, and the FAA has assessed that our country, our Civil Aviation Authority, does not provide safety oversight of its air carrier operators in accordance with the minimum safety oversight standards established by the International Civil Aviation Organization (ICAO).

This downgrade is applied if one or more of the following deficiencies are identified. It is so intriguing that the current Minister of Transport ducked this issue in her presentation—would not tell us why we have been downgraded to category two, and our national airline is now in problems. It cannot expand its routes, cannot use new aircraft, and so forth.

When you are downgraded, it means that your country lacks laws or regulations necessary to support the certification and oversight of air carriers in accordance with the minimum international standards; that the country's aviation authority lacks the technical expertise, resources and organization to licence or oversee air carrier operations. The country's authority does not have adequately trained and qualified technical personnel. The country does not provide adequate inspector guidance to ensure enforcement and compliance with minimum international standards, or the Authority has insufficient documentation and records of certification, and inadequate continuing oversight and surveillance of air carrier operations.

When one is downgraded, one cannot expand one's operations and one cannot use new aircraft unless one leases it from somebody else. So, what this means is that BWIA's proposed Atlanta operation is now suspended indefinitely or cancelled. They have already leased a plane; an expensive plane. I think it has cost them other TT \$1 million to advertize the Atlanta route. All of that is down the toilet now because one Minister was too busy doing extracurricular activities and another one just does not know—the past and the present.

So BWIA cannot use the plane. They cannot expand into the United States. The country cannot expand its air operations, but we squandered \$1.6 billion while all of this was going on, on a shed up there in Piarco. An air-conditioned shed so that the boys could get money where there are a couple thousand tiles, none of which match. I have been through that airport about four times now. I have never seen such discrepancies in floor finishes. There are literally 2,000—5,000 tiles, whatever it is, not a single one matches with the other one, I understand. I thought they were seconds, but I understand they are thirds. The tiles are stained. Brand new tiles already stained!

2.40 p.m.

I have never seen such a scandalous state of affairs as what I saw up there. Such misplaced priorities. The roof in the Tobago terminal is already leaking; there are water stains on the ceiling tiles; there is rat infestation and huge empty spaces, for what I do not know. It is like a dance hall. It is better they have a dub party in there. And where facilities are needed, such as escalators, departure tax counters, and x-ray machines—there is a departure lounge that can hold about 1,000 persons, but there are only four counters for departure tax and two machines for X-rays. So if the departure lounge were to operate at its capacity, I would like to know who is the brilliant person that only provided four departure tax counters and two X-ray machines to handle 1,000 persons going up one escalator to get into the departure lounge. I have never seen a more scandalous state of affairs.

You hear what the professionals say? It is the ugliest structure in the Western Hemisphere. The most obnoxious, disgraceful, inappropriate—I have seen in the newspapers where the Trinidad and Tobago Institute of Architects made a categorical statement today. All the architects in Trinidad and Tobago made a statement today that it is badly designed. And that is precisely what it is.

Some foreign “smart men” linked up with some local “smart men” and they found a way to “tief” over a billion dollars while our air transport regulation, our air safety oversight regulation, our legislation, our personnel, all of these important things were being ignored because there is no money in them. So the boys got together and bought loading bridges that have holes and stains in them. Some foreign-used loading bridges they brought in my airport and telling me that I have to pay a billion dollars for that!

I went on a flight the other day and I could have watched up through the loading bridge and see the sky. There is a big hole in it. And this airport has only

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been open for six weeks. The Tobago terminal baggage conveyor is used, with second-hand parts. You can see it. Everything is a joke for these characters. I remember the first time I went up there about a month ago to meet someone coming in and I was trying to get a message to the person. I went to the security section and asked how I could page someone in the airport. I was directed to an information counter, so I asked at the information counter, how could I page a visitor to meet me outside the arrival hall? I was told, "Mr. Imbert, we are ashamed to tell you that the public address system is not working yet." The computers are not working. It is an absolute and utter disgrace and it shows what boards of management can do when they run wild and collude with their political masters. There are members who are too interested in shooting the national bird and hunting in the Caroni Swamp; there are board members who are too busy currying the Scarlet Ibis and eating it, when they should be looking at these issues.

There is no access for disabled persons. If someone is in a wheelchair he cannot get to the plane unless he is lifted up the staircase into the departure lounge then lifted back down the ramp. It is an absolute scandal. And this Minister comes here and wants to abolish the Civil Aviation Division. In the past there has been the necessary balance where the people involved in air traffic control, the testing of aircraft and the checking of safety and so on, were public servants. They did not have to answer to any politicians or any board appointed by politicians. The Public Service Commission protected them so that no minister or no man who shoots Scarlet Ibis; or his son or this brother could have come and told them, "certify that aircraft if you know what is good for you, because if you do not, you are fired."

At the present time there is a Civil Aviation Division that is insulated from political interference and protected from dishonest politicians by the Public Service Commission. Now they are abolishing that and they are putting all of these people who have the responsibility for safety oversight, inspection of aircraft, licensing of airlines and certification of pilots, under a politically appointed board. I want to know what is the philosophy. Something that is so significant, we are talking about people's lives and they are going to put the safety oversight of Trinidad and Tobago in the hands of people who would be subjected to the dictates of politicians.

The last thing we want in this country is another board whose members feel they are budding politicians or politicians gone wild; or sycophants or persons who have an interest in airlines and so on. The last thing we want is to put a politically appointed board in place that can intimidate and control persons who

would have the responsibility to certify pilots, to certify aircraft, to look at safety and those sorts of things. I want to know what it is this Government has against public servants. They want to abolish all boards and commissions and replace them with authorities that would be answerable to politicians. What is it with this Government? Why do they want to have all this control over these important issues in our country?

What bothers me as well is that right now we are in category II; we have been downgraded and we heard the Minister bleating that we would get back in in January. How did we reach category II? The UNC has been in power since November 1995. It was the PNM that brought Trinidad and Tobago into category I; it was we and they brought us back into category II—and saying that we were not going there. They had five or six years to ensure that the regulations were in place to ensure that we had proper oversight of aircraft and so forth. They had almost six years and it took the six years for them to take us from category I to category II.

That is the legacy of the UNC administration. While they are “teefing” wild in Piarco; “tiefing” in the hospital; “tiefing” in Caroni, “tiefing” in Petrotrin and “tiefing” in the North West Regional Health Authority. That is their legacy. Instead of doing their work, they had six years to ensure that we maintained our category I status and that we were not downgraded.

The national airline is just seeing its way and the politicians want to control it again. I heard the Prime Minister talking about how he wants to have more control over BWIA. BWIA is now seeing its way. The citizens of Trinidad and Tobago own that airline. BWIA shares are on the stock market but this Government took six years to put our country into category II and to jeopardize the viability and financial success of our national airline; and they want us to tell them thanks for that. Thanks for failure!

2.50 p.m.

They want to be praised for failure. Absolute nonsense. “Performance beats ‘ol’talk”, That was their slogan. Well, they have performed. They have caused Trinidad and Tobago to be downgraded. They are now going to tell us—*[Interruption]* Yes, we are a second-class nation now. We used to be first class under the PNM. We were in category I, but under the UNC we are in category II, second class. Just the other day—I think it was yesterday or the day before—I heard a news report that in the human development index, Trinidad and Tobago is no longer in the high category, we are in the medium category. Under the PNM we

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were in the highly developed country category, now, under the UNC, we are officially in the medium developed country category. We have dropped out, under the United National Congress.

Mr. Speaker, I have a problem. These people just do not understand what they are doing. You have seen how a board has gone wild; and you are seeing how they were paying people for sick leave and they have not gotten sick as yet. This is not a joke. This is the monster they have created. They are paying performance bonus at Caroni (1975) Limited in advance. Everybody knows that the Caroni crop is about 30 or 40 per cent less than it is supposed to be. Under the PNM we used to have 125,000 tonnes of sugar produced; under this administration, it is 80,000, but they are getting bonus for that. They are getting bonus in advance for taking our production of sugar from 125,000 to 80,000 tonnes. That is performance. They are taking their bonus in advance and the Minister is saying he does not know.

Everybody knows what is going on, but he does not know. Everybody knows that Caroni (1975) Limited is a disaster. Everybody knows they are paying the board of that Authority which is as rampant as it is indisciplined. Everybody knows that Caroni (1975) Limited is a scandal. Everybody knows that they pay bonus for nonperformance, but the Minister does not know. Everybody knows that in the North West Regional Health Authority they paid people for sick leave and they were not sick. They paid them for vacation leave they were not entitled to. They paid them gratuity that they were not supposed to get. They created jobs for themselves. They hired themselves, their families and friends and paid huge salaries. All kinds of things were going on in that North West Regional Health Authority. A board gone wild.

This Government comes here today, Mr. Speaker, to put in another board. They have made no effort, in this legislation, to deal with the problems that are now manifesting themselves in the boards all over Trinidad and Tobago. They made no effort to deal with it. What about revocation? We saw a situation where a board member called the Minister of Health a jackass, a donkey or such name. What was it, "Let the jackass bray", or "Let the donkey bray"? The junior Minister of Health was called a donkey by a politically appointed member of a state board. In any other country that man would have been gone the next day, but the Minister had to watch the board member telling him that he was giving him until the end of the month to resign. I have to watch this in my country, Trinidad and Tobago. It is the other side. It is the other side, but I feel shame for the Member for Barataria/San Juan. A board member telling a junior minister, "Let the jackass bray, and I am giving him until the end of the month to resign. "It is one 'ah' we going and it is not me." There is no provision in the legislation to deal

with that. There is no clause in here that if a member of a board plays the fool, brings his office into disrepute or does other things inimical to the country's interest, he could be fired. It is not in here. They do not learn. I know the Attorney General understands what I am talking about. You have to deal with this. You have to put provisions in this legislation that will give the Cabinet the power to deal with errant members of state boards for gross misconduct, dereliction of duty or something like that. There is nothing in here.

Mr. Speaker, they also do not understand how important air safety oversight is. British West Indian Airways has never had a fatal accident caused by a crash of an aircraft. For 60 years our national airline has been flying and has never had a fatal crash. That is because there was always separation of responsibility. You did not have the people responsible for ensuring that aircraft are safe answerable to politicians. It was not so. You always had the airworthiness inspector insulated by the service commission so that a politician could not tell him to certify that aircraft. The aircraft have no wheels and the wings are falling off, but a politician could come and say, "Certify that aircraft". The airworthiness inspector could also say, "I do not have to answer to you, I am a public servant and I am protected by the service commission." That, I submit is one of the main reasons why our national airline has an enviable air safety record second to none, I am certain, in the modern world, but now these honourable ladies and gentlemen opposite want to change that. They want to scrap it; take out the public servants and put in political appointees. That is what they want. They want to put in people on contract who could be hired and fired in the morning if they are not playing ball or if some UNC supporter decides that he is going to run an airline between Trinidad and Tobago, for example, which is quite possible. It might happen next week, that a group of UNC activists could get together and start to operate an airline between Trinidad and Tobago, and the aircraft are unsafe; an airworthiness inspector can deem the aircraft to be unsafe and he is fired by the politically appointed board the next day on the instruction of the Minister. It could happen.

Is this what we want in Trinidad and Tobago, Mr. Speaker? I cannot agree with that at all. No way! [*Desk thumping*] There is a total absence of thought. There is a big empty space over there. They just do not think. Everything is for short-term business interest. Everything is money, money, money. They have abandoned our country's safety record. They have abandoned our national airline. They have abandoned our citizens because everything is money, money, money. The public servants are giving trouble, move them. This is not a maxi-taxi we are talking about. It is something flying in the sky. When the engine stops and the plane comes down, people die. We are not dealing here with potatoes. We are not

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dealing here with baigan and pumpkin. We are dealing with people's lives. I really would like the Government to explain to me why it is they want to have such an important function as air safety subject to political dictates. These clauses I am seeing here about "disclosure of interest of board", you should have no interest at all. It is too important. Why should any member of this Authority or board have any interest whatsoever in any airline, aircraft company, pilots grouping or anything like that? Why? No way. You are dealing with people's lives and I am totally opposed to this.

3.00 p.m.

The members of this Authority or board should have no interest whatsoever in any airline or any grouping of pilots or anything like that. You are going to end up in difficulty. The country will end up in difficulty. There should be independence and impartiality, and I am totally opposed to the whole of clause 15, the whole thing. It should be replaced by a clause that says no member of the board can have any interest whatsoever in any airline or any aircraft company or any business that has anything to do with the airline industry. That is my recommendation, and if the Government wants to go ahead and use its majority in this Parliament and pass the legislation, pass it. Let the aircraft crash and come back and cry crocodile tears, that is up to them. They have been warned.

I am also uncomfortable with the powers of the Minister to give instructions and directions to the Authority and to the board. In clause 3, it says:

"the Minister may give to the board any general or special policy directions in relation to this Act."

Why? What do you want that for? When you were amending the Airports Authority Act in the 1991—1995 period there was a provision like that and we changed it. We put that the Minister could only give broad policy directives. You cannot give special instructions. In other words, you cannot pick up the telephone and say that fellow is giving trouble, fire him! He is not certifying the aircraft owned by the fellow who hunts Scarlet Ibis birds and so forth. That too is a clause that I totally object to.

The other problem I have is that for years Trinidad and Tobago has used the UK aviation regulations and it has had persons from the Civil Aviation Authority CAA in the UK who have been dealing with safety oversight and so forth here. This legislation will abolish all of that. Now we will have certification done by persons in Trinidad and Tobago. Is that what we want? Are you telling me there is a sufficient cadre of independent and competent persons in Trinidad and Tobago

that can handle all aspects of the safety standards prescribed by the Chicago convention? There might be one or two persons who are very competent and very skilled, but do we have the human infrastructure that can now ensure that there are standards of safety as prescribed by the Chicago convention? I say no. I am well aware of the resource base in Trinidad and Tobago in this area and I say we do not have the personnel in Trinidad and Tobago who can administer this Authority. We do not have it.

One has to wonder what are the ulterior motives in all of this. I have heard for years, there was always this resistance against the United Kingdom CAA personnel because they were too stringent. What is wrong with that? Their stringency resulted in a 100 per cent safety record for BWIA and Air Caribbean, I dare say. Air Caribbean in its seven years, whenever it flew never had a fatal crash and that was because of the systems that were, and are in place in Trinidad and Tobago where we brought in personnel to deal with the safety of aircraft. I do not know whose brainwave it is, but this is a recipe for disaster. If this Bill is passed in its present form we are going to have a fatal airline crash with a Trinidad and Tobago carrier. I am not wishing anything on anybody. But if the Government does not take heed of the things that can happen when politicians get involved and are able to hire, fire, prescribe terms and conditions, interfere with, intimidate, coerce, bribe or whatever, persons who are charged with the responsibility and the safety of aircraft, the ultimate result would be a compromise of standards and a fatal crash in Trinidad and Tobago.

I am asking the Government to go back, think about the legislation. If they want to railroad it through that is their business but go back and think about it carefully. Decide whether you want politicians or a politically appointed board to be able to tell air-worthiness inspectors and persons who certify pilots what to do. Decide whether you want political appointees to tell air-worthiness inspectors what to do and come back to this Parliament with feasible, viable, sensible and safe legislation.

Mr. Speaker, I thank you.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I must begin by saying how disappointed I am that the Minister had made her presentation, that we on this side have responded, and in the normal course of the debate which is what Parliament is all about, that somebody from the Government side should have now gotten up and made another contribution so that the cut and trust, the debate that is necessary for a distillation of views and ideas in an institution like this Parliament properly takes place. And at the end of the day the Government

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advancing as it is doing this afternoon, an item of legislation that is very important and significant would be able to benefit from the interchange, and at the appropriate stage to make appropriate amendments to the legislation. When, therefore, the Government acts as it has just done, one can only come to the conclusion that the Government does not take the Parliament seriously. That as far as they are concerned, they can bring an item of legislation here, they can present it however inadequate it is, and expect that one speaker would speak on this side, and another one would get up and at the end of the day, it is as if the Opposition talks to itself and the Government does what it wishes.

Mr. Speaker, since I understand it is the maiden presentation of the hon. Minister opposite, permit me in accordance with parliamentary tradition to congratulate her on that presentation. I am sorry if I appeared to be ungracious a few minutes ago, but it is parliamentary tradition whether she considers it patronage or not. I congratulate her and I do so in the best traditions of the Westminster system, whether she likes it or not.

We have a vision for Trinidad and Tobago which seeks to make our country a developed country by the year 2020. For us that is a sacred covenant. We have a document that has been approved by our political party and it formed a part of our election manifesto. To us, if that is our objective, then we expect that a series of policies would be put in place which, in fact, we are doing to be able to achieve that and at an appropriate stage a plan of action to achieve it. Therefore, whatever comes to this Parliament at this time we tend to put in the context of that vision and we seek to analyze what comes against the background of our stated determination to achieve that status of a developed country by the year 2020.

When the Minister came this afternoon and presented this Civil Aviation Bill, designed as she indicated to establish a new Civil Aviation Authority, we do not view the legislation in isolation but we put it in the context of reform of the public sector. We ask ourselves, Where does it fit in? Does this approach of setting up an Authority a singular approach for civil aviation that the Government has embarked on? A policy of constitutional reform which, hitherto, we will see manifesting itself in the establishment of a number of authorities and the discharging of certain functions which under normal circumstances would have been discharged by a government department now being discharged by an Authority removed from the strictures, if that is the appropriate word, of the public service and, therefore, resulting in a reduction in the size of the public service.

When the Minister tells us that the Civil Aviation Division is to be incorporated in the new Authority, what the Minister did not say, is that that has

implications for the size of the public service. That is the reality of the situation. Is it a mechanism that we would see very much more common in the future to reduce the size of the public service? We do not know. We are not casting any aspersion. We merely ask the question because regrettably neither the Minister nor anybody else on that side has so far taken us into their confidence to tell us how this fits into their strategy of public sector reform. What are they trying to achieve? We say a developed country by the year 2020. What are they saying? We are not hearing them say anything at all, except that they tried to copy a version of it but we would deal with that. Total quality nation. Do you remember that? When we said world class, they said total quality nation. Admittedly, they said it about a year afterwards but they said it. Now we say a developed society by the year 2020, what are they saying? The best standard of living by the year 2010. At least they cut it in half. Just talk! We put it in the same category that we put a thousand-dollar pension and several other things, but let us not be side-tracked. It would have been nice and very appropriate if somebody on the Government Benches would have intervened in this debate and put this item of legislation, this new Civil Aviation Authority in the context of the reform of the public service and the public sector, to let us know what they were trying to achieve, the steps that they intended to take to achieve it, and where this strategy fell into that particular strategy of theirs. Regrettably, we have heard no such thing and all we get from hon. Members opposite is a deafening silence.

Mr. Speaker, it would have also been nice if we could have acceded to the request of the hon. Minister in her presentation, as it were, to stay away from what she described as extraneous matters. I use my own words. We do not legislate in isolation and as we do legislation in this Parliament we must of necessity take into account what similar legislation elsewhere in the public sector has achieved, what effect those things have had and whether the legislation that is before us, seeks as it does, if I am to accept the exhortation of the hon. Minister, to modernize the public sector. We must ask ourselves, to what extent does this legislation deal with some of the problems that have been experienced elsewhere in the public sector as a result of provisions similar to those that we see here? An examination of what has happened elsewhere is by no means extraneous, but an examination of what has happened elsewhere we consider as very germane to any consideration of the operations of a new Civil Aviation Authority.

Mr. Speaker, therefore, with your leave, I am going to have to look to see what has happened elsewhere? But before we get there, I join with my colleague, the Member for Diego Martin East, in expressing dismay at what is included in this legislation in relation to a board, the board of the Civil Aviation Authority.

3. 15 p.m.

Mr. Speaker, a board shall be appointed by the President; there shall be a director general; the board shall comprise eight persons or, six plus the Director General, or whatever the figure; that anybody who has an interest in civil aviation matters must declare that interest; anybody who is doing business with a company with which the company is itself conducting business must express that and debar himself from further deliberations of the board on matters relating to that in which the conflict of interest exists. All of these things are standard provisions that you will find in other legislation. We are, therefore, quite disappointed, especially against the background of recent experiences where these very provisions have not been able to prevent some of the worst excesses by boards of directors in the public sector. We are very surprised and, indeed, disappointed that the Government through the hon. Minister, will come back to the Parliament with similar provisions, expecting, I imagine, that these provisions will work where similar provisions elsewhere have not had the desired effect. I cannot understand it.

To the extent that there are some minor adjustments to the provisions for this board, we cannot understand how the Government could have made some of those recommendations to this Parliament and what effect they might have. For example—I read from clause 13 of the Bill:

“(1) The Authority shall, from time to time appoint, with the approval of the Minister, a suitably qualified and experienced person to be the chief executive officer, who shall be known as the Director General of Civil Aviation...”

Mr. Speaker, why “with the approval of the Minister”? Is it that we are now going to institutionalize the arrangements whereby chief executive officers of statutory bodies and public sector companies now have to have the approval of the Minister before they take up office? Is that what the Government is saying by making this provision and presenting it to the Parliament at this time? What about Petrotrin? Is it that for a new managing director of Petrotrin to be appointed that it is not a matter so much of what the board of directors of the companies consider, but that the Minister effectively has veto power and that unless the Minister gives his say-so, nobody can be appointed? That is a recipe for political appointments in management functions and a recipe for total and utter and complete disaster. They cannot do that.

I do not want to belabour the point. It goes one step further than that. Let us say that the Minister effectively has appointed the chief executive officer,

especially as the Minister is the line Minister of the company, then the chief executive officer will now have a special kind of relationship with the Minister, to whom he or she will owe his or her own appointment and the position that he or she holds. What about the integrity of the office of managing director? Or is it that we feel that in the public service reform arrangements of the Government, we are going to institutionalize political appointments to top executive positions?

For us that is not the preferred course of action. We believe that boards of directors have a responsibility for setting up appropriate arrangements for the management of companies and authorities and that the Minister must have absolutely no say in whom the board decides to appoint as its chief executive officer, however desirable and well-intentioned the Minister considers himself. We cannot agree with that provision.

Nor could we understand what was meant by clause 14(1), where it is stated that:

“Every member of the Board shall on appointment and annually thereafter, submit to the President by way of a declaration in the prescribed form stating—

- (a) whether he has any pecuniary interest in any business entity regulated by the Authority;
- (b) whether he has any pecuniary interest in any business or any body corporate carrying on any business with the Authority in the exercise of its business; and
- (c) that he will not engage in any business with any person carrying on business, or competing in business, with the Authority.

How does the President come into this? What does “President” mean here? I am not a lawyer and I stand to be guided by the laws on this matter. When we say “President”, does it mean the “Cabinet”? In other words, any declaration that has to be made must now be made to the Cabinet Secretariat? Effectively, the declaration of interest is being made to the Prime Minister. If this is what the Government wishes to do, let it say so. If that interpretation is wrong, Mr. Speaker, then the other interpretation is, that it is made to His Excellency, the President of the Republic. When he gets this, what does he do with it? How will it help His Excellency, the President or the Government for that matter, to regulate the proper conduct of boards of directors in the public sector? We cannot see it. Regrettably, the Minister, in her presentation, chose not to take us into her confidence and tell us what was intended by this provision. We cannot understand

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it. It makes absolutely no sense to us and we will have great difficulty lending our support to a provision such as this.

I just cited those two examples, but the legislation is replete with transgressions of that nature. We ask the Government, in seeking to deal with this legislation, that we hasten slowly. Let us take our time and see whether, after a proper examination of the legislation and the contributions of Members on this side, whether appropriate amendments cannot be made at an appropriate time so that we end up with proper legislation.

As it now stands, the provisions for the operation of the board of this Authority are provisions that lend themselves to rampant corruption, “sweetheart” arrangements, nepotism and favouritism, as we have seen elsewhere in the service. I am sure Members opposite will say that the Leader of the Opposition ought not to make a statement like that without substantiating it. They would say, of course, “Where is evidence of that?”

Mr. Speaker, I have recently been looking very closely at one state enterprise, which has in its Memorandum and Articles of Association provisions, similar to what we see here, about the operation of its board. When I see what is happening in that state enterprise, I cannot image that the Government—especially as some disclosures in this regard have been made as recently as Sunday last—could come to the Parliament today and not at least signal that in the light of new developments it would like to make certain changes to the board, its structure and its operation. That structure and that operation have led to near disaster elsewhere in the public service.

I have with me a report, as considered by the board of Petrotrin in a meeting, dated November 23, 2000. With your leave, Mr. Speaker, I would like to quote from it extensively. The report starts off with a brief because this is to be considered by the board.

“This written brief is a summary of ISS’ enquiries to date. The information contained in this report is for the attention of...President Petrotrin only.”

It has come into my possession. I am a Member of Parliament.

“ISS were instructed by the Board of Petrotrin to carry out a forensic audit of two bid awards to establish if any collusion has taken place and if any person(s) has benefited from the situation. The purpose of the enquiry is NOT to carry out an audit of the bid process, which has been conducted by others.

The enquiry is highly sensitive and a ‘need to know’ policy will be implemented at all levels. It is clear that the enquiry will involve—”

and I ask honourable Members of this House to note—

“at least one senior member of the Trinidad & Tobago Government and Board level members of Trinmar and Petrotrin.”

We are talking about the operation of the board of the Civil Aviation Authority. To get an idea of what could happen here, Mr. Speaker, it is instructive to us to see what happened with similar provisions in the board of Petrotrin and Trinmar and, particularly, in relation to that company and their line Minister as the report would show as we go along.

“The aim is to carry out a forensic audit of the South West Soldado development and Workover rig contract to Sundowner in order to identify any acts of collusion and impropriety...

Results of Investigations”

Let me quote selectively as this stage:

“It will be recalled that this bid was awarded to FW Oil Inc after a long consultative period. Whilst it is outside the scope of ISS’ terms of reference to examine the specific bid process it is considered pertinent to note:”

I will just miss a few of the paragraphs:

“This selection process resulted in the elimination of two bids resulting in two companies namely FW Oil Inc. of Houston, Texas and Aventura of Calgary, Canada being shortlisted.

The shortlisted companies were asked to prepare additional presentations based on new criteria. As a result FW Oil was judged to have presented the most economical proposal and a letter of intent was subsequently issued to the company by the management of Trinmar.

Trinmar Management Team was assisted in the process by Ernst & Young Limited (E&Y) of Port of Spain. The principal consultant provided by E&Y was...”

I will not call the individual’s name. It is not relevant to our deliberations.

“E&Y provided independent management of the bid process, which included the receipt, and opening of the final bids submitted by Aventura and FW Oil...”

In view of the foregoing initial enquiries were focused on FW Oil Inc. and that company’s involvement in the bid process and its associates.

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Enquiries have established that during the middle of 1999, representatives of FW Oil and L-Con Marine, a US based Fabrication Company, approached the management of Trinmar with a proposal to reactivate the SWS project. Following the initial approach to Trinmar, both companies were given access to detailed data relating to the SWS project and preliminary talks took place with the Trinmar management team at that time.

However, in December 1999 Trinmar began the bid process outlined above.

Whilst it is not intended to comment on the bid process...”

This is what the investigation says:

“it is considered worthy of note that there appeared to be one unusual departure from normal best practice. FW Oil Inc and Aventura were required to submit their final bids to E&Y at their Port of Spain offices before 4pm on 5 July 2000. It is known that whilst Aventura submitted two identical bids in the manner and time scale agreed, FW Oil Inc. requested an extension of one hour to the deadline to enable them to complete their bid and deliver it to E&Y. Trinmar approved the extension and Aventura’s representative in Trinidad was informed of the situation.”

Do you hear that? They asked for an hour’s extension and they got it. It has implications for the report as you will find out a little later.

“Enquiries have established that the FW Oil Inc. team comprised Mr. James Brock and Mr. Darrin Bissoondatt, who personally delivered the companies bid to E&Y. Mr. Brock is a retained associate of FW Oil Inc. and Mr. Bissoondatt is a lawyer with offices in Port of Spain, Trinidad & Tobago.

At this juncture it is stressed that during the course of the enquiry no evidence was forthcoming to suggest that E&Y were involved in any inappropriate behaviour.”

3.30 p.m.

It goes on to say:

“Similarly there is no evidence to show that the integrity of the SWS process was flawed however, there is concern that confidential information supplied by Aventura may have been made known to FW Oil prior to the submission of their bid.”

Now you begin to understand the significance of the one-hour extension. Mr. Speaker, I ask one question: Where is the provision in this legislation governing

the operation of a new civil aviation authority to prevent something like this happening? Where is it? We do not see it at all. The report goes on.

“In view of the concerns, enquiries were extended to examine the individuals and organisations associated with FW Oil’s bid. It has been established that prior to submitting their initial proposal, FW Oil formed an association with a L-Con Marine a US based company and that the association between the companies ceased after the letter of intent was issued to FW Oil.”

They are not a joint venture; as soon as the letter of intent was issued, they severed the joint venture arrangement. That could be the subject of examination by itself, but that is a different matter.

“Subsequent enquiries have established that Mr. Bissoondatt is associated with two other businessmen namely, Nirmal Rampersad and Kahlid Mohammed. The three individuals are believed to form Millennium Energy Inc, a subsidiary of a US based company. MEI was also retained to act in the interests of Oil Tanking Group a subsidiary of Marquard & Bahls Ag, a German based company.”

Mr. Speaker, listen to what the report now says:

“During the course of the enquiry allegations have been made suggesting that MEI are closely associated with Mr. Finbar Gangar the Minister of Energy and that the company acts as ‘a front’ for the Minister.”

Mr. Speaker, this is an independent investigation saying these things. It is not my view. I am merely reading the document that the board of Petrotrin considered when it met on November 23, 2000 to look at this issue. The document goes on to say this:

“Enquiries made with Oil Tanking has established that the company paid US\$400,000 to MEI to ‘facilitate business in Trinidad’.”

And they put that in quotes.

“...facilitate business in Trinidad’. This aspect of the enquiry is continuing and it is anticipated that a copy of the cheque will be recovered on Monday 20 November 2000. The clear implication is...”

And this is what the report says and I ask all Members opposite to note.

“The clear implication is that the Minister received a percentage of the monies.”

This is what the report is saying, not the Leader of the Opposition.

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Mr. Speaker, when we get up in this House and talk, hon. Members opposite ask us to bring evidence. Where is the evidence? Mr. Speaker, look, the evidence is here and I will tell you what the board did when this evidence came into its possession—when it came to their attention. We would deal with that in a minute.

“Enquiries are continuing to prove the transaction and it stressed that to date no information has been forthcoming to corroborate the allegations.”

No corroboration up to that time. The report goes on:

“It has been learnt that Mr. Nirmal Rampersad is an associate of Dr. Gordon Bartlett the Chairman of Trinmar...”

Chairman of another state enterprise.

“...and during the course of enquiries information has been forthcoming to indicate that Dr. Bartlett may have a long standing relationship with MEI Group, the Energy Minister and FW Oil. Unconfirmed information has been received to indicate that Dr. Bartlett has held meetings with the Energy Minister and Mr. Rampersad at the latter’s home in Trinidad on numerous occasions.

It is suggested that Dr. Bartlett’s association with FW Oil commenced prior to the company submitting their successful bid for the SWS project and that he may have been influential in securing the outcome of the process.”

The use of influence from the vantage point of Chairmanship of a board, so the report concludes, to influence the outcome of contracts. Very lucrative contracts, and for those who do not know, this is a contract worth US \$200 million. No small money, plenty money.

“Additional information indicates that prior to the submission of the initial bid by FW Oil, Dr. Bartlett met members of the FW Oil/L-Con team in Trinidad and subsequently in Tobago. Enquiries are continuing to establish the veracity of the information. During the course of the enquiry it became apparent that the enquiry could not be limited to the investigation of the relevant contracts and that the scope had to be extended to include the activities of specific individuals. Specific attention was made to publicly available information indicating that a ‘feud’ was in progress between the Chairman of Trinmar and the Chairman of Petrotrin, Donald Baldeosingh.”

All this is in the report.

“Consequently, it was established that in addition to his duties with Petrotrin, Mr. Baldeosingh has a number of other outside business interests,

which are known to the Board of Petrotrin. Whilst Trinmar were in the process of accepting bids for the SWS project, Mr. Baldeosingh met representatives of L-Con and FW Oil in Miami.

Understand that Trinmar is a company in which Petrotrin has a controlling interest.

“Mr. Baldeosingh’s interest was to discuss the possible finance of an aluminum plant in Trinidad. However, it is believed that the conversation may have included some discussion about the sale of Texaco’s equity in Trinmar. According to Mr. Baldeosingh, the conversations may have been recorded without his knowledge and subsequently handed to the Energy Minister. On Thursday 16 November 2000, Mr. Baldeosingh was officially removed from office.

Intrigue, Mr. Speaker. Intrigue at the level of the board and not just one board, two boards. I am asking the question, what is the provision in this Civil Aviation Authority Bill that will prevent this kind of intrigue from hampering the operations of civil aviation in the country and keeping our civil aviation certifying authority with its integrity intact and free from any possible aspersion? The report goes on, Mr. Speaker.

“It is understood that the Government has not made any public statement concerning the matter...”

That is, the firing of Mr. Baldeosingh.

“...and it is speculation that the action was taken as a result of the conversation in Miami.”

Well, I do not think it is too late, Mr. Speaker, to ask the Government, and other Members opposite in the light of these disclosures whether it ought not to make a statement to the national community as to why Mr. Baldeosingh was fired from the board of Petrotrin and what were the circumstances leading up to that action. Elsewhere in this report it suggests that there may have been other considerations in the matter.

Mr. Speaker, what is the conclusion of the summary document?

“During the course of the enquiries it has become apparent that there is compelling information to suggest there is a high level conspiracy involving international companies, a Minister within the Trinidad and Tobago Government and senior members of Trinmar, to benefit financially and secondly to remove the Chairman and President of Petrotrin. The principals and their methods of operation have been identified.”

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And finally, listen to what it says:

“There is compelling evidence to continue the enquiry to a successful outcome.”

I repeat that:

“There is compelling evidence to continue the enquiry to a successful outcome.”

Mr. Speaker, when this board met on November 23, 2000, do you know what conclusion it came to? It was decided to stop the investigation. Mr. Speaker, let me tell you who were the members of the board present at that meeting. I quote from the document again.

“Messrs Pariag, Bartlett, Chaitan, Seepersad and Hackett.”

I wondered if the Chaitan mentioned here is the same Chaitan—who some people on the outside consider to be squatting in this Parliament. People on the outside consider that, Mr. Speaker—masquerading as the Member for Pointe-a-Pierre. It looks as though it is the same William Chaitan Esquire.

In the face of a report and compelling evidence that something is wrong and that further investigation is required, the hon. Gentleman, Mr. Speaker, sat as a member of the board of directors of Petrotrin on November 23, 2000 and conspired with others to stop the investigation.

What makes that even worse, Mr. Speaker, is that the very Minister is now Junior Minister in the Ministry of Energy and Energy Industries. Mr. Speaker, they are telling me here that the line Minister for the board of the Civil Aviation Authority has veto power over the appointment of a Director General. To what conclusion are we expected to come when you get these kinds of things happening? Is it not that in the wrong hands this is going to be used to control the Director General and to have him as somebody who is not independent, as is required when you are dealing with civil aviation and perhaps governmental matters right across the board?

Mr. Speaker, we like to be fair and that is why we say debate, both sides. I would like to urge my good friend from Pointe-a-Pierre—whose stay, admittedly, in this Parliament is going to be relatively short—to join this debate. I invite him to join this debate and make the facts available to the national community. What was his role in this? Did he conspire with others to stop an investigation? [*Interruption*] Mr. Speaker, I hear voices on the other side saying civil aviation. What prevents this from happening with a civil aviation authority that is

appointed in this way and which has the relationship with the Minister that this Bill accords to it, a line Minister who has veto powers on the appointment of a Chief Executive Officer? It is all relevant and we are led to believe, of course, that it is to certify aircraft.

This report is scandalous to put it mildly and in this document—

Mr. Chaitan: Mr. Speaker, I need a clarification on this report by the Member for San Fernando East. I would like to know if the document that says that I conspired to stop the report was signed by any investigator.

Mr. P. Manning: Mr. Speaker, in the highest traditions of Westminster, I would like to congratulate the hon. Member for Pointe-a-Pierre on his maiden contribution in this House. [*Desk thumping*] It is very regrettable that it was under duress and that it was as brief as it turned out to be. [*Desk thumping*] Since the facility is still available to him I do not think that you would count that as his contribution, Mr. Speaker, will you? I leave the Speaker out of it.

I would like to invite him once again to join this debate because there is much light that he can shed on this matter. Five of them attended the board meeting, William Chaitan was one. If it was not you, Mr. Chaitan please let us know that it was not you and I will withdraw everything I have said. I do not wish to be unfair. I do not wish to be inequitable at all, Mr. Speaker. If it is not the hon. Member for Pointe-a-Pierre, let us know please so that I can withdraw. I want to ask him one question, however: Who were the five people who met and took the decision to stop the investigation? Was he one of them or was he not one of them? I will sit to let him answer. [*Silence*] In those circumstances, Mr. Speaker, the Member for Pointe-a-Pierre, in a different capacity conspired to stop the investigation. [*Desk thumping*]

Mr. Speaker, there are two statements attached to this report which I consider virtually frightening; frightening because in the first statement it brings into question the operation of another state enterprise. What I am saying is not far-fetched, that because it happened in Petrotrin and Trinmar it cannot happen elsewhere. I am saying that it can, and if it can, what is our responsibility as legislators? Is not that responsibility extending to putting provisions in legislation that would seek to protect us against that as far as is possible? Mr. Speaker, a little later in this contribution I would ask another question: Could we, in fact, do it? Meanwhile, I want to draw the attention of this honourable House to two statements given by one Mr. Sayeed Ali. One was given on November 08, 2000, a Wednesday; and the other was given on the November 10, 2000, which was two days later.

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3.45 p.m.

Mr. Speaker, I do not want to read—I mean, if I read all of it, I suppose the matter becomes much clearer, but I do not want to unduly delay this honourable House so I will read it just in part.

Mr. Speaker: For our purposes, could you tell me if it is the same document you are reading from, the same report—*[Interruption]*

Mr. P. Manning: Same document.

Mr. Speaker:—or if these are new documents?

Mr. P. Manning: No, these two statements were appendages to the document, the same document.

Mr. Speaker: Thank you.

Mr. P. Manning: They form part of the investigation.

Mr. Speaker: Thank you.

Mr. Maharaj: Lay it.

Mr. P. Manning: I will do that.

Mr. Speaker: Pardon me?

Mr. Valley: Can we lay? Can we lay? *[Crosstalk]*

Mr. P. Manning: Mr. Speaker, I do not have the authority to lay a document in Parliament.

Mr. Speaker: What the Attorney General was saying, if I understand him clearly, is that he is asking if you could make available a copy of that.

Mr. P. Manning: Oh, most certainly.

Mr. Speaker: That is all.

Mr. P. Manning: Mr. Speaker, most certainly, but I suspect that I “doh” really have to do that. *[Laughter]* I suspect that I do not have to do that. If the hon. Attorney General does not have a copy of the document—*[Interruption]*

Mr. Valley: He gave away his only copy?

Mr. P. Manning: Yes, he merely—he clearly has to look behind him and consult his colleague for Pointe-a-Pierre who will not only give him the report but could give him all the facts at first hand. He was part and parcel of it, part and parcel.

“Sometime around November 1999, OIL TANKING commenced operation in Point Fortin which ended on Friday, 3rd November 2000. During that period JAMES HOOD, in conversation, indicated that OIL TANKING joined partnership with NIRMAL and his group which is called M.E.I. The names mentioned in that group by JAMES HOOD were NIRMAL RAMPERSAD, KHALID MOHAMMED and DARIN BISSOONDATT.

The reason why OIL TANKING ceased operation in Trinidad was because of too much greed by the M.E.I. Group.”

Remember, M.E.I. is the company which they concluded elsewhere was fronting for a minister of Government, and in respect of which it was felt that the minister shared in a payment of US \$400,000.

“JAMES HOOD also informed me that the M.E.I. Group are the individuals who claim to be in close association with the Minister of Energy, Mr. FINBAR GANGAR; and they can expedite these jobs.”

What elegance of language, Mr. Speaker. “We are in contact with the Minister and therefore we can expedite these jobs.” Mr. Speaker, I could not have put it better myself. Indeed, it could not have been better put if it were put by the hon. Member for Naparima who is not unknown for his linguistic excellence.

“I was also told by ROB EIJKHOLT, Manager, OIL TANKING, that the M.E.I. Group was being paid very well for doing nothing, all they are is being a nuisance—meaning whatever they are asked to do, they cannot fulfill their promises. This frustrated OIL TANKING into leaving TRINIDAD. OIL TANKING link with L-CON and the M.E.I. Group relationship with F.W. OIL in the SOUTHWEST SOLDADO BLOCK 25 Project for which F.W. OIL has a letter of intent further agonized OIL TANKING. L-CON thought that the Chairman of PETROTRIN, Mr. DONALD BALDEOSINGH was holding up F.W. OIL executing the Guarantee of the Contract.”

Which was awarded to F.W. Oil.

“I was asked...”

This is Mr. Sayeed Ali:

“I was asked to visit the Chairman and find out what the problem was. I did so and asked him, Mr. BALDEOSINGH, that L-CON has an interest in the F.W. OIL Letter of Intent because F.W. OIL contributed Sixty Percent (60%) of the equity and L-CON Forty Percent (40%) and L-CON will like to know when the guarantee will be executed and the Legal Agreement signed.”

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Listen to this, Mr. Speaker:

“Mr. BALDEOSINGH told me that everything has a process and must go through the Legal channels and only after PETROTRIN qualifies them, the job will be awarded.”

Nice.

“JAMES HOOD told me...”

I draw hon. Members’ opposite attention to this. You know, what is striking is that they are all looking at me as though they are hearing this for the first time, you know. This did not come to the Cabinet? Well, if this did not come to the Cabinet, Mr. Speaker, then somebody is playing games with somebody on that side, but that is for them. I continue quoting from the letter, the statement:

“JAMES HOOD told me that F.W. OIL was willing to pay a commission of Ten Million U.S. Dollars to the M.E.I. Group, so why they want to kick us out.”

Then they asked the question: “Was it greed?” In other words, Mr. Speaker, “de money eh nuf”. “Ten Million U.S. Dollars” “dey” willing to pay, and, Mr. Speaker—

Dr. Rowley: For nuisance value.

Mr. P. Manning: You understand, for doing nothing. They are not capable of doing anything, masquerading. US \$10 million.

Mr. Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. K. Valley*]

Question put and agreed to.

Mr. P. Manning: Mr. Speaker, I am grateful to hon. Members opposite and Members on our side for their kind indulgence. The question was asked, “Was it greed?” US \$10 million. For those who do not know, at the time this transaction took place, that was TT \$63 million. That is lubrication money, you understand? Also, the fellas had to pull out because they wondered if the offer was not enough. It goes on to say:

“JAMES HOOD then told me that he was leaving and to find out from the PETROTRIN people the legal way to avoid F.W. OIL filing a lawsuit against L-CON and vice-versa.”

This is the second statement of Mr. Sayeed Ali. So when we come here today and we express concern about this Authority, and when we say to this honourable

House that the provisions for the operation of the board are similar to the provisions in other state enterprises like Petrotrin and Trinmar, and that these provisions did not succeed in those enterprises to guarantee the requisite level of integrity, why must we today accept that the very same provisions, with marginal adjustments, would have the effect that admittedly is the aspiration of all Members of this honourable House? Why would we believe that? It is not so, Mr. Speaker. We have grave doubts.

I just want to go to the first statement. That is the final quotation I will make from the document because, you see, this one is also very instructive, because I am sure Members of this House and members of the national community will get an idea of how some of these things are done. I could tell you, I have learned a lot from it. "I never know fellas used to operate so", and I come from a long tradition of public sector involvement, Mr. Speaker. "De fellas not easy at all! Dey not easy." The first statement:

"Wednesday, 8th November 2000.

Sayeed Ali states:

I am Forty-six (46) years old, living at No. 3 Connector Road, Carlsen Field, Chaguanas. I am a Drilling Engineer and own SAYEED ALI ENGINEERING & CONSTRUCTION LIMITED with office at the said address.

In the latter part of 1997, I was doing freelance work for 'L-CON CONSTRUCTORS LIMITED' of No. 2826 Centre Street, Deer Park, Texas, U.S.A., Telephone No. 281-476-1775. This Company deals mainly with construction in the Petrochemical Industry.

In 1998 while still in the employ of this firm, they prepared a Bid for a Contract at PLIPDECO, Point Lisas. That Bid was..."

Listen to this. You notice, a new company has been introduced, "eh", PLIPDECO now.

"In 1998 while still in the employ of this firm, they prepared a Bid for a Contract at PLIPDECO, Point Lisas."

New state enterprise.

"That Bid was a Feasibility Study for the Development of POINT LISAS PORT. At that time I was working and residing in Texas. My Company prepared that Bid and sent me with it to deposit it in a Tenders box at PLIPDECO OFFICE, POINT LISAS. I recalled that this was the early part in 1998 January."

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They gave him a bid to put in a tenders box.

“I arrived in Trinidad on a Friday night and had to fly out on the following Monday. The Saturday after I arrived with the Bid, I was introduced to one KHALID MOHAMMED better known as ‘UNCLE KHALID’ by his sister...”

I would not call her name. It is not relevant.

“As I was told by a friend that KHALID is one of the Directors at PLIPDECO, I went to KHALID’S Supermarket in Princes Town, where I introduced myself to him and told him my purpose for being in Trinidad.”

This man was given a bid to put in a box “buh he gone” to Khalid with it.

“At the time I had the Bid with me in a sealed envelope and addressed to PLIPDECO TENDERS DEPARTMENT. Having mentioned my purpose to KHALID, he told me that he would drop in the Bid for me at the PLIPDECO Tender’s Box.”

[*Laughter*] Mr. Speaker, it sounds like Aesop’s fables, “eh”? “Dis t’ing is sweet too bad! These fellas eh easy. Dey not easy, Mr. Speaker!”

Mr. Imbert: “Khalid sign fuh him?” [*Laughter*]

Mr. P. Manning: I continue:

“Having mentioned my purpose to KHALID, he told me that he would drop in the Bid for me at the Tender’s Box, PLIPDECO’S Office at Point Lisas. I felt safe and comfortable leaving the Bid with KHALID as he was introduced to me as a Director of PLIPDECO.”

Which indeed he was.

Dr. Rowley: Who is this madman, boy? “Wha’ de fella name?”

Mr. Valley: Sayeed Ali.

Dr. Rowley: “Da is ah madman?”

Mr. Valley: He went to “de” supermarket to drop “een” a bid. “De bid never reach, ah bet yuh.”

Dr. Rowley: Not even Adesh will do “dat”. [*Crosstalk*]

Mr. Valley: “It never reach. It never reach.”

Mr. P. Manning: Mr. Speaker, I continue. It is instructive.

“We had a conversation concerning the Bid for the Project at PLIPDECO and when we were finished, I left him with the Bid in his Supermarket and I went about my business. I then flew out of Trinidad, the Monday morning as scheduled.

While back at my office in Texas, I called KHALID by telephone at his Supermarket in Princes Town and inquired of him if he had dropped the Bid in the Tenders Box for me as was previously arranged and he told me yes. During that said conversation, I introduced KHALID to Mr. PAT GUIDRY Manager of Business Development with L-CON and they spoke.

About Two (2) months after the Bid was supposed to be dropped in the Tenders Box by KHALID, when we did not hear anything from PLIPDECO...”

[*Laughter*]

Mr. Imbert: “Khalid gone with de bid!”

Dr. Rowley: What did he expect?

“...my company sent me back to PLIPDECO in Trinidad to inquire about that Bid. On my arrival in Trinidad, I went to PLIPDECO'S Office at Point Lisas and I spoke with a male person in the Tenders Department inquiring about my Company's Bid and I was informed that there was no Bid from my Company.”

[*Laughter*] [*Desk thumping*] [*Crosstalk*]

“...and I was informed that there was no Bid from my Company.”

I can only surmise, Mr. Speaker, that when Uncle Khalid thought that he had put it in the tenders box—[*Interruption*]

Mr. Valley: “It get mix among with de rice.”

Mr. P. Manning:—he may have put it in a box with groceries [*Laughter*] [*Desk thumping*] that was on its way, perhaps, to his line Minister. I am not sure, Mr. Speaker. I do not know who buys what where.

Mr. Assam: Mr. Speaker, on a point of order, the line Minister of PLIPDECO is this Minister and that is an imputation—[*Interruption*]

Mr. Imbert: No, no.

Dr. Rowley: In November?

Mr. Imbert: No.

Dr. Rowley: In November?

Mr. P. Manning: Not at that time.

Mr. Assam: Last year November I was the line Minister of Plipdeco and that is an imputation on my character [*Interruption*] and I want it not only taken back, and an apology, but struck off the record. That is an imputation on my character— [*Interruption*] 35, whatever it is, of the Standing Orders— [*Interruption*] or 36, whatever it is— [*Interruption*] 36 (5), Mr. Speaker—Standing Order 36(5). That is an imputation about sending a box of groceries to his line Minister. I was the line Minister. I am asking for a ruling, Mr. Speaker.

[*Mr. Speaker rises*]

Mr. P. Manning: Mr. Speaker, please? [*Mr. Speaker sat*] Why is my hon.— when I made the point— [*Interruption*]

Mr. Speaker: He asked for a ruling. I think the fact that it was said that groceries may have been sent to the prime—the line Minister, [*Laughter*] [*Interruption*] you came very close to imputing an improper motive but, under the circumstance, I will overrule and allow the Member to continue, but let me caution the Member. I think that the debate has been going good and we could deal without those close—coming very close to imputing improper motives to a minister, okay? I caution you. Please proceed.

Mr. P. Manning: But Mr. Speaker, you know that I did no such thing deliberately, that the comment was made in error—I still had in my mind— [*Interruption*]

Mr. Speaker: The fact that—whether it was done deliberately or not, the fact is you came very close. It can be interpreted that you came very close to imputing an improper motive. All I am merely saying to you is, do not go in that direction, please, okay? Proceed.

Mr. P. Manning: Mr. Speaker, I agree with you and, in fact, it is for that reason that I want to, without reserve, withdraw the statement. Without reserve I withdraw the statement. It was not intended. In fact— [*Interruption*]

Mr. Panday: If it applies to you, it is going to apply on this side.

Mr. P. Manning: No, please, please.

Mr. Imbert: “Why yuh doh shut up?” [*Crosstalk*]

Mr. P. Manning: I withdraw the statement without reserve. The statement was made in error, Mr. Speaker. [*Interruption*] “Yuh threatening to— [*Inaudible*]

Mr. Panday: It will apply on both sides of this House. [*Crosstalk*]

Mr. Speaker: Order, order. [*Crosstalk*] Let us have some order, please. Member for San Fernando East, please proceed.

4.00 p.m.

Mr. Manning: Mr. Speaker, I just want for the purpose of the record to state that it eluded me; it escaped me that, indeed, I was talking about Plipdeco and not Petrotrin. That is why I said line Minister. I never intended any aspersion on the hon. Member for Tunapuna, and I withdraw the statement without any reserve whatsoever. It is not a problem. But you see, Mr. Speaker, we still do not have the bid. [*Laughter*] Cannot find the bid.

Let me read it again.

“On my arrival in Trinidad, I went to PLIPDECO’S Office at Pt. Lisas and I spoke with a male person in the Tenders Department inquiring about my Company’s Bid and I was informed that there was no Bid from my Company. I was very surprised because KHALID had assured me that he had sent in the Bid. Therefore, by that time, the Tendering Process had already gone.

Up to now I cannot say if that Bid was awarded to any firm. I did not call or talk with KHALID concerning this situation, but I called my Boss in Texas and told them what had transpired and they told me that they are aware of what had happened and they will contact the Chairman of PLIPDECO. I never inquired about that Bid again.”

Mr. Speaker, would you now consider us justified in the face of what has happened here at Petrotrin? So, an independent report says at Trinmar and now Plipdeco has been introduced.

Would you not consider us justified in those circumstances to ask whether these arrangements for the appointment of the board of the Civil Aviation Authority are the appropriate arrangements in the circumstance, and whether these arrangements will deal with the problems to which similar arrangements have given rise elsewhere in the public sector? Is it reasonable to expect of us an acceptance of these arrangements without asking the questions that we have now asked? [*Desk thumping*]

I am sure, Mr. Speaker, that hon. Members opposite and, particularly the hon. Attorney General, would understand that it is not restricted to Trinmar or to Petrotrin or to Plipdeco. This thing is coming up with monotonous regularity right across the public sector. When it is not the North West Regional Health Authority, it is MTS. When it is not MTS, it is Caroni (1975) Limited. When it is

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not Caroni (1975) Limited, it is the South West Regional Health Authority. I am sorry that my good friend, the Member for Caroni Central is not present; but you see, line Ministers have to be careful on how to operate.

I just want to quickly put this one in the record. I would not take too much time. South West RHA, Mr. Speaker.

Mr. Speaker: I granted liberty to quote from the report on the board, because in your discussion with me, you said it is relevant. I trust that this is going to be relevant to the matter at hand.

Mr. P. Manning: Mr. Speaker, if it makes you uncomfortable, I would not quote, but let me tell you what the story is. In 1999, four members of the South West RHA, which is a board, an authority also, similar to the Civil Aviation Authority, wrote the Minister of Health expressing dismay over the way the Authority's business was being conducted. Unilateral decisions were being taken at the level of the top without the knowledge of the board; there was a lot of improper activity taking place at the board that the members wanted to draw to the attention of the hon. Minister.

Mr. Speaker, the result of that was that two months later, the four members were dismissed from the board. It is a case of shooting the messenger. When directors of a company find something wrong and they feel that they must go to their Minister for redress; when they go to the Minister, it ends up with consequences like these. Then you ask yourself the question: "To whom should they have gone?" The last thing I wanted to do is cast any aspersion whatsoever on my good friend, the Member for Caroni Central. He is one of those on the other side for whom I have some regard. If I find out that he has been involved in any impropriety, I would lose faith in men! But you see, I am not suggesting that. What I am saying, however, is how could that happen? Four members make a report to the Minister and they get fired.

Mr. Speaker, therefore, you will forgive us. We cannot accept this legislation as it is; especially as it relates to the Bill. We cannot accept it. [*Desk thumping*] They could have shenanigans going on when it is just money, when it is just the production of oil; but when you are talking about civil aviation, you are talking about aircraft in the air. You are speaking about the lives, not just of citizens of Trinidad and Tobago, but the lives of citizens of other countries around the world who see BWIA, our national carrier, as the airline of choice for travel. Mr. Speaker, you are impacting negatively on a safety record of some 60 years. They are creating very serious problems, not just for our national airline, but for the Government of Trinidad and Tobago which still retains a share in it.

This could be considered playing fast and loose. The approach could be considered fast and loose. By way of solution, I think the time has come for the Government to seriously consider omnibus legislation governing the operation of boards of directors of authorities and state enterprises. A state enterprise law. It will have to be fairly comprehensive, and while we know that you cannot legislate for everything, you cannot legislate for attitudes, at least if that is done together with other integrity measures that need not detain us now, at least we would have made a small step, but a very important one, in ensuring greater levels of integrity in the conduct of public affairs.

I thank you very much.

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I wish to join this debate on the Civil Aviation Authority Bill, 2001, and to join with the sentiments expressed by Members of this side in our reservations about this particular legislation. Indeed, there is an additional history. There are additional stories to be told about this particular piece of legislation, because this has been before us before, and indeed, this new legislation seeks to repeal legislation which we dealt with in 2000 under the previous Minister.

To continue on the discussion about the boards, and so forth—as a matter of fact, let me step back. There are several areas that I believe are of further concern or additional and further. Certainly, the business of pecuniary interest for the board; the way in which the regulations which are yet to come before us are dealt with; the way in which this proposed authority seeks to treat with other governmental agencies; the way in which various important monuments are described. Then, Mr. Speaker, we propose to look at the general systems that have been employed, or that are being suggested in this particular legislation.

You see, it was in a previous debate on this matter, of which I was a part, that I asked several questions of the then sitting Minister who is with us in this House today as the Member for San Fernando West. If you would permit me, Mr. Speaker, I would like to quote from the *Hansard* of that day. The date was May 11, 2000. This, Mr. Speaker, is a part of the presentation that was made by this Member during the period 3.45—4.00 p.m. It reads:

“Indeed, on checking, I understand that several retired persons are now under contract as some of the, I believe they are called, examiners, the people who are the ones in charge of looking after the nitty-gritty of these things.”

This is the running of the aviation department at the time.

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“I just wonder, when we talk here about—pecuniary speaks about monetary, but I wonder about a sort of internecine relationship between persons who are closely associated with BWIA and its high standards but also with the formation of the law.

Why I raise this point, Mr. Deputy Speaker, is there was a recent financial crisis in the world, among the Asian Tigers, out of which we are now coming. Part of that crisis came about because of a loss of confidence in the financial systems of some of these Asian countries, but also, what was behind that was the fact that, over the years, a culture of relationships was developed between the regulatory agencies and the banks, especially so in Japan.”

Mr. Speaker, those were some of the points that I made. I would merely skip ahead.

“I just raised the point because in the law we are careful to talk about pecuniary interest, but the point is that from the genesis of the law we already have an internecine relationship with persons who have a vested interest in seeing change of this type occur in the industry.”

Mr. Speaker, in reply to that, let me go a little further.

“There are some real concerns among us, so much so that I understand recently our civil aviation system was subject to an audit by an international body, I think it is called the International Civil Aviation Organization—”

Which we know as ICAO.

“They recently audited those individuals currently in the Government's employ who give effect to some of the things that this new body will have to take over from. My understanding in all of this is that there are three key areas.”

And I went on to talk about various clauses.

Mr. Speaker, the ICAO at that time pointed to serious deficiencies in the system. The then Minister, in his winding up on the legislation on that day, in the *Hansard* of the same day, in the period 5.05—5.20 p.m. had this to say:

“In relation to the recent ICAO audit, the audit report which I can allow any or all of my colleagues to view—”

By the way, we have not seen that, Mr. Speaker.

“—indicates that some of the inefficiencies and inadequacies surrounded the need for the legislation which we are now presenting here, as well as the

need for the organizational change to improve the efficiency and decrease the level of bureaucracy which has a direct impact on response time in a highly dynamic sector.”

Mr. Speaker, we are here today to repeal the Civil Aviation Act of the year 2000. In the face of pointing out the deficiencies of that Act from Members on this side to Members opposite, our country today, as we pointed out in our presentation on that day, has now been downgraded from Category I to Category II.

The current Minister has inherited the inefficiencies and the improper legislation that was passed in this House last year. And indeed, we are now faced with the spectre of having to repeal the same law, and, Mr. Speaker, the hon. Minister pointed to a number of improvements that have been made in this one. Again, I have to say, thank God for the Senate, because it seems that when legislation of this type comes to this House, we are not taken very seriously, particularly since it is a simple majority. And in a situation where we are dealing with legislation that has to do with our safety in the skies, we went to great lengths to point to several issues of the day. They have only now come back to haunt us, and here we are again, the Civil Aviation Bill, 2001.

Again, Mr. Speaker, Members on this side are pointing out to the Government, the Members opposite, areas of serious and significant concern that we have with the legislation. I hope that they take us seriously, because the Government seems to have differing policies when it comes to legislation. It seems as though, at that point, in that particular debate, I introduced a clause into this Parliament; the “WIFM” clause—the “what’s in it for me” clause.

Mr. Speaker, we also dealt with another piece of legislation in this House. That legislation was a bill to provide for a regulated industries commission to perform certain functions respecting service providers for the licensing of service providers and to make consequential amendments to the related Acts. That was proposed by, I believe it was the then Minister of Public Utilities, the Member for Caroni East.

Coming out of this legislation, Mr. Speaker, let me point out to you how the board of this particular agency was constituted. I want to read, Mr. Speaker, from clauses 13 and 14 of this particular piece of legislation. There is the whole question—13 refers to declaration of interest, and 14 refers to a limitation on subsequent employment.

Mr. Speaker, in the legislation, clause 13(6) was one of the first times, I think it was one of the initial periods in this Parliament, that we introduced the whole

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business of relative. Remember that, with spouse? The Regulated Industries Commission (RIC) because we were asking serious questions about the board. We introduced that here, and that is in this legislation, but we went further. Clause 14 went on to say that no commissioner or former commissioner shall accept employment or enter into a contract of service with a service provider until the expiry of two years from the termination of his appointment, whether by signature, revocation, effluxion of time or otherwise.

This Parliament, in this particular piece of legislation, went to great lengths in clauses 13 and 14 to introduce accountability for members of boards. Mr. Speaker, the point has been made patently clear by Members on this side who have preceded me, that the current legislation that is before the House does not go far enough to prevent the types of excesses that are becoming all too common with boards of state and statutory authorities in our beloved Trinidad and Tobago.

We do not like to see this happening, because it speaks to us as a people. None of us is perfect. We are quick to say that. Indeed, Mr. Speaker, the way I was raised—and it was not perfect—I was taught that there is the element of forgiveness of sin. None of us is perfect. We all fall far short of the glory of God. All of us. So, Mr. Speaker, in that sense, we need in our legislation to remove some of those elements which may cause those of us who are less stronger than others to transgress.

Mr. Speaker, we have done it before in the RIC. We can do it in this legislation. It is nothing strange to this House. Granted that the hon. Minister is not a Member of this House and was not here at that time, but we can do it. We can fix this legislation with the appropriate provisions.

You see, we have been downgraded, because the same ICAO, the international body, has pointed to the very internecine relationships which we spoke about last year between our national flag carrier and our regulatory agency. Can you imagine, Mr. Speaker, that the current chairman, who I understand is a captain at BWIA, and some of the other senior regulators who may be recently ex-captains of BWIA are members of the board?

Can you imagine, as I understand it, that an inspector is making, maybe, some final check on an aircraft and discovers some minor thing wrong with it, but to the extent that he wishes to have that aircraft grounded to repair the particular defect? Can you imagine what would go through that individual's mind, that individual's thinking, if the sitting chairman who is also a captain, could be the captain of that particular aircraft? What would go through his mind before he would now

approach the sitting chairman of this Authority, who is his employer, to tell him, “Chief, we have to ground this plane that you are about to fly”?

Now, I assume that any responsible captain would respond positively, but what the FAA is pointing to is that the appearance of conflict of interest is enough to suggest that our systems would be compromised because of the personnel that we have put into our boards to run this agency and, also, they speak to the depth of competence of the people that we have available to this organization.

Mr. Speaker, the legislation clearly needs some additional thought. At clause 46 in the legislation, there is the use of the airports by aircraft of contracting states, that is other countries. So, let us say country X has an airline that flies into Trinidad, and let us say, for argument’s sake, that that airline is taking a significant share of the Trinidad market, what would go through the minds of the management of that aircraft if, as we have pointed out here before, what now appears to us to be the used components in the airport terminal that have been foisted on us, suddenly break down in the terminals that have been assigned to them?

What would they assume if they are being routed to the furthest parts of that terminal building so that their passengers have to take the longest walk to get to say, where they could collect their luggage? What would go through their minds? It might be, it could simply be an administrative thing at the airport, but what would go through their minds if they were to come to understand that the senior leadership of the aviation authority that is involved in the running of the airport is closely associated with their main local competitor?

4.25 p.m.

Those are some of the issues that the international agencies, the FAA and all the other agencies are looking at when they put us into the category in which we now find ourselves. This is in the face of this Government that has been crying very loudly about the perception that was presented to the international community by Transparency International.

The legislation is in dire need of amendment. We need to fix the legislation. I do not need to go into all the details that have been so eloquently put forward to this honourable House by the Members for Diego Martin East and San Fernando East. There is no need to go over that ground but to say that we have done it before and we can repair this legislation.

There are four additional areas that I think should engage our attention. Particularly, this legislation requires some regulations that are yet to come before

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us. My understanding is that these regulations are probably being drafted as we speak. Mr. Speaker, clause 33(3) speaks to the air navigation regulations that are yet to come before us and clause 45(2) speaks to the safety regulations that are to come before us. The regulations in this legislation are to come before us by negative resolution. We on this side say that the regulations are far too important to come to us by negative resolution and we ask that that clause be amended so that those regulations would come to this Parliament for affirmative resolution. Those are the regulations that give the teeth to this legislation. There may be others that have escaped me, but it seems to me, the Parliament needs to take note of them.

The line Minister ought to come to the Parliament and share with us the philosophy behind those regulations and what is entailed in them; give us an explanation rather than leaving it for negative resolution. It seems it would be more proactive to come to us as a positive resolution.

I have another concern with clause 45. Clause 45 speaks to the power to make regulations for the use of land in the vicinity of airports to ensure safety. Clause 45(1) sets the story up:

“For the purpose of ensuring the safety of aircraft in accordance with normal aviation practice, the Minister may make regulations restricting the use of land in the vicinity of airports including regulations for the prohibition and restriction...”

Mr. Speaker: You would develop that point after tea. The House is suspended until 5 00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. E. Williams: Mr. Deputy Speaker, as I was saying before the tea break, in clause 45 the Minister is given the powers to make regulations restricting the use of land in the vicinity of airports, including regulations for the prohibition and restriction of:

- “(a) structures or other things in any area specified;
- (b) the planting of, or the limitation of the height of, any trees in any area specified;
- (c) the sowing or growing of any plant or crop in any area specified;
- (d) the bringing of vessels or vehicles into any area specified...”

Of course, I have already pointed out that it is contemplated in this legislation that the regulations would come by negative resolution, and again, we ask that that be changed to positive resolution.

Mr. Speaker, beyond that we face a situation, with the opening of the existing airport terminal, where there was a bit of conflict between the Tunapuna/Piarco Regional Corporation and the Government over the actual permissions for the final approvals for the airport. Also, we are faced with other areas in which coordination of the planning for land seems to be eluding us and giving us some problems. We are faced with a situation in the Port of Spain area where many illegal structures exist around the city, simply because there is a lack of coordination between the central government planning area and the regional body. Here we are contemplating, in this legislation, the powers to control the use of land—another area of responsibility—being given to yet another line minister. I did not hear it in the Minister's discourse, or maybe she would enlighten us, so I ask the question: How do we coordinate these competing regulatory elements as it comes to land use in the country in and around the airport? That is merely the point I wanted to make on that.

Mr. Speaker, I want to go back to clause 43(1) which deals with safety measures. It says:

“For the purpose of this section, Air Navigation installations described in the Fourth Schedule shall be deemed to be protected installations.”

That is absolutely correct. Everything is correct about that. If we go, however, to the Fourth Schedule it describes the protected installations.

Mr. Deputy Speaker, the installations are identified by their appropriate designation and they are described in cartographic terms, latitude and longitude, and there is a text that describes them. This is a technical issue—because of my profession, I have to work with coordinates from time to time—and there is no description or reference to any other legislation as to what particular cartographic system these installations are described in. Lest you believe it to be a trivial question, let me give an illustration of it and I can then give you an anecdote on the matter for enlightenment of Members.

The earth, as we know it is not quite round, it is sort of oblong, and, indeed, we have developed mathematical models to describe the shape of the earth. It averages the highest points and the deepest part. That mathematical model is called a spheroid. On top of that, having defined that mathematical model of the earth, we then have something known as a projection. In other words, a system of

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determining north, south, east and west, the latitude and longitude. Then, below that there is something called a datum which is specific reference points in different parts of the earth that you take your measurements from. So, what has developed over the years in land survey and cartographic work—there are other Members here who would bear me out on this—is that we have several different methods of describing any given point of the earth.

In Trinidad and Tobago for a long time, we have been using something known as Casini Soldner Projection on the Clarke 1858 spheroid.

Mr. Singh: Technical language, boy

Mr. E. Williams: Well, I describe my terms first. We then went to the international spheroid of 1923 with a projection on it known as the Universal Transverse Mocator (UTM) and the datum for that was Naparima Hill which was known as the Naparima Datum.

Subsequent to that, in line with a number of the ways the international bodies are going, we are proposing to go to something known as the World Geodetic Survey (WGS) 1984 system. The point to all of this is that this latitude and longitude which we are enshrining in our legislation to describe installations which we are deeming to be critical to our air safety, we are not told in the legislation what system is used. In essence, we are not really told where these places are on the surface of the earth; we are not told what type of system you used to put these numbers here. Lest, again, we believe that this is trivia, let me give an example.

In a previous employment, I was involved with a company doing a joint project in the Gulf of Paria with our neighbours in Venezuela. I was given the task in that particular job of providing all of the basic geological and geophysical information to the persons working on that team. It was my job to collate it and pass it on to them so that they can put it into that project, and I was asked for those numbers.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I thank the hon. Member for giving way. I stand in order to move the Motion for the Adjournment and I am sure he will be able to continue on the next occasion. I beg to move that the House do now adjourn to Friday, July 20, 2001 at 1.30 p.m. on which date we will continue the debate on this matter and also Bills Nos. 2 and 3 on the Order Paper depending on the time factor.

Adjournment

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Mr. Deputy Speaker: Members, before we move on to that Motion, there are two matters to be raised on the Motion for the Adjournment of the House, one by the Member for Laventille East/Morvant and the other by the Member for Arouca South who is not here. [*Interruption*] My information is that the hon. Member for Arouca South has asked that her Motion be adjourned. Member for Laventille East/Morvant are you dealing with your Motion now?

Mr. Hinds: Yes.

Mr. Deputy Speaker: Sure.

5.10 p.m.

**Almond Drive Flats, Morvant
(Repair to Fixtures)**

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Deputy Speaker, the Motion before the honourable House is designed to bring to the attention of hon. Members and in particular the Minister of Housing and Settlements, the Member for San Fernando West, some serious discomfort experienced by residents of the Almond Drive flats/apartments, owned by the National Housing Authority for which the Hon. Minister has responsibility.

Before I deal specifically with that matter, it is important and it must be said that housing in general, particularly for those who could not afford middle-income and upper-income level housing, is becoming an increasingly serious problem in Trinidad and Tobago. In respect of the Almond Drive flats and this applies to many others in my constituency and no doubt across the country, there are buildings that may have been constructed as many as 30 /32 years ago.

In respect of these flats in particular—these are nine-story buildings, and in that apartment building there are persons who are well over the ages of 60 and 65, elderly people living there and the buildings are very heavily occupied. In most cases there are more than the nuclear family living in these apartments. In the buildings of which I speak there is an elevator, but I am advised by the resident that this elevator has been out of service for the past year and a half, and it is very, very disheartening to see and in some cases to learn of these very elderly citizens having to get to the eighth and ninth floors as the case may be. All the floors for that matter, but it is more difficult for those who live at the higher levels of those nine-storey buildings.

Firstly, I would like the Minister in his capacity as Minister of Housing and Settlements to make arrangements to have that immediate problem rectified. It is working a serious hardship on these people.

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Mr. Deputy Speaker, we live in a society where it has been said with increasing regularity that there are those in the society who are better able and have no care or love for the poor in our community, or for those who are less able. The Minister would demonstrate his concern if he would work and arrange to have that lift repaired as a matter of extreme urgency. But that is not the only problem. In light of the fact that the lift is inoperative at the moment persons naturally must walk up all of the stairs to get to their respective apartments.

I walked there one evening at about 6.00 p.m. just about the time the sun was going down. I did that deliberately so that I could see for myself what I had heard about. In the night, in particular, there being no lights along the staircases it is pitch dark and it is a serious security risk for those who must use it. One could well imagine, this building is enclosed, the lift is not working, someone coming home or wanting to leave the apartment at any hour of the night—there are absolutely no lights. It is pitch dark so any person could just wait and assault or rob any of the occupants or users of the staircases of which I speak.

Another very simple measure could be taken to ease this hardship, and I bring it to the attention of the Minister. He could quite simply arrange for lights to be placed on the staircases because the absence of light has led in the past to robberies and can lead without some correction to even murder or death. We must not wait until that happens and then to run around in a panic to do something about it. In other words, we must demonstrate to the people that we truly care and we are not talking for politics sake.

I know the Minister in his response to me would say that these buildings have been there for 30 years and the stock have become run down and the buildings would naturally deteriorate and the past government has done nothing about it. This Government has been in office for the past six years and is better able than the previous government to find the moneys to do it because this government inherited a strong and growing economy. The economy, from all the indications we have been having, is a strong and growing one. How they spend the money is quite a separate issue but for the availability of money, that cannot be a problem. If those were the only two problems I would cease my presentation right now but that is not it, because the sewer system in both the buildings of which I speak are dysfunctional in many ways.

On the ground floor in the basement of the nine-storey building at Almond Drive—and the Minister knows well what I am talking about. He was there campaigning again recently. He must have seen, if the residents were sufficiently mindful of his coming, and would have pointed out to him that there is an

overflow of some of the sewer system. In one particular apartment on the ground floor, the sewer system has been wrecked and the water is flowing all over the place. It is not uncommon to see exposed faeces from that sewer system all around the basement of the building. Of course, there are many children living in the area. They run through there without shoes, and it is the children of the neighbourhood who are at risk in respect of skin diseases, skin irritations and other health problems that can come from that kind of exposure.

I merely wanted to raise these matters with this honourable Chamber and in particular the Member who is responsible for that. I hope that some swift action would be taken to alleviate the problems and the sufferings of the people who occupy those buildings, persons at the lower end of the economic income earning elements of the society.

It is not only about Almond Drive. The same could be said about the Dorata Street apartments, the Leon Street apartments, and the apartments in the Pashley Street area. The same could be said about all of the apartments around my constituency and I would like to hear that the Minister would tell us today that he is prepared to take a bit of public moneys and direct it positively on this occasion and improve the lives of the people who must live and who are now suffering therein.

I thank you, Mr. Deputy Speaker.

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. Deputy Speaker, I cannot disagree with the Member for Laventille East/Morvant in terms of the hardship, discomfort and inconvenience suffered by the residents, but especially the ninth story building at Almond Drive.

Mr. Deputy Speaker, I had cause to visit the area and, in fact, what I saw there was cause for serious concern in that although the Member for Laventille East/Morvant tried to put a time frame and said that the reason for those deficiencies was because of the long history of those buildings, I assure him that is not the case. The elevators used at that particular building are over 30 years old and as such spare parts for those are no longer available. I assure him we will explore every possibility to look into either its repair or replacement.

Mr. Deputy Speaker, it goes further than that. We have found that there is a particularly challenging situation in that vandalism along the staircases in terms of lighting fixtures seems to be an everyday occurrence. We have started to work together with the residents. We have, in fact, formed a resident association with the people who live there. We are committed to organizing the Almond Drive

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Tenants' Association so that it would be a collective and collaborative effort in that the residents who pay at present \$100 per month will, in fact, get themselves together and the same funding that we utilize for the maintenance of those buildings, we would encourage the tenants to be part of the maintenance in terms of plumbing, electrical and on-going routine maintenance.

I also cannot disagree with the Member for Laventille East/Morvant that most of the multi-storey buildings owned by the National Housing Authority continue to be a source of grave problems to the Ministry. We are in the process of developing a supportive environment for the changes and improvements that we are making in terms of empowering the community to take the responsibility for the care and upkeep of those apartments. I would like to invite the Member of Parliament to join with the Tenants Association and the Ministry to further collaborate in getting together to solve some of these problems that have existed for a long time. I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.25 p.m.