

Leave of Absence

Friday, April 04, 2003

HOUSE OF REPRESENTATIVES

Friday, April 04, 2003

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received verbal requests for leave of absence from the Member for St. Joseph, Mr. Gerald Yetming; the Member for Tobago East, Mrs. Eudine Job-Davis and the Prime Minister and Member for San Fernando East, Hon. Patrick Manning, from today's sitting.

I have also received written communication for leave of absence from the Member for Arouca South, Hon. Camille Robinson-Regis for today's sitting; the Member for La Brea, Mr. Hedwige Bereaux, during the period April 03—07, 2003 and the Member for St. Augustine, Mr. Winston Dookeran, during the period April 01—22, 2003.

The leave of absence, which the Members seek, is granted.

PAPERS LAID

1. The fifteenth annual report to Parliament by the Integrity Commission for Trinidad and Tobago on its activities for the year 2002. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General on the financial statements of the Mayaro-Rio Claro Regional Corporation Chairman's Fund for the year ended December 31, 1997. [*Hon. K. Valley*]
3. Report of the Auditor General on the financial statements of the Mayaro-Rio Claro Regional Corporation Chairman's Fund for the period January 01, 1998 to September 30, 1998. [*Hon. K. Valley*]
4. Report of the Auditor General on the financial statements of the Mayaro-Rio Claro Regional Corporation Chairman's Fund for the financial year ended September 30, 1999. [*Hon. K. Valley*]
5. Report of the Auditor General on the financial statements of the Penal-Debe Regional Corporation for the nine-month period January 01, 1998 to September 30, 1998. [*Hon. K. Valley*]

Papers 2 to 5 to be referred to the Public Accounts Committee.

ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Just for the information of the hon. Member for Caroni East and Members of the Opposition, today, Mr. Speaker, the Government is able to answer questions 59 to 62 inclusive and would request a deferral of two weeks for the other questions.

Mr. Speaker: By agreement or—

Hon. K. Valley: I am taking the agreement of the—thank you very much.

Mr. Singh: I just want to find out the status of the questions for written answers also before we make up—

Hon. K. Valley: With respect to the written answers, No. 49 is ready, Mr. Speaker. The others are in various states of readiness.

Mr. Singh: Mr. Speaker, there are some questions dating back to February 15, 2003—Nos. 27 and 49—and one would expect that the Government ought to be much more forthcoming in their answers.

Hon. K. Valley: With regard to question No. 27, Mr. Speaker, the ministry has been directed to seek the advice of the Attorney General on this question so that is the reason for the hold-up of that response and, as you know, there is still a grey area with respect to written questions.

Mr. Speaker: There is, in fact—it is not a grey area. The Standing Orders are quite clear in terms of written questions but, by convention, we have agreed on a sort of time limit of a maximum of about 28 days. So that I would ask the Government to try, as far as possible, to keep within the agreed time frame. [*Desk thumping*]

Hon. K. Valley: Mr. Speaker, the Government would do so as long as we can supply the answers but there are some questions that are very wide-ranging and they would require quite a lot of research, especially the written questions. One question, for example, from the Member for Fyzabad, asked the Member for Diego Martin West, the Minister of Planning and Development, for all contracts issued by all state companies, but he is not even responsible for all state companies, Mr. Speaker.

Mr. Singh: I merely want to make the point, Mr. Speaker, that there are some questions that can be easily answered, like the payments to Ramleela groups, like the compensation package to Ray Braithwaite, the CEO of Solid Waste—easily answered—and why are they not being answered?

Mr. Speaker: Hon. Members, let us not get into a debate on this. We will move on, please. [*Interruption*] [*Crosstalk*] Order.

ORAL ANSWERS TO QUESTIONS

Friendly Societies Registrar

59. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Labour and Small and Micro Enterprise Development:

- (a) Is the Minister aware that the contract of the Registrar of Friendly Societies expired in January 2002?
- (b) Could the Minister advise this House on the mechanisms that are in place to have a Registrar appointed so that there could be continuity of service in accordance with the provisions of section 3 of the Friendly Societies Act, Chap. 32:50?

The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong): Mr. Speaker, in answer to question 59(a), please let me advise the Member of Parliament for Naparima that the Registrar of Friendly and Building Societies is appointed by the Cabinet and not hired on contract. In this regard, this House is advised that Cabinet took a decision at its meeting on February 27, 2003 to appoint Ms. Susan Francois, Registrar General, Ministry of Legal Affairs, as the Registrar of Friendly and Building Societies on a part-time basis for a period of three years in accordance with the provisions of section 3 of the Friendly Societies Act, Chap. 32:50 and section 2 of the Building Societies Act, Chap. 33:04.

With respect to part (b), this honourable House is advised that the Registrar of Friendly and Building Societies has been appointed. To ensure that there could be continuity of service in accordance with the provisions of section 3 of the Friendly Societies Act, Chap. 32:50, the Ministry of Labour, Small and Micro Enterprise Development has made a commitment to commence preparations for appointment of a registrar six months prior to the expiration of the current appointment. [*Desk thumping*]

Mr. Baksh: Could the hon. Minister differentiate between a contract and a temporary period for three years—a part-time period?

Hon. L. Achong: I cannot help it if the Member does not know the difference between an appointment by Cabinet and a contract position. [*Desk thumping*]

Mrs. Persad-Bissessar: Supplemental. The hon. Minister has indicated that this person has been appointed part-time. Does this mean that there will be a part of the time when there will be no registrar?

Hon. L. Achong: It means that the duties of a registrar will not occupy that person full-time. The person is the Registrar General in the Legal Affairs Department. [*Desk thumping*]

Advisory Friendly Societies Council

60. Mr. Nizam Baksh asked the hon. Minister of Labour and Small and Micro Enterprise Development:

- (a) Could the Minister advise this House on the present status of the appointment of the Advisory Friendly Societies Council in accordance with the provisions of section 102 of the Friendly Societies Act, Chap. 32:50?
- (b) Could the Minister state how are the functions of that body administered currently in the absence of an advisory council?

The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong): Mr. Speaker, I hereby advise this honourable House that Cabinet took a decision at its meeting on February 20, 2003 to appoint the Advisory Friendly Society Council to serve for a period of two years.

In the absence of an Advisory Friendly Societies Council, no functions were carried out. However, that matter has been rectified through the appointment of the council. [*Desk thumping*]

Friendly Societies (Free Card Subsidies)

61. Mr. Nizam Baksh asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Is the Minister aware that Friendly Societies have not received their free card subsidies for the last two (2) years and could the Minister state the reasons for this?

The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong): Mr. Speaker, the House is informed that the free card subsidy was in fact paid for the financial year 2001—2002 in the total amount of \$71,964 on two separate dates: April 26, 2002 and July 10, 2002.

Friendly Societies (Receipt of Assets)

62. Mr. Nizam Baksh asked the hon. Minister of Labour and Small and Micro Enterprise Development:

- (a) Is the Minister aware that hundreds of members of Friendly Societies whose societies have been cancelled have not received their share of assets of these friendly societies and that some of these members have since died?
- (b) Could the Minister say how soon will members be paid?

The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong): As the Minister responsible for friendly societies, I am aware that there is a backlog in the distribution of assets to a number of societies.

The House is advised, Mr. Speaker, that payments will commence immediately, now that the Registrar of Building and Friendly Societies has been appointed. [*Desk thumping*]

The following questions stood on the Order Paper:

Payments to Ramleela Groups

45. Could the Minister of Culture and Tourism indicate the allocation and payments to Ramleela groups for the years 2002 to 2003? [*Mr. G. Singh*]

**Solid Waste Management Company Limited
(Chairman's Compensation Package)**

51. (a) Could the Minister of Public Utilities and the Environment indicate what is the remuneration and compensation package of the current Executive Chairman of the Solid Waste Management Company Limited (SWMCOL)?
- (b) Could the Minister state what was the equivalent package of the last Chief Executive Office (CEO) of the Solid Waste Management Company Limited (SWMCOL)? [*Mr. G. Singh*]

**Beetham Sewerage Project
(Cost of Contract)**

52. Would the Minister of Public Utilities and the Environment please state:
- (a) What was the cost of WASA's Beetham Sewerage Project as contractually agreed with Biwater International at the inception of the contract in 2001?
 - (b) Have there been any variation/s to this contract and if so, what are these variations and the reasons to support them? [*Mr. G. Singh*]

**Water and Air Pollution Rules
(Current Status)**

- 84.** (a) Would the Minister of Public Utilities and the Environment tell this House what is the current status of the Water Pollution Rules and the Air Pollution Rules?
- (b) Would the Minister indicate a projected time within which these said rules will be laid in Parliament for Negative Resolution? [*Dr. A. Nanan*]

**Brasso Venado Weather Radar Station
(Current Status)**

- 85.** Would the Minister of Public Utilities and the Environment inform this House of the current status of the plan for the establishment of a Weather Rader Station at Brasso Venado? [*Dr. A. Nanan*]

Questions, by leave, deferred.

WRITTEN ANSWER TO QUESTION

The following question was asked by Mr. Chandresh Sharma (Fyzabad):

**Road Improvement Fund
(Expenditure and other Details)**

- 87.** (a) Would the Minister of Works and Transport state what was the expenditure in 2002 on road repairs under the Road Improvement Fund?
- (b) Could he list the names and location of roads repaired/built under the Road Improvement Fund in that year?
- (c) Could he indicate the expenditure on each road and the contractor engaged?

Vide end of sitting for written answer

REPLIES TO WRITTEN ANSWERS

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, may I crave your indulgence with respect to questions? Are we planning to move on?

Mr. Speaker, I would be guided by your suggestions or your ruling with respect to replies to written answers. There is question No. 87, for example, for which a written reply has been provided, and there are two matters with which I am concerned. One is: what is our position on this side should we wish to ask supplemental questions on the written responses? The second is: what is our

position where, on perusal of the written response, a part of the question has not been answered? For example, question 87 does not comply and does not give the full answer as required.

Mr. Speaker: There is no provision in the Standing Orders for supplemental questions with respect to questions requiring written answers. With respect to questions which Members feel are not fully answered, perhaps you can now come with—well, no, you cannot ask the same question twice. I do not know how I can help you with that but to urge Members to answer the questions that they are asked.

Mrs. K. Persad-Bissessar: Mr. Speaker, with due respect, it means that the Government is not complying with its duty. Its duty—*[Interruption]* No, no. The reply is there, Mr. Speaker. The question is there; the reply is there. The question specifically asked for the names of the contractors. The reply says the names of the contractors are listed next to each contract. There are no names of contractors on this. Government has not complied.

Mr. Speaker: I hear you and the Speaker is powerless in that regard. The Speaker cannot direct Ministers how to answer a question. When you ask a question, they answer it so that they would suffer the consequences of not answering the question the way you think they ought to answer it.

Mrs. K. Persad-Bissessar: With due respect, they did not answer.

Mr. Ramnath: There are no mechanisms—*[Interruption]*

Mr. Speaker: I still cannot help you.

Mrs. K. Persad-Bissessar: They have not answered.

Mr. Speaker: Unfortunately, I still cannot help you.

Mrs. K. Persad-Bissessar: There must be a mechanism, Sir. With due respect, there must be.

Mr. Imbert: Mr. Speaker, may I make a point on this?

Mrs. K. Persad-Bissessar: You did not answer.

Mr. Ramnath: No, no.

Mr. Imbert: If you look at this matter, the names of the contractors were not requested. The Member is misleading the House.

Mrs. K. Persad-Bissessar: No. With due respect, Mr. Speaker—*[Interruption]* No, no, Sir—*[Interruption]*

Mr. Speaker: I am not prepared to entertain any further—[*Interruption*]

Mrs. K. Persad-Bissessar: Question No. 87 asks—[*Interruption*] It is here.

Mr. Speaker: No, [*Interruption*] please, [*Interruption*] please. [*Interruption*]

Mrs. K. Persad-Bissessar: The Member is misleading the House.

Mr. Speaker: Order please. [*Interruption*]

Mrs. K. Persad-Bissessar: Question No. 87(c) is very clear. [*Interruption*]

Mr. Speaker: Order please! [*Interruption*]

Mrs. K. Persad-Bissessar: You are misleading the House—87(c)—the name of the contractor.

Mr. Speaker: Order please! [*Interruption*] Could you proceed, Madam Clerk?

Madam Clerk: Requests for Leave [*Interruption*] to move the Adjournment [*Interruption*] of the House [*Interruption*] on Definite Matters of Urgent Public Importance.

Mr. Speaker: The hon. Member for Nariva.

Mr. Sharma: Mr. Speaker, may I—question No. 68, [*Interruption*] the Leader of Government Business has indicated it would be answered and no answer has been provided.

Mr. Speaker: No, no, no. He did not say that. He said questions Nos. 59 to 62 inclusive.

Mr. Sharma: Yes, but 68, was not included.

**DEFINITE URGENT MATTERS
(LEAVE)**

**Caroni (1975) Limited
(Non-Payment of Wages)**

Mr. Harry Partap (*Nariva*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I seek your leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the non-payment of wages to workers of Caroni (1975) Limited for the month of March 2003.

The matter is definite because it refers to a specific issue of non-payment of wages for the month of March 2003 to monthly- and daily-paid workers of Caroni (1975) Limited. The matter is urgent because monthly- and daily-paid workers of

Caroni (1975) Limited

Friday, April 04, 2003

Caroni (1975) Limited have not been paid their wages for March 2003 and, as such, are unable to maintain and support themselves and their families and meet financial commitments.

The matter is of public importance because the non-payment of wages to monthly- and daily-paid workers of Caroni (1975) Limited impacts on their ability to service loans and meet other financial commitments to the business community. This matter has the potential to create economic and social instability in Central and South Trinidad.

Thank you, Mr. Speaker. [*Interruption*]

Mr. Speaker: Order please, order! Hon. Members, the leave which the Member seeks is denied; and may I refer the Member to Standing Order 11, subsections (2) and (3).

Health Sector (Escalating Crisis)

Dr. Hamza Rafeeq (*Caroni Central*): [*Desk thumping*] Mr. Speaker, in accordance with Standing Order 12, I seek leave of this honourable House to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the escalating crisis in the health sector.

This matter is definite since it deals with the specific issue of patients not being able to access care at the nation's hospitals. The matter is urgent since patients are suffering from lack of medical care and attention putting their lives at risk.

The matter is of public importance since about 90 per cent of the nation's population seeks medical attention at the public health care institutions.

Thank you.

Mr. Speaker: Hon. Members, [*Interruption*] the leave which the hon. Member for Caroni Central seeks is denied. Again, may I refer the hon. Member to Standing Order 11, subsections (2) and (3).

Dr. H. Rafeeq: Mr. Speaker, I am very grateful for your ruling but Standing Order 11—Monday of this week was a holiday, and my understanding is that, according to your ruling, the deadline for submitting motions under that Standing Order is Monday afternoon, so I could not have submitted it under that Standing Order.

Mr. Speaker: Well, it is not my ruling. It is in the Standing Orders—three days.

Dr. H. Rafeeq: Yes, so I could not submit it under that Standing Order. [*Interruption*]

**HANSARD REPORTERS
(INABILITY TO HEAR MEMBERS' CONTRIBUTIONS)**

Mr. Speaker: Before I call upon the hon. Minister, let me appeal to Members on both sides of the House to have respect for the Hansard reporter. On the last occasion when we sat, which is last Friday, the Hansard reporter was at great pains and difficulty to hear the contributions of Members. I am appealing to Members on both sides, please, refrain from crosstalk. If Members do have to talk, please exit the Chamber and carry on your conversations outside. While we are conducting the business of this House, please let us hear the Members and their contributions and, more particularly, can we pay some respect to the Hansard reporter whose duty is to record the contribution of Members.

CIVIL AVIATION (AMDT.) BILL

Order for second reading read.

The Minister of Works and Transport (Hon. Franklin Khan): [*Desk thumping*] Mr. Speaker, I beg to move,

That a Bill to amend the Civil Aviation Act, No. 11 of 2001, be now read a second time.

Mr. Speaker, this Bill is intended to modernize the civil aviation legislative infrastructure in Trinidad and Tobago and, as a consequence, to bring Trinidad and Tobago back into Category 1 status. This Bill is very timely and relevant as the issues we face today that impact on civil aviation are clear for all. Civil aviation, as you know, is an industry that has been going through very trying times since the incident of 9/11 and, more recently, the Iraq war. What this has done, Mr. Speaker, is lead to a reduction in air travel with its consequential impact on trade and tourism, especially here in the Caribbean, and it has had a fundamental and significant impact on the profitability of commercial airlines worldwide. The airlines of the Caribbean obviously have not been immune to these negative effects on civil aviation because of certain trends in the world today.

To put this Bill in perspective and to outline the significance and importance of civil aviation to modern economy, I would like you to note, Sir, that since the first powered flight on December 17, 1903 by the Wright brothers, the world has seen an explosive growth in international civil aviation activity. Mr. Speaker, civil aviation is crucial to world development. Apart from the social benefits of safely transporting people and goods throughout the world, air transport is a global business which has been one of the main driving forces behind the economic growth of the world since World War II. It has now assumed an integral role in

the world economy as a tool for conducting much of the world's business, a foundation for the tourist industry and a catalyst for spin-off industries and a cost effective means of distributing goods and services.

I would like to share some statistics with this honourable House. When the International Civil Aviation Organization (ICAO) came into existence in 1947, air transport played a very small part in the world economy. For example, in 1947 only nine million passengers travelled by air, equivalent to less than half of one per cent of the world's population. Airfreight was insignificant at that time. By contrast, Mr. Speaker, in 2001, a mere 55 years after the creation of the ICAO, 781 scheduled airlines operating 20,771 commercial aircraft within a network of some 14,000 worldwide, transported over 1.6 billion passengers and 29 million tonnes of freight.

Mr. Deputy Speaker—Mr. Speaker, this activity generated combined revenues for these airlines in 2001 totalling some US \$305.3 billion. Closer to home, on a regional basis, 27 per cent of the world's volume of passengers and freight are carried by airlines of Latin America and the Caribbean. What this says, Mr. De—Mr. Speaker, is that civil aviation is very pivotal to economic activity for a country like Trinidad and Tobago and it is of paramount importance that we bring our legislation up to the international standards and regulations that the Chicago Convention demands of us. So just to give you the background of this issue, we will go back to the genesis of the aviation legislation issue.

The Convention on International Civil Aviation, Mr. Speaker, was signed at Chicago on December 07, 1944 and this established certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically. In 1944, the Convention formed the International Civil Aviation Organization, the ICAO, with the aim and objective of developing the principles and techniques of international air navigation and to foster the planning and development of international air transport. The Convention came into effect upon ratification by 26 states on April 04, 1947 and, by the end of 2000, had been ratified by 186 states, making it one of the world's most widely accepted international law instruments. Trinidad and Tobago became a part of the Convention on March 14, 1963.

Mr. Speaker, as a contracting state of the ICAO, a signatory to the Chicago Convention, Trinidad and Tobago is required to properly discharge its obligations under the Convention, including the adoption of the Standards And Recommended

Civil Aviation (Amdt.) Bill
[HON. F. KHAN]

Friday, April 04, 2003

Practices (SARP), contained in the annexes to the Convention. Up until 1995, Trinidad and Tobago's primary aviation regulating instrument was the Colonial Air Navigation Order of 1961 supported by an array of United Kingdom Civil Aviation Authority Guidance Publications referred to as the Civil Aviation Publication and British Civil Airworthiness Requirements. These regulations and guidance publications did not meet the minimum standards for regulating civil aviation as required by the Chicago Convention and its annexes.

In mid 1991, the United States Federal Aviation Administration (FAA) began to formulate a programme to address concerns regarding the effectiveness of foreign airlines operating into the United States to adhere to the international standards and recommended practices for aircraft's operation and maintenance established by the ICAO. Mr. Speaker, the FAA, on a trial basis, visited 12 countries with airlines seeking to operate into the United States in order to assess the countries' capabilities to properly conduct the safety oversight responsibilities. On August 24, 1992, based on the findings of the visit to the 12 countries, the FAA publicly announced an International Aviation Safety Assessment—the IASA—Programme.

The purpose of the IASA was to ensure that all foreign carriers that operate to and from the United States are properly licensed with safety oversight provided by a competent civil aviation authority in accordance with ICAO standards. Mr. Speaker, similarly at the Twenty-Ninth ICAO Assembly in 1992, Resolution A29-13, Improvement of Safety Oversight, was adopted, which recognized that many contracting states may not have the regulatory framework or financial or technical resources to carry out the minimum requirement of the Chicago Convention and its annexes and noted that many contracting states might experience difficulty in carrying out their responsibilities under international law for safety oversight or fair carrier operations.

Mr. Speaker, the resolution called upon contracting states to do several things: one, to reaffirm their safety oversight obligations, especially the important safety provisions contained in annexes 1, 6 and 8 of the Chicago Convention; two, to review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementation; and thirdly, with respect to those states able to do so, to provide requesting states with assistance in the form of financial and technical resources to enable such requesting states to carry out their responsibility. It was on the basis of that resolution that the ICAO established the ICAO safety oversight programme which incorporates as its core function safety oversight assessment of states by ICAO on

a voluntary basis with the objective of offering advice on compliance, standards and recommended practices and associated procedures.

In the context of the concerns of both the FAA and the ICAO, an FAA team assessed Trinidad and Tobago in June of 1994 and in January of 1995.

Dr. Nanan: Standing Order 33(6).

Mr. Speaker: This talks about:

“Except with leave of the Speaker, a Member shall not read his speech”

This Bill is of a technical nature and I would allow the Member to proceed.

Hon. F. Khan: Thank you, Mr. Speaker. I can assure the Member for Tabaquite that after I go through these technical details he will hear me on the “extempo” because I was able to defeat their “extempo” candidate in Ortoire/Mayaro. [*Desk thumping*] [*Laughter*] [*Interruption*]

Mr. Speaker: Order. Order.

Hon. F. Khan: Mr. Speaker, before I was interrupted, in the context of the concerns of both the FAA and the ICAO, an FAA team assessed Trinidad and Tobago in June of 1994 and January of 1995. The assessment determined that Trinidad and Tobago did not meet the minimum standards of the ICAO annexes. Additionally, in July of 1995, Trinidad and Tobago was assessed as a Category 2 country and an action plan agreed upon to achieve compliance with ICAO annexes 1, 6 and 8. The FAA reassessed Trinidad and Tobago in November of 1995, February of 1996 and November 1996. In February 1997 the FAA restated that there were still outstanding issues in the action plan to be addressed.

Mr. Speaker, in November of 1997 Trinidad was awarded Category 1 rating by the FAA. However, in October 1999 the ICAO conducted an assessment of Trinidad and Tobago and identified several deficiencies in the local safety oversight system as it relates to aviation law, civil aviation organizational structure, adequately qualified personnel and operational certification. Trinidad and Tobago subsequently submitted an action plan outlining the corrective measures for the deficiencies identified.

In December 1999 the ICAO conducted another assessment pursuant to Assembly Resolution 3211 that authorized the ICAO to conduct mandatory safety assessment of states and in accordance with the updated memorandum of understanding between the ICAO and Trinidad and Tobago. The final audit report identified several areas in which Trinidad and Tobago did not comply with the

Civil Aviation (Amdt.) Bill
[HON. F. KHAN]

Friday, April 04, 2003

ICAO standards. ICAO circulated a report to all 186 member countries. Among the areas of concern identified by the ICAO report were deficiencies in the Trinidad and Tobago civil aviation laws and regulations. Mr. Speaker, this is the intent of this Bill today, to make the required revision to the legislation so that we can now comply with the ICAO regulations and standards.

This legislation is intended, as I said, to bring us from Category 2 to Category 1. What is category 2? I think we need to explain that to this honourable House so that Members could understand why there is the dire need to move from Category 2 to Category 1 because it seems as though it was the intent of the Opposition at the time that Category 1 meant constructing a new airport terminal building at the cost of \$1.6 billion but, Mr. Speaker, Category 2 refers to the US Federal Aviation Administration (FAA) international aviation safety assessment category system. It relates to an assessment of the country's civil aviation oversight capabilities and performance according to its obligations as a member of the International Civil Aviation Organization.

It must be emphasized, Mr. Speaker, that the IASA system is on a bilateral basis between the United States and the respective countries. What this means in effect is that the effect on the subject country only applies to US operations. So the issue of Category 1 and Category 2 does not apply to Trinidad and Tobago carriers flying to other destinations in the world, it only applies to Trinidad and Tobago carriers flying into a US destination.

Mr. Deputy Speaker—Mr. Speaker, there are four broad criteria on which the FAA judges a state's compliant standards and these are as follows: aviation law—what they are saying is there must exist a modern framework of aviation law that establishes the national civil aviation authority and empowers it to create and enforce aviation regulations, policies and procedures. It further goes on to state that you must have a civil aviation authority. There must be a civil aviation authority with an adequate structure and qualified personnel, especially with regard to safety inspectors operating as independently as possible from political control. Thirdly, there must be comprehensive aviation safety regulations.

What this means is that there must be a functioning framework of local aviation regulations which cover every aspect of aviation conducted or contemplated to be conducted in the country. These regulations must address licensing of aviation personnel and a system for the certification, monitoring and surveillance of operators. There must also be comprehensive guidance material to guide both the CAA personnel and the operators with regard to the requirements

for initial certification and for continuous surveillance. Finally, Mr. Speaker, there must be proof of effective oversight.

It is clear that, based on the inspections from the FAA, Trinidad and Tobago was not in compliance with the ICAO requirements. Mr. Speaker, this downgrading, as it were, has had a serious impact on our commercial carrier, which is BWIA. What this means is that, being in Category 2 status, the US penalizes air operators of the offending or Category 2 country by freezing the operation specification issued to the operators under FAA Part 129.

This, in effect, Mr. Speaker, means that air carriers of this country cannot change anything on their governing operating specifications with the United States, including, but not limited to, expansion of routes, change of aircraft type, et cetera. Further, because the US Department of Transport (DOT) also gets involved in approving commercial carrier collaboration, commonly called code sharing, between foreign and US air carriers, the denial of approval for code sharing with non-Category 1 foreign air carriers is also imposed. Therefore, it is the unfortunate commercial air operators who are adversely affected by the relevant state's failure to meet its international aviation treaty obligations.

What that means, Mr. Deputy Speaker—Mr. Speaker, as it relates to BWIA, is that at this point in time, because we are Category 2, BWIA cannot expand its route network into the United States. It cannot even enter into code sharing arrangements with the American carriers. So that, if BWIA is operating a flight into New York, Miami or one of the hubs—Chicago or Atlanta—they cannot enter into code sharing agreements for connector flights with American carriers and this has had a significant impact on the profitability of BWIA's business. As a matter of fact, it is estimated by BWIA that it is losing potential revenue of close to US \$980,000 per month because of a Category 2 status. So, Mr. Speaker, it is very, very important that we do what is necessary in this Parliament to modernize the legislation so that Trinidad and Tobago can proudly again be represented on the world map back into Category 1 status.

There are several things that need to be done. The FAA has been here in and out over the last six to eight months. They have been looking at airport security, the qualification, training and competencies of our aircraft control system and at the technical personnel, both at the department of civil aviation, which falls under the Ministry of Works and Transport and the transition process as it relates to the Civil Aviation Authority and its staffing and structure. However, the single most important aspect, Mr. Speaker, of returning to Category 1 status, is for us to pass this legislation in this House so that we would have an autonomous civil aviation

Civil Aviation (Amdt.) Bill
[HON. F. KHAN]

Friday, April 04, 2003

authority with all the resources available to it with the powers to make the required regulations to govern the sector and be in compliance with the Chicago Convention.

So, Mr. Speaker, to move into the specifics of the legislation, today we are going to amend several clauses as follows. Clause 2 amends section 2 of the Act by expanding the definition of “air operator” to include persons and enterprises in addition to organizations. It amends the definition of “aviation document” to include such other documents that may be approved by the authority in the carrying out of its powers and functions under the Act. It includes, Mr. Speaker, a Convention-based definition of “commercial air transport”.

Clause 3 amends section 5 of the Act to ensure that the authority may regulate matters related to aviation documents regarding Trinidad and Tobago aircraft in any part of the world. Clause 4 amends section 7 of the Act thereby empowering the authority to make prescribed regulations and rules.

Clause 5 is intended to amend section 26 in order to achieve the following: one—to allow for the continuation of representation by the representative associations that formerly represented the employees that have exercised an option to transfer from the public service into the authority as provided for in section 26C. Secondly, clause 5 allows further for the existing collective agreements to continue as well as to remain binding and valid on the relevant representative associations and their authorities and, thirdly, to enable authority employees to form associations or join trade unions.

Mr. Speaker, it is crucial that, in order for good governance to prevail, this amendment is worded absolutely carefully so as to avoid such consequences arising out of the transition at the Regional Health Authorities with which we are still presently dealing. I sympathize with my colleague, the Member of Parliament for Diego Martin East, because he has inherited a very messy situation. *[Interruption]* It must further be ensured, Mr. Speaker, that public officers who transfer into the authority are guaranteed continued employment and, at the same time, the authority should be given the flexibility to negotiate better terms and conditions for their employees. It is the intent of this Government, Mr. Speaker, to make sure that there is successorship in the Civil Aviation Authority coming out of the public service, something that was badly and poorly handled when the Regional Health Authorities Act was formulated.

Mr. Deputy Speaker—Mr. Speaker—*[Interruption]* It does not matter. The fact of the matter is that we are being particularly careful this time around because

it is a trend that, as we try to modernize this country and as we try to get out of the bottlenecks of a British public service system, and as we plan to make Trinidad and Tobago a developed country by 2020, we have seen that one of the major areas we need to tackle as a Government is the institutional blockages to progress. We have to craft new institutions in this country to make things happen and we are going along the road of these authorities. So that, coming out of the ambit of the public service, there can be more autonomy and coming on the heels of the Civil Aviation Authority would be the revenue authority, which will deal with customs and the Inland Revenue and there will be the roads authority which will be transforming the Ministry of Works and Transport into a modern and efficient organization.

Because we are so particular about this clause, Mr. Deputy Speaker—Mr. Speaker, and because it is a very—

Mr. Speaker: You keep referring to the Deputy Speaker.

Hon. F. Khan: Oh, sorry.

Mr. Speaker: You seem to have “deputy” on your mind. [*Laughter*] The deputy is not here today.

Hon. F. Khan: My humblest apologies, Sir.

Mr. Speaker: A deputy is essential but so is a Speakership. [*Laughter*]

Hon. F. Khan: Thank God my wife is not here.

Mr. Speaker, as I was mentioning, we are extremely careful about this clause, so much so that we plan to make some amendments to it and it will be dealt with later on in the debate. However, I think we should have the support of the Opposition to the extent that this is fundamental to the success of the transition from the department of civil aviation to the Civil Aviation Authority and it will set a precedent and it will set a template now in which, as we continue to bring certain sections of the public service into the ambit of statutory authorities, to foster greater efficiency in the operations of government business, we would see that this is very fundamental to the success of that operation as it relates to labour relations in the country.

So, Mr. Deputy, I mean Mr. Speaker, I continue. [*Interruption*] The last time I debated, the Deputy Speaker was in the Chair.

Clause 6 amends section 32 of the Act by making specific reference to “agreements” in subsection (5) and inserting a Fourth Schedule listing the

Civil Aviation (Amdt.) Bill
[HON. F. KHAN]

Friday, April 04, 2003

properties and assets held by or vested within the former civil aviation division. This shall assist in the preparation of an appropriate vesting order that in turn shall facilitate the transition process.

Mr. Speaker, clause 7 amends section 33(3) of the Act thus making regulations made thereunder subject to negative resolution of Parliament. This ensures that the rule-making process, so necessary for the discharge of the authority's responsibility, is not unduly hampered. At the same time, Parliament is given the ability to review the substantive operating regulations governing the operations of the authority that form a major component of the document A33-5. It must be stressed that both FAA and ICAO requirements regarding the making of regulations stress the prominent role of the executive arm of government in this process. Therefore, Mr. Speaker, unless section 33(3) is amended, Trinidad and Tobago cannot be upgraded to Category 1 status.

Mr. Speaker, clause 8 amends the Act further with the addition of two new sections; section 33A that allows the director general of civil aviation to prescribe the implementing standards in respect of regulations made under the Act and 33B that allows the director general of civil aviation to make emergency regulations and rules in situations where it is expedient to do so and makes provisions for their publication. Section 33C, as an adjunct to section 33B, empowers the minister within the prescribed period to amend, revoke or approve emergency regulations and rules. Sections 33B and 33C shall have the conjoint effect of facilitating immediate action where it is required in order to preserve the safety of aviation; for example, Mr. Speaker, where, after 9/11, certain areas of Trinidad and Tobago had to be immediately declared a no-fly zone. What this amendment will do is give us the legislative authority to so do. We would have had to do that in any event because of the emergencies of the situation.

Mr. Speaker, clause 9 of the Bill amends section 34 by requiring the authority, when considering the grant of a licence for an aerodrome, to take into account issues related to the environment and to public nuisance concerns. Clause 10 clarifies section 37 by making specific reference to section 33. Clause 11 is a consequential amendment arising out of the addition of the new schedule. Clause 12 amends section 54(1) of the Act to widen the jurisdiction of the courts to cover all offences under the Act.

Clause 13 amends section 69 of the Act by the insertion of a new provision allowing the authority to apply the provisions of the Act to those military aircraft currently registered on the civil aircraft register. Clause 14 of the Bill inserts a new section 71 to make the authority tax exempt. Clause 15 corrects a typographical

error in section 72(1) and clause 16 amends the First Schedule by excluding the director general of civil aviation, an ex officio officer, from the requirements of presidential appointment to the authority. Finally, clause 17 follows from clause 16 by inserting the new Fourth Schedule.

Mr. Speaker, before I close, I want to draw the attention of this honourable House to the fact that we have attempted, as a Government, through the Ministry of Works and Transport, to look at civil aviation as an industry in its entirety and it will be remiss of me, in piloting this Bill, not to mention, in passing at least, the issue of the airport terminal building because, as a country, we have found ourselves in a situation where, after having spent \$1.6 billion on a terminal building, we did nothing *sensu stricto* for civil aviation, as an entity on its own. By this I mean, Mr. Speaker, that was just one entity where significant sums of money were spent. We have had, since taking office, to allocate some \$40 million [*Interruption*] to repair [*Interruption*] the airport [*Interruption*]—

Mr. Speaker: Order. Order, please.

Hon. F. Khan:—to repair the Piarco runway. Tenders are now out. Tenders are supposed to be closing. I think it had been closed this week and this Government has had to allocate some \$40 million, after the expenditure of \$1.6 billion, to fix the runway, which is a basic part of an aerodrome for planes to land.

Mr. Speaker—[*Interruption*]

Mr. Sharma: Minister, will you give way, please? What is the shelf life of a runway? Tell the Speaker, “nah”? Lead the House intelligently.

Hon. F. Khan: That does not require a response, Mr. Speaker.

As I continue, I will give you some startling revelations here, Mr. Speaker. This Government has ordered high frequency equipment at a cost of \$9 million, to communicate with aircraft within Piarco controlled air space, which is 750,000 square miles, and I want to repeat that to the honourable House, Mr. Speaker. Trinidad has jurisdiction over air space of 750,000 square miles for a small island, air space as far north as Antigua, south of Trinidad halfway to Guyana and halfway across the Atlantic and 100 miles to the west of Trinidad, giving you a total air space of 750,000 square miles. We are now buying equipment worth \$9 million for a high frequency communication system.

We now have on order to purchase, during the course of this year, an additional \$6 million worth of aeronautical fixed telecommunication network equipment, which is called AFTN, and on the heels of that, Mr. Speaker, for the

Civil Aviation (Amdt.) Bill
[HON. F. KHAN]

Friday, April 04, 2003

Civil Aviation Authority and the air traffic controllers to modernize the system, we will have to spend, probably next year or within the next two years, some \$75 million worth of equipment which includes inter alia new radar for Trinidad, an Instrument Landing System (ILS) for Trinidad and Tobago, navigational aids for Trinidad, very high frequency transmitters and receivers for Piarco, other pieces of equipment and stand-by generators and an anemometer, which is a wind and speed direction piece of equipment.

Mr. Speaker, to me this is a very hurtful situation where we have outdated and antiquated equipment at civil aviation and, for a mere \$75 million, this country could put itself at risk if we do not make haste and get this new surveillance equipment for aircraft to land in this country. I ask the question: in the context of a 1.6 billion-dollar expenditure, how we could not find a mere \$75 million to buy the necessary equipment so that the civil aviation function, which is a holistic approach to management, could not happen? All the UNC did was focus on a terminal building because there were contracts to share there, because when you go to America to buy this equipment you “cyar run no racket”.

So, Mr. Speaker, this to me tells a story. It tells a story of a Government that is now trying to put things right and we on this side of the House will continue to serve this country in good stead. We will continue to bring progressive legislation to this House. We will continue to run our ministries in a transparent and efficient manner and this Government will continue to act in the interest of the people and be the protector of our nation's purse.

In conclusion, Mr. Speaker, the passage of this amendment Bill this afternoon is arguably the most critical element in an overall action plan that was first agreed upon with the FAA and the Government in June 2001. The promulgation of a comprehensive code of regulations to be known as the Trinidad and Tobago Civil Aviation Regulations, the passage of these amendments in 33(3) and the Act will greatly assist in the eventual publications and laying in this Parliament for negative resolution the Trinidad and Tobago Civil Aviation Regulations.

Finally, Mr. Speaker, what this legislation will do is allow for the completion of the current transition exercise and the completed transfer of air traffic control officers and telecommunication staff from the department of civil aviation at the Ministry of Works and Transport into the Civil Aviation Authority. That transition process we hope will be a very smooth one. We have looked at all aspects of it, including labour relations. So it is my privilege to have presented this afternoon what I feel is a very progressive piece of legislation that surely would be putting Trinidad and Tobago along a modernization path in the civil aviation industry.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Ganga Singh (*Caroni East*): [*Desk thumping*] Mr. Speaker, it is my pleasure to rise to make a brief intervention in this matter, the Civil Aviation (Amdt.) Bill, 2003. I want to compliment the hon. Member for Ortoire/Mayaro on his piloting the amendments to this Civil Aviation Bill, 2003 but it is unfortunate that in his presentation he failed to mention once Act No. 11 of 2001. I want to read into the record what this Act is about because you get the distinct impression from the Hon. Minister's presentation that, for the first time, we are talking about a civil aviation authority and that the hon. Member and his administration were taking paternity for the Civil Aviation Authority.

In the preamble to Act No. 11 of 2001 it says:

“An act 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.”

This is the parent Act that was passed, I think, in July of 2001. The hon. Member spoke about the story of his administration being one of putting things right. The first requirement, Mr. Speaker, when you want to put things right, is to come with truth. This Bill, now the Act, was piloted by the then Minister of Transportation, the hon. Jearlean John. So I just want to put that in the context that, what the Member has brought to this House today is a series of amendments. This series of amendments, having regard to the strategic context of this Act No. 11 of 2001, really deals with the issue of aviation safety, aviation security and system efficiency.

2.30 p.m.

Mr. Speaker, I agree with the sentiments the Member expressed in that area, but one would have thought that he would have gone beyond the year 1999 and dealt with this Act, but he failed to do so. The fact of the matter is that all these amendments will find themselves in the body of this Act. In some instances, the amendments are merely typographical or merely the removal of an “and”. To say that they would go into category one as a result of those amendments, is really playing fast and loose with the truth.

Mr. Speaker, Act No. 11 of 2001 really marked a paradigm shift in the way we dealt with the whole area of the aviation industry in Trinidad and Tobago. Prior to that you had very colonial legislation, and the body of the legislation

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

points to it. Going back to 1952, there was the Colonial Civil Aviation Act Order of 1953, the Colonial Civil Aviation Application Act (Amdt.) Order and so on. The last piece of legislation prior to this Act No. 11 of 2001, was the Colonial Civil Aviation Application Act (Amdt.) Order of 1959. From 1959 to 2001, there was no change in the manner and process of how the public service dealt with the issue of aviation and aviation safety. It was the UNC administration that dealt with it.

Mr. Speaker, they are saying that from June 2001 there were certain adjustments required in the process which would facilitate the proper functioning of this Act. These are the amendments which they have brought here today. To say otherwise, to take paternity, is to really look for a deputy.

In dealing with the matter, the hon. Member said that there was an obligation on the part of the Government to operate the Civil Aviation Authority free from any political control. I agree with that sentiment, but the unfortunate reality is that inherent in the amendment he has proposed, which was not in the parent Act, the hon. Member will exercise political control, because certain powers in these amendments will be vested in the minister.

I would read that section, because it deals with the area of emergency regulation. In moving the amendment, the hon. Minister said that having regard to what is happening in the global, volatile, airline industry environment and in the area of terrorism in the aviation industry, it was necessary that there be certain emergency powers granted to the Director General. The amendments to section 33 state:

- “33A The Director General may prescribe standards in respect of regulations made under this Act.
- 33B (1) The Director General may make emergency regulations and emergency rules in circumstances where it is expedient to do so and shall disseminate same immediately by electronic means or any other expedient means, according to the circumstances.
- (2) In furtherance of subsection (1), the emergency regulations and emergency rules shall be published in two daily newspapers within forty-eight hours of the making thereof.”

However, Mr. Speaker, 33C of the amendment says:

- “(1) The Minister may within seventy-two hours of the making of an instrument under section 33B(1)—
- (a) By Order published in the *Gazette*, approve such instrument; or

- (b) By regulations or rules as the case may be, published in the *Gazette*, amend or revoke the instrument made under section 33B(1).
- (2) An Order, regulation or rule made by the Minister under subsection (1), shall be published in two daily newspapers within forty-eight hours of the making thereof.”

So here is this Civil Aviation Authority dealing with the issue and principle of corporate governance of the aviation industry of Trinidad and Tobago that is meant to be autonomous of the political and the public service process, but instead of putting the power in the hands of the board, this amendment seeks to put it in the hands of the Minister. That is a contradiction.

I do not think that the Member really understands and appreciates why this is wrong. In fact, as a result of this, we may not get Federal Aviation Authority approval to move into category one, because of political control. [*Interruption*]

Mr. Khan: I would like to draw to the attention of the Member for Caroni East that this only applies to emergency regulations. It is not the intent of the Minister to muzzle or micro-manage the Civil Aviation Authority, but he has to understand that there is a limit. There is a responsibility in government and in governance, so you cannot have a totally open door, with the Director General being totally free for emergency regulations, because that deals with potential terrorism, aircraft disasters—a crash at Piarco Airport or Crown Point Airport, God forbid. So the line minister has to take certain responsibilities on behalf of the Government and the people of this country, in that regard.

Mr. G. Singh: Mr. Speaker, I thank the Member for his intervention, but the underlying principle is freedom from political control. The Member said that the Civil Aviation Authority Board would advise the minister. Who will advise the minister to countermand the directive or agree with the directive of the Director General in an emergency situation? The appropriate authority is the Civil Aviation Authority Board and, therefore, that jurisdiction ought not to be within the hands of the political directorate.

For example, Mr. Speaker, look at what is happening in the world today with respect to airline travel and the Severe Acute Respiratory Syndrome (SARS) epidemic taking place. The editorial of the *Newsday* of Friday, 4 April, 2003 reads:

“Save us from SARS

We expect that by now the Ministry of Health has devised a plan to deal with the possible spread of Severe Acute Respiratory Syndrome (SARS) to our

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

shores. Given the high volume and frequency of air travel in and out of TT, we may consider ourselves lucky that this killer strain of influenza has not as yet hit our country.”

It is the responsibility, as in post 9/11, when you did not even have legislative underpinnings for that kind of directive, a notam I think it is called, in which you have no-fly zones over Port of Spain, Galeota and Point Lisas; so there is that directive. Section 33B, the emergency clause here, will give the Director General the authority to quarantine that plane. It may be an Air Canada plane. We know what is happening with respect to this viral disease. It is now prevalent in Ontario and Toronto in Canada. As the editorial goes on to point out, a lot of our Caribbean migrant population is located in Canada, Toronto in particular. So we may have to quarantine BWIA, Air Canada or any of the charters bringing in hundreds and thousands of people on a weekly basis from Canada.

So the Director General makes that directive and it is published in accordance with the procedure; but the minister, getting pressure from his Cabinet colleagues who wants to ensure that BWIA makes money, is getting pressure from the Canadian lobby. Cabinet makes a decision and gives a directive to the minister and the minister countermands the directive of the Director General. In situations like that, it is better not to place the Minister in an invidious position. Allow the minister to be advised by the board; give the board that power to countermand the directive of the Director General.

In addition to that, in accordance with the Act, every policy direction from the minister to the board is to be given in writing, so you can clearly give that kind of policy direction in writing. It allows you that measure of flexibility. The Bill says that the minister means the minister with responsibility for civil aviation. In this instance, I am not clear, in my own mind, whether or not Cabinet in this situation means that you have to get prior Cabinet approval in order to act in accordance with section 33C. I want clarification on that. I would suggest that in order to free this authority, to make it really autonomous, put it in the hands of the board so it will be free from political control.

You see, Mr. Speaker, we have a real life situation taking place with respect to SARS. I want to raise this matter as one that really requires the attention of the Government. One would have expected the hon. Member for Diego Martin East to make a contribution with respect to this deadly disease that confronts the national community. I am reading from the *Newsday* editorial of April 4:

“...we may consider ourselves lucky that this killer strain of influenza has not as yet hit our country. But that fact should not make us complacent and, at the

very least, we feel the Health Ministry should be monitoring, at our ports of entry, passengers coming into TT from Toronto and Far East countries—Singapore, Hong Kong, Guangdong Province and other regions of China and Vietnam—where most SARS cases have been reported over the last two weeks.”

The editorial goes on.

“It seems necessary then for our public health authorities to be closely monitoring persons arriving in our country who may be suffering from the common symptoms of SARS, such as high fever, respiratory problems like coughing, shortness of breath or difficulty in breathing. Such persons should be immediately hospitalized and isolated, since this appears to be the only means of halting the spread of this virulent flu.

According to Carec, close contact is thought to be an important factor in transmission of SARS, with an incubation period of two to ten days.

The Centre explains: ‘Close contact means having cared for, having lived with, or having direct contact with respiratory secretions and bodily fluids of a person with SARS. Close contact in an aircraft would be sitting next to a case, in the same row, sitting two rows in front or two behind.’”

The hon. Member for Diego Martin West recently returned from Italy. [Interruption] I coming to you, wait. [Laughter] That trip requires a series of interconnecting flights. He could have been sitting two rows in front or two rows behind, in close proximity, what with the international travel that he was engaged in within the last few days, and he could have been exposed to SARS.

Mr. Speaker, I do not like to get involved in the conspiracy theory, but it is significant that the Member for San Fernando East is not here this afternoon. In the *Guardian* of Tuesday, April 3, it says of the deadly SARS virus that there are certain people who have a greater deal of exposure. Therefore, people who have had coronary diseases and persons over 40 years have greater exposure to SARS. So when I did not see the Member for San Fernando East here today, but the Member for Diego Martin West is here, I did not want to add two and two and arrive at five. But I know that the Member for San Fernando East is above 40 years and, for a fact, he has a history of coronary heart disease; so I felt that he, having regard to the travels of the Member for Diego Martin West, could not risk exposure by coming into the Parliament today. [Desk thumping] [Crosstalk]

I think the Member is questioning whether or not what I am saying is true, so I would read into the records what the *Newsday* editorial says:

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

“Infection with this flu virus, we are told, is most dangerous among persons over 40 who suffer from or have had illnesses such as coronary heart disease, renal impairment or liver problems. These persons are among the ten per cent of SARS cases which progress to a more severe form of the syndrome and among whom the mortality rate is high. The other 90 per cent of cases seem to recover in six to seven days.

The World Health Organization issued an advisory on Wednesday recommending that ‘persons travelling to Hong Kong, Special Administrative Region of China and Guangdong Province, consider postponing all but essential travel.’ In this regard, it may be advisable for the Minister of Legal Affairs Camille Robinson-Regis to cancel her trip to Beijing later this month. The Minister is due to attend a summit of the World Intellectual Property Organisation in the Chinese capital, but she will have to consider the risk to herself of contracting SARS and the possibility of bringing the disease back to TT.”

Mr. Speaker, she is not here today either.

The editorial continues:

“The team of world scientists studying this flu will sooner or later, we expect, reveal its precise source and genesis. However, the perverse capacity of some viruses to mutate into more virulent forms seem almost diabolical, adding to the woes that already distress our world.”

It is clear to us on this side that this Civil Aviation (Amdt.) Bill, dealing with the issue of aviation safety, is not confined to safety in the conventional sense. It is not confined to the integrity of the aircraft or the equipment in the aircraft, it also extends into the realm where diseases can be transmissible by way of the travelling public within those aircraft. We know of a case where an American Airlines plane was quarantined in California; so you find that this is a real issue before us, in dealing with this Bill, on the issue of safety. That is the responsibility of the Civil Aviation Authority.

The editorial in the *Guardian* of today reads:

“Plan ahead for onset of SARS

Running a close second...with war in Iraq is the widening world scare caused by the spread of the mystery disease, Severe Acute Respiratory Syndrome, or SARS...Nearer home, Canada has reported 160 suspected cases, a figure daily rising, with 129 cases in the province of Ontario alone.

Toronto, Ontario, where all seven Canadian victims have died, is now a focus of some North American and worldwide concern. The American Association for Cancer Research this week cancelled plans for a weekend Toronto conference of more than 12,000 scientists from around the world.

That deaths have occurred in Toronto, and in Ontario, home to many migrants from Trinidad and Tobago, must concentrate minds in this country. Between Toronto and T&T, much two-way traffic regularly moves, made up of tourists, returning residents, and business people.

Across the world, however, the picture changes daily. As reports of suspected cases, advisories, and reactions come from countries as far-flung as Brazil, the US and Australia, no complacency or foot-dragging can be tolerated in T&T.

If Canada, a country with undoubtedly world-class health and medical facilities, can be so stricken by the new SARS horror, T&T with industrial interest now compounding other glaring deficiencies should lose no time in contingency planning for a SARS emergency.”

Right-thinking people are telling us that there is an obligation on the Government to anticipate that there will be SARS cases in Trinidad and Tobago and we should take the necessary preventative measures so as to ensure that there is not an epidemic and people do not die from this flu.

Mr. Speaker, the silence from the Government is ominous. The Minister of Health went to Cuba. I do not know what he brought back from Cuba, whether or not he was exposed to the SARS virus. I do not know what kind of virus he was exposed to in Cuba. What I do know is that there are absolutely no plans, publicly announced, to deal with this deadly virus in Trinidad and Tobago. In this country, our citizens in the front line, whether they are in the airline industry, customs or immigration officials, will be exposed to this deadly virus.

The Minister goes on this travail to Cuba to hire nurses and doctors and refuses to meet with the Medical Practitioners Association of Trinidad and Tobago (MPATT). I am going to deal with that issue under the relevant section dealing with trade union representation. I think it is clause 26. This Minister wants to shut down the health service and expose this country to the SARS virus, which will ensure that we have the kind of epidemic in this country that would be uncontrollable.

Mr. Speaker, you have a clear appreciation of this Bill. In dealing with the issue of the continuation of association representation, clause 5, sections 26A,

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

26B and 26C, the hon. Minister in his presentation made a great deal of weather about getting it right and of not making the error that was made in the early 1990s, under the first Patrick Manning administration, by the then government, of getting the regional health authorities transition provision successorship wrong, which haunts us up to today. Sections 26A, 26B, 26C and 26D, which I call the “Jennifer Baptiste clause”, allows the 150 or 170 workers that were previously in the Civil Aviation Department to move into the Civil Aviation Authority, and there would be no question of their loss of representation and they will have the freedom to join the trade union movement.

I understand why this clause was necessary, Mr. Speaker. Do you know why? The Public Services Association (PSA) sought to make it “hotter than a chulha” for the UNC, and now the PSA, under the selfsame Jennifer Baptiste, is cooler than a cucumber. [*Laughter*] There are certain issues. For example, prior to the last general election, there was this presentation by the Minister of Public Administration and the trade union leader, Jennifer Baptiste, saying that they have over \$600 million that was processed before Christmas and, “You will get your increment before Christmas”.

Mr. Speaker, the firemen, the army, the police and the teachers have not been paid. Over 15,000 public servants have not been paid their increment. There was this undertaking, and she participated in it, that they would get their increment in time for Christmas. I want to know if there will be a Cuban Christmas in Trinidad and Tobago, because I know they are bringing Cuban doctors. There must be another attempt to change the date for Christmas into a Cuban Christmas after the crop. [*Crosstalk*]

Mr. Speaker, you have a situation where all the public servants and quasi officers in the military have not been paid their increments; over \$245.7 outstanding and not a word from Jennifer Baptiste. But we have these clauses in the legislation allowing her to enter. This is a hypocritical clause, because, notwithstanding its appearance in the law, when you look at the history of this Government in dealing with trade unions in this country, you understand the hypocrisy of this clause.

Mr. Khan: Is the Member for Caroni East saying that he is in disagreement with a successorship for the Public Service Association moving across to the Civil Aviation Authority?

Mr. G. Singh: I disagree with the hypocrisy of the Government. [*Desk thumping*] You refuse to deal with MPATT; you refuse to deal with the All

Trinidad Sugar and General Workers Union; you refuse to deal with the National Union of Government and Federated Workers Union. [*Desk thumping*] You only want to deal with the PSA in a situation where it does not even have locus standi.

I will give an instance of their hypocrisy, Mr. Speaker: The PSA goes to Tobago and negotiates for the doctors in the RHA, lacking any locus standi whatsoever. The Government of the day—your administration—provides the doctors in Tobago, the house officers, the registrars and the consultants with large increases—my colleagues will tell you, \$4,000, \$5,000, \$7,000 and \$10,000 increases—and when the doctors in Trinidad ask for parity, you refuse to meet with them. You go to Cuba to bring back doctors and nurses; that is the hypocrisy I am talking about. I am not talking about the principle of successorship or trade union representation. I am talking about the hypocrisy that continues in the sugar sector.

The Industrial Court only last week graphically demonstrated the hypocrisy of the Government. The Government has engaged in this exercise as if it is embracing the trade union movement. This is what the Industrial Court had to say. I am quoting from “IRO No. 9 of 2003, In the Industrial Court Between All Trinidad Sugar and General Workers’ Trade Union—Party No. 1 and Caroni (1975) Limited—Party No. 2. Decision on Application for an Interim Relief Under the Industrial Relations Act, Chap. 88:01”. This is what the court decided; at page 4:

“I am of the opinion at page four that there are serious issues to be tried. These serious issues include but are not necessarily limited to

- (I) The status of a recognized majority union under the Act.
- (II) Whether the Union, as the recognize majority union and the exclusive bargaining agent for the workers in the bargaining unit, is entitled to have the proposed Voluntary Separation Plan negotiated between itself and the Company.
- (III) If so, whether the Company has failed to meet and enter into negotiations in good faith with the Union in respect of the Plan.
- (IV) Whether or not the Company has violated section 40 of the Act.

In the event, I accede to the request of the Union for an interim injunction and I grant it on the following terms

- (i) that Caroni (1975) Limited, whether by its servants or agents or shareholders or otherwise howsoever, be restrained from implementing

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

or further implementing the Voluntary Separation of Employment Plan offered to its hourly, daily, piece and task rated employees.

- (ii) Without prejudice to the generality of the foregoing, that Caroni (1975) Limited, whether by its servant or agents or shareholders or otherwise howsoever, be restrained
 - (i) whether by newspaper advertisements, or otherwise howsoever from inviting or persuading or attempting to persuade the said employees or any of them to participate in the said plan,
 - (ii) From issuing notices of acceptance to the said employees or any of them or in any other manner concluding any agreement with any of the said employees in relation to their voluntary separation from the employment of Caroni (1975) Limited.
 - (iii) From treating any of the said employees as having terminated or agreed to terminate his or her employment in accordance with the said plan.

until further order.

This interim injunction is granted on the Union agreeing to give the usual undertaking in damages.”

So, Mr. Speaker, you are talking about industrial relations and trade unions. What this is telling you is that you failed to meet and treat with the recognized majority union, [*Desk thumping*] but you are meeting and treating with the PSA when it has no locus standi. You may enter into agreement, but failing to apply with clarity.

Mr. Speaker, it goes further. You have a situation in this country where this same kind of approach is taken with respect to the data entry clerks at Customs. The Government failed to meet with the National Union of Government and Federated Workers (NUGFW), the recognized union. I really want the hon. Member for Diego Martin Central to clear this up. It is reported in the newspapers that the hon. Member said—and I want to quote him correctly, because I cannot believe a minister of his long standing would make such a statement. I am reading from the *Guardian* of Wednesday, April 02:

“Crisis at Customs

Clients stand to lose \$M

Custom brokers and their business clients across the country stand to lose millions of dollars as a result of the shutdown of the data entry department of the Customs and Excise Division.

Forty data entry operators at Customs and Excise were fired from the Division yesterday.

Data entry duties for processing goods and services entering and leaving the country will now be performed manually by Customs clerks.

But a Customs broker at Fast Freight Forwarders Ltd said this was a time-consuming process and would set brokers back for several days.

‘The engine of trade has been stopped. The data entry division is the nerve centre of Customs;’ ...

Trade and Industry Minister Ken Valley said he was not informed of the shutdown.

However, he said after investigating he was told by acting Comptroller of Customs Ralph Newton that there was no problem at the Division.

‘He told me that they have reverted to the manual system which is more efficient;...’ [*Laughter*]

Mr. Speaker, I want to read that again.

“‘He told me that they have reverted to the manual system which is more efficient...’

In a telephone interview yesterday, Valley said Newton informed him that the contracts of the 40 data entry clerks had come to an end and the Division is expected to review them on what basis...”

Mr. Speaker, here you have electronic entry; here you have the customers and clients who participate in this exercise saying, “Look, the electronic data entry clerks are absolutely necessary to have an efficient organization”. But what you have, in fact, is the Comptroller of Customs appointed by the PNM. The Member for Diego Martin Central knows him very well; Newton, your good friend. Now they have reverted to the manual system, costing this country millions of dollars, creating a backlog that is so unnecessary. Is that their vision for 2020?

Mr. Valley: Mr. Speaker, I am just trying to find out how the Member got to there from the Civil Aviation Bill? [*Crosstalk*]

Mr. G. Singh: I will tell you. You said that you have provided this clause to facilitate trade union representation. When the NUGFW went to the Chief Personnel Officer, it was not informed that Customs had to fire these data entry operators. The more important question for you is: “How can you explain to this

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

country that manual is better than electronic when dealing with data processing?”
[*Desk thumping*] That is what you must explain. That will increase the cost of doing business in this country.

Mr. Speaker, when the hon. Minister in his presentation spoke about successorship, you could understand the problem. In the *Newsday* it said:

“CPO NUGFW in three-hour talks”

You would understand the problem, Mr. Speaker.

This Civil Aviation Bill deals with the whole area of aviation safety, security and system efficiency, for which the UNC administration in 2000 passed the parent Act, and there are the consequential amendments to facilitate the proper working of the Act. The hon. Member also said they will pass the Civil Aviation Authority Bill, the Revenue Authority Bill and the Roads Authority Bill. You know, Mr. Speaker, there is something in governance—the new phrase the Prime Minister likes to use—called the continuity and resiliency of the governmental bureaucracy. The Revenue Authority Bill, the Roads Authority Bill were all conceptually planned and to the point of “in the process” by the UNC administration.

Mr. Valley: “Woulda, shoulda, coulda.”

Mr. G. Singh: Not “woulda, shoulda”. [*Crosstalk*] That is why I said that you have a fixation with deputy, because you understand that you are not the real thing. The real thing belongs on this side. [*Laughter*] [*Crosstalk*] You now come back from Italy and your leader is not here. I hope you found out how to say “a bald head Uncle Tom” in Italian.

Hon. Members: Oh no!

Dr. Rowley: Is that supposed to be a joke? [*Crosstalk*]

Mr. Speaker: Order, please!

Mr. G. Singh: Mr. Speaker, I want to remain focused. There can be no debate on the civil aviation industry in Trinidad and Tobago without, of necessity, dealing with BWIA; absolutely. The growth and evolution of the regulatory architecture in the aviation industry is intimately linked with BWIA. In fact, that link is so intimate, that a former captain in BWIA is the Chairman of the Civil Aviation Authority, Mr. William Brunton. So there is an intimate link with BWIA. What is the position of BWIA today? I really thought the hon. Member for Diego Martin Central would have gotten up today and provided us with a statement as a minister dealing with the whole question of BWIA.

I am very close to the airport. The guys in the Airline Communication and Workers Union (ACAWU) told me that they were going to meet with the hon. Member. I was hoping he would lend some clarity as to what is going to happen to this really crucial part of our travelling future; a critical part of aviation safety in Trinidad and Tobago.

Mr. Speaker, earlier this year, in January, BWIA “VSEPed” 617 employees. Today, those employees are receiving half month’s salary, and that is what they have been promised. So you have that kind of callous insensitivity demonstrated in Caroni (1975) Limited, now being clearly demonstrated to the BWIA workers. We warned them, but what is the response of this Government? I would give way to the hon. Member for Diego Martin Central if he would get up and articulate the policy position of the Government. [*Crosstalk*]

Mr. Valley: Mr. Speaker, as you are aware, the Government of Trinidad and Tobago is a minority shareholder of BWIA. We sit with other shareholders and we are always willing to play our part in consultation with the other shareholders and we would wait. [*Crosstalk*]

Mr. G. Singh: I expected much better from the Member. You see, Mr. Speaker, having “Ackerized” BWIA, [*Crosstalk*] he is on record as saying that it was the best deal ever. [*Crosstalk*] He embraced the private sector in such a warm and intimate embrace, that he failed to see down the road. Having planted that “Ackerized” seed, it has come back to haunt him.

It is in the public domain, where the hon. Member has said that there are plans now to re-nationalize BWIA. Having engaged the private sector, the Member is talking about re-nationalizing BWIA. We are dealing with aviation safety. BWIA has one of the most unblemished records in the world of national airlines because of its personnel: the pilots and the maintenance component. There were “C” checks being done on BWIA aircraft in which critical and vital maintenance was done by Trinidad and Tobago personnel.

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

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

Question put and agreed to.

Mr. G. Singh: I want to thank the hon. Member for granting my extension. I like his analogy of using full flight. It is consistent with the debate on the aviation industry.

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

I want to deal with this whole issue of BWIA being broke. BWIA is broke today because of the seed of Ed Acker that was planted; the “Ackerization” of BWIA. [Crosstalk] That is why BWIA is in the position it is today; in a situation like this where we have 617 employees unable to get their VSEP and they have no way of finding out. In the *Express* newspaper of Wednesday, April 02, the headline screams:

“BWIA broke, no dollars to pay salaries and severance”

But when they were providing voluntary separation to the employees in January of this year, they said that they had the money. They did not tell the workers that they were anticipating a stream of income from the Government or other sources; they said, “We have the money”.

Similarly, in the Caroni (1975) Limited situation, they said that they would pay the VSEP out of a loan being negotiated with the Inter-American Development Bank (IADB). [Crosstalk] It is in public documents; that is why I told you to bring the plan. I do not know what is the delay of this plan. It is in the public documents that you are going to pay the VSEP out of the loan proceeds from an IADB loan. But you and I know, Mr. Speaker, that it is going to take two or three years to access an IADB loan. If it is otherwise, let them bring the plan and we will say otherwise, but that is in the public ad.

Mr. Speaker, BWIA cannot pay the workers. I understand that they are being paid half pay today.

“In the meantime, BWIA will attempt to pay retrenched workers half a month’s pay salary in two weeks.”

When you hear the story of the people: cannot meet their mortgages, cannot put food on the table, you understand why people are so afraid to believe this Government when they talk about representation.

So BWIA is broke. How did BWIA reach there? [Crosstalk] The hon. Member is on record as saying:

“Government blanks Stanford offer”

We are dealing with the question of safety. We are dealing with the airline industry, as the hon. Member indicated. This is one of the promoters and financiers—if not the leading financier—of Caribbean Star. I do not know the man, but, obviously, the Member for Diego Martin Central knows him. This article is from the *Express* of Thursday, April 03:

“A possible deal between the Government and the Caribbean Star boss Alan Stanford for BWIA shares was nixed yesterday by Minister in the Ministry of Finance Kenneth Valley.

‘It is easier for a camel to pass through the eye of a needle,’ Valley said yesterday after a meeting.”

That is the reality.

Mr. B. Panday: “If was Acker, he gone through de eye, yuh know.”

Mr. G. Singh: Here it is that Alan Stanford, operating the Caribbean Star, located in Antigua, Nevis and other Organization of Eastern Caribbean States (OECS) cannot pass through the eye of the needle. What did Acker do to pass through the eye of the needle? [*Crosstalk*]

Mr. Speaker, you had the elimination of the “C” checks by Trinidad and Tobago personnel, expertise in avionics, but you VSEP all these people and you shut down the “C” check department, in which we had competence and expertise. We had a skill that could have brought in foreign exchange for this country. And you tell me about vision 2020. Mr. Speaker, do you know what BWIA is doing now? It is now doing its “C” checks through Delta Airlines. So you eliminated the competence and expertise you had and outsourced to Delta Airlines. Foreigners taking over everything.

You know, Mr. Speaker, the Ministry of National Security is now granting work permits to people to do base maintenance on BWIA aircrafts. We have that competence in this country. As the Minister of Labour, what does the hon. Member for Point Fortin have to say about that? Is he participating in the erosion of our nationals to get opportunities to get jobs in the aviation industry?

Mr. Speaker, the ramp attendants in BWIA were all eliminated; 28 ramp attendants were given VSEP. The job was outsourced to a contractor. In every port of entry, whether it is the airport or the port, there are serious security issues. The Organized Crime and Narcotics Unit or one of the narcotic agencies found a chap working as a ramp attendant under this contractor of no fixed abode. So they load and unload the aircraft, and what they load the aircraft with is now questionable. It is not baggage alone, if you do not have that kind of responsibility. In fact, in their operation at the level of the ramp, there were so many accidents taking place that it cost BWIA a lot more money than if they had retained the ramp attendants. But you see, that all flowed from the “Ackerization”.

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

When you look at the whole issue of how much money was pumped into BWIA—I want to read from the *Guardian* of Thursday, April 03, an article written by Judy Kanhai:

“Government mulls control of national airlines

It’ll cost about \$522,732

After rejecting the notion in February, junior Finance Minister Ken Valley said yesterday that the Government may be forced to resume control of BWIA.”

Mr. B. Panday: So that he could sell it again. [*Laughter*]

Mr. G. Singh: The article continues:

“‘That might very well be what we have to do in the short to medium in restructuring BWIA,’ Valley said adding that there will always be a BWIA or a national carrier.

At yesterday’s share price of \$2.10, its estimated that the Government could take control of the airline by acquiring 0.5 per cent or 245,000 shares at a cost of \$522,732.”

Mr. Ramnath: You need a commission of enquiry into that. [*Crosstalk*]

Mr. G. Singh: The hon. Member for Diego Martin Central was saying that this was contingent upon whether or not the Government got involved in BWIA. In this article, the Member said that it was dependent upon Ken Gordon, who headed a committee to present a report.

“Speaking to the *Guardian* yesterday, Gordon said the report was delivered to the Government yesterday at noon.

He said while the airline had not presented Government with a viable plan, BWIA seemed to be changing its story every week.”

Mr. Speaker, he must tell us why Acker got it wrong. [*Crosstalk*] It is very clear that the issue of BWIA is intertwined with the aviation safety.

Mr. Speaker, coming back to the template established by my good friend, the Member for Ortoire/Mayaro. In seeking to deal with the issue of negative resolution, he said that the Federal Aviation Association (FAA) and International Civil Aviation Organization (ICAO) say that the power to make regulation must lie with the Executive arm. I think I got that right. Therefore, what is required is a negative resolution.

Mr. Speaker, sometimes you smile. I know that the hon. Member for Ortoire/Mayaro is suffering from newness and that he does not have a sense of the history of the debate that took place on the parent Act No. 11 of 2001. In his contribution on that Bill, the hon. Member for Port of Spain South said that in the legislation there was the necessity for a negative resolution, but the Member for Port of Spain South said that he did not want a negative resolution, he wanted an affirmative or positive resolution. So compliant government as we were, accessing the virtues of the then Opposition, we said an affirmative resolution is what was required. Today we have gone full circle. A negative resolution is really required in order to fulfil the demands of the international authorities. Unfortunately, the Member for Ortoire/Mayaro was not aware of that.

However, I want to make it abundantly clear that when you lay a negative resolution we can bring a motion within a 40-day period to deal with the issue, so the power of Parliament is not taken away in any regard. We will be very vigilant in that area.

Mr. Speaker, clause 15 of the Act speaks of the necessity for the presentation of a corporate plan. It is unfortunate that the hon. Minister said nothing of the corporate plan presented to him and his ministry, as to how we are going to ensure the requirement of aviation safety in this country. You are in transition. You ought to bring your public up-to-date on what corporate plan is presented to you. Full disclosure is required, because whenever you fly in an aircraft, confidence is critically important. It is confidence that fuels air travel.

When you look at the question of that necessity, the Minister ought to have told us in accordance with clause 24 of the Act, but he wanted to make it appear as though there was no Bill. He was taking paternity for this Bill. Clause 24(1) states:

“The Authority in the performance of its functions is not subject to the provisions of the Central Tenders Board Ordinance, but the Authority shall, until such time make its own Rules, observe the provisions of that Ordinance.”

The Minister ought to indicate in his winding up whether or not the Civil Aviation Authority has made its own tender rules. This is a statutory authority. In some instances, under this present administration, statutory authorities are doing their own thing. On the last occasion, we had to bring to the attention of this House and the national community, that some \$42 million was frittered away by the Water and Sewerage Authority (WASA). I want to know: What is the model of this Civil Aviation Authority? What model did they use, the Petrotrin model, the TTPost model or the T&TEC model?

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

In dealing with statutory authorities, there must be the necessary checks and balances. If there are not the necessary checks and balances, then you must ensure, as the Minister with responsibility, that they are put in place. In fact, I think it is appropriate for the tender rules to be laid in this Parliament for negative or affirmative resolution. You have to be very vigilant with statutory authorities. In the case of WASA, they entered into a legal settlement for \$2 million with Emmanuel Romain with no outstanding legal matter against WASA. There was a situation where Water Farms Trinidad Limited was provided with \$51.5 million and Lee Young and Partners said, “Settle for a maximum of \$11 million;”—\$42 million frittered away.

Hon. Members: Ooh, Um!

Mr. G. Singh: Therefore, with statutory authorities you have to take a close look at their operations. Errol Grimes was appointed within their term of office. In situations where the tender rules have been breached, the first requirement of this Government, in its so-called commitment to transparency and accountability, is to send the person, against whom allegations are made, on leave.

Tewarie Tota-Maharaj was sent on half-pay leave without any allegations being made against him. Kancham Kanhai was effectively dismissed without any allegations against him, but when we have established a prima facie case against Errol Grimes of the abuse of public office, of the rape of the public purse, he still remains as Chief Executive Officer (CEO) of WASA. A prima facie case of \$42 million made out against him, but he still remains CEO of WASA. But, Mr. Speaker, you see the hypocrisy.

3.30 p.m.

Mr. Speaker, I want to congratulate the hon. Prime Minister because he gave the House and the national community the assurance that he will engage the services of Bob Lindquist to investigate that matter.

Mr. Ramnath: Do you believe him?

Mr. G. Singh: I will be writing to the hon. Attorney General and the Director of Public Prosecutions (DPP) to ensure that this matter is not left on the back-burner and I want to bring to their attention that they should be very careful of statutory authorities and how they deal with their tender rules.

Mr. Speaker, one of the examples of the models of tender rules of the Water and Sewerage Authority in the process of procurement—there are others like Petrotrin, T&TEC, TSTT and so on which have very good tender rules but it is dependent upon the personnel to operate them.

Civil Aviation (Amdt.) Bill

Friday, April 04, 2003

Rule 18 of the WASA rules says that all contracts for the supply of articles, works or services must be awarded on the basis of competitive bidding. So here you have a categorical assertion of competitiveness, transparency and accountability and I want to read a letter dated June 14, 2002 to Uniform Building Contractors Limited:

“June 14th 2002

Uniform Building Contractors Ltd.

28 Third Avenue,

BARATARIA

Attention: Mr. E. Romain”

Do you understand, Mr. Speaker? We are dealing with tender rules and Mr. E. Romain, a former CEO of WASA, who got a \$2 million settlement in June 2002 when the Government was a selected one. We are dealing with tender rules if you do not know it, and we have a situation where a contract has been awarded to Mr. Romain in addition to the \$2 million, \$875,200 VAT exclusive. It says in paragraph 2:

“The Authority has accepted your offer in accordance with the terms and conditions of this attached contract at a total cost of Eight Hundred and Seventy-Five Thousand, Two Hundred Dollars (\$875,200.00), exclusive of V.A.T. as detailed on the attached APPENDIX...

Respectfully

/s/ Mervin Fletcher

Purchasing & Stores Manager

For and on Behalf of the

Water and Sewerage Authority

/s/ Emmanuel Romain

For And On Behalf Of

Uniform Building Contractors Ltd.

28th Third Avenue,

BARATARIA”

Civil Aviation (Amdt.) Bill
[MR. SINGH]

Friday, April 04, 2003

Mr. Speaker, here is a situation where a former acting CEO of WASA was fired because of corruption, he lost his case in the High Court, and in the Court of Appeal, the matter was struck off the list and five years after he was paid \$2 million.

In addition to that, he is provided with an \$875,200 contract effectively. What is required in a situation like that, Mr. Speaker? The malady goes deep because you see, here it is—and I will tell you how the process goes under the PNM. First, they had to remove Kancham Kanhai because he was not going to take any kind of finagling of the tenders, and he was replaced with the pliable and compliant Errol Grimes, therefore, they were able to deal with the tender rules. Then they replaced Mr. Tewarie Tota-Maharaj, Director of Capital Investment. So they put their hands on capital investment, project funding, the money; and he was replaced by Godfrey Ventour, the idea being somebody compliant with their wishes. He then replaced the Director of Logistics, Mr. Carlton Bereaux, the cousin of the Member for La Brea. I have had the opportunity to work with Carlton Bereaux at T&TEC and WASA and he is a man of the highest integrity.

Mr. Speaker, there is therefore a situation emerging where Kanhai replaced Grimes, Tewarie replaced Ventour and Bereaux was replaced with Mervin Fletcher who was under a charge, and the matter would be dealt with by an independent tribunal. Grimes dismissed the tribunal and brought in Fletcher so now the contracts are executed—not in accordance with the tender rules—and now they go to Romain. That is the kind of corruption that I bring to the attention of the hon. Attorney General. That was the approach that was taking place in a statutory authority and the Civil Aviation Authority is a statutory authority. Therefore, it is necessary that the checks and balances be placed in the tender rule and that is why we are saying lay the tender rules in the Parliament.

The hon. Member for Ortoire/Mayaro in dealing with his—[*Interruption*] No, no Milton Quashie was fired from WASA.

Mr. Imbert: They fired Quashie and put Ram.

Mr. G. Singh: The hon. Member dealt with the profitability of airlines worldwide and air transport being a global business, and it is pivotal to economic activity. We shared those sentiments, but we also recognized that BWIA—as Allan Stanford indicated—has engaged in predatory pricing and he quoted the example where Air Jamaica was coming to Trinidad, BWIA then engaged in traffic with Air Jamaica to and from Kingston at prices where they could not cover the costs of seats and eventually Air Jamaica came out of the Trinidad/Kingston run. So

predatory prices are a real issue and the question that arises is: Are we using state funds by pumping them into BWIA and engaging in predatory pricing at the same time, therefore creating a monopoly which will ensure that we do not have an open skies policy? I thought that the Minister would have dealt with the question of the policy of open skies.

I understand the Minister's predicament you know, he was acting as Minister of National Security last week and did not have the necessary time to prepare.

Mr. Speaker, this has been my very short contribution on this Bill and I thank you.

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, it is not my intention to complete my contribution today, but in light of issues raised by the Member for Caroni East regarding to the effect of Severe Acute Respiratory Syndrome (SARS) on air transportation and civil aviation I will make a brief intervention at this time on this matter.

As per usual the Member for Caroni East went all over the world on the Civil Aviation Bill. He became a frequent flyer, he accumulated so many miles in his travels during his contribution, but the fact is that he has touched on an important issue.

The ministry sent out a press release today—and I realize the Member does not listen to the radio or any other arm of the electronic media—to advise the public that in accordance with section 103 of the Public Health Ordinance, the ministry is making arrangements to have Severe Acute Respiratory Syndrome better known as SARS proclaimed as a dangerous infectious disease.

Contrary to the hallucinatory and imaginary beliefs of the Member for Caroni East, the ministry has been doing its work and it is necessary to let the population know what effects this would have on air transportation and travel in general in Trinidad and Tobago.

Mr. Speaker, the Member went to great lengths to read editorials and newspaper articles on the danger of this disease and he linked it to this Bill by saying persons who are in a confined space such as an aircraft are at risk of contracting this very dangerous disease, and he is absolutely correct. It is necessary for the national population and this Parliament to be aware of what SARS is. It is a very dangerous disease and a condition of unknown cause. This is one of the problems that face airlines, airports and countries such as Trinidad and Tobago. The cause of SARS is unknown. It has been found so far in patients in Asia, North America and Europe.

The information I have from a very recent meeting convened yesterday by my ministry is that as of April 03, 2003, 2,223 suspected cases have occurred

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

Friday, April 04, 2003

worldwide and 78 deaths have been reported in 16 countries. The major areas affected are: China, Hong Kong (special administration of China), and the Shanghai and Taiwan Provinces. These are the areas in China that have been affected by SARS. In addition, Vietnam, Singapore and now, very surprisingly, Canada and the United States of America.

In fact, I was looking at something on the Internet last night and the situation is so severe in Canada that entire schools have been quarantined and hospitals have been set up to isolate patients and so on. It is necessary for people to understand what are the consequences because we have asked the President, under the Public Health Ordinance to issue a proclamation declaring SARS as a dangerous, infectious disease. That proclamation should be on its way to the President as we speak, and I am not yet a superman, so I did not draft this while the Member was speaking. There is a proclamation to be issued by His Excellency, George Maxwell Richards and we hope it would reach him very soon so that we can take control of the situation.

Under the Public Health Ordinance, we are asking the Governor, now the President, to declare this as a dangerous, infectious disease and in due course, we will ask him to declare one or more hospitals in Trinidad and Tobago—

Mr. Ramnath: Which ones? You have any working?

Hon. C. Imbert: We have not decided yet. The hospital we are considering at this time is Caura because it has a history and the institutional knowledge and experience required for isolation of persons suffering from airborne diseases. One of the things that has been identified is that SARS is a disease that may be spread through the air, so that in due course, we will be asking the President to declare Caura as an isolation institution for persons suffering from SARS. I thought it was necessary to let—

Mrs. Persad-Bissessar: In the meantime, while we await your proclamation for declaring this as a dangerous disease, and whilst the public awaits the declaration that Caura is the hospital, what should members of the public look for to protect themselves and their families and what steps should they take whilst we await all these things?

Hon. C. Imbert: The Member is being precipitate. I have not reached that part of my presentation yet. I am going through all the stages, so let us deal with what would happen. We expect the proclamation to be issued within the next 48 hours, either today or tomorrow.

Mrs. Persad-Bissessar: If we get sick tonight what do we do?

Hon. C. Imbert: However, at this stage no cases of suspected or probable SARS have been reported in Trinidad and Tobago or the Caribbean at this point in time. Because we recognize that it is a very dangerous situation we are putting the infrastructure in place to deal with it.

With regard to the question that the Member asked about what will happen if someone contracts the disease: firstly, the public need to be made aware of the symptoms and I will now indicate what they are.

The main symptoms and signs of SARS include high fever, 38° centigrade, one or more respiratory symptoms including coughing, shortness of breath, difficulty in breathing, close contact with a person who has been diagnosed with SARS; well that has not happened yet, and as the Member was good to point out, close contact means having cared for, having lived with, having had direct contact with the secretions and fluids of persons with SARS and recent history of travel to areas reporting cases of SARS.

In fact, only yesterday I was informed that there is a trade fair taking place right now in China and several Trinidadians are either on their way to participate, or are about to leave and we are already dealing with that situation. The businessmen have been informed that it is unwise for them to go to China at this time. We are getting a record of everybody who has travelled to this part of the world and when they return, we would have to deal with that situation. Now that we have taken the first step of having the disease declared as dangerous and infectious, then we would have to go to the other stages of control.

Dr. Rafeeq: I thank the hon. Member for giving way. Can you please explain to Members of this House what are the implications of deeming a disease as a dangerous, infectious disease? What is that?

Hon. C. Imbert: Mr. Speaker, I will read from the law. The law describes an infectious disease as—and this is from the old Public Health Ordinance as the former Minister should be aware. An infectious disease means diphtheria, membranous croup, typhoid, or enteric fever, cholera, plague, yellow fever et cetera. It also means any other disease that the Governor, by proclamation under section 103 declares to be an infectious disease within the meaning of the Ordinance.

When the Ordinance was drawn up many years ago, of course, there was nothing like Severe Acute Respiratory Syndrome, but the main consequence of this situation is that you have to isolate people who are diagnosed as having SARS.

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

Friday, April 04, 2003

At this point in time, there is no known cure. I am sure that Members would have seen that the doctor who first identified this disease has in fact succumbed to it. It is a fact, and the World Health Organization (WHO), and the Pan American Health Organization (PAHO), all the world organizations that are dealing with this disease, the Centre for Disease Control in Atlanta and so on, are grappling with the disease and are still not sure of its origin. They believe it is a strain of influenza, or a pneumonia-like virus of which they are not sure. So at this point, what is being done in other countries is to isolate people and inform the public. This is a matter of national importance and it is not something that I intend—as the Member was trying to do—to play any situation with it.

The public needs to be aware that the symptoms are high fever, respiratory problems—close contact with someone diagnosed with SARS and recent history of travel. If any member of the public experiences these symptoms or observes them in any member of their family, or any person close to them they need to report it to a doctor and the Ministry of Health immediately.

Dr. Rafeeq: That is the question I wanted to ask, whether making it a dangerous disease means that it is also a notifiable disease.

Hon. C. Imbert: Yes, definitely. We are going through all the stages now; the first thing we have to do is declare it, get the President to proclaim it as a dangerous infectious disease and then we take the action I will read from the Ordinance again:

“The Governor shall have power—

- (a) to cause to be provided, in such parts of the Colony...

Well that was the Colony in those days.

“one or more hospitals or camps for the reception and isolation of persons suffering from infectious diseases;

- (b) to expend from the public funds of the Colony such sums of money as may be necessary...”

So that I wish to point out to hon. Members that the Government is aware of the situation and we are taking the necessary action, we are invoking the law and doing whatever is required in order to deal with this problem that affects air travellers which is the context in which this was raised.

Mr. Singh: I thank the hon. Member for giving way. If there is a citizen with this disease what would be the treatment? I am told that anti-viral drugs and

perhaps steroids are required in dealing with this matter. Is the ministry making the necessary arrangements to procure them in anticipation rather than waiting for the disease and then getting the drugs?

Hon. C. Imbert: Yes, we are getting assistance from PAHO and WHO to airlift the necessary medication to deal with this. We also have enhanced surveillance at airports and seaports; the county medical officers, the port health medical officers, the public health inspectors, and the health control officers are all now being briefed and sensitized to the situation. We are going to have to insist on the use of health declaration forms.

Some of you who have travelled to other countries sometimes have to fill in a form saying whether you came from a country where there was yellow fever or something like that. We now have to put this system in place. I can report that Dr. Kumar, the County Medical Officer for St. George East, is in the process of finalizing the specific response plan for Piarco Airport. In fact, as the Member was speaking, Dr. Kumar had a meeting scheduled at the Airports Authority for 2.00 p.m. today and we expect to get a comprehensive plan. *[Interruption]* Of course, we do not fool around you know. Dr. Dougdeen, the port health officer at the Port of Spain Port Authority is dealing with the response for seaports, and we expect to get daily surveillance reports from all our agencies and officers in Trinidad and Tobago on exactly what the current situation is for SARS.

I have a lengthy dissertation here on screening, but I do not want to take this debate so far away from civil aviation, unless the Member has a question.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the debate on the Civil Aviation Bill be deferred at this time as the Minister of Works and Transport indicated that the Government has certain amendments to move. The amendments would be circulated by Tuesday morning and in the circumstance, we would need to give the Opposition some time to look at them. We would therefore like to adjourn this debate to the next sitting of the Parliament and move to Bill No. 2 on the Order Paper, the Summary Courts (Amdt.) Bill.

Mrs. Persad-Bissessar: Mr. Speaker, whilst we have no objections to that, I think the matters being raised by the Member for Diego Martin East are of vital importance to the national community with respect to the health risk at this point in time. Perhaps you would allow him to spend a few more minutes on it because I still have questions.

Procedural Motion
[MRS. PERSAD-BISSESSAR]

Friday, April 04, 2003

If I should go home tonight and a member of my family, or any one of us, or any member of the national community should have a concern, what should that person do now? This is what I want to hear from the Minister of Health if you would allow him a few minutes more.

Hon. K. Valley: No problem. Let him finish his contribution.

Mr. Speaker, I thought that he had finished his contribution on this point. If he has not—and I thought he was—that was the agreement because it was important that he should deal with it. My understanding was that he was finished with that part of his contribution on the Civil Aviation Bill.

Question put and agreed to.

CIVIL AVIATION (AMDT.) BILL

Hon. C. Imbert: I thank hon. Members. The health sector's response is as follows: there is surveillance at the seaports and airports; we have mandated the Principal Medical Officer, and institutions have mandated all the Medical Chiefs of Staff of all the hospitals in Trinidad and Tobago to have a response plan by today, Friday, April 04, 2003.

With regard to isolation and quarantining of patients—because we may have to do this—as the former Minister of Health has pointed out, under the current Quarantine Act we would need to deal with the question of notification and we are going to proclaim it as well, as a notifiable disease. This was the issue raised.

Essentially we had asked the Principal Medical Officer to meet with the Thoracic Medical Director at Caura to tell us exactly what is required and we are going to be moving quickly on this to put that institution in a state of readiness to receive patients who may be suspected, or who may in fact have contracted SARS because at this present time all that can be done is to isolate the patients and use a number of experimental remedies that have been used in other countries.

So to answer the question of the hon. Member, we are going to establish Caura as an isolation station for anybody who may be suffering from SARS. If any member of the public contracts this disease, or is suffering from the symptoms, they need to notify their doctor; and we have a system in place where we would be informing all the general practitioners. All the doctors in Trinidad and Tobago would have to be on the alert for anybody who may be exhibiting symptoms of this disease. There would be a network of surveillance and locations in place and essentially what one needs to do if someone exhibits the symptoms, or knows of someone exhibiting the symptoms, is to get in touch with their doctor or the hospital so the Ministry of Health could make the arrangements to isolate that person.

Dr. Rafeeq: I think you also need to have a comprehensive communication strategy in addition to the press release.

Hon. C. Imbert: This is just the beginning. We started with the press release, we are doing the proclamation and over the weekend, we would be communicating with the public on exactly what they need to do on this matter and I will complete my presentation on the next occasion.

SUMMARY COURTS (AMDT.) BILL

Order for second reading read.

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Speaker, I beg to move,

That a Bill to amend the Summary Courts Act, Chap. 4:20 be now read a second time.

Mr. Speaker, the Summary Courts Act was first passed in 1980. Over the years, there have been several amendments to this Act to meet the challenges that have occurred in the administration of justice over these years.

The present amendment that is before this House is one that has been identified because of certain things or certain events that have occurred within recent times. I may hasten to add that it is not an amendment because of any flaw in the legislation as such, but it is an amendment because of the inefficiencies occurring as a result of the act or misacts, I should say, of persons who have to operate the system.

In particular, what is sought to be amended here is section 130 of the Summary Courts Act, which sets out the procedure for appeals. The substantive Act deals with the procedure in respect of offences punishable on summary conviction. Because of the fact that we are dealing with matters that are being dealt with summarily, that is, in the summary courts, the Act itself has laid out the procedure for prosecuting appeals by persons who wish to appeal against their sentences or convictions. Part VIII of the Act sets out this procedure.

This Government accepts the principle that access to justice is a fundamental and essential right in a democratic society. This procedure that is contained in the Act is designed to ensure that every citizen stands and is treated equal before the law, and as the Government, it is our duty to ensure that this principle is observed in every respect.

Mr. Speaker, section 130 of the Summary Courts Act provides that a person wishing to appeal must adopt a certain procedure and that, first of all, they must

Summary Courts (Amdt.) Bill
[SEN. THE HON. G. MOREAN]

Friday, April 04, 2003

give a notice within a period of seven days. But what has transpired in relation to persons who are in custody is that on most occasions these persons have to give their notices through the prison authority. In other words they cannot file their notices themselves so they have to be passed on to the prison authority for transmission to the Clerk of the Peace.

It has transpired that on many occasions, the notice of appeal has not reached the Clerk within the time stipulated within the particular provision of the Act, and that is within the seven-day period. As a result, the Court of Appeal has had to dismiss several cases because of the fact that this provision is a substantive one and the court has held that it has not had the authority to vary the time, to increase it, or to allow the appeal out of time. This has given rise to some hardship on the part of the persons seeking to appeal, and as I have stated, the Government is committed to observing the rights of all its citizens no matter who that citizen is.

It is the responsibility of the Government to ensure that the right of every citizen is protected. In addition to that, quite apart from the wish of the Government to observe the rule of law, it has certain obligations under our international treaties that we signed in particular, quite apart from our obligations under the Constitution. Trinidad and Tobago is a signatory to the International Convention on Civil and Political Rights, and this treaty obligates state parties to ensure that every accused person in every case has legal assistance where the interest of justice so requires.

In addition, it also imposes a duty on this country to ensure that a person who is convicted of a criminal offence is given the opportunity to challenge that conviction before a higher body created by the law. In fact, Article 14(5) of that covenant states that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to the law.

So this Bill now before this honourable House is an example of the Government's attempt to ensure that a person who is convicted of a criminal offence in the Magistrates' Court and who has given a notice of appeal in relation to that conviction will be certain that his right of appeal will not be frustrated by procedural or administrative hindrances. Also, in keeping with the policy and spirit of section 5(2)(h) of our Constitution, it is the duty of the Government to ensure that steps are taken to protect and give effect to the rights of individuals and to the freedoms enshrined in the Constitution and we have many cases which bear authority on this proposition, not the least of which is the case of the Attorney General of Trinidad and Tobago and Whiteman.

Mr. Speaker, the problem that this Bill seeks to address is that the Court of Appeal has held, where a notice of appeal which is filed by a person convicted of a criminal offence by a magistrate does not reach the Clerk of the Court within seven days, the appeal is out of time and cannot be entertained. The stark reality of this is that a convicted prisoner is thereby effectively denied his right of appeal and it means that even if the prisoner had the grounds of appeal, he must now serve the sentence imposed. A person convicted for an offence by a magistrate, as I said earlier, has a right to appeal that conviction to the Court of Appeal and that is his legal right, and it is incumbent on the State to ensure that procedural mechanisms are put in place to give effect to that right.

Section 130 of the Act provides that an appeal for the Magistrates' Court must be commenced by the appellant giving to the Clerk of the Peace notice of appeal which may be either verbal or in writing, and if it is verbal the Clerk must immediately reduce the notice to writing and it must be signed by the appellant or his legal advisor. Of course, the Act uses the word verbal, but I think oral is what is meant, but with the passage of time, verbal is used to mean oral. Because if it is in writing it is verbal, if it is oral, it is verbal. So that the word used in the substantive Act is the word verbal.

The Clerk must immediately reduce the notice into writing—*[Interruption]* If it is in writing it is verbal, anything is verbal because you are using words, are you not? The Clerk must immediately reduce the notice into writing and it must be signed by the appellant or his legal advisor. Then section 130(2) provides that in every case the notice of appeal shall be given—*[Crosstalk]* That is because you are not versed in the language.

“The notice of appeal shall be given in every case before the expiration of the seventh day...”

Now the practice has been that appellants who are in prison file their written notices of appeal with the Commissioner of Prisons for transmission to the Clerk of the Peace. It is then the duty of the prison authorities to ensure that the notice of appeal is delivered to the Clerk within the seven-day statutory period and by virtue of section 22(5) of the Interpretation Act, Chap. 3:01, Saturdays, Sundays and public holidays are excluded. So effectively you have nine days within which to lodge that notice of appeal.

The Court of Appeal has reasoned that notwithstanding the fault of the prison authorities to deliver the notices of appeal within the prescribed time limit, the appellant failed to comply with section 130 of the Summary Courts Act and

Summary Courts (Amdt.) Bill
[SEN. THE HON. G. MOREAN]

Friday, April 04, 2003

dismissed the appeal. During the year 1999, two such appeals engaged the attention of the Court of Appeal and they were dismissed notwithstanding that the appellants, while in prison, had signed their notices on the same day of their conviction for transmission to the court, but the notices were sent to the court by the prison authority after the statutory period had expired, and there is the particular case of Kendal Welch and PC Jordan. That was a decision in October, 1999 where the court held that the relevant provision was mandatory and dismissed the appeals. In other words as I said before, the Act sets out the procedure for the lodging of this appeal and the procedure is not contained in rules made under the substantive Act. It is a substantive provision and the court has no discretion to vary it.

We have had more such cases in recent times. Following this interpretation of the law, there was the case of Ricky Bernard vs PC Kennedy. Bernard was convicted on March 02, 2001 for robbery, signed his notice of appeal on the same day, but it was not forwarded by the prison authorities until March 12, 2001 and did not reach the Clerk of the Court until March 20, 2001; that was 18 days after it was signed.

We have another case of Ramroop who was convicted for housebreaking who signed his notice on July 13, and 33 days later, on August 15, the notice was forwarded. There is another case of Trim and Patrice who were convicted of cultivating marijuana on May 31, 2001, signed their notices of appeal on the same day, but the notices were not forwarded by the prison authorities until June 12, and reached the Clerk on August 17, 2001. All these appeals had to be dismissed.

It seems then, Mr. Speaker, that an appellant who has complied with the law by giving his notice of appeal within the prescribed period for transmission to the Clerk, should not be deprived of his statutory right of appeal because of the dilatoriness on the part of a stranger to the appeal, namely, the prison authority. In fact, this situation was such that in the case of Ricky Bernard vs PC Kennedy, Chief Justice De La Bastide in delivering the judgment of the court said if the period of seven days is too short, or there is need to have some extension of it in the case of an appellant in custody, then it is a matter for the legislature as this would involve an amendment of the Act, and this is why we are here. It is up to the legislature to correct the injustice that is occurring as a result of the dilatory action on the part of the prisons authority.

In addition to the denial of the appellants' right, this situation has also resulted in the State being financially liable to appellants by order of the court. We had recent cases of Christopher Lezama, David Marryshow and Simon Lezama where

the Court of Appeal ordered the State to pay the sum of \$5,000 to each appellant. I am not sure that was the Court of Appeal, it was Mr. Justice Stollmeyer, so that is the High Court. This was a case where it was a small amount so we are trying to prevent the State having to pay much more as a result of the default of the prison authorities.

In November of last year, I had indicated that we were working to correct the problem when it first surfaced and this amendment was prepared sometime before and it was subsequently laid in Parliament. I may say that this amendment is in relation to an immediate problem that has surfaced, this is not to say that there are no other amendments needed to the Summary Courts Act. In fact, the Chief Parliamentary Counsel, or in fact the Law Reform Commission is looking at the whole Act to determine what other sections need to be amended. So rather than come with section 72 which is next—today we have come with section 130. We do not want to come tomorrow with section 72 and another time with another section. We are looking at it, including section 72 because it is the worse infraction in the sense that there are people serving more time than they should serve, much to the delight of the practising lawyers, and even to some of the persons serving the sentence because the State has had to pay quite a bit of money for persons who have overstayed their time in prison.

So this is also a problem that is in need of immediate correction, but it is one that was already in train before we started looking at the Act to come with further amendments. I would assure Members of this honourable House that we are looking not only at section 72 but other sections in the Summary Courts Act to come with a fuller amendment at a later date, but there was need for this amendment to be done urgently to correct the mischief that is occurring as a result of late submissions of notices of appeal by the prison authority.

In addition to bringing this amendment, we also have to look at the fact that there may still be other appeals—which would suffer the same fate—that are in the pipeline or are about to be lifted and there is a clause for validation to take care of those appeals before this particular section comes into being.

The proposed amendment seeks at section 130A(1) to set out the procedure where:

“An appellant who is not granted bail or is in custody...”

So we are dealing with the case where bail has been granted and the person is still in custody, but because of the fact that he may not be able to access bail is deemed to comply with section 130 if he gives the notice of appeal to the

Summary Courts (Amdt.) Bill
[SEN. THE HON. G. MOREAN]

Friday, April 04, 2003

Commissioner of Prisons within the prescribed period. So as long as he discharges his responsibility, he cannot lose his right to appeal by virtue of any default on the part of the prisons authority. In order to ensure that there is some evidence to support the fact that he has in fact given his notice within the time subsection (2) provides that:

“The Commissioner shall keep a register in which he shall enter the date and time of the receipt of any notice given to him and upon receipt of such notice, he shall sign the register and cause the appellant to affix his signature or mark thereto.

(3) Upon compliance with subsection (2), the Commissioner shall transmit the notice to the Clerk within seven (7) days of its receipt.”

The word Clerk there really means Clerk of the Peace.

“(4) This section shall apply wherever in this Act, an appellant in custody is required to give a notice or other document to the Clerk.”

As far as the Act is concerned, there is another instance where he is required to give a document but we are providing for any eventuality, that is, any case in which a document has to be served or given by the appellant.

Because of the fact that this Act is dealing with procedure, we cannot deal with the inefficiencies of the prison service in this legislation. That will have to be dealt with elsewhere because this is really an Act that deals with the procedure. In the long title to the Act it says it is an Act relating to procedure in respect of offences punishable on summary conviction. So the offence has first to be created elsewhere perhaps, and this is the procedure for dealing with the punishment of these offences. This is dealing with a particular situation and we cannot put within this legislation offences; we are dealing with procedure.

Mr. Speaker, you may note that the whole of Part VIII—which deals with appeals and special cases—deals solely with the procedure for appeals and one reason for this being set out in such a compendious way is the fact that these offences with which we are dealing are summary offences and they are supposed to be dealt with expeditiously and in not too costly a manner. The fact is, there are other rules in matters of the High Court where you are going to have your rules set aside and there will be all the time to spend in the court with all the subsidiary applications that would come up. In this particular Act, everything is set out to make it easier for the appellant or the litigant, so to speak.

So, Mr. Speaker, in keeping with that objective, the amendment of the section is phrased in the same way as the parent Act, is phrased such that you set out your procedure and do not leave it for rules to be made elsewhere.

In these circumstances, I beg to move.

Question proposed.

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, I am really sorry that I have only four minutes before we go to tea, but it is going to work in my favour because having just heard the presentation of the hon. Attorney General of Trinidad and Tobago, I can assure you that I will suffer from such indigestion that I will not be able to use my tea break for anything else than to try to understand what really is going to be the useful purpose served by the legislation that has been laid in this honourable House. [*Desk thumping*]

Mr. Speaker, let me say from the outset that it is clear to me that most of the Members on the opposite side do not care to listen when valid contributions are made on this side, and that is consistent with the approach. They do not listen to the cry of Caroni (1975) Limited workers, they do not listen or even consult with the Chief Justice when they are deciding to move and sweep away the Magistrates' Court, and likewise what happens here in this House where, unfortunately, we have collective responsibility for laws made, those who are in charge refuse to listen. What they choose to do is whisper sweet nothings into the ears of their colleagues perhaps recognizing their ignorance on the point and, therefore, their inability to correctly address the issues we have raised.

The hon. Attorney General, on the last occasion when responding to the contribution I made, took the opportunity to remember her good old days in the courtroom. In fact, she went so far to say that if she had to score me based on theatre and theatrics I would get high marks, but for content I would fail.

At one point, I thought I was somewhere in California having been nominated for an academy award, but I want to say that this is not Hollywood and this is not Bollywood. This is Parliament where serious business takes place and if there are members of the media who prefer to write about how I deliver my contribution and choose to give me pictorial presentations, I say thanks to you, because the public is getting the message that this Government does not even understand the laws that they have passed. [*Desk thumping*]

In fact, it is only by my theatrical presentations supported equally with content that I do in fact get media coverage, and if that is what I have to resort to, I make no apology, Mr. Speaker, because I can back with evidence everything that I say.

Mr. Speaker, I understand that there are two marksmen on the other side who have been appointed to deal with my contributions and I feel very honoured that they are the Member for Laventille East/Morvant and the Member for Diego

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

Martin East. One of them actually advised me on the last occasion how I should eat my porridge. Let me say quite categorically that I do not eat porridge, I do not even like porridge. I am here to deal with laws and when that hon. Member for Laventille East/Morvant said—and it is recorded in the *Hansard*—that I reminded him of a first year law student at the Hugh Wooding Law School, let me boast at this point that my curriculum vitae reflects that I was a lecturer at the Hugh Wooding Law School. [*Desk thumping*] His curriculum vitae perhaps cannot boast of a similar achievement. [*Crosstalk*]

Mr. Speaker, such accolades from the other side only incite me even more. May I say just like the approach taken by the hon. Member for San Juan/Barataria where he called upon people to protect themselves, I thank you, Mr. Speaker, for trying to protect me, but today in the Parliament I too would protect myself because I am very sure that the law I expound today and that which I have always expounded is very sound.

Mr. Speaker, [*Crosstalk*] and just remember after tea they would still have to deal with me on a full stomach. Let me make it very clear that when we make contributions on this side, we make them recognizing that we have a collective responsibility to ensure that we pass good laws, not flawed laws and we have to ensure that when these laws become the laws of Trinidad and Tobago they actually cure the mischief rather than create more mischief.

What I shall do now, is give enough food for thought to Members on the other side to think about all the mischief that is going to be created by this piece of legislation with which I will deal when we return from the tea break.

Mr. Speaker: Hon. Members, the sitting of the House is suspended and will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Miss G. Lucky: Mr. Speaker, let me say at the outset that we, on this side, understand quite clearly why there is need for legislation to deal with the extension of time as it relates to appeals coming from courts of summary conviction. We understand that clearly, not based on the presentation by the hon. Attorney General, but, for example, in my case and certainly the case of the Member for Princes Town, because we have both practised extensively in the Court of Appeal dealing with the very issues which are touched upon today by this particular legislation, and more specifically, even as recent as last week

Friday when both the Member for Princes Town and myself were dealing with magisterial appeals, he on the one side for the appellant and me representing the office of the DPP on the other side.

That is right; I have been retained by the State and I can assure you it is at no astronomical fee. In fact, there is correspondence that shows when the Director of Public Prosecutions asked for my fees, I immediately wrote to him and indicated that I would leave fees to his discretion and whatever he deems fit.

The point is not about my being retained and representing the office of the DPP, the point here this afternoon is that I fully appreciate the problem that the Court of Appeal was faced with when there were matters before it that obviously had merit in the appeal, but because of the very restrictive interpretation that has to be given to the legislation despite the fact that the appeals had merit in terms of the reasons as indicated in writing before the court, there was nothing that the court could have done, and the court felt hamstrung. So, clearly, there was need for something to be done and the hon. Attorney General was very right in her presentation when she made reference to several cases cited by her in which the Court of Appeal was indicating that something ought to be done by the legislature to deal with the particular situation.

The point that is being made is that this legislation is flawed because it will not have the effect that the hon. Attorney General is once again indicating to the nation and making promises that it would not be able to keep. It would actually have the effect of entrenching inefficiency that presently operates in the prison system. What it is also doing—and I say this with great alarm—this particular piece of legislation is not even in conformity with what presently obtains in matters dealing with an appeal out of the High Court, and one would have thought, at the very least, that the hon. Attorney General, bearing in mind that she and her legal team was aware of this problem so many months ago, and last year, not having any Parliament to worry about when she was still the Attorney General of Trinidad and Tobago, one would have thought that time would have been well spent in dealing with legislation that had to be either amended, revamped and revised so that what we would have before us is a comprehensive legislative agenda. But every week we come here what we really get is a hodgepodge, *vaille que vaille* attempt to try to give quick fixes to big problems.

Take for example the admission by the hon. Attorney General that there is a section in the Summary Courts Act, that is section 72, and I quote what she said:

“Section 72 is an even worse infraction than what this legislation is dealing with.”

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

Mr. Speaker, common sense would have dictated to me—and bearing in mind it is the Member of San Fernando East who is not here, and the hon. Prime Minister who said that all his Ministers have common sense and a level head and that qualifies them—that if there is a more serious infraction that is taking place, that is the existence of section 72, what we should have had before us today is not legislation merely dealing with this amendment to the Summary Courts Act, but legislation addressing that situation that is being raised in section 72.

What makes it even worse is the fact that the easy way, the correct way and the advisable way to deal with the problem of section 72 in the Summary Courts Act is merely to delete the applicability of that section. What does section 72 say? It is really a section that indicates how old our legislation is when dealing with the parent Act, the Summary Courts Act. Section 72, in essence—I am not going to read it, but what it literally does, it actually limits the jurisdiction of the magistrate in terms of his ability in giving consecutive sentences.

In other words, when a magistrate is sentencing a person who has been convicted and found guilty, if that magistrate—and of course it would be several offences for which the person was found guilty—intends to make the sentences for each offence to run consecutively, that is, to follow one another, section 72 puts a restriction upon him saying that the aggregate of the consecutive sentences cannot exceed three years. Certainly that is a very ridiculous section. Because what it means is that if, for example, there is a person before the court who has been found guilty of the possession of firearms and also possession of ammunition and the magistrate decides that for the possession of firearms he will incarcerate him for two years and on the possession of ammunition he will also sentence him to a term of imprisonment for two years, the aggregate there is four years and therefore that is in violation of section 72.

This position was recognized by the former Chief Justice, the hon. Justice Michael De la Bastide, in the case of Kelvin Snaggs and Chazim Mohammed v PC Adesh Ramdeo, Number 12528, No. 46 of 2000. In this particular case—and I actually have the transcript before me—the former Chief Justice De la Bastide indicated, and I quote:

“It may well be that this section (that is section 72) is the relic of an earlier age and it is in need of amendment given the wider powers of sentencing which magistrates now enjoy.”

All we are saying is that when the Attorney General, or any of the Members on the other side, are bringing legislation seeking to deal with problems, let us

deal with them in a comprehensive, holistic fashion; let us not just bring a piece of legislation, lay it and say it would deal with one problem; create more problems by this particular piece of legislation, which I will go into shortly; and then give us the pittance of an excuse when asked—it was not volunteered; it was asked as an aside, but the hon. Attorney General—and I must say, she is a very courteous person. She actually lectured to me when I was a student at the Hugh Wooding Law School on Landlord and Tenant; not in criminal law, and she was courteous enough to listen to the aside and say, “Well that amendment to section 72 will be coming.”

The simple point is—and they are very competent legal draftsmen; and the hon. Member for Princes Town, I am sure would bear me out—all that had to be brought was one line made part of this legislation saying, “section 72 is deleted”, and that would solve the entire problem. But you see, there has to be an explanation for why things are not being done. If it is not blaming the Members on this side, it is making us feel that taking place over a period of time is the constant mental and intellectual churning at Cabildo Chambers and what we get at the end of the day is legislation that is flawed. We on this side cannot be a part of this kind of approach to making laws in the country and we would not be a part of this kind of flawed legislation.

What makes it worse is that when we stand and make contributions on this side, really resorting to the law, trying as best as we can to control ourselves with the asides, ensuring that we keep the intellectual debate going, on the other side everything just falls on deaf ears. Members can come with their pieces of legislation which they are piloting and indicate to us that laws are flawed when they were passed by the UNC, and even when you point out to them that the law was not flawed, they do not ever give an admission; they do not ever give a confession; not even a mixed statement, all they do is sweep it under the carpet. We will not allow that to happen here because we have a responsibility that we take very seriously.

I really want to remind the hon. Attorney General about her good old days in another place when I sat where she was and she sat in another place; perhaps not in this seat, and the approach that was taken when I piloted certain bills—because I was a junior minister in the Office of the Attorney General and sometimes acted as Attorney General—and what had been done with the bills that I piloted was that there was consultation and when valid points were made by Members on the other side, including the Attorney General, I always made sure that at least I addressed them in my responses, and at the committee stage at least I gave valid and justifiable explanations as to why we might or might not follow these suggestions.

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

We are never given that courtesy on this side. I will use an example for *Hansard* to record. When there was an amendment to the Mutual Legal Assistance Act which had been passed in the Lower House and it was being piloted by me, acting in my capacity as the Attorney General, I recognized half an hour before I came to the Parliament that there was an error that went undetected in the Lower House. I immediately called the then Attorney General, Mr. Ramesh Lawrence Maharaj, and indicated to him that I would be piloting flawed legislation and that even though it would have meant the inconvenience of making the correction in the other place and then having to take the legislation back to the House and, therefore, the law would not be effective at the particular period in time but at a later stage, the answer given was, “do not be a part of flawed legislation if you know where the flaw exists”. That was the approach that was taken.

All I am saying is that it is rather unfortunate that the hon. Attorney General does not take that kind of approach with the legislation that the hon. Attorney General brings. Because the hon. Attorney General should recognize that when contributions are made, it is her duty in her response to make sure that she addresses each of the issues that we raise. The first issue that I raise: Why has section 72 been left out in the cold when there is a clear recognition that it ought to be addressed and a simple solution of merely deleting it, making it no more part of the law—

Hon. Morean: Mr. Speaker, I just want, on a point of clarification, because when the Member for Pointe-a-Pierre whispered section 72, I was quite clear that this is an amendment that was already well advanced and the question of section 72 is being addressed along with other sections that need amending at this very moment. I was quite clear on that.

Miss G. Lucky: Mr. Speaker, I understood the explanation given by the hon. Attorney General, the point I am making is that in spite of that explanation, I am saying that is an unacceptable explanation because all that needs to be done with section 72 is really one line; removing it from our legislation because it is clearly a relic; it is a section that shows how old this legislation is and recognizes that things have changed so dramatically with respect to the power of magistrates that section 72 ought not to be on the statute books. That is the point that I am making. I am saying that the explanation given with respect to section 72 by the hon. Attorney General is not an acceptable one, because section 72 is a worse infraction that needs, as far as we are concerned, even less intellectual debate and it is not part of what is supposed to be comprehensive legislation.

I recognize that one would not be able to deal with all the sections that need to be revised, revamped or amended in the Summary Courts Act. It would be

ridiculous of any of us on this side to think that one could bring one piece of legislation to address all the problems, recognizing also that problems may occur from time to time and legislation would have to be brought on a phased basis. But when confronted with simple solutions that can be addressed, why must we be getting it in this hodgepodge fashion? That is the simple point for which we have received no sustainable explanation. I move on from section 72. If the hon. Attorney General prefers to rely on the excuse and gain comfort in the fact that her team—

Mr. Valley: Mr. Speaker, I wonder whether the hon. Member—just for my own edification—could inform the House what is a “sustainable explanation”.

Miss G. Lucky: A sustainable explanation would be one, bearing in mind the particular circumstances of the section, or in this case section 72, that would have been able to stand scrutiny and be acceptable to us; in other words, point out that section 72 has ramifications that would call for intellectual consultation and then we would understand.

What is ridiculous is that the courts have actually given the solution and if only the hon. Attorney General or those who advise her, or misadvise her, would only read the cases, they would understand that the courts have actually directed the legislature as to the direction in which it should move with respect to section 72.

What is happening now, it is better to leave section 72 which limits the ability of the magistrate to sentence persons found guilty—it is better to leave him with that restriction—than to at least remove the restriction and then when all this intellectual consultation takes place, bring some amended section and reinsert it in the law. In other words, that is the kind of convoluted thinking of Members on the other side and yet still they claim they have 2020 vision. This country is going to continue to move backwards under the PNM and that is clear.

I move on from section 72. If the hon. Attorney General chooses not to take the free legal advice given and the direction and suggestion of the honourable courts, I am not surprised, because this piece of legislation with all its clauses was wholly unnecessary, in that there was an alternative and far better solution.

Let me explain what happens in the High Court when there is a conviction. When there is a conviction in the High Court, appeals to the Court of Appeal from a High Court conviction are governed by the Supreme Court of Judicature Act and under section 50 there is a time limit that is placed on an appellant who wants to get leave to appeal or to appeal the particular decision or the particular finding of his guilt. That is section 50 and the time period is within 14 days from the date

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

of conviction. This is what obtains with a High Court matter going to the Court of Appeal. What is interesting is that in section 50(2), and I quote:

“Except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given may be extended at any time by the Court of Appeal.”

In other words, the Court of Appeal, when hearing an appeal that arises from the High Court, has a statutory power to extend the time. So that if an appellant has filed his appeal outside of the 14 days, the Court of Appeal, if it is so satisfied, can exercise the discretion to extend the time. Immediately then, the question arises: Why was not the court, which consists of judicial officers who are independent and who represent the highest intellects in Trinidad and Tobago, why is it that that type of power was not reposed in them with respect to appeals which are coming from the summary courts?

That would have made more sense. Because you see, not only would the legislation have not been flawed and also consistent with what exists, and given those persons who feel aggrieved by their finding of guilt or their sentence that their appeals were being heard and determined by judicial officers who are supposed to be persons of integrity, high intellect and competence, but it also means that there would have been instances where the Court of Appeal could extend the time, which are not considered and no provision has been made by this legislation.

Let me break it down. This is not for you, hon. Attorney General. I will not insult you in that way. Though insults may fly from the other side, I will not stoop to the level. I keep my intellect high. I do not go into the gutter where we go into all sorts of different matters. What I want to say is this. Consider, for example, a situation in which a person has been found guilty in the summary courts—that is the magistrates' courts—and that person may or may not—let us take an instance where the person might have been granted bail immediately, so the person would not be in custody, the simple point is that the person would leave the courtroom and could go downstairs immediately to the Clerk of the Peace and file his notice of appeal, or he may decide to go home and get legal advice. Bearing in mind there is something that is circulating in Trinidad and Tobago and that we have to be worried about, the Severe Acute Respiratory Syndrome virus (SARS), let us say that person contracts the virus and is therefore unable, within the stated time-period of seven days from the date of the conviction, to file his appeal—[*Crosstalk*]

Mr. Speaker: Order, please. Order!

Miss G. Lucky: One would remember, based on what we have heard earlier in this House that if one has the SARS virus, the first thing is to quarantine and stay far away from that person. No lawyer would want to even go and get the instruction to appeal. So that person might be in quarantine for three weeks, with very justifiable grounds why he cannot file his appeal. This legislation does not protect him, because it only deals with delays that are outside of the seven-day time period when the delay has emanated from the prisons.

While we recognize on this side that the majority of cases reflect that it is at the various prisons throughout the country that the delay takes place, in terms of getting the notice of appeal from the prisons to be filed at the registry, there are also circumstances in which there are delays where appellants have filed their appeals outside the seven-day time period and it has nothing to do with the delay in the prison service. I am asking the hon. Attorney General to give a comprehensive and sustainable explanation as to why that approach was not taken. I think I have explained what I mean by that.

You see, we pass legislation to deal with one situation this evening, that is, delay at the prison service, but we do not think ahead. When I say, we, I feel badly that I have to be a part of this kind of legislation being laid and debated. What I would say is, those who sit on the other side, when they are thinking of passing laws, they do not have that 2020 vision that they like to boast about; they are very myopic; they think in a box. But, you see, we on this side think ahead and that is why the nation was moving forward.

The hon. Attorney General said that even if the cart is going before the horse, well, in a very dismissive fashion, there is nothing to it. You think, Mr. Speaker, about a cart in front of a horse. I could tell you, it is either you are moving backwards or the horse might decide, “listen, you are real stupid and I am not moving with you; I am not moving at all”. We cannot stand idly by and let that happen to the citizens of Trinidad and Tobago. They deserve better. [*Desk thumping*] We recognize at the end of the day that there is need to address the problem. We are saying that when you are addressing the problem make sure that you are not creating other problems. What do we on this side mean by other problems?

When you look at the proposed section 130(a)(2), which actually creates a system whereby the Commissioner of Prisons would have to keep a register and have certain things entered into that register, again one has to consider how this system is going to operate in the prisons. Already we have an admission by the Minister of National Security who, incidentally, cannot be found—and I can only hope that he has not quarantined himself or that he has not been kidnapped,

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

bearing in mind there has been a kidnapping today already; yet another young person has been kidnapped. But to deal with the Bill specifically, one has to wonder, with the already lacking resources, how is the prison going to deal with this additional burden being placed upon them? Of course, I can predict that the answer that would be given is that—and the hon. Attorney General actually dealt with it when she said, “you cannot legislate for what would have to be the administrative procedure in the prisons”.

That point is well taken. But the reality is that the definition of “Commissioner” includes “any prison officer”. So it means that when a person who is convicted is taken to the prison, based on subsection (2), the Commissioner or any prison officer is supposed to keep a register which would enter the date and time of receipt of the notice. How are we, therefore, going to ensure that a particular prison officer who receives this notice of appeal from a prisoner in the jail, is actually keeping the register, or worse, that he pretends he never received it?

Mr. Hinds: Is the hon. Member aware that in those circumstances what happens is that the Commissioner delegates his authority to all the other officers under his jurisdiction? In addition to that, even if it were legislated for, what guarantee do we have that he would do it anyway?

Mr. S. Panday: That is the point!

Miss G. Lucky: Thank you very much, Mr. Speaker, through you to the Member for Laventille East/Morvant, for reinforcing the very point that I am making. I thank him, because that is the point. [*Desk thumping*] If the legislation had dealt with it, like Guyana—and let us not even go to Guyana, although we are heading just like Guyana with respect to the crime rate and all the other problems they have there, and I would get to the Guyana legislation—let us stay right here at home where, perhaps, we are safe from SARS. One never knows.

Why was the legislation not followed with respect to the—[*Interruption*] My name is not Goldilocks, as the Member for Laventille East/Morvant knows. That is advice for Goldilocks; that is not advice for the Member for Pointe-a-Pierre.

The simple point is if legislation had been brought with the simple section giving the Court of Appeal the very kind and type of right that it has in terms of exercising a discretion to extend the time, we would not have the problems that we would be facing with this particular legislation. The point being made by the Member for Laventille East/Morvant is recognition of the fact that, yes, a Commission can delegate to any prison officer, but the point I am making is: If a particular prison officer, having received the notice of appeal, decides to just fold

it up and throw it in a bin somewhere, who is going to make that determination that something has gone wrong? The prisoner would be incarcerated in Remand waiting for his date to be fixed; the registry has received nothing concerning his appeal and only after a number of years he may then realize something has happened.

We are saying that when you are passing legislation you have to consult. I ask the hon. Attorney General to say very honestly, who was consulted with respect to this legislation. Because I have spoken to members of the Magistracy and some of them have indicated to me that they have never been consulted. Was the office of the DPP consulted with respect to this piece of legislation? You see, the approach by Members on the other side and the administration and the Government, is, “We can do what we want. Say what you want. Say that you do not want doctors from Cuba; we are going anyway.”

This is what is happening in our society and that is why we have to put a stop to it; that is why we have to take our own initiative and we have to again encourage the media because they remain a very important and integral part of the democracy of Trinidad and Tobago of which the hon. Attorney General speaks, and we have to implore them to please ensure that they continue to play the important role that they play and make sure that when they are giving their releases and writing their stories, that when good points are made by Members on this side—and we made our good points—that we get the coverage so at the end of the day the public can decide and can be aware of what is going on.

What has happened with respect to subsection (2) is that there is now a parallel registry being created which is in a place where there is already chaos and there is already an appreciation that there is under-staffing. The simple question which I ask rhetorically is: Instead of burdening the already limited resources at the prison service, why are we not legislating in a way that would not only be logical and comprehensive but would also be consistent, giving the Court of Appeal that discretion to deal not only with delays that are caused by the prison service, but in other instances in which there are justifiable grounds such as illness, the fact that there might have been some other circumstance preventing a person from filing his appeal? That is the simple point.

With respect to clause 2(3), which states:

“Upon compliance with subsection (2), the Commissioner shall transmit the notice to the Clerk within seven (7) days of its receipt.”

All I am asking, very respectfully, is that—I understand that perhaps no sanction ought to be placed if there is no compliance. I want to say quite openly that I do

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

not agree with what the hon. Attorney General has said on that point, but I am willing to accept that, let us agree to disagree on that particular point because the sanction would be placed elsewhere in another piece of legislation, if I understood her correctly. But why in that subsection there is no onus placed on the Commissioner or any other prison officer to ensure that upon receipt of the notice of appeal it is transmitted as soon as is reasonably practicable to the registry?

In other words, what should be included in that subsection is some sort of phrase that does not just say, “shall transmit”, but says, “shall transmit as soon as is reasonably practicable”, reinforcing the point that what is expected of the Commissioner of Prisons and the prison officers is that they shall send those notices of appeal as soon as they can so that the other organs that have to be initiated to deal with the appeals going to the Court of Appeal, can, in fact, do the work that they have to do, such as magistrates writing their reasons within the specified period of 60 days and also the other administrative mechanisms that have to be put in place.

Mr. Ramnath: You understand what she is saying?

Mr. Hinds: I am trying, with great difficulty.

Miss G. Lucky: I cannot help it if the Member for Laventille East/Morvant does not understand because I am not God and I cannot increase one's intellect and I cannot give more brain cells. I am trying to be as explicit as I can and if I go un-understood, at least there is *Hansard* for generations to come, to read. So when they say how could the Members on this side have been a part of it, they would see that Members on this side were pointing out the flaws in the legislation.

In Guyana, for example—and I have the Guyanese legislation with me—and I am not saying that we must follow what other territories have and take everything they say and regurgitate it. I do not think the hon. Attorney General or anyone can doubt that there is much jurisprudence that has been developed in Guyana and that is reflected, of course, in the many cases which are recorded in the *West Indian Law Reports* coming out of that jurisdiction. In Guyana, in dealing with summary jurisdiction appeals under their relevant legislation—it is called the Summary Jurisdiction Appeals Act, Chap. 3:04—they have made the time-period for filing the notice of appeal, in fact, 14 days. But, more importantly, by virtue of section 6 in that particular piece of legislation, what has been done is that there is extension of time for certain appeals granted based on the discretion given to the Chief Justice.

We are saying on this side that we do not have to follow verbatim what Guyana has provided, in terms of giving that discretion to the Chief Justice. We

have it already in our legislation under the Supreme Court of Judicature Act and we ought to follow what is already provided for in terms of appeals that come from the High Court. So what we would really have in Trinidad and Tobago is consistent legislation of which we can be proud, not legislation that when we go into the courtrooms, as the Member for Princes Town and myself practise regularly—in the criminal arena—not only do we find ourselves sometimes very embarrassed by the laws—and I am not saying the laws only passed under the PNM regime; I am being fair; laws have been passed over the period of time and many times flaws are discovered. So I am not limiting it only to the Members who sit on the other side. All I am saying is, let us forget the past; let us deal with the present and the future and remember that we legislate not just for today but for years to come. Because it is very difficult when laws become the laws of the land to just bring legislation again to amend them on a constant basis.

It is for that reason I had made the point and I make it again, that when one is dealing with amendments to the Summary Courts Act, an amendment dealing with, for example, an extension of time to file an appeal which certainly operates in favour of a person who has been found guilty, one would have thought a healthy balance would have been to deal with section 72, which would, at that point now, have given in this very legislation to the magistrates, the power and not restrict them when it comes to sentencing. So what the public would have seen is a healthy balance where there is provision given to the constitutional rights of persons who are found guilty and at the same time there is a recognition that if you are found guilty, a magistrate is not restricted if he wants to give consecutive sentencing. I just make the point that it would have just called for one simple line.

I move on to, perhaps, what I think is a much more important point which was not addressed by the hon. Attorney General and has this side and particularly me, very concerned. It is that clause 3 which deals with the validation. Let me immediately correct myself. The hon. Attorney General did, in fact, address the issue of validation. If I understood her correctly, her explanation given was that there was a case in which Justice Stollmeyer of the High Court had ruled that a person who, in fact, had been incarcerated and had appealed based on the severity of sentence, was awarded \$5,000 in damages, and the concern of the hon. Attorney General was that in many instances, and the majority of instances, in which there have been delays and out of time appeals, the fault has been that of the prison officers and as a result, the State, when the constitutional actions are brought, has to settle in the form of damages. I accept that point. But what the Attorney General must address her mind to, and what her legal team must advise her on, is the constitutional application of clause 3. It is by reading clause 3 I am

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

very well aware—and I am not blaming the hon. Attorney General, because I am aware, in fairness to her, that she did not practise extensively in the criminal law arena; I recognize that, but surely she must avail herself to the best minds available to advise her.

Let me just read the clause and indicate the problem. If only the Attorney General would listen to me so that she can respond. It is this:

Hon. Morean: I am a captive audience.

Miss G. Lucky: You are attractive and you are an audience. I would even break it up for you.

Clause 3 says, and I quote:

“Every notice of appeal filed by an appellant under section 130 of the Summary Courts Act prior to the commencement of the Summary Courts (Amendment) Act, 2003, that was filed outside of the time prescribed in section 130(2) of the Summary Courts Act is declared to be as valid as if it had been filed in accordance with the said section 130.”

Put very succinctly, what this is doing is giving across the board validation to all appeals that have been filed out of time. Immediately what addresses the mind is this: Therefore it is also validating appeals that were filed out of time not only because of delays at the prison service which is contemplated in this piece of legislation, but all appeals that were filed out of time, perhaps because of delinquency of counsel or of the appellant himself. So it is a very wide and all-embracing validity.

One might argue, well that is very good for the administration of justice, but now let me explain to the hon. Attorney General as best as I can, if I was one of her legal advisors, what I would have told her. When a person is found guilty in the magistrate's court and a term of sentence is imposed upon that person and that person appeals, his term of imprisonment does not begin until the determination of his appeal. What does that mean? It means that if a person was found guilty of possession of marijuana for the purposes of trafficking on January 01, 1999 and was sentenced to five years imprisonment, and he was granted no bail—or even if he was granted bail, he was in custody and therefore he is in jail awaiting his appeal—it means his time is not running. Every day he stays in jail awaiting the hearing of his appeal, that is not time that is being credited to his term of imprisonment.

If he was incarcerated from January 01, 1999—many people do not know but a calendar year is 12 months; a jail year is really eight months, so when you are

sentenced for five years you are really spending approximately three years—the reality is that if his appeal which was filed out of time is now made valid by this particular clause 3, it means that this particular appellant, who might have felt since 1999 when he filed the appeal it was out of time so that he would have no recourse to the court and his time was running from January 01, 1999, he is now going to be faced with a situation where his appeal is valid. If his appeal is valid and it is heard, let us say, in July of this year, 2003 and it is listed again, even if he abandons that appeal, even if he withdraws that appeal, even if his appeal is heard and with respect to that appeal the court disallows it, his five-year term would start from July 2003. So all those years when he was in jail, from January 01, 1999 to the hearing and determination of his appeal, that time is not counted.

So understand what you have done by this validity. The hon. Attorney General talks about being bombarded with constitutional motions and having to pay exorbitant fees for counsel. Understand that by making this clause part of our laws, you are going to be bombarded with more constitutional motions by those persons who would indicate that, “if my appeal was out of time, the law as it is now says I have no appeal, and therefore my time started from January 01, 1999. Now with this clause what is happening is that my time is going to be running from the determination of my appeal. Therefore you have incarcerated me for a longer time than I thought, because all those years, from January 01, 1999 when I recognized that I really had no appeal because it was out of court, my time would have been running from then. Now you are changing the time from which my sentence will run.”

Just to make it even more clear, because this is how I used to advise when I was working in the DPP; this is how I got people advising when I was a junior minister and also acting Attorney General. I was the youngest in the Commonwealth at the time. Thanks to the UNC for giving me the opportunity.

Under section 150(2) of the Summary Courts Act it states and I quote:

“The imprisonment of such person...”

That is a person who was not actually in custody at the time:

“...shall be reckoned to begin from the day on which he is in actual custody in the prison in which he may have been ordered to be imprisoned; and if he is actually in custody—”

And this is the section that is going to be worrying:

“...if he is actually in custody, from the day the order for his imprisonment is affirmed.”

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

So that from the time you go to the jail and you are waiting on your appeal, your time does not start until your appeal is determined. The important point to recognize is that even though appeals from the magistrates' court, the court of summary conviction, ought to be fast and swift, the reality is, up to last week Friday when I appeared for the State in San Fernando doing magisterial appeals, I was dealing with appeals that came up from as late as, I think it was, 1988.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Pointe-a-Pierre has expired.

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

Question put and agreed to.

Miss G. Lucky: I am much obliged to you, Mr. Speaker, and those Members, including the one who shouted "No" for allowing me to continue. As I keep saying, even though valid contributions are made, they fall on deaf ears. Why do we need to identify who it is? I move on. I am speaking to the public and to Mr. Speaker, of course.

Dealing with that very clause what is also worrying is the power that a Court of Appeal also has, as you would recognize, to increase a sentence. The power of the Court of Appeal, when an appeal is being heard before them, which is just like in the High Court, is also they can reduce—but I am advising the hon. Attorney General with respect to the constitutional motions that she would be bombarded with, should she, in her own determination, decide to proceed with clause 3 as worded, she would be bombarded with constitutional motions in which persons who do not abandon their now renewed or alived appeals, are given increased sentences, because what those would argue is that "when my appeal was invalid and therefore there was no appeal before the court, I had been sentenced, for example, for three years. I did not abandon my appeal. In fact, I did not even understand what the legislation was doing and then I was told to come before the Court of Appeal and they disallowed my appeal."

When they look at the reasons of the magistrate they are of the view that three years was too little and the Court of Appeal feels that they should impose a greater sentence of five years, let us say, such a person would also be entitled to bring a constitutional action. We may nod our heads and say, no, but the reality is, his sentence is being increased from three years to five years; it is running not from the date that he is in prison, but from the date his appeal was actually disallowed and the sentence increased.

What is also more worrying is the fact that this particular clause is so wide and all-encompassing, it is going to raise the issue now of all those persons who, up to last Friday, had their appeals—well there were no appeals because they were out of time, so they had all their matters not dealt with, thinking, “well, do I have the right now to bring it back again”, bearing in mind that validity is going to be given to those who have their matters still pending and not yet determined.

What is worrying then—and I am taking a very practical example—if for example next month the Member for Princes Town is representing someone who has filed out of time, it would be better for that person to wait until the determination of this particular piece of legislation, because in that case his appeal would be valid, as opposed to all those poor persons who, up to last week Friday, had their appeals set aside because, in reality, there were no appeals because they were out of time.

In other words, there are really two alternatives that the Attorney General has to address. One, if this clause has to remain, there is a need for a constitutional majority, and I can indicate on this side—I am sure I cannot chief-whip—that we are not prepared, as the legislation is worded now, to give the constitutional majority. More importantly, the approach can be adopted, which the Member for Diego Martin East is very versed in doing, going red in the face and putting on that smile which I cannot describe as cute—I leave that for the Member for Ortoire/Mayaro—and saying “we go pass it without all yuh majority”. That can also be done, but they would have to remove clause 3.

I really ask the Attorney General to give cognizance to that particular point that I am raising, because it is either yet another amendment that can be passed where there would be a restriction to the validity given to all appeals. In other words, why has this particular clause attracted such a wide validation as opposed to the limited validation which is the limited purpose of this very limited piece of legislation? I would not go further and say it is because the persons who are bringing it are also limited.

What is very important when we are dealing with legislation is that we must ensure that we are not increasing bureaucracy. I think that the point is well made that we have, in fact, increased the bureaucracy when we put onto our already hamstrung prison service an additional task of dealing with a system of registration. I have dealt with that particular problem. What ought to be done, if the Attorney General is so concerned, as she has indicated, about the constitutional motions that have been brought so far, those pending and those that will be brought by persons who would be claiming that their delay in filing the

Summary Courts (Amdt.) Bill
[MISS LUCKY]

Friday, April 04, 2003

appeal is due to the negligence or delinquency of state officers, such as the prison officers, what the hon. Attorney General should have her state counsel or administrative staff do, is make a list of all the persons who will be and are so affected. Then what ought to be done is a determination to settle those particular matters.

The simple point being made is that what clause 3 ought to be doing at the very most, if it is doing it, is validating those appeals that may be pending. I would understand if that were being done, because then the Court of Appeal would ensure that for those matters that are listed, they are adjourned out of the timeframe when this legislation would be passed. Therefore, the persons who have pending appeals—if you want to give them the validity one would understand—it means that for the future there is already provision for it in this piece of legislation.

I think what the hon. Attorney General does not understand is that we agree that there ought to be validity, but when you make the validity so wide and also when you validate all other appeals, what you are doing is attracting constitutional motions. That is the simple point. My advice would have been to remove the retroactive operation of this particular clause. I know that there has been a concern but sometimes this is the price the State has to pay. It is better to do a stitch in time that would save nine and cut our losses at this point than to be in a situation where we would still have to settle those matters that the hon. Attorney General has referred to, and also now be bombarded with new constitutional motions.

That is common sense. That is logic. That is the thinking of the UNC. That is what this country needs, forward thinking. That is why we say: Forward ever, backward never. But we cannot say it most times when we see these pieces of legislation.

In my contribution I have really tried to deal with all the issues that concern me with the legislation. I wish to repeat that I do commend the hon. Attorney General for at least taking the initiative to deal with the particular problem that presently confronts the Court of Appeal with these matters. All I am suggesting is that when we have a good initiative, such as the initiative of the Member for San Juan/Barataria, who is not here but his “guardian angels”, we must make sure that there is proper, comprehensive and meaningful consultation. Do not just draft laws in a vacuum; do not forget to consult the stakeholders, because what happens is that legislation is brought; the legislation is flawed and there might be embarrassment to take it back to another place. I am hoping the hon. Attorney General would not feel so embarrassed when she really looks at the legislation and recognizes we have to address those particular issues.

If we adopt this very mature way in dealing with the legislative process, then we can assure the citizens of Trinidad and Tobago that we are really acting in their interest. Always remember—it is a definition I heard this morning when people were talking about what Trinidad and Tobago needs. They were saying that Trinidad and Tobago needs heroes right now, and a hero is defined as a person who does not think of himself or herself, but really puts other persons and, in this instance, the country first.

I am suggesting that let us all try to be heroes; let us put the country first and amend the flaws in this legislation even if it means taking it back.

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

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I propose to make a reasonably short intervention in this debate.

The Member for Pointe-a-Pierre delivered today again a very enthusiastic and, perhaps, even aggressive contribution; aggression that is better suited to that of a boxer, rather than a parliamentarian. But notwithstanding, her enthusiasm is recognized.

The Member began her contribution by making reference to the business of porridge. It appears as though she does not like porridge. I would like to know what does the Member like? [*Interruption*]

Mr. Speaker: Order!

Mr. F. Hinds: The Member went further and said that she is not like Goldilocks, as the reason for her not wanting porridge. I could see that she does not have locks. She more looks like “Boy George”.

Mr. S. Panday: Rubbish!

Mr. Speaker: Hon. Member, please.

Mr. F. Hinds: She spoke of locks, Mr. Speaker. I was speaking about the hairstyle.

Let me deal with the issues before us in this debate. I want to begin by saying that the Member for Pointe-a-Pierre spent about 30 minutes of her contribution belabouring a very simple point, ad nauseam. I can well imagine the trauma that a trial judge must encounter in hearing from the Member in another manifestation. The point she was making had to do with the validation clause 3 of the Bill before us and the Member was making the point that the legislation as it is drafted says:

Summary Courts (Amdt.) Bill
[MR. HINDS]

Friday, April 04, 2003

“Every notice of appeal filed by an appellant under section 130 of the Summary Courts Act prior to the commencement of the Summary Courts (Amendment) Act, 2003,...

The one that we are debating now:

“that was filed outside of the time prescribed by section 130(2) of the Summary Courts Act is declared to be as valid as if it had been filed in accordance with the said section 130.”

Section 130 speaks about filing of the appeal; the need for it to be lodged with the Clerk, and section 130(2), in essence, talks about the timeframe, seven days.

This is a simple point. If the Member for Pointe-a-Pierre feels that the legislation requires a bit more—because I have seen, and I would demonstrate to the Member shortly where, in the matters that the Attorney General referred to, the matter of Ricky Bernard and Others, a magisterial appeal, while at the moment the Court of Appeal does not have the legislative power to do what the Member was saying they should have, they were able to treat with the appeal. The Court of Appeal said in the judgment that being a superior court of record, certainly superior to the High Court, and certainly superior to the magistrate’s court from which the decision came, it was able to correct an error on the face of the record that was caused by the magistrate who had sentenced one of the appellants—I think his name was Mohammed—to a total of about 21 years and three months imprisonment, sentences to run consecutively, overriding, going outside of the authority that the magistrate had, the law saying that where the magistrate is sentencing consecutively, he or she can impose a sentence no more than three years.

The Court of Appeal, notwithstanding that it is not now possessed of the authority that the Member is saying that it should have, and that the Attorney General should have arranged for in this Bill, the Court of Appeal was able to correct it simply by saying, “We are a superior court of record and that in itself gives us the jurisdiction to correct an obvious error on the face of the record from the magistrate’s court”. And the problem was resolved.

The alternative to that would have been for the appellant to have gone for judicial review, but the Court of Appeal felt that it should not cause the appellant the stress, the cost and the trauma of so doing and it was able to resolve the problem on the basis of its current inherent jurisdiction and power, notwithstanding the absence of the legislation that my friend is recommending.

Miss Lucky: Mr. Speaker, through you, would the hon. Member for Laventille East/Morvant indicate whether he understands the distinction, as he just explained, in the case of Bernard, that what the Court of Appeal was pointing out was that they could have dealt with that aspect of the magistrate exceeding his jurisdiction and therefore they made the appropriate order? The complaint being made by the Court of Appeal, and also in my contribution, was the fact that the magistrate has a restriction on his powers of sentencing. So that even though the 21 years would have been a justifiable sentence in terms of its operation consecutively, the Court of Appeal could not endorse that particular sentence because it had exceeded what the magistrate is allowed to do under section 72.

The point the hon. Member for Laventille East/Morvant is making is another point where the court said, "Well, listen, we can adjust the order to be in conformity with section 72." At no point did they concede that the magistrate ought not to have those restrictive powers. If you read the case carefully, and more specifically, the case of Snaggs that I referred to, where the section 72 point first came up, with Mr. Ricky Rahim being the attorney for the appellant, it was the former Chief Justice, Mr. De la Bastide, who indicated that there should be a removal of section 72 because it restricted the powers of the magistrate. That is the point. Perhaps the Member did not understand it.

Mr. F. Hinds: It is courteous and proper to give way. I have a feeling that I regretted it. She reminded me of "mile-a-minute", a character I had known as a child. She just went on a "mile a minute", so to speak.

Mr. Speaker, our arrangements here, we have the magistrates' court; the High Court, the Court of Appeal. In the United Kingdom, if a magistrate's court wants to impose a sentence that it is not permitted to impose on someone before it, having found that person guilty of an offence, it has the power in that jurisdiction to direct the person to the Crown Court for sentencing. We do not have that here. It is simply that their legislation is different from ours. If the current legislation we have does not allow us that latitude, or it does not allow the magistrate the power to sentence consecutively for more than three years, what we could do is amend the legislation to do that. There is nothing strange about that, and it is open to the Member for Pointe-a-Pierre, as an attorney at law in her private capacity, it is open to her as a Member of Parliament, to bring a bill before the House or to write some submission to the Law Reform Commission and we could get that done. But it is nothing to make so much ado over.

Do you want to wrap up now? I will continue on the next occasion.

Adjournment

Friday, April 04, 2003

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley) Mr. Speaker, I beg to move that this House do now adjourn to Friday, April 11 at 1.30 p.m. and to inform my colleagues that we would continue the debate that is engaging us at this time on that date.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.03 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Mr. Chandresh Sharma (Fyzabad) earlier in the proceedings:

**Road Improvement Fund
(Expenditure and other Details)**

- 87.** (a) Would the Minister of Works and Transport state what was the expenditure in 2002 on road repairs under the Road Improvement Fund?
- (d) Could he list the names and location of roads repaired/built under the Road Improvement Fund in that year?
- (e) Could he indicate the expenditure on each road and the contractor engaged?

The following reply was circulated to Members of the House:

The Minister of Works and Transport (Hon. Franklin Khan): As at September 30, 2002, the total amount released under the Road Improvement Fund Programme was thirty million, seven hundred and forty-seven thousand, seven hundred and eighteen dollars, (\$30,747,718.00). The Ministry of Works and Transport incurred expenditure in the sum of twenty-one million, one hundred and forty-five thousand, six hundred and sixty-four dollars, (\$21,145,664.00). The sum of six million, four hundred and twenty-six thousand, eight hundred and seventy-eight dollars, (\$6,426,878.00) was utilized to contract the services of the National Insurance Property Development Company (NIPDEC) to continue and complete works under the National Roads and Bridges Improvement Programme and the National Road Safety Awareness Programme. The Tobago House of Assembly was allocated the sum of two million, nine hundred and thirty-four thousand, six hundred and ninety-four dollars, (\$2,934,694.00).

Written Answer to Question

Friday, April 04, 2003

- (a) A listing of the names and location of roads repaired/built under the Road Improvement Fund in that year is provided below.

District	Road Name	Location
St. George West	Eastern Main Road	Morvant
St. George West	Lady Young Road	Lady Young Road
St. George West	Saddle Road Bourg Mulatresse B 1/1	Saddle Road
St. George West	El Socorro	El Socorro
St. George West	Silver Bridge Eastern Main Road B 1/7	Curepe
St. George West	Morne Coco Road 3 - 7 km	Diego Martin
St. George West	St. Lucian Road 2 - 3 km	Diego Martin
St. George West	CRH Intersection Improvement CRH and UBH West and East	Churchill Roosevelt Highway
St. George West	Upper St. Babbs, Laventille	Laventille
St. George West	La Hoe Road, San Juan	San Juan
St. George West	Bell View Road off Acono Road Maracas	Maracas, St. Joseph
St. George West	San Boucaud Road off Saddle Road, Santa Cruz	Santa Cruz
St. George West	Julien Trace Cascade	Cascade
St. George West	St. Lucien Road	Diego Martin
St. George West	Upper and Lower St. Peters Garden Road, Network Carenage	Carenage
St. George West	Priority Bus Route 0 - 9.9 mm	Curepe
St. George West	Eastern Main Road 4.2 - 6.4 mm	Morvant
St. George West	Priority Bus Route 0 - 9.9 mm	Laventille
St. George East	Cumuto Road 12 - 15 km	Cumuto
St. George East	Tamana Road	Tamana
St. George East	Arima Blanchisseuse Road	Arima

District	Road Name	Location
St. George East	Tamana Road	Tamana
St. George East	Heights of Aripo 4.5 - 7.5 km	Cumuto
St. George East	Arima Blanchisseuse Road	Arima
St. George East	Blaze Road	Cumuto
St. George East	Heights of Aripo 4.5 - 7.5 km	Cumuto
St. George East	Cumuto Main Road	Cumuto
St. George East	Cumuto Main Road	Cumuto
St. George East	Heights of Aripo Road	Aripo
St. George East	Paria Main Road	Paria
St. George East	Churchill Roosevelt Highway 10.5 - 13.5 km	Churchill Roosevelt Highway
St. George East	Churchill Roosevelt Highway 13.5 - 15.5 km	Churchill Roosevelt Highway
St. George East	Caroni North Bank Road	St. Helena
St. George East	Caura Royal Road 0 - 5.31	El Dorado
St. George East	Priority Bus Route Curepe to Arima	Curepe to Arima
St. George East	Churchill Roosevelt Highway	Curepe to Arima
St. George East	Churchill Roosevelt Highway	Curepe to Arima
St. George East	Eastern Main Road 6.75 - 17.5 km	Curepe to Arima
St. George East	Tamana Road	Tamana
St. George East	Arima Blanchisseuse	Arima
St. George East	Caroni South Bank	St. Helena
St. George East	Priority Bus Route Curepe to Arima	Curepe to Arima
St. George East	Churchill Roosevelt Highway East Bound & West Bound	Curepe to Arima
St. George East	Paria Main Road 66 mm - 72 mm	Paria Road

*Written Answer to Question**Friday, April 04, 2003*

District	Road Name	Location
St. George East	Lopinot Road 0 - 8.27 km	Lopinot
St. George East	Churchill Roosevelt Highway	Curepe to Arima
St. George East	Priority Bus Route	Tunapuna
St. Andrew/ St. David	Eastern Main Road	Manzanilla
St. Andrew/ St. David	Guaico Tamana Road	Tamana
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	Sangre Grande/Manzanilla
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	Sangre Grande/Manzanilla
St. Andrew/ St. David	Manzanilla Mayaro Road 38.17 - 45.36 mm	Manzanilla
St. Andrew/ St. David	Plum Mitan Road 0 - 9.25 mm	Manzanilla
St. Andrew/ St. David	Valencia Road 0 - 7.72 mm	Valencia
St. Andrew/ St. David	Toco Road 0 - 28.5 mm	Toco
St. Andrew/ St. David	Toco Road 0 - 28.5 mm	Toco
St. Andrew/ St. David	Sangre Grande Oropouche Road 0 - 6 mm	Sangre Grande
St. Andrew/ St. David	Fishing Pond Road 0 - 9.38 mm	Sangre Grande
St. Andrew/ St. David	Little Cora Road 0 - 2.54 mm	Tamana
St. Andrew/ St. David	Bonair Road 0 - 2 mm	Sangre Grande

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Location
St. Andrew/ St. David	Cunapo Junction Road 0 - 2.5 mm	Cunapo
St. Andrew/ St. David	Paria Road 28.5 - 54 mm	Paria
St. Andrew/ St. David	Paria Road 28.5 - 54 mm	Paria
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	Manzanilla/Sangre Grande
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	Cocoa Village
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	Douglas Guest House
St. Andrew/St. David	Valencia Road 0.0 - 12 mm	Valencia
St. Andrew/St. David	Toco Road 0.0 27 mm	Toco
Caroni	Mamoral Road	Caparo
Caroni	Caroni Road, (St. Helena 6 - 6.5 km)	St. Helena
Caroni	Madrass Road 1 - 2 km	Cunupia
Caroni	Caroni Savannah Road	Chaguanas
Caroni	Caparo Valley Brasso Road 8 - 8.5 km	Caparo
Caroni	Caparo Valley Brasso Road B 2/7	Caparo
Caroni	Ravine Sable B 1/3	Londenville
Victoria East	Naparima Mayaro Road	Tableland
Victoria East	Moruga Road	Moruga
Victoria East	Penal Rock Road	Moruga
Nariva Mayaro	Rio Claro Guayaguayare	Rio Claro

*Written Answer to Question**Friday, April 04, 2003*

District	Road Name	Location
Nariva Mayaro	Tabaquite Rio Claro Road	Tabaquite
Victoria West	Bonne Aventure Road	Gasparillo
Victoria West	South Trunk Road Dumfries Junction	La Romain
Victoria West	San Fernando Bye Pass	Mon/Repos
Victoria West	Improvement to Alamby St. Clements Junction, San Fernando	St. Madeline
Victoria West	South Trunk Road	La Romain
Victoria West	Guaracara Tabaquite Road	Tabaquite
Victoria West	Guaracara Tabaquite Road	Tabaquite
Victoria West	Mayo Road	Mayo
Victoria West	Garth Road	Williamsville
Victoria West	Piparo Road	Williamsville
Victoria West	Dumfries Road	Debe
Victoria West	Naparima Mayaro Road	San Fernando Bye Pass
Victoria West	San Fernando Bye Pass	Mon Repos Junction
Victoria West	San Fernando Bye Pass	Mon Repos Junction
Victoria West	Guaracara Tabaquite Road	Tabaquite
Victoria West	S.S. Erin Road	Debe
Victoria West	S.S. Erin Road	Debe
Victoria West	Southern Main Road	Claxton Bay Marabella
Victoria West	Southern Main Road	Claxton Bay Marabella
Victoria West	Golconda Road	Lengua

*Written Answer to Question**Friday, April 04, 2003*

District	Road Name	Location
Victoria West	Rochard Douglas Road	Barrackpore
Victoria West	Rocharad Douglas Road	Barrackpore
Victoria West	Kanhai Road	Barrackpore
Victoria West	Rees Road	Barrackpore
Victoria West	Cottage Road	Barrackpore
Victoria West	St. Croix Road	Lengua
Victoria West	Manahambre Road	Princes Town
Victoria West	Manahambre Road	Princes Town
Victoria West	Cipero Road	Retrench Village
Victoria West	New Colonial Road	Barrackpore
Victoria West	Papourie Road	Barrackpore
Victoria West	New Colonial Road	Barrackpore
Victoria West	New Colonial Road	Barrackpore
Victoria West	Papourie Road	Barrackpore
Victoria West	Cipero Road	Retrench Village
Victoria West	Manahambre Road	Princes Town
Victoria West	Naparima Mayaro Road	Ire Village
Victoria West	Southern Main Road	La Romain
Victoria West	San Fernando Bye Pass	San Fernando Bye Pass
Victoria West	S.S. Erin Road	Debe
Victoria West	Dumfries Road	Debe/Phillipine
Victoria West	Corosal Road	Mayo
Victoria West	Garth Road	Williamsville
St. Patrick	Chatam/Erin Road	Buenos Aires

*Written Answer to Question**Friday, April 04, 2003*

District	Road Name	Location
St. Patrick	San Francique Road	Penal
St. Patrick	Guapo Cap-de-ville from Point Fortin to Cap-de-ville	Cap-de-ville
St. Patrick	Guapo Cap-de-ville	Cap-de-ville
St. Patrick	Erin	From Dap-de-ville to Erin Village
St. Patrick	Erin	From Dap-de-ville to Erin Village
St. Patrick	Southern Main Road	Cap-de-ville
St. Patrick	S.S. Erin Road	Erin
St. Patrick	Chatham Road South	Chatam
St. Patrick	S.S. Erin Road	S.S. Erin Road
St. Patrick	Guapo Cap-de-ville	Cap-de-ville
St. Patrick	Chatham Road South	Chatham
St. Patrick	S.S Erin Road	S.S. Erin
St. Patrick	Guapo Cap-de-ville	Cap-de-ville
St. Patrick	San Francique	Penal
St. Patrick	San Francique	Penal
St. Patrick	Fyzabad Guapo	Fyzabad
St. Patrick	Fyzabad Guapo	Fyzabad
St. Patrick	Siparia	Avocat & Teak Village
St. Patrick	Siparia	Avocat & Teak Village
St. Patrick	Siparia	Point Fortin
St. Patrick	Southern Main Road	Point Fortin

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Location
St. Patrick	Southern Main Road	Othatie
St. Patrick	Southern Main Road	Penal
St. Patrick	San Francique	Woodland Village
St. Patrick	La Fortune Pluck	Penal
St. Patrick	Clarke Road	Quinam Village
St. Patrick	Penal Quinam Road	Penal
St. Patrick	Clarke Road	Quinam Village
St. Patrick	S.S Erin Road	Penal
St. Patrick	Penal Rock Road	S.S. Erin
St. Patrick	Penal Rock Road	Penal
St. Patrick	Rochard Road	Penal
St. Patrick	S.S Erin Road	S.S. Erin Road
St. Patrick	Penal Quinam Road	Quinam

(c) The expenditure on each road and the contractor engaged is indicated below.

District	Road Name	Cost
St. George West	Eastern Main Road	\$182,211.00
St. George West	Lady Young Road	\$111,724.00
St. George West	Saddle Road Bourg Mulatresse B 1/1	\$66,052.00
St. George West	El Socorro	\$178,144.00
St. George West	Silver Bridge Eastern Main Road B 1/7	\$86,250.00
St. George West	Morne Coco Road 3 - 7 km	\$105,459.00
St. George West	St. Lucian Road 2 - 3 km	\$133,831.00
St. George West	CRH Intersection Improvement CRH and UBH West and East	\$1,098,153.00
St. George West	Upper St. Babbs, Laventille	\$291,646.00

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
St. George West	La Hoe Road, San Juan	\$190,929.00
St. George West	Bell View Road off Acono Road Maracas	\$261,231.00
St. George West	San Boucaud Road off Saddle Road, Santa Cruz	\$163,415.00
St. George West	Julien Trace Cascade	\$59,630.00
St. George West	St. Lucien Road	\$50,000.00
St. George West	Upper and Lower St. Peters Garden Road, Network Carenage	\$252,126.00
	Roads and Bridges Safety Programme	
St. George West	Priority Bus Route 0 - 9.9 mm	\$20,522.00
St. George West	Eastern Main Road 4.2 - 6.4 mm	\$10,000.00
St. George West	Priority Bus Route 0 - 9.9 mm	\$10,000.00
St. George East	Cumuto Road 12 - 15 km	\$196,620.00
St. George East	Tamana Road	\$210,000.00
St. George East	Arima Blanchisseuse Road	\$255,696.00
St. George East	Tamana Road	\$225,000.00
St. George East	Heights of Aripo 4.5 - 7.5 km	\$458,132.00
St. George East	Arima Blanchisseuse Road	\$713,000.00
St. George East	Blaze Road	\$150,000.00
St. George East	Heights of Aripo 4.5 - 7.5 km	\$699,867.00
St. George East	Cumuto Main Road	\$34,500.00
St. George East	Cumuto Main Road	\$10,781.25
St. George East	Heights of Aripo Road	\$4,300.00
St. George East	Paria Main Road	\$4,300.00

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
St. George East	Churchill Roosevelt Highway 10.5 - 13.5 km	\$63,159.00
St. George East	Churchill Roosevelt Highway 13.5 - 15.5 km	\$59,061.00
St. George East	Caroni North Bank Road	\$21,000.00
St. George East	Caura Royal Road 0 - 5.31	\$19,000.00
St. George East	Priority Bus Route Curepe to Arima	\$22,400.00
St. George East	Churchill Roosevelt Highway	\$9,600.00
St. George East	Churchill Roosevelt Highway	\$9,600.00
St. George East	Eastern Main Road 6.75 - 17.5 km	\$14,720.00
St. George East	Tamana Road	\$13,225.00
St. George East	Arima Blanchisseuse	\$16,100.00
St. George East	Caroni South Bank	\$20,125.00
St. George East	Priority Bus Route Curepe to Arima	\$40,000.00
St. George East	Churchill Roosevelt Highway East Bound & West Bound	\$70,306.20
St. George East	Paria Main Road 66 mm - 72 mm	\$42,000.00
St. George East	Lopinot Road 0 - 8.27 km	\$15,000.00
St. George East	Churchill Roosevelt Highway	\$26,680.00
St. George East	Priority Bus Route Curepe to Arima	\$60,778.55
St. Andrew/ St. David	Eastern Main Road	\$267,846.00
St. Andrew/ St. David	Guaico Tamana Road	\$391,426.00
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	\$21,562.50

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	\$25,000.00
St. Andrew/ St. David	Manzanilla Mayaro Road 38.17 - 45.36 mm	\$16,000.00
St. Andrew/ St. David	Plum Mitan Road 0 - 9.25 mm	\$19,375.00
St. Andrew/ St. David	Valencia Road 0 - 7.72 mm	\$23,600.00
St. Andrew/ St. David	Toco Road 0 - 28.5 mm	\$21,562.50
St. Andrew/ St. David	Toco Road 0 - 28.5 mm	\$18,750.00
St. Andrew/ St. David	Sangre Grande Oropouche Road 0 - 6 mm	\$10,716.96
St. Andrew/ St. David	Fishing Pond Road 0 - 9.38 mm	\$10,000.00
St. Andrew/ St. David	Little Cora Road 0 - 2.54 mm	\$4,000.00
St. Andrew/ St. David	Bonair Road 0 - 2 mm	\$6,000.00
St. Andrew/ St. David	Cunapo Junction Road 0 - 2.5 mm	\$12,000.00
St. Andrew/ St. David	Paria Road 28.5 - 54 mm	\$21,563.00
St. Andrew/ St. David	Paria Road 28.5 - 54 mm	\$18,750.00
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	\$24,000.00

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	\$24,000.00
St. Andrew/ St. David	Eastern Main Road 21.36 - 38.17 mm	\$22,000.00
St. Andrew/ St. David	Valencia Road 0.0 - 12 mm	\$22,885.00
St. Andrew/ St. David	Toco Road 0.0 27 mm	\$139,632.04
Caroni *	Mamoral Road	\$3,449,943.00
Caroni	Caroni Road, (St. Helena 6 - 6.5 km)	\$250,000.00
Caroni	Madrass Road 1 - 2 km	\$162,000.00
Caroni	Caroni Savannah Road	\$268,200.00
Caroni	Caparo Valley Brasso Road 8 - 8.5 km	\$297,000.00
Caroni	Caparo Valley Brasso Road B 2/7	\$453,245.00
Caroni	Ravine Sable B 1/3	\$123,784.00
Victoria East	Naparima Mayaro Road	\$322,187.00
Victoria East	Moruga Road	\$239,690.00
Victoria East	Penal Rock Road	\$210,000.00
Nariva Mayaro	Rio Claro Guayaguayare	\$90,808.00
Nariva Mayaro	Tabaquite Rio Claro Road	\$278,463.00
Victoria West	Bonne Aventure Road	\$185,827.00
Victoria West	South Trunk Road Dumfries Junction	\$490,829.00

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
Victoria West	San Fernando Bye Pass	\$218,023.00
Victoria West	Improvement to Alamby St. Clements Junction, San Fernando	\$266,091.00
Victoria West	South Trunk Road	\$250,000.00
Victoria West	Guaracara Tabaquite Road	\$10,867.50
Victoria West	Guaracara Tabaquite Road	\$2,760.00
Victoria West	Mayo Road	\$4,657.50
Victoria West	Garth Road	\$4,502.25
Victoria West	Morne Roche Quarry Road	\$6,210.00
Victoria West	Piparo Road	\$7,155.00
Victoria West	Dumfries Road	\$4,830.00
Victoria West	Naparima Mayaro Road	\$6,900.00
Victoria West	San Fernando Bye Pass	\$1,035.00
Victoria West	San Fernando Bye Pass	\$2,208.00
Victoria West	Guaracara Tabaquite Road	\$6,900.00
Victoria West	S.S. Erin Road	\$9,200.00
Victoria West	S.S Erin Road	\$10,867.50
Victoria West	Southern Main Road	\$3,714.50
Victoria West	Southern Main Road	\$11,643.75
Victoria West	Golconda Road	\$1,380.00
Victoria West	Rochard Douglas Road	\$1,311.00
Victoria West	Rochard Douglas Road	\$22,208.00
Victoria West	Kanhai Road	\$3,380.00
Victoria West	Rees Road	\$3,380.00

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
Victoria West	Cottage Road	\$3,380.00
Victoria West	St. Croix Road	\$3,380.00
Victoria West	Manahambre Road	\$6,312.50
Victoria West	Manahambre Road	\$3,669.50
Victoria West	Cipero Road	\$4,031.25
Victoria West	New Colonial Road	\$3,881.25
Victoria West	Papourie Road	\$6,210.00
Victoria West	New Colonial Road	\$3,036.00
Victoria West	New Colonial Road	\$10,338.00
Victoria West	Papourie Road	\$8,901.00
Victoria West	Cipero Road	\$34,500.00
Victoria West	Manahambre Road	\$5,117.50
Victoria West	Naparima Mayaro Road	\$5,117.50
Victoria West	Southern Main Road	\$14,662.50
Victoria West	San Fernando Bye Pass	\$6,141.00
Victoria West	S.S. Erin Road	\$6,141.00
Victoria West	Dumfries Road	\$6,141.00
Victoria West	Corosal Road	\$12,420.00
Victoria West	Garth Road	\$10,350.00
St. Patrick	Chatam/Erin Road	\$99,924.00
St. Patrick	San Francique Road	\$249,280.00
St. Patrick	Guapo Cap-de-ville from Point Fortin to Cap-de-ville	\$2,741,000.00
St. Patrick	Guapo Cap-de-ville	\$4,533.30

Written Answer to Question

Friday, April 04, 2003

District	Road Name	Cost
	Roads and Bridges Safety Programme	
St. Patrick	Erin	\$1,506.96
St. Patrick	Erin	\$4,830.00
St. Patrick	Southern Main Road	\$3,772.00
St. Patrick	S.S. Erin Road	\$11,787.50
St. Patrick	Chatham Road South	\$3,772.00
St. Patrick	S.S. Erin Road	\$1,593.90
St. Patrick	Guapo Cap-de-ville	\$7,820.00
St. Patrick	Chatham Road South	\$7,912.00
St. Patrick	S.S Erin Road	\$9,775.00
St. Patrick	Guapo Cap-de-ville	\$920.00
St. Patrick	San Francique	\$10,120.00
St. Patrick	San Francique	\$4,243.50
St. Patrick	Fyzabad Guapo	\$1,512.94
St. Patrick	Fyzabad Guapo	\$3,724.83
St. Patrick	Siparia	\$1,217.16
St. Patrick	Siparia	\$931.50
St. Patrick	Southern Main Road	\$5,630.00
St. Patrick	Southern Main Road	\$3,306.50
St. Patrick	Southern Main Road	\$15,065.00
St. Patrick	San Francique	\$15,369.75
St. Patrick	La Fortune Pluck	\$22,990.80
St. Patrick	Clarke Road	\$19,159.00
St. Patrick	Penal Quinam Road	\$11,495.40

District	Road Name	Cost
	Roads and Bridges Safety Programme	
St. Patrick	Clarke Road	\$3,536.25
St. Patrick	S.S Erin Road	\$18,250.00
St. Patrick	Penal Rock Road	\$18,768.00
St. Patrick	Penal Rock Road	\$4,830.00
St. Patrick	Rochard Road	\$2,551.56
St. Patrick	S.S Erin Road	\$6,279.00
St. Patrick	Penal Quinam Road	\$3,507.15
Head Office	Total	\$19,032,788.00
Head Office	Road Marking Paint	\$469,000.00
Head Office	Operational Expenses (Fuel, parts etc.)	\$959,636.00
Head Office	Purchase of two 3 ton trucks	\$320,000.00
Head Office	Purchase of two wheel tractors with attachments	\$364,240.00
	Grand Total	\$21,145,664.00

N.B. All projects were done in-house utilizing contractors from the list of contracts for supplies and services as issued by the Central Tenders Board, except Mamoral Road in the Caroni District which was project managed by Geotechnologies Ltd. The Mamoral Road project was an emergency situation.