

*Leave of Absence**Friday, July 20, 2001***HOUSE OF REPRESENTATIVES***Friday, July 20, 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 Diego Martin East (Mr. Colm Imbert), the Member for Point Fortin (Mr. Lawrence Achong) and the Member for Toco/Manzanilla (Mr. Roger Boynes). I have granted leave to those Members.

**TRINIDAD AND TOBAGO CRICKET BOARD OF CONTROL (INC'N) (AMDT.) BILL**

Bill to amend the Trinidad and Tobago Cricket Board of Control (Inc'n) Act and for related purposes, brought from the Senate [*The Minister of Community Empowerment, Sport and Consumer Affairs*]; read the first time.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.)  
REGULATIONS, 1999 VALIDATION BILL**

Bill to amend the Motor Vehicles and Road Traffic (Amdt.) Regulations, 1999 Validation Bill, 2001 and for related purposes, brought from the Senate [The Minister of Transport, and the Minister of Tourism and Tobago Affairs]; read the first time.

**PETITION****Chief State Solicitor**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I wish to present a petition on behalf of the Chief State Solicitor of 23—27 St. Vincent Street, Port of Spain, who is desirous of having the Clerk of the House swear to an affidavit outlining what is done in the House with respect to the passing of certain kinds of legislation.

I respectfully ask that the Clerk be allowed to read the petition.

*Petition read.*

*Question put and agreed to, That the petition be granted.*

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Couva/Tabaquite Talparo Regional Corporation for the year ended December 31, 1993. [*The*

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*Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)]*

2. Report of the Auditor General on the accounts of the Couva/Tabaquite/Talparo Regional Corporation for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]

*Papers 1 and 2 to be referred to the Public Accounts Committee.*

3. The Environmental Management Authority Annual Report, 2000. [*The Minister of the Environment (Hon Dr. The Hon. Adesh Nanan)*]

#### ORAL ANSWERS TO QUESTIONS

#### **New Airport Terminal Building (Payment to OCIC)**

24. **Dr. Keith Rowley** (*Diego Martin West*) asked the Minister of Transport, and Minister of Tourism and Tobago Affairs:
  - (a) With respect to the construction of the new airport terminal building at Piarco, did the Airports Authority or any entity acting on its behalf make any payment to or on behalf of a company called Overseas Communication Investment Corporation (OCIC)?
  - (b) If the answer is in the affirmative, would the Minister state when and how much money was involved?
  - (c) Would the Minister give details of the services provided by OCIC to the Airports Authority to warrant the payment?
  - (d) Could the Minister lay, for the records of *Hansard*, a copy of the invoice on which the payment was made?

**The Minister of Transport, and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John):** Mr. Speaker, the management of the Airports Authority of Trinidad and Tobago has advised that an examination of the records of the Airports Authority reflects that no payment has been made to a company called OCIC. In addition, there are no records of any entity acting on behalf of the Authority having made any payments to Overseas Communication Investment Corporation.

**Dr. Rowley:** Is the Minister aware that, in submission from the Airports Authority to National Insurance Property Development Company Limited (Nipdec), the records show that Birk Hillman made payment to OCIC for moneys out of the airport invoices?

**Hon. J. John:** Mr. Speaker, again, I wrote to the Airports Authority and they have said they have no record of such a payment.

**Dr. Rowley:** Is the Minister aware that on Saturday, September 09, 2000 Birk Hillman, in a public advertisement, admitted paying moneys to OCIC and, having admitted that, it did so inform the Airports Authority?

**Hon. J. John:** No, this Minister is not aware.

**Dr. Rowley:** Is the Minister aware of any services provided to the Airports Authority under any circumstances by OCIC?

**Hon. J. John:** The Minister is not aware.

**Mr. Speaker:** The Member for Diego Martin East is absent today, and he has requested that these questions be deferred for one week.

*The following questions stood on the Order Paper in the name of Mr. Colm Imbert.*

**Paramin and River Estate/Blue Basin  
(Adequate Water Supply)**

27. (a) Would the Minister of Infrastructure Development and Local Government state why it is taking the Government so long to provide an adequate water supply for the residents of Paramin and River Estate/Blue Basin?
- (b) Would the Minister state when these two communities in the constituency of Diego Martin East would get an adequate supply of water.

**Maraval Post Office  
(Relocation of)**

28. (a) Would the Minister of Communications and Information Technology explain why the retail operations of the Maraval Post Office have been relocated from a government building to a private building?
- (a) Would the Minister state the capital and monthly rental cost incurred by the relocation exercise referred to in part (a) above?
- (b) Would the Minister state whether there has been any retrenchment arising from the relocation of the retail operations referred to in part (a) above?
- (c) Would the Minister state whether there has been any retrenchment arising from the relocation of the retail operation referred to in part (a) above?

**TSTT & WASA  
(Excavation and Reinstatement of Roads)**

- 29.** (a) Would the Minister of Infrastructure Development and Local Government explain why in 2001 several newly resurfaced roads are being, are scheduled to be, or have been, excavated to lay TSTT lines and WASA lines?
- (b) Would the Minister explain why his ministry is allowing these two state agencies to do substandard road reinstatement work when they excavate roads, especially newly resurfaced roads?

*Questions, by leave, deferred.*

**CARIBBEAN COMMUNITY (CARICOM)  
DOMINICAN REPUBLIC FREE TRADE BILL**

Bill to give effect to the Free Trade Agreement between the Caribbean Community and the Government of the Dominican Republic [*The Minister of Enterprise Development and Foreign Affairs*]; read the first time.

**PREVENTION OF CORRUPTION (AMDT.) BILL**

Bill to amend the Prevention of Corruption Act, to establish the Anti-Corruption Commission and for matters relating thereto [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**METROLOGY BILL**

Bill to re-enact and revise the laws respecting weights and measures and to give effect to the International System of Units (SI units) [*The Minister of Community Empowerment, Sport and Consumer Affairs*]; read the first time.

**LIQUOR LICENCES (AMDT.) BILL**

Bill to amend the Liquor Licences Act, Chap. 84:10 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I wish to move the following Motion related to the Public Accounts (Enterprises) Committee:.

*Be it resolved* that Dr. Keith Rowley be appointed to serve on the Public Accounts (Enterprises) Committee in place of Mr. Lawrence Achong, Member of Parliament for Point Fortin, who has resigned from that committee.

*Question put and agreed to.*

**CIVIL AVIATION AUTHORITY BILL**

[Second Day]

*Order read for resuming adjourned debate on question [July 13, 2001]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** When we adjourned the last time, the Member for Port of Spain South was on his feet and he has 13 minutes of his normal speaking time.

**Mr. E. Williams:** Mr. Speaker, on the last day, Members on this side—the Member for Diego Martin East and the Member for San Fernando East—made several points in this debate which had to do, principally, with the setting up of the arrangements for the board at the new Civil Aviation Authority that this Bill seeks to bring into being. We reminded Members of some of the transgressions of other boards in other state enterprises and statutory bodies that are current topics of interest. In addition to which, we brought to bear the *Hansard* of the debate on the previous Aviation Authority Bill, where we pointed out certain deficiencies, which today have resulted in a situation where we are repealing that Bill in order to bring this one into being. We have placed this in the wider context of the fact that we have been downgraded, as a country, from Category I to Category II by the FAA. We need to go into that in a little more detail.

We also spoke about the need to coordinate the regulatory agencies that are involved in what this new Bill contemplates because, at clause 45, the Minister is given the authority to determine land use in and around the airports of this country. The point we made at that time was that we had not been advised how this will be coordinated with the current land regulatory agency in the country. That is not a trivial point, Mr. Speaker, in that we are currently faced with a situation where several local government authorities are at variance with the Town and Country Planning Division. Indeed, in the Port of Spain area alone, His Worship the Mayor and previous mayors have gone on record as pointing out that there are a number of illegal structures in and around the city.

I brought to the last Parliament the case of an illegal building in the St. James area, which the then Minister assured me was outside of the ambit of the Town and Country Planning Division regulations and indeed their application. Today, that building is still there and thriving. To all intents and purposes no changes have been made. Further to that, the new terminal building that is now at Piarco was put up and opened formally before it obtained the necessary permissions from the local government body in whose area it falls. That is part of the public records.

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The point here is that the Minister—and probably quite correctly—is given the authority to regulate land use in and around the airport and such. What is required is some description or advice on how we coordinate that regulatory authority with the existing regulatory bodies. We have come to understand that there is a lot of conflict in the current arrangement in various parts of the country. Surely, since we are putting this new legislation in place, we do not want to repeat the errors of the past.

Mr. Speaker, when we adjourned, we were speaking about the way in which we describe certain installations, which are deemed to be sensitive and necessary for navigational aids and for safety. Indeed, the Bill goes into a fair amount of detail, in its fourth schedule, describing these protected installations. There is the PSR/SSR, which tells us the latitude and longitude. It describes that it is the primary surveillance radar/secondary surveillance radar installation situated at Morne Catherine, in the Ward of Diego Martin, county of St. George and so on. It goes on to enlist several others—that is, (a) through (f) in the fourth schedule of protected installations.

The point is that it is not sufficient in land surveying in describing geographical locations simply to state the latitude and the longitude. On the last occasion I pointed out that the way we arrive at these numbers that tell us where places are on the earth is not by accident. The earth, it has been found, is not entirely round and we have had to come up, over the years, with various mathematical models to describe the earth and, placed on that, are different types of models with different systems to describe how we position places on the earth. Indeed, I was involved in a study in a place where I was previously employed which used cartographic systems from the Trinidad area to combine data and other information with the Venezuelan side of the border.

In fact, while we used numbers which looked similar, because we used different reference systems, a number of inconsistencies in the data were observed. Major geologic features which exist on the Trinidad side heading clearly towards the Venezuelan border and similarly, major geologic features on the Venezuelan side that were heading towards the Trinidad border could not be matched because the system used was incorrect. We have learnt that lesson in a number of areas as it relates to cartographic systems.

Mr. Speaker, I draw your attention to the Competitive Bidding Order put out by the Minister of Energy and Energy Industries with regard to the bid round which is upcoming for this year, 2001. I draw your attention to the first schedule of the Competitive Bidding Order for 2001.

The First Schedule states:

“The Areas Subject to Competitive Bidding”

It goes now to try to describe those areas:

“The areas subject to Competitive Bidding comprise seven submarine blocks of various shapes and sizes located, designated and described as specified hereunder and illustrated on the map in the Second Schedule.

Geographical co-ordinates of origin:”

In other words, they tell you where the numbering system originates. It goes on and tells you the latitude and longitude. It also goes on to say:

“Rectangular co-ordinates of origin:”

It tells you the easting and the northing and, in this case, the unit of measure is the link—not a foot nor a metre, it is a link. It is an older system.

Finally, it goes on to say that:

“Geographical positions are based on the Clarke 1858 Spheroid.”

and that:

“Cassini grid co-ordinates are in links.”

In other words, the Minister of Energy and Energy Industries and his staff have gone to great lengths to tell us precisely where the boundaries of the blocks that are going up for bid are, and he has gone into detail to tell us exactly what system has been used to identify those points. Obviously, the lesson has been learnt within the system and clearly, if we are describing these protected installations, it is not sufficient in the legislation—and I put it to you, Mr. Speaker—simply to give the latitude and longitude, but we need to give a reference as to how we arrive at these numbers.

For a long time, nationally, a standard has been based on this Clarke 1858 Spheroid with the Cassini grid, but internationally, we have been going to something called the World Geodetics Survey of 1984, which is a newer mathematical model of the earth with a different way of describing points on the earth. If we are in one or in transition to the other, we need to define in the parent legislation what we are using so that in the future, when people are trying to locate these points or they need to be referenced internationally, we know what we are talking about and the exact location. These numbers in one system are entirely in an incorrect position when another system is used. I suggest to the hon.

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Minister, through you, Mr. Speaker, that we have the technical people go back and define what system is used in this legislation to determine these latitude and longitude locations, so that we remove an element that could result in confusion.

As I understand it, some of these points are used for navigation. In other words, the planes that are flying need to know exactly where those points are so that they can determine where they are relative to those points. Let us make sure we define locations properly so that we remove one element of error.

If we step back to the overall reason for the downgrading of our country, which is, the Federal Aviation Administration's (FAA) assessment of us—

**Mr. Speaker:** The hon. Member's speaking time has expired.

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

*Question put and agreed to.*

**Mr. E. Williams:** Mr. Speaker, when one looks at the FAA's web page, which is online. We get an overview of FAA's flight standard service International Aviation Safety Assessment Programme, the IASA. There is also a press release, dated July 5, which is germane to our discussion today and which has been reported in the media. I would like to read parts of it into the *Hansard*. The byeline is:

“FAA Gives Trinidad and Tobago IASA Rating of Category 2”

I want to read part. It is from Washington.

“The U.S. Department of Transportation's Federal Aviation Administration (FAA) today announced that Trinidad and Tobago does not comply with international safety standards set by the International Civil Aviation Organization (ICAO), thus giving the country a Category 2 rating following a reassessment of the country's civil aviation authority. Trinidad and Tobago was previously rated Category 1.”

**2.00 p.m.**

“The government of Trinidad and Tobago has indicated its desire to correct the issues identified as a result of the FAA reassessment. The FAA will continue to remain engaged with the civil aviation authority of Trinidad and Tobago and will periodically review the situation.”

We understand, Mr. Speaker—as an aside—that such a review would come early in the first quarter of next year.



“This announcement is part of the FAA’s International Aviation Safety Assessment (IASA) program, under which the agency assesses the civil aviation authorities of all countries with air carriers that operate to the United States and makes that information available to the public.

The assessments are not an indication...”

Let me repeat this, Mr. Speaker.

“The assessments are not an indication of whether individual foreign carriers are safe or unsafe. Rather, they determine whether or not foreign civil aviation authorities (CAA) are meeting ICAO safety standards, not FAA regulations.”

So in other words, Mr. Speaker, the FAA has found that we do not adhere to the ICAO standards. Indeed, when the previous Bill came before us—the one that is being repealed, the Civil Aviation Authority Bill, 2000—as we have said before—we had significant problems with it and, clearly, at that time we were at Category I. Even with that in place, here we are again, today, trying to get ourselves back to Category I.

What is Category II, Mr. Speaker? Category II says that a country:

“Does Not Comply with ICAO Standards: The FAA assessed this country’s...”

this is Trinidad and Tobago’s Civil Aviation Authority,

“...CAA and determined that it does not provide safety oversight of its air carrier operators in accordance with the minimum safety oversight standards established by ICAO. This rating is applied if one or more of the following deficiencies are identified: (1) the country lacks laws or regulations necessary to support the certification and oversight of air carriers in accordance with minimum international standards; (2) the CAA lacks the technical expertise, resources, and organization to license or oversee air carrier operations; (3) the CAA does not have adequately trained and qualified technical personnel; (4) the CAA does not provide adequate inspector guidance to ensure enforcement of, and compliance with, minimum international standards; and (5) the CAA has insufficient documentation and records of certification and inadequate continuing oversight and surveillance of air carrier operations. This category consists of two groups of countries.”

This category consists of two groups: one of countries that fly to the United States and another that does not. Mr. Speaker, what this is pointing to, clearly, is a lack of systems, regulations and laws. So here we are trying to bring a new law to replace a defective law as part of this, but it is not only that, it speaks to systems.

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In these documents as well, Mr. Speaker, the FAA makes the point that it is working with this country and, indeed, with other countries that are in Category II, to bring them up to the appropriate standards. Indeed, there is a list of model laws and regulations. I understand that what is happening is that the FAA has put out these model laws and regulations as templates, as it were, for countries around the world to use. It is my suspicion—I am not sure if the Minister told us—that the current law before us leans very heavily on those regulations—those model laws—which have been put out by the FAA.

I think it would—as an aside—be interesting for us to be told whether or not that is so, so that we have the added assurance that, indeed, we are working in tandem with the FAA. Beyond that, Mr. Speaker, the concern is about systems and the Member for Diego Martin East went to great lengths to question whether or not we have the systems in place. To my mind that is a valid question.

We had a situation—last week it was reported in the newspaper—where the airport was overrun with flies and rodents. The airport was overrun with flies and rodents, not simply because they came from outside somewhere and decided that they wanted to go into that new terminal building. It was reported to us that regular manure was used to nourish the potted plants that were used to beautify the surroundings within the airport and in the areas outside the airport.

Mr. Speaker, it reminds me of the suggestion that came before us in an earlier Parliament, of building something known as a core house. In that core house we were going to use dried manure as part of the entire process of building the walls. At that time, we received several comments from public health workers who were horrified to learn that this was something that was being proposed by the Government as a solution to the housing problems in Trinidad and Tobago. Indeed, Mr. Speaker, some public health workers were at pains to say that they had worked so hard to remove hookworms and some of the other diseases from the society and now, here it is, that the Government wanted to build a house out of—the proper parliamentary word would be “manure”, Sir.

Clearly, Mr. Speaker, we have built a new terminal building; the building has a bunch of other defects in it, but on top of that, in seeking to beautify the building, what have we done? We have used manure. [*Interruption*] I am told it was from chickens, Mr. Speaker, and I know that there are some farms that are fairly close by which have been providing a particular aroma in that area. They have been closed in the past and my colleague from Arouca—

**Mr. Speaker:** Hon. Member, you are beginning to stray from the Bill. I suggest that you come back to the matter at hand.

**Mr. E. Williams:** Thank you, Mr. Speaker. The FAA's downgrading of our country has to do, in a large part, with a lack of systems and an ability to properly administer safety standards. We are alarmed to learn that a number of systems; of things that should have been caught in a properly thought out and managed system of civil aviation in this country, would have prevented the use of what is turning out to be a hazardous material arriving at the terminal building of our airport, where not only are eager relatives and other interested persons awaiting the arrival of visitors to our country, but some of our finest six-legged winged insects and four-legged rodents also awaiting the arrival of our guests to Trinidad and Tobago.

In addition, to that—I am being reminded, Mr. Speaker, that they are also known to be disease carrying. In fact, the public health authorities which were involved in this process—hopefully it does not reach the stage where the international public health authorities do not put out an advisory on this. Today we are being advised that there is a problem with flooding at the airport, at the very terminal building. Indeed, Mr. Speaker, information that has recently come to me and to other Members in this Chamber is that this very morning the Customs area, a significant part of the Arrival Hall and the Baggage Claim area of the terminal building have been flooded. What we are also advised is that it was not raining in the Piarco area. Indeed, the water had to be coming from somewhere else. Maybe, Mr. Speaker, that is part of the Government's "water for all" campaign. We are advised that a wall was broken down in this new terminal building as part of the search for this bounty of water that is arriving at the new terminal building. Some of my constituents would be glad to have such a bounty of water flowing from their taps as opposed to having it in the terminal building where we have visitors arriving from countries where it is normal to not be met with water on the floor upon their arrival. That is not the appropriate place.

Mr. Speaker, it speaks to systems. This is a significant part of the root of our problem, of our challenge to go from Category II to Category I. When you look, for instance, at a list of the countries which are in Category I and Category II, that also speaks volumes. We, as a nation, are seeking to be accepted as a developed nation, as it were. Mr. Speaker, the list is long. Of all the countries from Argentina to Zimbabwe, who is in Category I? It is Argentina, Aruba, Australia. Bahamas is in Category II. Bangladesh is in Category II. Belgium is in Category I. Belize is in Category II. Bermuda is in Category I. Bolivia is in Category II. Brazil is in Category I. Brunei Darussalam is in Category I. Bulgaria is in Category I. Canada is in Category I. Cayman Islands, in the Caribbean, is in Category II. Chile is in Category I. China is in Category I; the same China that is

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seeking ascension to the World Trade Organization and they tell us that they are a developing nation still. Costa Rica is in Category I. Côte d'Ivoire is in II.

Mr. Speaker, what is "Côte d'Ivoire"? I apologize, my French is not what it used to be. [*Interruption*] *Je parle seulement un peu francais.* [*Laughter*] What is also interesting—and Mr. Speaker, those words were parliamentary, I assure you—apart from Trinidad and Tobago in Category II, we see Suriname which, I think, is a Caricom partner; we see Guyana is in Category I, but we also see that the Organization of Eastern Caribbean States which covers Anguilla, Antigua & Barbuda, Dominica, Grenada, Montserrat, St. Lucia, St. Vincent and the Grenadines, St. Kitts and Nevis, are all in Category II. As a result of this, Mr. Speaker, I think there is a question that needs to be asked, because Trinidad and Tobago has been perceived—for a significant time—as one of the developed Caribbean countries and therefore one of the leaders, not only of Caribbean integration, but of Caribbean development. Here it is that we find ourselves in Category II along with several of our Caricom neighbours. Is it not possible that in our effort to bring ourselves out of the Category II status—that we now, woefully, find ourselves in—that our efforts could be part of a wider Caricom effort?

### **2.15 p.m.**

In essence, where we were to use or develop on our established position in Caricom to assist our brethren countries along, would it not have been useful for the Government to advise us at this time that that, indeed, is part of its effort? Because, Mr. Speaker, as a region, we all seek to have an effective tourism industry as part of our economic mainstay.

And clearly, others can learn from this. Indeed, we could become a regional hub to assist our Caricom brethren to bring themselves up to a particular level, and I think it would be useful, Mr. Speaker, if the Government were to consider, as part of its wider planning process, and indeed its regional vision, that Trinidad and Tobago could work with the remainder of Caricom to ensure that we have a regional system that keeps us at the particular level. Indeed, as we have aspired to have BWIA as a regional carrier for the Caricom area, Mr. Speaker. So, clearly, we seem to be missing the boat at a micro-level and at a macro-level.

Even beyond that, Mr. Speaker, it has come to our attention that at this time, Trinidad and Tobago does not have an ambassador, a sitting ambassador to the United States. Indeed, it was pointed out that we have not made a choice. A choice has not even been made as yet—this is what was reported in the press—and this at a time when the hon. Minister and others are engaged in these delicate

discussions with the American FAA to bring us to a state where we can go from Category II back to Category I.

We do not have an ambassador, a sitting ambassador in Washington. Of course, we have ambassadorial staff, but we have not appointed or accredited an ambassador, since the previous one has returned, at a critical time in our national history when we are seeking to improve our status with regard to the Americans, Mr. Speaker. And even beyond that, what about manufacturers? What about our desire to become part of the free trade zone of the Americas?

Mr. Speaker, this Parliament sent me as part of a delegation along with the then Minister of External Affairs to a meeting in Quebec to discuss that, and to sensitize parliamentarians of the need for us to convince our people that we need to be part of the free trade zone of the Americas. Here it is, Mr. Speaker, that as a nation we do not have an ambassador with the largest member of that proposed free trade association, the largest partner in the Americas.

We do not have proper representation. So clearly, Mr. Speaker, at the local level, we are demonstrating a lack of systems which would result in safety and in health. We are demonstrating at a regional level that we are not part of a system to bring the entire region along, and we are demonstrating it at an international level by our lack of an ambassadorial presence in the Washington area at this critical time; that we are not moving in tune with the remainder of the Americas.

As a result, Mr. Speaker, we are languishing in Category II in this civil aviation area, and in other areas. I am certain that we are going to feel the pinch when it comes to the manufacturing sector and other areas that are involved with trade with these partners.

There is the whole NAFTA parity effort that is going on, as well. So, we have some serious concerns, as we have enunciated, with the overall direction that we have been taking. We have noticed that as an attempt to address some of our concerns with regard to the boards, the pecuniary relationships were to exist on the boards, the cronyism which has been taking place. We notice that amendments have come. In fact they were just delivered to us a short while ago.

We have not been able to study these amendments, but even so—and I am certain that the Government will likely introduce these as amendments—I want to point out to them before they introduce them that on the second page, in clause 14(a), it reads, “No Member or former Member shall accept employment or enter into a contract of service with an...” And nothing else, Mr. Speaker. Because on the third page, I see 9, which is entirely out of sequence with that. Clearly, this

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may be an error in the amendments. Again, a function of our system. But at least hopefully we can fix it so that we can address the issue when we come to committee stage and look at if this amendment seeks to remedy the condition that we have outlined with regard to the boards.

So, Mr. Speaker, in conclusion, we clearly have problems with the way this legislation seeks to set up the board of the new Civil Aviation Authority. It has been demonstrated to us that there are pecuniary interests of current board members and, indeed, some of the administrators of that agency as it exists today. Without going into all the details again, the net result is that we have been downgraded from Category I to Category II by the FAA.

We have spoken to the issue of the regulations which are contemplated in this legislation. The regulations are the instruments that actually give the teeth to the legislation. And it is contemplated in this Bill before us that the regulations come to this Parliament by negative resolution and we have been asked, Mr. Speaker, that they come to us as positive resolution, because they are too significant, too important to our national interest to simply allow them to come as negative resolutions, or may not attract the attention of this honourable House. And we just simply ask that that be changed to positive resolution.

**Mr. Partap:** Affirmative.

**Mr. E. Williams:** Affirmative. I stand corrected, Mr. Speaker. Members on the other side are trying to be helpful and we thank them. We have spoken to the issue of coordination of the regulatory function, the regulatory body. The legislation contemplates the Minister assuming or maybe continuing the ability to regulate land use in and around the airports. We have spoken to some of the conflicts that exist in today's dispensation, and we want to ask that some of those be addressed so that we do not run into the same types of problems and challenges that we constantly find ourselves.

We have also spoken about a proper designation of the cartographic system which describes the installations which are so necessary to the safety of aircraft flying in the area. And finally, we want, to some degree, to address the fact that we seem to still be lacking in systems which may assist us in the overall improvement of our status.

So, Mr. Speaker, we hope that the Government takes on board some of these suggestions that we have made. We hope that we can get a point where this Bill has been properly fixed, and that we can have good law. Finally, we hope to get to the point, as a result of all of this, where as a nation, we are upgraded from Category II, back to Category I.

Mr. Speaker, with those few words, I would like to thank you and this honourable House.

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I join the debate just to pose one question to the Minister, and I hope that the Minister would be in a position to allay the fears of persons who use the new Piarco airport terminal, for you know, Mr. Speaker quite an inordinate sum of money was spent on that building. I think yesterday—[*Interruption*]

We have a problem with the operations of the terminal building where in fact, the information that I have from complaints from users, not the least of whom is the Pilots Association (TALPA)—Mr. Speaker, you know that approximately \$1.4 billion was spent on that structure. Subsequent to the construction, we have discovered that one of the most important considerations with respect to the operations of an airport terminal building had been completely overlooked at Piarco. And it may be that that had something to do with the haste and the willingness of the authorities to downgrade our airport with all the attendant consequences.

Mr. Speaker, in any international airport around the world, there would be a tall tower which allows the aircraft traffic controllers to view aircraft on the ground, as well as to follow them in the air. It turns out that in the haste to extract money from the Treasury, which was the only objective of the present Government with respect to the construction of a new terminal building, the question of ground safety and ground handling of aircraft did not arise at all.

Insofar as it arose, it was completely ignored. So today, we have an airport with a number of fingers and the fact, as established by the experts, is that the persons using current observation tower cannot view the movement of aircraft on the ground over a significant area of operation at Piarco. What that means, Mr. Speaker, is that aircraft taxiing on the ground at Piarco are out of visual contact with those who control them, and that is a “no no” with respect to the operation of an international airport.

Mr. Speaker, I need not tell you of the possible consequences if some sort of collision takes place between aircraft and building, or aircraft and aircraft at Piarco, where people are, in fact, locked into these steel tubes carrying thousands of pounds of fuel and, in fact, their lives would be at risk.

It is not that the Government does not know that. It is not that the Government did not know that. The Government knew, but chose to ignore it. They were told by the persons who had to operate the systems; we told them. They ignored it, Mr.

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Speaker. And you know what they have done, Mr. Speaker, in the interim? Now that the airport is operational, over and above all our objections; we pointed out to this Government that in Tobago, when the upgrade was done in Tobago, a new tower was built and it cost less than \$1 million. This is a government that today stands accused of mismanaging, misappropriating to its agencies and friends and foreigners, hundreds of millions of dollars, but saw it fit to ignore the construction of—

**Mr. Panday:** [*Inaudible*]

**Dr. K. Rowley:** You want some explanation.

**Mr. Panday:** Just shut up!

**Mrs. Robinson-Regis:** Ay, ay!

**Dr. K. Rowley:** Shut up? Hum. “Yuh can't take it!”

**Mrs. Robinson-Regis:** Mr. Speaker, you are not hearing? You are leaving?

[*Prime Minister leaves the Chamber*]

**Dr. K. Rowley:** This Government has presided with the protection of a Prime Minister. [*Words expunged*]

I was shocked on more than one occasion. [*Words expunged*]

**Mr. Speaker:** I really think you are imputing some motives there that are improper—

**Dr. K. Rowley:** I'm stating a fact.

**Mr. Speaker:** And therefore, I will ask that the statement be withdrawn from the record and I will ask the Member not to go in that direction. Please proceed.

**Dr. K. Rowley:** Mr. Speaker, I want to talk for the record in this country, and what I have to say is important for the people to know.

**Mr. Speaker:** I have ruled, Member for Diego Martin West. If you wish to query my ruling, you can do so on a substantive motion, and I am saying that what you said was imputing improper motive that the Prime Minister of this country seeks to protect a lot of people in wrongdoing and I have asked it to be withdrawn and that's my ruling. You may proceed.

**Dr. K. Rowley:** Mr. Speaker, I am not querying your ruling. I am proceeding with my contribution. I am making the point that while the Government puts the lives of all users of Piarco Airport at risk, because the Government could not see



it fit to construct a tower to allow the operators to handle the aircraft safely, the Government, this Government was quite prepared to ignore substantial expenditure for less important things.

In fact, I recall in this very House, drawing to the attention of this Parliament, that at National Petroleum Company Limited (NP), the board had embarked on a \$200 million programme to upgrade 25 gas stations. And I raised it in this House that that was not value for money, and that there were a lot of questionable actions there. And in fact, one individual who was involved in that programme, I pointed out in this House, was an individual who had just been removed from a substantive position in another state—[*Desk thumping*]. It was the Prime Minister! It was the Prime Minister who asked for a report on NP with respect to those millions, and when the report came in, it was the Prime Minister who told this Parliament, we cannot see the report because the report has libel and only he can see it! [*Desk thumping*]

**Mr. Joseph:** That is true.

**Dr. K. Rowley:** So when I talk in this Parliament, I know what I am talking about. Wasting of funds in Caroni (1975) Limited and that the Minister for Caroni (1975) Limited was telling untruths in the Parliament. And I brought the evidence here, it was the Prime Minister who got up and defended him!

**Mr. Assam:** On a point of clarification, you mean the then Minister responsible for Caroni (1975) Limited? Or the Minister who is now responsible? Please clarify! [*Laughter*]

**Dr. K. Rowley:** I have not raised any issue in this House about Caroni (1975) Limited since you have become Minister, so do not drink your tea too hot. I raised an issue in this House—it is on the record. I raised an issue in this House with respect to a Minister for Caroni in this Parliament, and we had a debate on it and the most vociferous defender of the Minister was the Prime Minister! [*Desk thumping*]

In fact, when I raised the matter of NP and brought the evidence here, the Prime Minister was the one who said I was only raising it because his name is Soodhoo, and if his name was Voodoo, I would not have raised it. [*Desk thumping*] Today, the chickens are coming home to roost. The \$200 million is finished and nine gas stations were built. The NP workers are not in the Parliament. They are out on the street right at this minute threatening to shut down the country and NP, because when the Government was advised, the Government did not take any action.

**Mr. Speaker:** Member, take your seat please. I think you are beginning to stray from the matter at hand. Let me remind you that the matter that we are

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debating at this point is a bill to make provision for the establishment of the Trinidad and Tobago Civil Aviation Authority for the regulation of civil aviation activities, for the implementation of certain international conventions for the institution of safety requirements.

I cannot see the relevance of what you are saying with respect to NP and those matters to this matter. So I am asking you to get back to the matter at hand.

**Dr. K. Rowley:** I do not expect you to see the relevance, Mr. Speaker, before I make the point. The point I am making is that the Minister, in bringing legislation, in trying to get our airport upgraded back to Category I, I am drawing to her attention the pattern of behaviour of the Government, because I intend to caution her. Because you see, if the Government passes legislation here today, it is not just the legislation.

I heard the Minister say earlier on before the downgrade took place, that it was not going to happen. The Minister, on record, when she went abroad, when this thing was in the air as a rumour, she said to the media, it was not going to happen.

**2.35 p.m.**

**Sen. The Hon. John:** On a point of order, or clarification. I never said it was not going to happen. You continue to say that the airport was downgraded, I think the Member for Diego Martin East had it right, it is the civil aviation system and I said an airport cannot be downgraded; it was not downgraded.

**Dr. K. Rowley:** Only splitting hairs. Okay, the country's civil aviation system; the airport is an integral part of the country's civil aviation system. What are you talking about? [*Interruption*] The airport is the most integral part of the civil aviation system and the Minister gave the impression that the system would not be downgraded and the country would not be downgraded. The next thing she would tell us is that it is not the country, it is Piarco. [*Laughter*] That is the next thing she will tell us. Then, when it actually happened and the news came to us from abroad—because the Government did not tell us you know, we first heard from abroad—she then said: I knew, I expected it. She did not tell me that, I read that in the newspapers. The point I am making, Mr. Speaker, is that even if we pass the legislation, and we have it on the books, that does not solve the problem. [*Interruption*] The problem of an inappropriate—

**Mr. Speaker:** Let me just caution the Members on your—take your seat—side again. The level of the discussion going on is reaching me and I am having difficulty following what the Member is saying, so I am asking you to keep the

noise level down. The Hansard people are having difficulties too, okay. Please proceed, Member.

**Dr. K. Rowley:** The point I am making, Mr. Speaker, is that there are physical deficiencies which might have contributed to the downgrading of the civil aviation system re that airport. Because this problem of the airport tower not having linear sight of all the ground operations is in fact a serious problem, and that will not be solved by the passage of legislation. It will only be solved by mortar, steel and concrete with the construction of an appropriate tower. So in the meantime, the Minister must tell me—if my information is wrong—that to deal with that problem even while the tower is there, they are operating in the new building, a sub-arrangement staffed by people of minimum qualification without appropriate supervision and that is of serious concern to the airport users including the Airline Pilots' Association. She must tell us this afternoon, that is not so.

Tell us we do not have people in the new terminal building purporting to do what the tower should be doing and tell us that those persons are adequately trained and supervised to the satisfaction of TALPA and the airline users. Tell us that this afternoon. Because if she cannot tell us that, what she will be admitting is that at Piarco Airport after \$1.6 billion we are operating a *vaille que vaille* system where lives are put at risk and slipshod, makeshift arrangements are in place to do ground control of the aircraft at Piarco.

Mr. Speaker, do you know why we got no tower built? When the tower was built in Tobago, it was built for \$600,000 and that tower was constructed so that you could have complete linear sight of all the operations at Crown Point, \$600,000. When it came up as an issue at Piarco that we would have to build a new tower for that new airport terminal building, they acknowledged it, but the reason it was not built is that they are offering to build it in the peculiar arrangement which built that building, they wanted to build it for \$16 million. That was the same kind of yardstick where the construction moved from \$400 million to \$1.6 billion. The tower that should have cost about \$1 million was supposed to have been built for \$16 million and even the UNC elephant choked on that so we have no tower now. We have no tower now. So the ground control at Piarco is a matter of concern to users. The Government must tell me that is not so. They must say it is not true; they must tell us everything up to ground control is fine.

Mr. Speaker, I was not surprised to hear about the \$16 million bill, and I am not surprised to see no tower because even a simple thing like this, they cannot

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find \$1 million to build the tower, but they want to do the VIP Lounge at the airport and the offering was \$16 million or \$17 million. This Minister intervened somewhere along the way, NIPDEC intervened, and they had some sanity brought to the matter and it ended up in the order of \$4 million. It was \$16 million we were talking about there. There seems to be some problem at the airport where everything is multiplied by 4. The airport should have cost \$400 million; it ended up costing \$4.6 billion—four by four. The terminal building—\$16 million, but at the end of the day, the billions were spent and we have no terminal building with a proper ground control arrangement. Those are the facts, and if this Government is guilty of anything, it is guilty of negligence, squandermania and it is guilty of putting people's equipment and lives at stake at Piarco. [*Desk thumping*] What is painful about that, is that on the very same day that I am pointing this out to the country, the Government and the Minister, it is the very same day that the Government is telling this country it knows nothing about a \$10 million payment made by the same Airports Authority that could not find \$1 million to build a tower.

We spent \$1.6 billion—on your books, on your records, on your invoices, on your statement of payments, you paid \$10 million to a one-man paper company in Florida and the Government tells the Parliament, it does not know anything about that, but we have no tower, and we are supposed to accept that, and when we mention that, the Prime Minister gets in a huff, shouts at me and walks out the Parliament. That is how you are running our business.

**Mr. Narine:** That is only \$10 million, man.

**Dr. K. Rowley:** That is only \$10 million, chicken feed, but ask yourself: what would \$10 million have done for the people of Trinidad and Tobago? At least it could have given them a tower so they could have efficient and safe ground control arrangements. We do not have it, and all I am asking the Minister in her response is to refute what I have said if she can so do. Tell us that we have proper arrangements; tell us that the staff we have there pretending to do ground control, that is okay with everybody; tell us there are no complaints from the Airline Pilots Association; tell us that we are not going to have a tower because we do not need one; and tell us that everything that is required other than legislation is in place so that we can be upgraded at the first opportunity. Tell us that, and when we are told that, we will consider that this Government is serious; until then, we can only accuse this Government of playing games with the country's money and with the people of Trinidad and Tobago. [*Desk thumping*]

**The Minister of Transport and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John):** This was sudden. Thank you, Mr. Speaker. I thought we had more speakers because—[*Interruption*]

**Mr. Speaker:** Order please! Order! Please proceed.

**Sen. The Hon. J. John:** Mr. Speaker, I wish to thank the Members of this honourable House for their contribution to the Civil Aviation Bill. Hon. Members will recall that I had asked Members to try to put away the partisan politics given the subject of the Bill, and if we contributed in a spirit of cooperation as indeed we had in the other place, it could only serve to strengthen the Bill. Being as it is, there is nothing much, but I guess it was too much to hope for because on Friday last week, which was Friday 13<sup>th</sup>, the Parliament Chamber was a place of tall tales—and I see the Member for Diego Martin East has absented himself today because really, some of what was said then—and I took the opportunity to get the record from *Hansard* so I can quote very accurately what was said then.

Members may or may not have recalled that contribution, and because I am not myself a proponent of tall tales we need to set the record straight, as I sought to get the record and to get an accurate account. The Member spoke about downgrade and it seems to be the tone for today's contribution. Every Member seems to be an authority on this downgrade, and who is arguing whether it is the airport or the civil aviation system, but the Chicago Convention is the Chicago Convention, and basically, the safety oversight programme which is administered—never mind how many people are in this, the other side would have liked it to be the airport that was downgraded. I am really sorry to disappoint you and to tell you that the IASA programme which is the International Aviation Safety Assessment programme and I am quoting:

“Under IASA, the FAA assesses all foreign Civil Aviation Authorities (CAA's) in states whose carriers serve, or apply to serve, the United States. The purpose of the assessment is to ensure that the foreign CAA is in compliance with the minimum safety oversight standards established by the International Civil Aviation Organization (ICAO).”

Mr. Speaker, the Members on the other side seem to know a lot about downgrading and what it means and what it does not mean and, as a matter of fact, their hon. colleague said last week and I am quoting the Member for Diego Martin East. He said:

“Let me read into the record what happens when a country is downgraded...”

And I really was impressed that he had such a grasp and I was hoping that he would have shared it with the rest of his colleagues, because every day you would have read in the newspapers that indeed, the airport was being downgraded and I had to say it is not the airport, it is really the civil aviation system and he said we

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are now in Category II and it went on and on. Because the Member for Diego Martin East seems to have a very, very good grasp and he seems to have carried across that zeal to the rest of his colleagues, and he went on.

“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—”

Mr. Speaker, just for the record. One did not want to split hairs, but seeing that everybody seems to be an authority and I guess they had ample opportunity. This is a document from July 18, 1995 and I am sure it was not the UNC in office then. It came out of Montreal and the subject is “FAA’s Assessment of Trinidad and Tobago’s Safety Oversight Status as—Category 2”. It said then, and this was in July, 1995.

**Mr. Assam:** Who was the Minister then?

**Sen. The Hon. J. John:** Well, I do not know, I want to know, you see, I am seeing the zeal across there so they must know a lot about being in Category I or II and it says:

“8. For Port of Spain: The FAA conducted an aviation safety assessment in Trinidad and Tobago in June 1994 in accordance with the consultation held in January 1995, Trinidad and Tobago’s status will be released as Category 2—unacceptable.”

This is not me quoting, this is the document from the FAA.

“U.S operations allowed under heightened FAA surveillance.”

And they went on and on.

**Mr. Assam:** And it is under the PNM it happened.

**Sen. The Hon. J. John:** Well in July, 1995 it could not have been the UNC, you understand.

**Mr. Assam:** They were downgraded under the PNM.

**Sen. The Hon. J. John:** Here is the Minister making the claim, you understand. [*Crosstalk*] Of course, it took place. This is what I am reading; this is the FAA document. You understand?

**Mr. Assam:** All “yuh” “aint” play all “yuh” bold faced “nah” boy.

**Sen. The Hon. J. John:** When it was on that side, it was indeed downgraded. You understand. [*Crosstalk*]

**Mr. Speaker:** Member, I was just going to give you some protection from the loud noises coming from the other side. Please proceed.

**Sen. The Hon. J. John:** Thank you, Mr. Speaker. They feel if they shout hard enough everybody will hear. It goes on.

“An FAA team conducted an aviation safety assessment in Trinidad and Tobago in June 1994 of the Civil Aviation Department (CAD).

The Government of Trinidad and Tobago (GOTT) is a contracting party to the Convention on International Civil Aviation (Chicago Convention). The FAA team measured the capabilities of the GOTT’s CAD against the safety oversight standards of the Chicago Convention and its annexes.”

It went on to say:

“Aviation law in Trinidad and Tobago does not comply with the International Aviation Safety Standards;”

**Mr. Assam:** Who was the Prime Minister? Who was the Government in office, and who was the Minister? All “yuh” should be drowned.

**Sen. The Hon. J. John:** The Civil Aviation Division does not have—  
[*Interruption*]

**Mr. Assam:** All “yuh” too bold faced and dishonest. [*Crosstalk*]

**Sen. The Hon. J. John:** It goes on:

“The CAD does not have aviation regulations which comply with international safety standards;” and [*Crosstalk*]

“The CAD does not have the organizational structure to undertake air carrier certification and surveillance;”

**Mr. Assam:** You must come with clean hands, boy.

**Sen. The Hon. J. John:** Mr. Speaker, maybe I should just say, I beg to move.

**Mr. Assam:** Come with clean hands. [*Crosstalk*]

**Mr. Speaker:** Member, please proceed.

**Sen. The Hon. J. John:** The FAA Report goes on to say—and I must read it into the record—[*Interruption*]

**Mr. Bereaux:** Go ahead and read it.

**Sen. The Hon. J. John:** —because many things have been read into the record. [*Interruption*]

**Mr. Speaker:** Member! Member!

**Sen. The Hon. J. John:** The FAA's—

**Mr. Speaker:** Member! Let me caution the Members, particularly the Member for La Brea, that conduct and that behaviour will not be tolerated in this House. This is the third time for the evening I am appealing to you and to the Members on the Opposition side to keep the noise levels down and you are continuing. It will not be tolerated. The Members on the Government side listen to the debate from the Members on the Opposition side quietly. I think you could do the same thing and, therefore, I am asking you, particularly the Member for La Brea, to keep the noise level down.

**Mr. Breaux:** Thank you, Mr. Speaker—

**Mr. Speaker:** Please take your seat.

**Mr. Breaux:**—I want you to also warn the Member for Tunapuna who was shouting.

**Mr. Speaker:** Please take your seat, and remain silent while I am standing.

Please continue, Minister.

**Sen. The Hon. J. John:** This is the document of July 18, 1995, not 2001.

“The FAA's primary concerns are the safety of air travellers between our two nations and the safety of U.S. airspace.”

It went on and on to speak about the deficiency in the system at that time, Mr. Speaker.

Now, again, as I said, I was so impressed with the Member for Diego Martin East's grasp of that situation and I just want to read again from a “Report to the Honourable Minister of Works and Transport on discussions held on 1995 January 31 between representatives of the Federal Aviation Administration and the Civil Aviation Division regarding the audit of 1994 June on the issue of Flight Operations Oversight.”

They summarized by saying:

- “1. Aviation Regulations were not adequate to ensure compliance with ICAO safety standards.
2. A lack of an adequate number of technically qualified flight operations inspectors.



3. Lack of general compliance with ICAO Standards
  - (a) Lack of initial certification to air carriers to conduct operations into the United States.
  - (b) Lack of continuing oversight and surveillance of international air carrier operations from Trinidad and Tobago.
  - (c) Lack of safety supervision of aircrew training and certification.”

**Mrs. Robinson-Regis:** Mr. Speaker, if I may just ask the Minister, if you would allow me. Could the Minister tell us what category Trinidad and Tobago was in when your Government came into office, and what category it is in now?

**2.55 p.m.**

**Mr. Assam:** Do not answer that, just continue. It is a stupid question. You must ignore stupidity when it is confronting you.

**Sen The Hon. J. John:** In fact, it was in Category II and we were upgraded in November of 1997. That is when we were upgraded to Category I.

**Mrs. Robinson-Regis:** May I ask what category are we in now; and if it changed, when did it change?

**Mr. Assam:** Is that the kind of question you would ask in a court of law, if you were an attorney?

**Sen. The Hon. J. John:** The hon. Member well knows because they had much to say about it.

**Mrs. Robinson-Regis:** I did not speak on the Bill.

**Mr. Assam:** Do not worry with she, “nuh”. Do not waste your breath on her.

**Sen. The Hon. J. John:** In any case it went on that the Colonial Air Navigation Order, 1961, which was the law then, has not been amended or updated since 1961. And even then the FAA was imploring the then government to look after its own business and ensure that the civil aviation system was returned to Category I.

Now the Member for Diego Martin East went on to talk—I am trying to answer point by point—about there being no access for disabled persons. I cannot understand how he got that impression, given that he said that he had been there four times. This is not something to make mileage out of. When you are physically challenged it is a painful experience. It is a difficult situation living

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from day to day, yet someone would come into this House and make mileage out of it, after he had professed to be at the airport four times.

Just for the record, I want to inform the honourable House of the kind of services, that are provided at the airport, for the physically challenged.

There are ramps from the sidewalk, in the car park, to the terminal building. There are special parking positions in the car park for the physically challenged; elevator service to the aircraft; one elevator from the atrium up to the land site; one from the duty-free area to just prior to the screening area; the bridges afford wheelchair-bound passengers to go straight up to the aircraft.

On arriving, physically challenged persons are taken off by the wheelchair and they are taken to an elevator, from what we call air site, and taken down directly to the immigration area where they are taken by wheelchair straight through customs. All the elevators are equipped with Braille for the sight impaired.

The point should also be made that prior to the commissioning of the new terminal building, the National Centre for Persons with Disabilities was invited to tour the facility. At the end of their tour, they complimented the Airports Authority for its excellent and thoughtful consideration in the provision of specific facilities for them.

Additionally, all of the washrooms are equipped with special facilities for people with physical disabilities. Even the telephones are specially set-up for use by people who are wheelchair-bound. So after four visits I cannot understand how the Member could not have seen any of those things.

**Mr. Assam:** You have to excuse him, he is disadvantaged.

**Sen. The Hon. J. John:** The Member for Port of Spain South made a point on clause 14 and we have circulated some amendments to take care of that. He also seemed to have a problem with clause 46 of the Bill. I am getting the impression that the Bill was not read because everybody was talking about the downgrade to Category II.

The Member was making the point that the Civil Aviation Authority manages the airport and if one airline gets a benefit over another, there would be speculation. Basically, the Civil Aviation Authority does not manage the airport; that comes under the jurisdiction of the Airports Authority.

The last point made was whether we should have the regulations laid by negative or positive resolution. These regulations are drafted according to the International Civil Aviation Organization (ICAO) standards and recommended

practices because they are very specific regulations and as we are signatories to the Chicago Convention there is little room for any kind of flexibility.

The Member for Diego Martin West was asking what kind of supervision exists from the time of landing to taxiing up to the parking position; and at take off, and whether people should feel safe and comfortable.

I wish to assure the hon. Member that indeed, from the date of the opening, trained ramp controllers were in control of the movement of the aircraft on the tarmac and the ramp. The control tower—I have been through the procedure also—provides the control until the aircraft lands, exits the runway and active taxiway and then hands over control to the ramp controllers who control the movement of the aircraft until it stops at the gate. The reverse procedure applies for departures and takeoff.

**Dr. Rowley:** Is the Minister in receipt of any complaints from the airlines or from TALPA with respect to this part of the operation?

**Sen. The Hon. J. John:** Not the Minister of Transport.

This is the procedure used at major airports, I am advised, therefore, at all times, an aircraft in movement on the ground is under the control of either the air traffic controller or a ramp controller.

Mr. Speaker, I do not think there was anything else of substance to respond to, so on that basis, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

**3.05 p.m.**

*House in committee.*

*Clauses 1 to 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed, That clause 14 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 14 be amended in terms of the circulated proposed amendment.

**Mr. Moore:** Mr. Chairman, an observation was made by a previous Member about a portion that is not clear on that very first page. At (2) it states:

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“A disclosure under subsection (1) shall be recorded in the minutes of the Board, and the member —

- (a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to that contract; an”

We have not seen anything after the “an”.

**Mr. Maharaj:** I think if the hon. Member reads it:

“(b) shall be disregarded for the purpose of constituting a quorum...”

**Mr. Moore:** Or, there is where it continues?

**Mr. Maharaj:** Yes.

**Mr. Williams:** But, Mr. Chairman, on page 2—

**Mr. Chairman:** Member for Arouca South, and then I would take the Member for Port of Spain South.

**Mrs. Robinson-Regis:** Mr. Chairman, I think it is the same point that the Member for Port of Spain South was about to raise. It is on that same page 2 where it says that:

“14.A No member or former member, shall accept employment or enter into a contract of service with an”

and it stops there.

**Mr. Maharaj:** If you read it says:

“14.A No member or former member shall accept employment or enter into a contract of service with an entity regarded by the Authority or...”

**Mrs. Robinson-Regis:** No, we do not have that.

**Mr. Maharaj:** I am sorry. “...with an entity regulated by the Authority or any body corporate...”.

**Mrs. Robinson-Regis:** No. I am sorry, Mr. Chairman, we do not have that on ours.

**Mr. Maharaj:** It is not copied?

**Mr. Williams:** We do not have that and that was my point.

**Mr. Maharaj:** Okay, then let me read it into the record.

**Mrs. Robinson-Regis:** Thank you, and—

**Mr. Bereaux:** Mr. Chairman, if we do not have it how can we consider it?

**Mr. Chairman:** Apparently that was not printed, as the copy I have also does not have it. I am going to ask the Attorney General to read the words that were not printed at the bottom of page 2, 14A, into the record. That is what I am asking the Attorney General to do.

**Mr. Maharaj:** Mr. Chairman, what has happened is that a whole page is missing. It is better we photocopy the page.

**Mr. Williams:** Mr. Chairman, during my contribution I pointed this out so that when we got to this stage we would not be doing this.

**Mr. Maharaj:** Mr. Chairman, he pointed it out, but according to the copy we had it was there.

**Mr. Williams:** Mr. Chairman, clearly, if I stopped—[*Interruption*]

**Mr. Chairman:** Okay, it can be resolved. Members, it can be resolved easily. We have two options. We can suspend for 10 minutes and allow the copies to be made, or we can proceed with the rest of the clauses and come back to that later.

**Mr. Maharaj:** Yes, we can come back to clause 14 later.

**Mr. Chairman:** Can we come back to clause 14 later?

*Assent indicated.*

**Mr. Chairman:** Okay, then let us proceed.

*Clauses 15 to 32 ordered to stand part of the Bill.*

*Clause 33.*

*Question proposed, That clause 33 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, with respect to clause 33(3), the point has been raised about whether we accede to the request of an affirmative resolution instead of negative resolution. I propose that clause 33(3) be amended by substituting the word “negative” with the word “affirmative”.

**Mr. Chairman:** The question is that clause 33(3) should now read:

“Regulations made under subsections (1) and (2)(b) shall be subjected to affirmative resolution of Parliament.”

**Mrs. Robinson-Regis:** Mr. Chairman, I think what you said was “subjected” and I think, to be accurate, it should be “subject”.

**Mr. Maharaj:** It should be “subject”.

**Mrs. Robinson-Regis:** Yes.

**Mr. Chairman:** May I read it again for accuracy?

**Mrs. Robinson-Regis:** Thank you.

**Mr. Chairman:** Clause 33(3) should read:

“Regulations made under subsections (1) and (2)(b) shall be subject to affirmative resolution of Parliament.”

*Question put and agreed to.*

*Clause 33, as amended, ordered to stand part of the Bill.*

*Clauses 34 to 41 ordered to stand part of the Bill.*

*Clause 42.*

*Question proposed, That clause 42 stand part of the Bill.*

**Mr. Williams:** Mr. Chairman, I was hoping to make an intervention with respect to clause 42(4) . In that clause, the Appeal Tribunal is constituted as follows:

- “(i) a pilot with at least ten years experience as an aircraft commander;
- (ii) an aviation engineer...”

and so on.

It is my understanding that while someone can be an aircraft commander, they are rated by the type of aircraft. In other words, you can have someone who is rated to be the commander of an L10-11, a DC-9, an MD80 or whatever it is, and also of the propeller aircraft, the Dash 8. They are all aircraft commanders, but they are not rated at the same level to fly the same type of aircraft. So, here it is we are contemplating putting an appeal tribunal where you can have somebody who is an aircraft commander of a different type of aircraft adjudicating in a situation where it may be a different kind of aircraft where that person is not licensed, or necessarily competent, to be a commander of that aircraft. Therefore, the concept of facing one’s peers may not apply in this case. I ask that, maybe, the legal draft people could consider the point that while a pilot may have the 10 years experience, he may not have the experience in a situation that is relevant to that which is before him. I would want to suggest that we consider making that parity.

**3.15 p.m.**

**Mr. Chairman:** Hon. Members, we will stand down clause 42 to allow the matter raised by the Member for Port of Spain South to be addressed.

*Clause 43.*

*Question proposed,* That clause 43 stand part of the Bill.

**Mr. Williams:** Mr. Chairman, I beg to move that clause 43(2) be amended by making the word “installations” either singular or plural.

It is just a minor grammatical error which I have noticed in clause 43(2). I do not know if I have the correct version. It reads:

“No person may enter or remain in a protected installations except with general or...”

It seems to me that grammatically, we may want to adjust that. It is either singular or plural.

**Mr. Chairman:** That is correct. We will delete the “s”.

*Question put and agreed to.*

*Clause 43, as amended, ordered to stand part of the Bill.*

*Clause 44 ordered to stand part of the Bill.*

*Clause 45.*

*Question proposed,* That clause 45 stand part of the Bill.

**Mr. Williams:** In the debate, I raised the point about the coordination of the regulatory authority, that it places with the Minister to coordinate with other regulatory bodies. I am not certain the Minister addressed that issue at all to give us the assurance that we would not have the types of conflict which currently exist.

The other issue is in clause 45(2) where these regulations are negative resolutions, if we could not consider as in the previous case, affirmative resolutions.

**Sen. John:** Yes, you will take into consideration the other statutory bodies, but the Minister must have that flexibility. If someone is planting bird-attracting crops, these can be ingested into an aircraft and put people’s lives at risk. You need to get in there and have that flexibility.

**Mr. Williams:** I have no problem with the Minister having the authority to make those regulations. The point is that we need to ensure that there is a

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responsibility to coordinate that with other bodies which make regulations for land use.

Today, we are faced with a situation in the society where the Town and Country Planning Authority is still with us and the local bodies. All have the ability to make regulations. Here, this Minister, in this Bill, is given those responsibilities. At the same time, there is no explanation or anything in the Bill that tells us that there would be a responsibility to coordinate and which one will supersede the other.

**Mr. Maharaj:** Mr. Chairman, I do not think that has to be in a Bill. The Minister is presumed..., otherwise the piece of legislation would be never ending. The Minister exercises the powers here but normally, that would not be in a Bill. If the Minister does not do that, he or she would be accountable to Parliament.

**Mr. Williams:** With regard to clause 45(2), the resolution.

**Mr. Maharaj:** This may have to be done very quickly at times. I think that in this particular case having regard to what this has to do, we will have to keep it.

**Mr. Williams:** At the same time, even if it is negative, it could be raised. This is about the safety measures. I believe that they are probably being drafted now. That is the proactive thing to do. They are probably following a template that exists. I think that this should come before us so that we are advised.

**Mr. Maharaj:** It would come. In respect of this, action may have to be taken very quickly. Affirmative resolution in the other matter, but in this one because of safety considerations it would have to be a negative resolution.

**Mr. Williams:** Fair enough.

**Mr. Chairman:** Member for Port of Spain South, are you satisfied with respect to the explanation?

**Mr. Williams:** I am not satisfied.

**Mr. Chairman:** You will proceed.

**Mr. Williams:** I would proceed. I would not argue the point further. I think that I have made my point.

*Question put and agreed to.*

*Clauses 45 ordered to stand part of the Bill.*

*Clause 46 ordered to stand part of the Bill.*



*Clause 43 recommitted.*

*Question again proposed,* That clause 43 stand part of the Bill.

**Mr. Williams:** In clause 43 which refers to the Fourth Schedule, I made the point about the cartographic system that we use and we ought to define it. Is it that we are not going to do that, or are we going to consider it? Is it appropriate to define it at this point or in the Schedule, if we are going to consider it?

**Sen. John:** The direction is standard aviation language.

**Mr. Williams:** I understand that.

**Sen. John:** What do you want? A further definition?

**Mr. Williams:** The latitude and longitude numbers given in the Fourth Schedule which are referred to in clause 43 are standard numbers. What system is used to determine those numbers? In other words, if you use a different cartographic system, those numbers would refer to entirely different points on the surface of the earth.

**Sen. John:** This must have to do with whatever the aviation—

**Mr. Maharaj:** This is a standard thing. Even if you use a different system it would be equivalent.

**Mr. Williams:** In fact, it does not work that way. As I made the point, this is based on a mathematical model of the earth. Depending on which model you use, those numbers have a particular meaning. If this is based on the Clarke 1858 Spheroid, it has a different meaning to something based on the International Spheroid of 1927, which is a modification of the Hayford Spheroid of 1909. It is a different spheroid of the World Geodetic Survey of 1984, Spheroid. Those numbers could mean a totally different place.

While there is a national standard at this time, we may be changing that and therefore, we should at least put in the legislation what standard we are using today, so that in the future people would know which way we are going.

**Mr. Maharaj:** Mr. Chairman, the more you live, it is the more you are enlightened. Now I have some information and instruction in relation to aviation matters. I am instructed that in the aviation industry all references to locations are given in latitude and longitude. The World Geodetic 84 System (WGS) takes into account everything that you have said.

**Mr. Williams:** The WGS 84 System. I am saying that I made that point in my discussion and we were not enlightened. The Minister never replied. Clearly, I

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could not be advised. Even so, out of an abundance of caution, it might be useful to indicate that in the legislation because models change over time. The reason we are now using the standard of WGS 84 is because of the constellation of satellites which are in the air that allow us to have the current model. As the number of satellites increase we may or may not change. All I am saying is that out of an abundance of caution, it might be useful to put some language in there that tells us what we are using today.

**Mr. Maharaj:** If the models change we could come back and change them by Schedule. If he would agree, we would go on please.

**Mr. Williams:** Mr. Chairman, before we go on. Just to say that out of an abundance of caution, it has been my experience that one should never be too careful to designate this particular feature when it comes to navigation. I have seen gross errors as a result of misunderstanding of this type in my experience in my profession, as a geophysicist.

**Mr. Maharaj:** I am advised that we really do not have to. I think that I will have to take the technical advice.

**Mr. Williams:** Again, Mr. Chairman, let me just point out that much of the reason that we had a historical problem in defining our border with Venezuela is because of our lack of understanding of this particular feature. It is only after quite a number of years and the number of small hostilities, that we have come to a point where we have some understanding. Even so, it is not perfect.

**Mr. Maharaj:** Mr. Chairman, the Member for Port of Spain South has been very adamant and persuasive. We would put something in that would refer to the system.

**Mr. Williams:** Thank you.

**Mr. Maharaj:** I could give it to you now, or leave it when we come to the Schedule?

**Mr. Williams:** Yes.

**Mr. Maharaj:** I recognize his expertise.

*Question, again, put and agreed to.*

*Clause 43 ordered to stand part of the Bill.*

*Clauses 47 to 72, the First Schedule, Second Schedule and Third Schedule ordered to stand part of the Bill.*

**3.30 p.m.**

*Fourth Schedule.*

*Question proposed,* That the Fourth Schedule stand part of the Bill.

**Mr. Maharaj:** Mr. Chairman, in the Fourth Schedule we can add a footnote that says:

“reference points have been defined in accordance with the World Geodetic System (WGS84).”

**Mr. Williams:** One should add “1984” to “World Geodetic System” because that is what WGS84 means. Is it that we are saying that is the spheroid and also the datum that one uses? Do we know offhand what is the reference point for this area, or is it germane to have the geographical coordinates of origin for this area?

**Mr. Maharaj:** I am advised that this would make it very clear and this is sufficient. I ask the Member for Port of Spain South to accept that for the time being, and if there is any problem one can always make representation.

**Mr. Williams:** Peace and love.

**Mr. Maharaj:** I am told reference points have been defined in accordance with the World Geodetic System (WGS84).

*Question put and agreed to.*

*Fourth Schedule, as amended, ordered to stand part of the Bill.*

*Clause 25 recommitted.*

*Question again proposed,* That clause 25 stand part of the Bill.

**Mr. Williams:** Peace and love.

**Mr. Valley:** Mr. Chairman, clause 25(2) says:

“The Board shall not assign an annual salary amount in excess of four hundred and eighty thousand dollars...”

When I take that in conjunction with clause 17, which says:

"(2) The monies in the Fund shall comprise—

(a) appropriations by Parliament from the Consolidated Fund.”

I am wondering whether that limit is not too high especially given the reality that even ministers, at present, earn considerably less than that, and especially given

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what has been happening in state companies and statutory bodies. It seems to me that the maximum one should allow here, at least, is nothing exceeding what ministers receive at present, about \$240,000. The Minister ought to have the right to approve salaries above that figure. I am suggesting that this figure be reduced to \$240,000.

**Mr. Maharaj:** I think the amendments would show that clause 25(2) was deleted in the Senate.

**Mr. Valley:** Okay.

**Mr. Maharaj:** The amendments circulated today are the proposed amendments to clause 14. I am instructed that the amendments you got before were from the Senate, where clause 25(2) was deleted.

**Mr. Valley:** Fine, thank God for the Senate.

*Question put and agreed to.*

*Clause 25, ordered to stand part of the Bill.*

*Clause 42 reintroduced.*

**Mr. Chairman:** Let us go back to clause 42(4)(i).

**Mr. Maharaj:** I think we can add at the end of clause 42(4)(i) the following words, “an aircraft with a certified maximum gross take-off weight in excess of 20,000 kilograms.”

**Mr. Chairman:** The amendment with respect to clause 42(4)(i) should now read:

“A pilot with at least ten years experience as an aircraft commander, of an aircraft with a certified maximum gross take-off weight in excess of 20,000 kilograms.”

**Mr. Maharaj:** It would mean, therefore, that the person would have experience in large aircraft.

*Question put and agreed to.*

*Clause 42, as amended, ordered to stand part of the Bill.*

*Clause 14 reintroduced.*

**Mr. Chairman:** We need to go back to clause 14. There is an explanation here that pages 2 and 3 of the list circulated have been replaced by two pages now being circulated.

**Mr. Maharaj:** Just to be sure what the hon. Members have. On the first page there is 14(1), 14(2), and (a) and the last word on that page is, “an”. On page 2, it is (b), (3), (4), (5) and then 14 (A) and the last word on that page is the word, “any”. The following page it is “body corporate” and then the last word on the page is “Act”, then one more page and the last word, is “*Gazette*”.

**Mr. Chairman:** The Member for Arouca South.

**Mrs. Robinson-Regis:** Mr. Chairman, clause 14(3), where it indicates that the persons include shareholders or partners in a company and so forth, I am just wondering if we should also include directors.

**Mr. Maharaj:** Could you repeat? I am not with you.

**Mrs. Robinson-Regis:** More properly it is (3) where it says:

“For the purposes of this section, a person who or any nominee or relative of whom is a shareholder or partner in a company or other body of persons other than a statutory authority...”

I am just wondering if “or other body of persons” includes directors or if we should specify directors. It is just out of an abundance of caution in order to capture as many people as possible. A director may not necessarily be a shareholder.

**Mr. Maharaj:** I think we would go with that, “...any nominee or relative of whom is a director, shareholder or partner in the company or other body”.

**Mrs. Robinson-Regis:** Mr. Chairman, clause 14(5) tries to give a definition of the word, “relative”. I am just wondering if that definition is broad enough. In the definition it tries to list as many people as possible but we would come to a point where we would either list practically everybody who could be considered a relative, or we narrow it down to only these people. I am wondering if it could also include—because a dictionary definition of the word, “relative”—persons who are related by blood or marriage. I am wondering if we need to include any other persons like in-laws, or stepchildren. I know we can go on and on with the list, but this is to be as careful as possible.

**Mr. Maharaj:** We have taken this from other legislation that was passed. Probably you want it to be uniform. I do not know if we could leave it like this and come up with anything else.

**Mrs. Robinson-Regis:** I was trying to locate another piece of legislation with a similar definition but with the limited time, I was not able to do it.

**Mr. Maharaj:** One of the matters I think was the Regulated Industries Act.

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*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

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

*House resumed.*

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

#### ADJOURNMENT

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to next Friday, July 27, 2001 at 1.30 p.m. That will be Private Members' Day.

We do have an issue to debate on the adjournment from the Member for Arouca South. [*Interruption*] I was not aware of that. I am very sorry. Perhaps the Opposition could indicate to us whether Private Members' Day will be a short sitting—a few minutes—or the normal time, and what is the issue. I know that the last Private Members' Day there was very short sitting.

**Mr. Speaker:** I take it the Motion on the Adjournment is deferred for one week. If that is the wish of the House, so be it.

**Mr. K. Valley:** I would like to inform the Government that we intend to debate the matter relating to Petrotrin—the Private Member's Motion in the name of the Member for Diego Martin West. It will qualify by the 27<sup>th</sup>.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.49 p.m.*