

*Leave of Absence**Friday, March 11, 2005***HOUSE OF REPRESENTATIVES***Friday, March 11, 2005*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the Member for Arima (Hon. Penelope Beckles), requesting leave of absence for the period March 07, 2005 to March 11, 2005; the Member for St. Augustine (Mr. Winston Dookeran), requesting leave of absence for the period March 06 to March 11, 2005 and the Member for Laventille West (Hon. Eulalie James), from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Report of the Sangre Grande Regional Corporation for the period October, 2002 to September, 2003. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Sangre Grande Regional Corporation for the period October, 2003 to September, 2004. [*Hon. K. Valley*]
3. The Securities Industry (Take-Over) By-Laws, 2005. [*Hon. K. Valley*]

COPYRIGHT (AMDT.) BILL
Special Select Committee Report
Presentation

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Speaker, I wish to lay on the Table, the Second Interim Report of the Special Select Committee appointed to consider and report on the Copyright (Amdt.) Bill, 2004.

ORAL ANSWER TO QUESTION

Old Age Pension
(Calculations)

13. **Mr. Manohar Ramsaran** (*Chaguanas*) asked the hon. Minister in the Office of the Prime Minister (Social Services Delivery):

- (a) With reference to Old Age Pensions Regulations, Chap. 32:02, would the Minister inform this House how the total annual income, commonly referred to as the ceiling, is calculated?
- (b) Could the Minister also explain how the different tiers of old age pensions are arrived at?

The Minister in the Office of the Prime Minister (Social Services Delivery) (Sen. The Hon. Christine Kangaloo): Mr. Speaker, the Old Age Pensions Regulations, Chap. 32:02, makes no reference to a total annual income. The issue of the income at which applicants are assessed for old age pension is addressed in the Old Age Pensions Act, and not the regulations, by way of amendment to the said Act in 1998. Incomes consideration are now calculated on a monthly basis and not an annual basis, as referred to in the question.

The Central Public Assistance Board is mandated in the Old Age Pensions Act, to direct the administration of the grant of old age pension. The statutory income ceiling, having been determined by the Act, the Central Public Assistance Board then sets out, inter alia, the criteria regarding what should be treated as income in determining eligibility for old age pension. At present, the following are considered as income: sums derived from any form of employment; national insurance benefits monthly; any form of pension; interest from savings and investments; maintenance orders; and sums derived from rental property. The Central Public Assistance Board determined, through appropriate research, that in all instances of business or rental income, an allowance be made for operational expenses related to the upkeep and maintenance of the enterprise concerned.

With respect to part (b) of the question, hon. Members are advised that by virtue of Act No. 8 of 1999, the two-tiered system of pension payment was introduced. According to the Act, applicants whose income did not exceed \$100 per month, would qualify for a full monthly grant of old age pension. The grant at that time stood at \$620 per month. Applicants whose income exceeded \$100 per month, but did not exceed \$620 per month should be paid, what is referred to as a “basic pension of \$520”.

Hon. Members are reminded that over the years, the full and basic pension amounts have been increased and now stand at \$1,150 and \$1,050, respectively. The income ceiling has also appreciated over the years. Currently, persons whose income does not exceed \$100 per month are eligible to receive old age pension in the amount of \$1,150. Persons whose income exceeds \$100 but not \$1,000 are eligible to receive old age pension of \$1,050.

Oral Answer to Question

Friday, March 11, 2005

It should be noted that with the increase in the National Insurance Pension to \$1,000 per month, a person whose only income is from the National Insurance Board, in an amount not exceeding \$1,000 will qualify for old age pension at the basic level. I thank you, Mr. Speaker.

Mr. Ramsaran: Through you, Mr. Speaker, I would like to ask the hon. Minister a question and further mention the bank statement. People said they look at the statement and not at the income from the statement. Could she explain?

Sen. The Hon. C. Kangaloo: Mr. Speaker, I am not sure I understand the question.

Mr. Ramsaran: If I might explain. When officers go to individuals, they ask them for a bank statement. What does this have to do with calculating the ceiling?

Sen. The Hon. C. Kangaloo: As I said before, Mr. Speaker, in arriving at what is income you look at any interest derived from savings and investments.

Dr. Rafeeq: Mr. Speaker, I just wanted to get a clarification from the Minister. Is it that you are saying that if someone is receiving \$1,000 pension from National Insurance and \$600 per month as pension, let us say in the case of Caroni workers, they are not entitled to old age pension? Is that what you are saying?

Sen. The Hon. C. Kangaloo: That is how the Act is applied.

Dr. Rafeeq: Thank you.

HOME MORTGAGE BANK (AMDT.) BILL

Order for second reading read.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):

Mr. Speaker, on the last occasion a number of issues were raised by the Member of Parliament for St. Joseph, and we in fact considered them, and I would just like to briefly provide some clarification on those that I did not deal with on the last occasion. One of the issues that came up, Mr. Speaker, was the question of Clico's shareholding. There is a procedure that has been established in the Act consistent with the original intention, which was, that as the bank grew, institutions that were there to ensure the structure and stability of the bank, would

Home Mortgage Bank (Amdt.) Bill
[SEN. THE HON. C. ENILL]

Friday, March 11, 2005

remove themselves from its governance structure and more private sector interests would be engaged. Therefore, those additional shares were purchased in a manner that was provided for in the Home Mortgage Bank Act, No. 12 of 1985, and is consistent with the agreement between the bank, its shareholders and the International Finance Corporation, which is exactly what it was intended to do.

The issue of tax incentives in the Home Mortgage Bank Act and the fact that the impression could have been created that this tax incentive was given to have some credibility to the institution. While no doubt there is some truth to that, the fact is that the institution was to pursue efficiencies in the local mortgage market and the advancement of the local capital market. There is little question that it has managed to achieve success on a number of fronts: through the abolition of prepayment penalties, reduction in origination fees, and, quite frankly, speedier underwriting and processing. The fact, however, is that much still remains to be done primarily in the area of standardizing mortgage documentation; as well Mr. Speaker, the bank has been instrumental in initiating a number of changes in capital market and the attitude with which local companies approach the capital market.

In the mid 1980s local capital market issues were few and far between, with the annual activity rarely exceeding \$200,000,000. The Home Mortgage Bank's successful entry gave confidence to a variety of corporate and public players to the point where capital market issues are now billions of dollars annually.

The Member also drew attention to the parallel that exists between the Home Mortgage Bank and Fanny Mae of the United States. As you know, Fanny Mae is the Federal National Mortgage Association, it started out as a public company, it became privatized but, to date, it operates under a federal charter defined as a government sponsored enterprise. Mr. Speaker, the USA, are you are aware, has one of most efficient housing systems in the world and Fanny Mae is the largest non-banking financial institution in the world. Fanny Mae is a government sponsored private corporation; the last of its stock held by government was disposed of in 1968; however, to ensure that Fanny Mae continues to address the housing requirements of the country, the President of the United States, appoints five of the 17 directors to the board of Fanny Mae, even though it is not a shareholder. You see, Mr. Speaker, it is important that we make this point, because while parallels have been drawn with the two institutions there is a public policy purpose that is being served in this matter. Fanny Mae as an institution is exempt from state and local taxes.

With regard to the substantive comments, however, Mr. Speaker, what we proposed to do, is at the committee stage, incorporate a few of the suggestions that were made:

1. To ensure that the benefit that now exists will be made available to other institutes.
2. The governance structure will be reviewed.
3. The institution will in fact come under the supervision of the Financial Institutions Act and the Money Lenders Act.

There are some other government issues as they relate to the board, which we will deal with in the context of the Act itself.

With those few comments, Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Valley: Mr. Chairman, we should delete, “Governor of the Central Bank” and replace that by “the Minister of Finance”.

Mr. Yetming: I want to make the point that, to me, ideally the Original Home Mortgage Bank Act should be repealed. If there are reasons why you want to proceed with the amendments now, if the company is going public and is coming to the market with an IPU, and if it is your intention eventually to sell off the 15 per cent that is currently being held by the Central Bank—which my understanding is you will transfer to the Ministry of Finance—why are you leaving a provision to have the Ministry of Finance with the right to appoint two Members, whether or not the Government owns shares? If (a) remains and you simply change the “Governor of the Central Bank” to the Ministry of Finance, then it will read “two directors will be appointed by the Ministry of Finance whether or not it owns shares” so (a) should be taken off completely. In other words, if we move (a) completely you will change (c) from “five” to “nine”.

Mr. Enill: Because this provision was whether or not they held shares and once they are holding shares then they will have the rights.

Mr. Yetming: Well, you do not need that embodied in the legislation.

Mr. Valley: For caution, the feeling is that you may still want some oversight, because you are giving the tax benefit for the time being. We may want to delete it later on, but I think for the time being we should leave it. I think you may want that oversight and I suggest caution. I mean, I take the point because the Central Bank is in a regulatory role.

Mr. Yetming: My understanding is the Central Bank will be transferring its shares to the Ministry of Finance.

Mr. Valley: That is right.

Mr. Yetming: So, let us forget the Central Bank.

Mr. Valley: I think we can delete “(whether or not it owns shares in the Bank)”. I have no problem with that, but I think then the effects of the clause will be the same. I would want 11 directors, I think two by the Minister of Finance; really the majority will still be otherwise.

Mr. Yetming: So, you are taking out that clause “(whether or not it owns shares in the Bank)”.

Mr. Valley: Yes, it is just the two directors who may be appointed by the Minister of Finance.

Mr. Yetming: Okay.

Mr. Valley: For the time being.

Mr. Yetming: Guess the SEC and the Stock Exchange may question that when you are ready to go on the market; but we could leave it.

Mr. Valley: For the time being.

Mr. Yetming: So, we are changing “Governor of the Central Bank” to “Minister of Finance” and you are taking out “(whether or not it owns shares in the Bank)”. Okay.

Mr. Valley: Therefore section 8(2) should be changed to the same thing “In the event that the Governor of the Central Bank” should be changed to “In the event that the Minister of Finance”.

Mr. Yetming: I want to go to (b) “a minimum of two executive officers, one of whom shall be the Chief Executive Officer”. I wanted to suggest that rather than say “a minimum of two executive officers” you put “a maximum of two executive officers”. Now in a private sector company, they could decide what they want, but if we relate this back to clause 14 of the Act, where you talking about an executive committee of not less than four, I was making the point on the last occasion that you could conceivably have four executive members on the board and therefore those four people constituting the executive committee, but if you put it as a maximum of two executive officers, one of whom shall be the Chief Executive Officer—

Mr. Valley: Let us compromise, say two executive directors.

Mr. Yetming: Right. So, (b) will read “two executive officers one of whom shall be”.

Mr. Valley: Yes.

Mr. Yetming: Okay.

Mr. Valley: Mr. Chairman, subclause 8(b) would read:

“two executive officers one of whom shall be the Chief Executive Officer”.

So, we delete the first three words “the minimum of” in clause 8(2) and we will replace “Governor of the Central Bank” with “Minister of Finance”.

Mr. Chairman: Hon. Members, the question is that clause 8 be amended in 11(1) by deleting the words “Governor of the Central Bank (whether or not it owns shares in the Bank)” and substituting the words “Minister of Finance”. In section 11(b) delete the words “a minimum of” and in section 11(2) delete the words “Governor of the Central Bank” and substitute the words “Minister of Finance”.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 19 ordered to stand part of the Bill.

Clause 20.

Question proposed, That clause 20 stand part of the Bill.

Mr. Yetming: “The Financial Institutions Act, 1993 and the Money Lenders Act, do not apply to the Bank”. Take out the words “do not”.

Mr. Chairman: Hon. Members, the question is that clause 20 be amended in section 33(1) by deleting the words “do not” and substituting the word “shall”.

Mr. Valley: I am looking at clause 20(b) in subsection (2), by deleting the words “Banking Act” and substituting the words “Financial Institutions Act”, and I am not sure that they know clearly what this is saying.

Mr. Yetming: Delete subsection (2).

Mr. Valley: Well, I do not think so.

Mr. Yetming: They are doing it in a form right now.

Sen. Enill: We are moving it from the “Banking Act” to “Financial Institutions Act”. That is what you are doing in clause 20(b).

Mr. Yetming: If we just make the amendment to section 33(1) then subsections (1) and (2) together, would not make sense. If we amend subsection 33(1) for FIA to apply, then let us delete section 33(2), because they are already, in a sense, taking deposits.

Mr. Valley: Clause 20(b) is okay, leave it as it is. If you look at the Act, it is okay.

Mr. Yetming: We are changing the “do not” and replacing it with “shall”.

Mr. Valley: Yes.

Mr. Yetming: But, we are leaving subsection (2)?

Mr. Valley: Yes.

Mr. Yetming: Okay.

Question put and agreed to.

Clause 20, as amended, order to stand part of the Bill.

Clauses 21 to 23 order to stand part of the Bill.

Schedule.

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

Mr. Yetming: Allowing other institutions to grant tax free bonds.

Mr. Valley: Secondary bonds?

Mr. Yetming: Precisely, because the Act does not specify.

Mr. Valley: We cannot do it here.

Mr. Yetming: I know, I am just making the point that a way to ensure that the secondary market is developed, whether by the Home Mortgage Bank or other institutions, is to grant the tax free for secondary—

Mr. Valley: That is right, that is what we said. But, we are looking at it right now, to make any recommendation to the budget.

Mr. Yetming: Okay, I did not make the comment in the context of this.

Question put and agreed to.

Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

House resumed.

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

2.00 p.m.

SHIPPING (MARINE POLLUTION) BILL

Order for second reading read.

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

That a Bill to provide for powers and jurisdiction in relation to pollution of the seas from ships, intervention on the high seas in cases of oil pollution, dumping of waste at sea, prevention of pollution from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto be read a third time.

Dr. Khan: Read a second time! That was the same mistake you made the last time. [*Interruption*]

Hon. F. Khan: Be read a second time, sorry. Thank you.

Mr. Speaker, this Bill was first introduced in the Senate on January 18, 2000. At that time, several Senators had concerns with the Bill in its original form and it was referred to a Special Select Committee of the Senate. These concerns were addressed by the Special Select Committee and the Bill was reintroduced to the

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

Senate in 2002 and passed. The Bill lapsed before a debate could take place in the Lower House, but was tabled in early 2004 and was read a second time on June 23, 2004. Subsequently, the Bill was referred to a Special Select Committee of the House of Representatives.

As you would realize, the Bill is comprehensive and very voluminous. It comprises some 228 clauses and 17 schedules. Let me inform the Member for Tabaquite that, this time around, the Schedules have been attached to the Bill. While I ask that this Bill be read a second time and there will be some debate, it is the Government's intention to refer it to a Special Select Committee after this reading.

This Bill is a timely piece of legislation, which provides a uniform regime for the protection and preservation of the maritime environment of Trinidad and Tobago. Mr. Speaker, as you are well aware, Trinidad and Tobago is an archipelagic State; sometimes we tend to underestimate what that means. Even though our land acreage is a mere 1,980 square miles, comprising of 1,864 square miles in Trinidad and 116 square miles in Tobago, if we appreciate the maritime jurisdiction under which we have control, dealing with our maritime boundary with Venezuela on the west and south and the exclusive economic zone off the east coast and northeast coast, in truth and in fact, in those terms, Trinidad and Tobago is, by no stretch of the imagination, a small island State, because we do, in fact, have jurisdiction over territory in excess of 20 times the size of the land area of Trinidad and Tobago.

To further exaggerate that point—[*Interruption*]

Mr. Singh: That is engineering language?

Hon. F. Khan: To further emphasize the point, to further consolidate the thesis which I am about to articulate—[*Interruption*]

Mr. Singh: I thought that was engineering language. [*Laughter*]

Hon. F. Khan:—we have to understand that this country's natural resource wealth is largely a maritime function. Most of our oil and natural gas reserves reside on the sedimentary basins that occur off the west coast of Trinidad and off the southeast coast and now the northeast coast of Trinidad and Tobago. [*Crosstalk*] It is in that context that this piece of legislation is timely and warranted, as Trinidad and Tobago modernizes its legislative kit, as it were, to deal with the modern issues of a maritime environment in a global setting.

Mr. Speaker, when I was growing up as a child in Mayaro, there was a saying that the sea cleaned itself up. There were a lot of people who felt that because we were living what was, by and large, a subsistence lifestyle at the time, if we dumped garbage into the sea and there was a foul scent coming from the sea, as the tide churned and the high tide and low tide receded, the sea would ultimately clean itself up. *[Interruption]* It is not true. As a matter of fact, there are certain Hindu functions where you are supposed to even dump flowers and what have you into the sea, after a puja. Even while it is biodegradable, to a large extent, sometimes it really does look funny to see people dumping a bag of debris into the sea, as it were. *[Interruption]*

It is because of the new paradigm of the fragile ecosystem that exists in the maritime environment, that we think this piece of legislation is extremely timely. It is in that context that the Government is tabling this important legislation, the Shipping (Marine Pollution) Bill. The key driver behind this Bill is really the fact that Trinidad and Tobago is party to several conventions administered by the International Maritime Organization (IMO). The adoption of these conventions demands that we implement this type of wide-ranging legislation. Furthermore, Trinidad and Tobago is a member State of the United Nations Convention on the Law of the Sea (UNCLOS). Article 192 of that Convention provides that States have an obligation to protect and preserve the maritime environment. It is, therefore, in the context of our international law obligation, that this particular piece of legislation has been drafted.

This legislation will also repeal and replace a very old and outmoded piece of legislation that dates back to 1951, which was entitled the Oil Pollution of Territorial Waters Act, Chap. 37:03, which makes provision for discharge or escape of oil by seagoing vessels in the waters of Trinidad and Tobago. This statute came into operation way back in 1951 when the shipping environment was not as busy, congested nor as accident prone as it is today and, more importantly, that there was not the threat of environmental disaster nor the level of pollutants being discharged by ships as there is today. Furthermore, the old legislation provided only for oily and oil discharges by ships and made no provision for a liability and compensation regime. This is the fundamental difference between the old legislation and this new legislation, which will deal, in a very comprehensive way, with the issue of liability and compensation. The old legislation did not contemplate the transportation of hazardous materials, waste and sewage.

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

Just as a background, Mr. Speaker, in August 1994, the then Cabinet appointed a committee to look into safeguarding the marine environment from oil spills. This committee recommended a plan of action that involved the adoption of several international treaties to protect the environment. It is the result of the work of that committee in 1994, under the then PNM government, that the template was laid for the drafting of this comprehensive piece of legislation that will ensure that our maritime environment is protected from environmental pollution.

I want to share some additional information with this honourable House, as it relates to the type of situation regarding the marine environment in the Caribbean. These issues do not only affect Trinidad and Tobago. While we have jurisdiction over our territorial waters, we must understand that the entire Caribbean chain, in a large sense, is one province, as it relates to the oceanography of the Caribbean Sea. This means that the oceanography: the ocean currents, the wave patterns, as it relates to the entire Caribbean basin and the marine environment of the Caribbean, is really one ecosystem, so something happening in Trinidad will affect Tobago and something happening in Tobago will affect Grenada, St. Vincent and the Grenadines and vice versa.

Mr. Ramnath: That is a fundamental, philosophical statement.

Hon. F. Khan: I guess so, even at a political level.

Mr. Speaker, the issue of tsunamis was recently raised. An earthquake measuring nine on the Richter Scale just north of Sumatra and the whole of southern Asia was affected. As the Prime Minister likes to indicate, if Kick-'em-Jenny just north of Grenada should erupt, it can, in fact, generate a minor tsunami that will affect a significant part of the southern Caribbean.

Mr. Ramnath: A pity he could not come to our conference, but I will send him the proceedings.

Hon. F. Khan: When we speak of the marine environment in the Caribbean, we have to understand, in a very fundamental way, as it relates to pollution and maritime ecosystems, that it shows no regard for territorial or national boundaries, which are artificial and man-made.

Let me just share some statistics with this honourable House, to ground what I have been saying, as a matter of principle, some hard facts as they relate to maritime activities in the Caribbean Sea. All vessels generate waste. The Caribbean is a very special cruise ship designation and about 100 cruise ships

visit regularly bringing approximately 400,000 visitors per month to the Caribbean. A typical large cruise ship can carry between 14,000 and 20,000 passengers and a crew complement of between 600 and 900 members, generating approximately 0.3 to 3.5 kilometres of waste per day. That is a staggering quantum of waste that can be generated only by the cruise ship industry.

Furthermore, all cruise ships are responsible for an estimated 77 per cent of all ship-generated garbage. It is also important to remember that all ships, including fishing vessels and recreational vessels, produce some form of solid waste. While large cruise lines do have active waste management programmes on board and can store waste for several days and sometimes there are also incinerators on board, we have to understand that small vessels, including fishing and recreational vessels, do not have major storage capacity for garbage; they have no major treatment capacity for waste and waste water and, more importantly, there could be the temptation and tendency to deposit that waste overboard when people are not looking.

Mr. Singh: That happens in Charlotteville all the time.

Hon. F. Khan: Put in that context, Mr. Speaker, it adds to the validity that this piece of legislation we are busy debating in this honourable House is important and, actually, will be pertinent, at this time, to deal with the essence of the problem. Apart from garbage and normal human type waste generated from cruise lines, pleasure crafts and fishing vessels, we now have to understand that Trinidad is now a big player in chemical and petrochemical exports along those lines. As we speak, maritime activities in Trinidad have increased and continue to increase exponentially. Trinidad and Tobago is now the world largest exporter of ammonia and methanol. By exporter we mean that these products leave Trinidad and Tobago by ships to their ports of destination in Europe, the United States and other parts of the world. As much as we may want to believe that our safety systems are airtight, mishaps can always happens.

We now ship LNG out of Point Fortin. As you all know, Trinidad is now the largest exporter of LNG into the United States. At the end of Train 4, for example, two shipments of LNG will be leaving every three days, which is about one per every one and a half days. Effectively, for common purposes, an energy tanker will be leaving Point Fortin on its way to the western seaboard of the United States. Added to that, BP continues to ship crude oil off point Galeota. As we speak, BHP has started production and is now producing at its new terminal facilities at Guayaguayare. The shipment of BHP'S crude will become a common

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

feature off the southeast coast, just as we have grown accustomed to BP's shipments off the east coast of Trinidad. On the face of it, that is the major risk that this nation has to bear and it is very important that the required legislation is in place so that if something untoward, God forbid, should happen in this country, we have the proper legislative framework to deal with issues of that nature.

You would recall some time ago, in 2003, there was a major oil spill in Chaguaramas; just about a year and a half ago. While the Maritime Services Division of the Ministry of Works and Transport, in consultation with the Institute of Marine Affairs (IMA), was able to identify the offending vessel, there was no mechanism in place to take proper punitive action against the ship owners or the operators of the vessels, at the time. Put another way, they came, they polluted and they left.

As I proceed, I hope that I have set the framework to build the template to say why this piece of legislation is so necessary. To me, it is still baffling that it has taken so many years to even reach the Parliament, because so many bad things could have happened over decades gone by but, as is said, better late than never. [*Crosstalk*]

Dr. Khan: The PNM is like the sea, they clean themselves.

Hon. F. Khan: This Bill purports to give the force of law to six major international conventions administered under the auspices of the International Labour Organization (ILO); four of them deal with marine pollution prevention, disaster mitigation and cooperation among flag States. The other two deal with liability and compensation for damage caused by pollution from ships. Not only will we be preventing pollution, we will also be allocating liability to the offending parties and compensating the aggrieved.

I will now outline, for the record, the six international conventions which really form the genesis of this piece of legislation. They are as follows:

- (i) The international convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1987;
- (ii) the convention for the prevention of marine pollution by dumping of waste and other matters, commonly referred to as the London Convention;
- (iii) the international convention relating to the intervention on the high seas in cases of oil pollution casualties and the Protocol of 1973;

- (iv) the international convention on Oil Pollution Preparedness Response and Cooperation, (OPRC) being its common designation;
- (v) the international convention on civil liability and oil pollution damage of 1992; and
- (vi) the international convention for the establishment of an international fund for compensation for oil pollution damage of 1992.

Mr. Speaker, as I mentioned earlier, the first draft of this Bill went to the Senate in January of 2000. When it was referred to the Special Select Committee of the Senate, several concerns were raised, which were as follows: the committee recommended that the Minister of Works and Transport was to have the clear overall responsibility for the administration of the provisions of the Bill or, where appropriate, by the designated title of the public officer to whom the Minister's power, under the Bill, shall be designated; such officers included the Director of Maritime Services, the Environmental Management Authority, the police service, the defence force and the coast guard. I am pleased to announce that this recommendation is reflected in the present Bill.

The committee was also of the view that given the objects of the Bill, it did not adequately address the issue of the pollution of marine environment from land-based sources and some energy-based operations; a view that was also put forward by the Member for Tabaquite in a previous debate in this House. The committee recommended that the Environmental Management Authority be given a specific function in the Bill. To this end, the EMA is given the responsibility for administering the provisions of Part IV of the Bill. Furthermore, Trinidad and Tobago is a signatory to the Cartagena Convention and adopted the protocol concerning pollution from land-based sources and activities through the convention for the protection and development of the marine environment of the wider Caribbean, on October 06, 1999. We are, therefore, compelled, through various agencies such as the EMA, to ensure that land-based activities which lead to marine pollution are reduced to acceptable amounts, as prescribed in that protocol.

The committee also found that the language and terminology of the original Bill was based, primarily, on IMO convention and did not properly reflect local drafting style. I think that was a purely legal issue, whatsoever that meant. The drafters made a concerted effort to pull it back to a local context, in terms of the drafting style.

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

I will now spend a couple minutes, without going into any significant detail, with the provisions of each part of the Bill and to convince this House that we have done our homework in bringing this well-put-together and comprehensive piece of legislation. It is very technical stuff, so I will have to read significant parts of it.

Parts I and II of the Bill deal with preliminary issues and the powers of jurisdiction under the Law of the Sea Convention respectively and that is, basically, straightforward. Part III gives effect to the international convention relating to the intervention on the high seas in cases of oil pollution casualties, 1969 and the Protocol of 1973. This provides that Trinidad, as a coastal State, may take measures against ships on the high seas to prevent, mitigate or eliminate grave or imminent danger of pollution or the threat of pollution on its coastline and marine environment from any substance from these ships. This part also provides for the settlement of disputes between other States and Trinidad and Tobago arising out of such action. Put another way, this legislation, through the international protocols, will now give the Trinidad and Tobago Coast Guard jurisdiction to go across on the high seas, as it were, and pre-empt any matter that we feel, at that point in time, can be the cause of a major oil spill or pollution, in that regard.

Mr. Ramnath: What about the fishermen from Barbados, who freed them?

Dr. Khan: Who made that phone call?

Hon. F. Khan: That does not come under the category of oil pollutants.

Part IV gives force of law to the convention on the prevention of marine pollution by the dumping of waste and other matters, commonly referred to as the London Convention. In this part, the EMA is empowered by clause 22 to administer the provisions. Clause 21 defines clearly what is considered dumping and what is not so considered and also establishes the category of substance prohibited from being dumped at sea. This part also prescribes what can be incinerated at sea. Under this part, the EMA will also be responsible for issuing general and specific permits to control dumping operations, through record keeping, and for causing scientific monitoring of the conditions of the sea under our jurisdiction. Put another way, very shortly the days where the ship's owner or captain could go outside the view of the authorities and dump anything into the sea, shall soon be no more.

Mr. Ramnath: McIntosh going out there himself?

Hon. F. Khan: Well, it will be monitored by the coast guard.

The current regulations of the shipping industry worldwide have, in large part, been driven by oil pollution over the years and this is important to note. These are positive statistics, Mr. Speaker. In 1981, 1.47 million tonnes of oil entered the sea as a result of mishaps and deliberate discharge in maritime transport. In 1989, the figure decreased by over 60 per cent to 568,800 tonnes. This is significant, because the amount of oil transported by sea has climbed steadily. In 1985, it was 9.8 billion tonnes and by 1992, the figure had climbed to 1.63 billion tonnes. Put another way, even though the amount of oil being transported by sea, over the last decade or two, has increased exponentially, the amount of oil discharged into the maritime environment has also decreased significantly. This says that the international organization, with particular reference to the IMO, has been doing an excellent job. While we may feel that the world is becoming increasingly polluted, there is concrete and scientific evidence to show that, as a global community, we are starting to deal with that situation and we are seeing the turnaround we are all anxious to see.

Part V of the Bill gives effect to the international convention for the prevention of pollution from ships, commonly called the MARPOL Convention. This convention provides criteria and standards for waste disposal through normal ship operations, and regulates shipping activity. In the context of the objects of the Bill, this is by far the most important and detailed part. It contains six subparts; subpart 1 and subparts 2 to 6 correspond with the MARPOL Annexes.

Mr. Speaker, Annex 1, as enacted in subpart 2, covers preventative measures that ships must adopt for the prevention of the pollution of the sea by oil. Annex 2, as enacted by subpart 3, provides for the measures that must be adopted to prevent pollution of the sea when ships are carrying noxious substances. Annex 3 covers the measures to be adopted when ships carry harmful substances in packaged form. Annex 4, as enacted in subpart 5, covers the measures that must be adopted to prevent sewage pollution from ships. Annex 5 covers pollution prevention measures that are to be undertaken when ships are carrying garbage. Annex 7, which is not yet in force, covers the pollution prevention measures that must be undertaken to prevent air pollution at sea. This is very comprehensive, covering every particular type of perspective pollutant.

Part VI gives effect to the international convention on oil pollution preparedness, response and cooperation (OPRC). This convention establishes the standards for mutual assistance and cooperation in dealing with an oil pollution

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

incident that constitutes a threat to the marine environment, including coastlines of related interest, of more than one State and which requires emergency response; very, very important. In this part, the Minister of Energy and Energy Industries is given specific responsibility for the administration of the national oil spill contingency plan; a matter with which I know the Member for Couva South is very familiar.

Part VII deals with liability and compensation for pollution damage by enacting provisions of the international convention on civil liability for oil pollution damage and the international convention on the establishment of an international fund for compensation for oil pollution damage. This is where we were most vulnerable: the issue of civil liability and compensation. A classic example, as you will recall, was the issue with Exxon Valdez in Alaska several years ago. Had Exxon not been the world's largest oil company at the time, it would have gone under immediately after that disaster. Even for the mighty Exxon, the Valdez incident weakened Exxon's stock. For almost 24 months, Exxon's stocks were dropping, largely because the market at the time was unsure as to what would be the ultimate environmental liability that would be implemented by the United States Government on the Exxon group, as it related to the Exxon Valdez incident, especially since the incident was caused by the negligence of the ship's captain. The final compensation ran into billions of US dollars. Exxon has survived and the world continues to explore in a more safety conscious way.

Mr. Speaker, if an incident of that nature had occurred in Trinidad and Tobago or its immediate precinct, the State would not have been able to recover a single cent from the offending party. In that context, this Bill would give us the legal stronghold to deal with matters of compensation and liability, which has been so sadly lacking in the legislation of 1951. To me, this is really the crux, in terms of this piece of legislation; it has taken us forward and we are now dealing, in a very comprehensive way, with civil liabilities and, more importantly, the issue of compensation. We can deem an international offender liable, but if there are no legal teeth, as it were, to make the liable person pay the required compensation, not only in local law but also in international law, the legislation would be useless. In concluding, Parts VIII and IX deal with enforcement, legal proceedings, jurisdiction and administrative powers of the Minister and his delegates.

In summary, this legislation is very timely. It covers most of the issues that we currently face with regard to the shipping industry and the related pollution of the marine environment. The legislation is driven by international convention and deals with a whole suite of issues. It covers the large ocean-going tankers; the

super tankers, the small yachting and even the pirogues in Maracas and Mayaro. I submit that this is good and necessary legislation and I hope that we get the support of those on the other side.

I beg to move.

Question proposed.

Mr. Speaker: The hon. Member for Pointe-a-Pierre—[*Interruption*]—sorry, for Couva South. [*Crosstalk*]

Mr. Kelvin Ramnath (*Couva South*): I think that Couva South is still very safe, Sir. [*Laughter*]

Mr. Manning: You took a haircut for the presentation.

Mr. K. Ramnath: Mr. Speaker, when you listen to my friend, the Member for Ortoire/Mayaro, in his rather disjointed presentation, all because of the complexity of the matter before us, you get the impression that this is a part of Vision 2020 [*Laughter*] and that the Government has just come to terms with the need for enacting modern legislation to deal with very serious environmental issues.

The Minister is baffled, to use his own words, as to why it has taken so long for this matter to be resolved by the Parliament and he indicated to us that as far back as 2000—and I presume there was another administration in power at the time—[*Interruption*]

Mr. Khan: 1994!

Mr. K. Ramnath: —the matter went to the Senate and there were some concerns. If this matter has been receiving attention since 1994, it tells you that those who were in office after 1994 did a lot of work to put the legislation together. [*Desk thumping*] In fact, as a technocrat I, myself, was involved in some aspect of this matter. [*Interruption*] Not in the government.

Mrs. Persad-Bissessar: During.

Mrs. Robinson-Regis: Before they threw you out or after they threw you out?

Mr. K. Ramnath: Unlike my friend from Arouca South, I do not determine my longevity and tenure in politics. I am sure she does not either. [*Laughter*]

Mrs. Robinson-Regis: But you just contradicted yourself.

Mr. K. Ramnath: The Minister should not be baffled. The present regime has been in office for about three years and this is a matter which could have been

Shipping (Marine Pollution) Bill
[Mr. Ramnath]

Friday, March 11, 2005

resolved expeditiously. The question is why could the select committee not have dealt with this matter, since it was last raised here, when my eloquent friend from Tabaquite made so many important points.

If I may deviate slightly, it appears to me that the Government is very busy these days in conspiring to remove chief justices; in leaking confidential letters from the Prime Minister's Office to the *Newsday*; conspiring with the Director of Public Prosecutions to charge people and so forth, [*Laughter*] so it has no time to deal with a most important piece of legislation. I want to say at the outset that this is legislation which deserves the support of all Members of this House.

If I may say at this stage, this legislation allows for this jurisdiction to impose severe penalties and fines on those who violate the laws which we are enacting today. It looks as though in order for us to ensure that the spirit of the legislation is maintained and the enforcement procedures are observed, the first thing we should do is to get rid of the Director of Public Prosecutions in this country. He should resign, if he has any sense of professionalism, at this stage.

Hon. Member: How does that come into marine pollution? [*Crosstalk*]

Mr. K. Ramnath: I do not want to get into that. According to my friend from Chaguanas, he is polluting justice in the country.

Mr. Imbert: Oh, please!

Mr. K. Ramnath: We have to depend on a Judiciary; we have to depend on an administration responsible for justice to ensure that the issues raised in this piece of legislation are implemented to the benefit of the people of Trinidad and Tobago. We have to make sure that we have a very efficacious system to implement this legislation. I have no doubt in my mind that this legislation is not a priority for the present Government.

Hon. Member: Why are we doing it then?

Mr. K. Ramnath: Nobody would respect us as a country when they read what is taking place with our highest institutions. We have to appear and collaborate with international institutions and organizations. There are provisions for arbitration; there are provisions for major penalties; there are provisions for seizing of ships in our territorial waters and there are also provisions for calling the prosecutor and saying, "Send home the Bajan fishermen". [*Laughter*] The question is: Will you send back a ship that has been detained by the Director of

Maritime Services, as a result of a phone call, because you do not want to upset somebody?

Mrs. Robinson-Regis: We are still looking for the ship with the rice?

Dr. Khan: They cooked it in the Breakfast Shed.

Mr. K. Ramnath: We have to deal with this legislation in a very practical way. It is not only about giving stamp to something written in a voluminous document; it is about having institutions in order to ensure that the legislation can be implemented. I intend to spend some time to deal with these things.

It has taken four years to have the matter come through Parliament and we are still not in a position, because the Minister said that it is going back to a select committee. I do not know why we need to go back to a select committee. I think we have had enough time to study this legislation, but it tells you a little about priority. We are talking here today about liability; compulsory insurance for vessels, the IOPC Fund, the civil liability convention, oil pollution preparedness and response, prevention of pollution from ships, the Cartagena Convention, the United Nations Law of the Sea Convention, dumping of waste at sea, 1972, intervention on high seas prevention of pollution from ships, MARPOL 1978, Civil Liabilities Convention 1992, IOPC Fund 1992, and the nation is no wiser.

We spend hundreds of millions of dollars advertising my hon. Friend—and he does have a very pleasant face—meeting people, driving along the roads and boasting about the widening of the Santa Cruz intersection, but there are no advertisements in the news media to tell the people of Trinidad and Tobago what we are doing, as a Parliament, with respect to this very important piece of legislation. This is not a dull piece of legislation; it is very significant, as the Minister alluded in his opening salvo today. There has to be a major attitudinal change towards pollution by the people of Trinidad and Tobago. [*Desk thumping*] We are not doing enough, as a country, to deal with the issue of pollution on land. We are not doing enough to deal with the issue of pollution in the seas, over which we have some control. We are not doing enough about protection of our mangroves and our various precious ecosystems.

Everybody who has had some dealing with the administration in Tobago has, from time to time, talked about the degradation of the coral environment and so forth. Major conferences on climate change, one of which was concluded a few

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

days ago in San Fernando, will indicate that over the last 50 years, the major contributors to climate issues, as they impact in the Caribbean and other small island States, have been man-made .

At the last meeting held at the Cara Suites, we looked at vulnerability and risk assessment with respect to agriculture, tourism and oil offshore installations as they are impacted on sea level rise. [*Crosstalk*] In a study conducted by Prof. Bawansingh and Kelvin Ramnath [*Desk thumping*] on the modeling of the Godineau swamp—which I shall make available to the Prime Minister. He could not come, because he was busy, so he did send his regrets—by 2051, the Mosquito Creek and the Shore of Peace would have disappeared and all the habitats for our precious species would be under water. A similar study was done in the Chatham area, because of certain activities which we proposed to conduct there, and the effect of erosion is ever present, because of climatic changes which are affecting us as a country.

Pollution in the high seas and pollution in the ocean environment is not limited to oil pollution. It has to do with the behaviour of industry and man in and outside our region. We are now faced in Trinidad and Tobago with not having the institutional framework to deal with these important issues. I read in the newspapers of some foreign genius by the name of Calder Hart—called the heart of something—[*Interruption*]

Mr. Imbert: He is a local now; he is here long enough. [*Crosstalk*]

Mrs. Persad-Bissessar: Like you. [*Laughter*]

Mr. K. Ramnath: I will turn towards you, Mr. Speaker; the nuisance has arrived. [*Laughter*]

Mr. Imbert: Who might that be?

Mr. K. Ramnath: We are talking about the redevelopment of Port of Spain. We are talking about a waterfront project, which my friend from St. Joseph, just after he was Minister of Finance, was ridiculed in this Parliament for having proposed it. We are dealing with environments which are very vulnerable as a result of port activities and spillage occurring in Chaguaramas and Port of Spain, yet up to today the resources available for dealing with spills are so limited that we cannot guarantee people who live in Westmoorings and on the coastline, generally, in Port of Spain and the Chaguaramas peninsula, that we are in a position to deal with spills of any magnitude. On every occasion there has been a spill in Chaguaramas or at the port, calls are made to the oil companies to send equipment and vessels to deal with these problems.

There is no oil spill contingency plan for Tobago. In fact, I have been requested to use my office, in a different capacity, to prepare such a plan for Tobago. [*Crosstalk*] That is extremely important, because this legislation mandates the development of oil spill response plans. I am not talking about dealing with pollution caused by ships in the high seas; I am talking about pollution within our territorial water caused by ourselves. The national oil spill contingency plan, which has been prepared between an arrangement with the Ministry of Energy and Energy Industries and me, as a representative of Petrotrin, has been completed. It has taken two years for the Government to appoint a national controller and under this legislation the national controller has very important functions.

The legislation also requires us to have arrangements with our neighbours. Although it does not say so, we have a special issue to deal with concerning Venezuela, where we have a bilateral oil spill contingency plan which is now almost extinct. The question is: When we pass the legislation, how are we going to implement it? Where are the institutions to implement it? If you look at the role of the Director of Maritime Services here, you would think that he has a huge staff. These are public servants who are required to do major pieces of work, but paid very little money, in the first place. All kinds of inspections have to be carried out. The Minister said that the coast guard would do some of these things. When one goes into the details, one will see that we do not have the resources to implement this legislation and to take the steps required as detailed in the various clauses of the Bill. We are going to go through the process of passing the Bill. We will tell the International Marine Organization and all the directors responsible for implementing the various conventions, that Trinidad and Tobago has, in fact, finally passed legislation.

The Member for San Fernando East would recall, in 1979 I think it was, the collision of the *Aegean Captain* and the *Empress* off the coast of Tobago; it was the largest oil spill recorded in history off the coast of Tobago. If you ask the average high school student in this country, he or she will not even know that. The largest oil spill in history took place in 1979 off the coast of Tobago. The Member for Siparia said that she did not hear about that. It was just sheer good luck, divine intervention, that millions of barrels of oil that were on those two tankers, did not reach our shores. I do not know whether the current Prime Minister was the Minister of Energy at the time.

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

What would have happened in such a situation? One just has to look at the recent events in Spain where a ship in distress was trying to get into the harbour and there was a very serious issue as to whether you would allow a ship in distress into the harbour or leave it offshore and let it sink. We had an incident recently when we were doing 3-D seismic work for BHP off Tobago, when the ship sank. The major concern was not really oil as cargo, but oil for fuel. So we have had our fair share of ships with cargo threatening our shores and our being very fortunate that the cargo has not reach Trinidad and Tobago. The Minister is very unconvincing, as well-intentioned as he might be.

This Bill talks about the EMA providing the Minister with information on the application, with respect to clause 22, regarding the dumping of waste. The EMA is hardly heard of now. I do not know what it is doing.

Mr. Partap: The Biche High School!

Mr. K. Ramnath: Except playing politics. The EMA has important responsibilities under the Environmental Management Authority Act 2000. I wrote the Chief Executive, Mr. Dave McIntosh, who I happen to know very well, about the abuse by Caroni (1975) Limited and its agent, the Estate Management Development Company. They are mining sand in the Phoenix Park/Windsor Park area. Apart from sending home 10,000 workers, putting them on the breadline, a feat performed by our friend from Port of Spain North/St. Ann's West—who boasted about “bussing their throat”—they are now mining sand. They are travelling on earthen roads. They are destroying the homes of people. They are running 10-wheeler trucks on roads owned by the corporation, which could hardly accommodate small vehicles. The Chief Executive does not have the courtesy, since February 14, or thereabouts, to even acknowledge reply of a letter I sent to him.

They have no time to monitor air pollution, water pollution, and noise pollution. They spend all their time harassing bandleaders around Carnival time to get noise permits. It must be the biggest joke of the century that around Carnival time you terrorize people who play steel bands and DJs and so on. I do not know of any other country in the world that will not, on occasions like that, forego those issues, when it is part of our whole cultural environment, but all their time is spent on permits. When you go for a bar licence in the Magistrates' Court, you have to get a certificate of environmental clearance from the EMA, otherwise the magistrate says, “We are not giving you this bar licence.” But when it comes to the lives of people impacted on by quarrying operations, they have no time for

that. They have no time to investigate air pollution. They have no time to investigate water pollution and noise pollution from industrial enterprises. They pick on the small man in the society. Somebody from Tobago had to sue them.

It is one thing to come and talk about giving teeth to this legislation. How is the EMA going to monitor the dumping of waste from ships when they cannot even monitor dust in the barrels of water of the former sugar workers of Caroni (1975) Limited, in Windsor Park and Phoenix Park? Is McIntosh going with his team on the high seas to check ships? Do you know what this legislation says? You should have a permit to incinerate; so if you want to get rid of waste on ships, you must have a permit to incinerate. [*Laughter*] Which ship operator is going to get a permit to incinerate outside there, when he can incinerate without a permit? Which ship operator is going to be concerned about dumping noxious substances, and pollution from ships, as we are dealing with here? There is a whole detail of the substances that you are not supposed to dump. The EMA must provide information to the Minister, including the type and nature of material dumped in those waters, and the Director shall communicate that to the organization.

That sounds good. It sounds like how First World coast guards operate. I do not know whether the coast guard even has fuel to operate some of the ships they have.

3.00 p.m.

Mrs. Persad-Bissessar: Or that they even have boats.

Mr. K. Ramnath: Or that they even have boats. So it sounds good. The International Maritime Organization and its subsidiary, have been working for years to prepare the Caribbean area to ensure that these laws are implemented. The intention was not to simply come to Parliament with a Bill, but to make sure that we are in a position to effectively implement this piece of legislation.

The Minister indicated that the ship came into Chaguaramas, it polluted, and it left. Countries in the Caribbean are complaining that as a destination, we receive garbage. That is the main contribution to tourism in the Caribbean; and I am not saying that. I am quoting from tourism agencies in the Caribbean, and the Minister elaborated on the volume of garbage that is generated on one of those super liners—luxury cruise ship. The Bill asks us to have facilities for dealing with disposal.

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

As a country aspiring to developed country status, are you happy with the Beetham dump? Are you happy that you cannot come up with a plan to deal with the garbage situation in Trinidad and Tobago? People are dumping everywhere. In fact, people tell me that Caroni (1975) Limited has been so cruel to them that the best thing to do is dump their waste on Caroni lands. Why should they drive to the dumps when the lands are available for dumping and they are not going to get any of those lands?

Hon. Khan: What did you tell them?

Mr. K. Ramnath: That is my business. I do not discuss my private business with you. I am telling you about a reality that exists in the society. You have a dump in Port of Spain, you are talking about 400,000—500,000 persons who live in Port of Spain and the environs and you cannot provide proper dumpsters across the small urban centres so people can get rid of their garbage and trucks can take them into the dump in Port of Spain. But you want to deal with hundreds of thousands of tons of garbage coming from ships and you do not have the facilities to do so and you gave no reason or undertaking that you are going to make those facilities available.

Mr. Speaker, if I may divert a little. There is a dump in Claxton Bay.

Mr. Singh: Always on fire.

Mr. K. Ramnath: Not only always on fire, but on the windward side of the residential communities. It is improperly operated and the Chairman of the Solid Waste Management Committee has no time to deal with solid waste, he has to run around with the Prime Minister holding his coat-tail wherever he goes. He is in charge of the Community Environmental Protection and Enhancement Programme (CEPEP), and has to decide which contractor gets what, and important matters such as the disposal of solid waste are totally ignored. I ask the Minister of Works and Transport under whose portfolio this matter comes whether he has had discussion with the various ministries that would be impacted by this piece of legislation.

I was talking about the ship that polluted Chaguaramas. At this time, we have no control over those who bring oil into our waters and pollute them because with the absence of this legislation, we do not have the power to force the ships under the Civil Liability Convention (CLC) to pay damages to us. Under the CLC, there is a formula for calculating what compensation should be made and anything in excess of that will be paid by the fund. So if any major disaster were to occur, there are no laws which say that you must have compulsory insurance, or that you must pay in accordance with the Civil Liabilities Convention formula, and the

longer we take to implement these laws, the more vulnerable we will be as an oil-importing country.

Not only that, Mr. Speaker, the Caribbean Sea has the largest traffic of oil tankers. In fact, I happen to be a member of the Board of Directors of the Claim Caribbean and Americas out of Miami, which is the Western Hemisphere's response organization for major spills in the entire hemisphere, and a major concern of that organization is preparedness. In the event of any major spill, the organization will mobilize an Herb C-130 aircraft with airborne dispersant spraying system; a DC-8 with every conceivable type of response equipment; helicopters and other booms and skimmers; and within 24 hours they should be at the point of destination, but that presumes that we have the local capability.

In the Point Lisas area, we have a bunkering operation. There is no response capability in that Point Lisas area so in the event that we have leaks coming from ships or even from onshore operations we are faced with a scenario of not being able to respond. So let us put our house in order.

We have a national oil spill plan and what we have done is give certain companies responsibilities in what is called the "area of interest". For example, Petrotrin takes part of the Columbus Channel up the Gulf of Paria until Barracones Point in Felicity and we are to respond to any major spills in that area.

National Petroleum Company Limited (NP) is to respond from the swamp in Caroni to the port, but NP has no equipment, it has no vessels and no response equipment, yet they are the ones responsible for responding.

The entire ecosystem in that Caroni Swamp is exposed to danger to the extent that you can lose your mangrove as a result of oil getting into that swamp and when you come to the harbour in position at Chaguaramas, the coast guard is as equipped as NP.

In the east coast however, BP is there, we are there, and now BHP so that the possibility exists that we can handle what is called tier one and tier two spills up to about 50,000 barrels in the event of an emergency.

I go into this detail to let you know how critical it is for us to develop the local capability and to be serious about dealing with oil pollution. If we are not in a position to implement these conventions as a result of our inability to monitor, then at least we should be prepared to deal with the pollution within our own coastal environment and I am saying that we are not prepared and we must be prepared.

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

We are in the process of now modelling the east coast because of the Prime Minister's setting up of the special emergency response organization, and one of the projects we would be working on is conducting a model exercise in the event of hurricane and storm surges and we are looking particularly at the vulnerable Nariva Swamp and what would happen in that area. The Caribbean Climate Change Centre out of Belize will be working closely with the Climate Change Centre at Petrotrin and the Minister of Public Utilities and the Environment is trying to develop some models there.

We are extremely vulnerable and I am saying that having a committee set up with no money and no institutional framework will not help. You cannot only depend on voluntary labour, the committee must be able to say to the Prime Minister that if we are going to be able to respond to any major emergencies, we must not do like National Emergency Management Agency (NEMA), we must not wait until a hurricane hits the country or some other unforeseen activity happens and then try to identify shelters or inform persons as to what is happening. Emergency response has to be in the forefront. It is not only because of what has happened in the Indian Ocean, but small island states are the most vulnerable and the least equipped.

In fact, there have been several meetings with respect to Small Island Developing States—they call them SIDS—and the Government was recently present at one of those meetings. So I want to repeat my concern about having the capability in this island to deal with emergencies.

A major oil spill is an emergency and I want to repeat that you cannot have an Environmental Management Authority operating in the way it is at this time only dealing with noise and fete permits at Carnival time, when they should be looking at policy issues, revising our national environmental policy and ensuring that the Government take steps to protect the environment. To give them additional responsibilities under this piece of legislation is to say to them let us move away from what we are doing now and try to focus on those issues.

On the issue of the Civil Liabilities Convention, a ship owner is entitled to limit his liability to an amount determined by the size of the ship. Under the 1992 Convention, the limit for a ship not exceeding 5,000 tons is three million special drawing rights or US \$4,000,000.

Mr. Speaker, US \$4,000,000 is woefully inadequate to deal with a major spill. For a ship with a tonnage of 5,000 to 140,000 units, we are talking about US \$553 million, and for a ship of over 140,000 tons, \$78.6 billion. When you

consider what the Minister has said with respect to the Exxon Valdez incident, you will realize that this is very small money in dealing with a major environmental disaster.

At the moment, we cannot even access this as a result of not having the necessary legislation, and, although we have signed the convention we are not entitled to force these tanker owners. They can pollute and walk away. So the special fund to which all importers contribute on the basis of their volumes of oil, there are provisions if the damage is in excess of what I have just quoted, and that fund will pick up that damage up to a certain amount. So there is urgency.

We do not know the impact on Chaguaramas, we have not even measured it, as a result of the frequent dumping of oil-related substances in our water. Fortunately for the gulf, the water body changes so often as a result of the Orinoco currents, but we do not know the extent of damage. Our fisheries are in danger as a result of oil pollution and it is therefore important for us, as a country, not only to agree to these arrangements but to take steps to ensure that we can handle these problems internally.

We need to have a special organization in Government to deal with these issues. We can no longer operate within this civil service environment where we have people who have designated responsibilities and form a disparate kind of response and organization. We cannot operate like that. We need to have a national response organization that is properly staffed and equipped to deal with emergencies.

When you look at this piece of legislation you will see the Director of Maritime Services and the national controller coming from the Ministry of Energy and Energy Industries, and you will see representatives coming from the Environmental Management Authority. It reminds me of the way things used to go. You just form a committee with people coming from all over the place and somebody believes if you pull a person from the Prime Minister's Office, one from the Ministry of Works and Transport, one from EMA and one from the private sector things will work. There must be an institution to deal with emergency response.

The implementation of this legislation will depend on having a body that takes full responsibility for the implementation contained in the various conventions and protocols and if we do not do that, we can find ourselves in the situation as others unfortunately have found themselves where we are unable to respond.

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

If I may return to the subject of national response in the oil sector, I indicated to you that there is no plan for Tobago and it is something in which I am involved at this time to develop a plan in the event of a spill, but the appointment of a national controller by Cabinet which took two years should not come from the Ministry of Energy and Energy Industries and we can talk about that at some length—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Couva South has expired.

Motion made, That the speaking time of the hon. Member be extended by 30 minutes. [*Mr. H. Bereaux*]

Question put and agreed to.

Mr. K. Ramnath: Thank you very much, Mr. Speaker. For a very long time we have been talking about the structure of the Ministry of Energy and Energy Industries and its role but this is not the place. You have a Ministry of Public Utilities and the Environment and I often wonder why those two ministries were merged because the environment is such an important issue today.

Every day we are talking about environmental issues, the Government is the signatory to many conventions, the Kayoto Protocol being a good example, and our role in Small Island Developing States issues, yet the Minister has to deal with Water and Sewerage Authority, public utilities like Trinidad and Tobago Electricity Commission (T&TEC), telephones, and other major issues. The EMA is an institution and it is put in charge of the environment.

I am saying that when the national controller comes from the Ministry of Energy and Energy Industries, his job, in the event of any major spill in the country, is simply to try to coordinate activities. The plan is then put in gear when the controller says that we have an issue we must deal with.

Very shortly there will be an equipment deployment exercise at the Pointe-a-Pierre harbour where we will be simulating a major spill in the Gulf of Paria and that has happened as a result of astute leadership in health, safety and environment in that organization. But very few companies in the country, including the port authority will become involved in any such thing because the national controller does not have as his day-to-day function the development and monitoring of response capabilities in the event of spills.

So again what we have is somebody waiting to be told that we have a catastrophe and then he tries to pull together a response organization. By the time BP—if they were to move any equipment from Galeota by sea to Port of Spain—does that, the damage would have been already done.

The point I am belabouring here this afternoon is the need for a dynamic organization to deal with these issues. When there is a major catastrophe caused by some of these incidents, your customs, immigration, and coast guard have to be in a state of readiness. Equipment is coming in at 3 o'clock in the morning and the airport is closed. It has to be opened. These are people who must be involved in a response organization understanding their role in the context of response. But it looks as though the Government can respond very quickly and so on when people at the Breakfast Shed complain. They even go there to have their meals.

Hon. Member: You have a problem with that?

Mr. K. Ramnath: I do not have a problem with people at the Breakfast Shed asking Government to allay their sufferings and so on, but I have a serious problem when they cannot respond to some kind of serious situation, like when there is major flooding in Caparo, they are not ready. They should have learned that major pumps are required as they were in the case of Guyana and that we should have been in a position to acquire such pieces of equipment for major floods in the country. We have problems with landslips all across the nation and the response depends on the goodwill of the Minister. [*Interruption*]

Mr. Speaker, if we were to look at the roles people are playing at this time and trying to bring them together under a national response organization with the powers that current offices of the Government now have and resources that are required, then we would have a plan for the whole of Trinidad and Tobago and we would also be able to respond to situations outside this island. [*Interruption*]

Mr. Speaker: Order!

Mr. K. Ramnath: I think the Member for Arouca North would like to contribute to this matter; he certainly has a lot to say about these important conventions and protocols.

I was on the point of the response organization and the problems that we now have with the national controller sitting in the Ministry of Energy and Energy Industries, the coast guard operating independently, the oil companies operating independently and only when you have a major problem then you try to bring them together. This legislation perhaps will only help us with respect to acquiring

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

financial support in the event of major pollution, but it will do nothing for us with respect to dumping of waste on the high seas. It will do nothing with respect to pollution coming from unknown sources, and it will do nothing for us with respect to our capacity to clean up.

We need to support the legislation insofar as our commitment to the various conventions is concerned. That is a responsibility we have, because we have signed those conventions. But we need to put in place a very important institution to deal with the problems of garbage and environmental issues on the island.

Lead batteries are still being dumped. Do you recall the situation at Demerara Road, Arima? Lead batteries are still being dumped indiscriminately and all the EMA does is investigate. We have no institutions to monitor the dumping internally in our waterways and on land bodies and so on. We hear all kinds of statements about the regional corporations and wardens, these are people who are totally starved for funds and whether they are PNM or UNC councils, they are being treated with total disregard and contempt.

There are situations where they are responsible but do not have the resources to carry it out and yet the Government says it is a modern piece of legislation which is going to achieve so much if it is passed. I am saying when we come back to discuss this legislation—because it may lapse again—with the behaviour of members of the Prime Minister’s party in select committees, who do not come to any meetings—only the Member for Tobago East attends sometimes and the Member for La Brea, but they do not appear at any meetings. So I am not surprised if you take this before a select committee that it will not meet, it will lapse again, and we will return here.

Mr. Manning: Mr. Speaker, the select committee’s approach is one that arose in the United Kingdom to involve back-benchers more in the conduct of governmental affairs. The problem with this Parliament is that there are not enough back-benchers to properly operate a committee system—[*Interruption*]

Hon. Member: “Fire some ah dem.”

Mr. Manning: —and, therefore, when you put Ministers on committees it is flawed from two standpoints; not only are Ministers busy, Mr. Speaker, but you are asking Ministers to do work in committees that normally would be done within their ministries. Something is wrong with the system and it can only be resolved—[*Interruption*] by a Parliament in which there is a significant increase in the number of back-benchers who will be available for the conduct of that kind of—[*Interruption*].

Hon. Member: Fire a few more.

Mr. Speaker: Order!

Hon. Member: “Only Larry yuh go fire.”

3.30 p.m.

Mr. K. Ramnath: The Prime Minister has found my intervention here so exciting that he has to join the debate. If you want to give everybody a job on your side because you are afraid that they will defect, well then—[*Desk thumping*]

Dr. Moonilal: That is the problem, the largest Cabinet in the Commonwealth, per capita.

Mr. Manning: Again, there is a fundamental difference between the PNM and the UNC. Our view is that at this stage of the country's development, the span of responsibility of a Minister must be narrow enough to allow the Minister to give personal attention to the many issues that now come up for his or her adjudication. That is why the Cabinet is structured the way it is.

Mr. K. Ramnath: Mr. Speaker, the proposed industrial estate at Union Estate and Chatham, the steel smelters that are—[*Interruption*] You would realize I do not want to get involved in their internal party matters. We have a system of Parliament and we must make sure it works. We must also make sure that Attorneys General do not leak statements to the *Newsday*.

I want to say, in closing, that our contribution to greenhouse gases in Trinidad and Tobago is inordinately high for a small country and it is as a result of the kinds of industries that we operate in the country, carbon dioxide in particular. Per capita we are one of the highest emitters of carbon dioxide in the world. When we introduce additional industries such as aluminium smelting and, as the Prime Minister said, steel smelters, we are looking at increased pollution not only to air but our water bodies around us. A lot of concern has been raised about the pollution aspect of aluminium smelting; the environmental issues surrounding aluminium smelting. We are aware of what has happened in jurisdictions around the world. We do not have in place the necessary legislation, or we do not have in place the enforcement, as well as the analysis, to make sure that our people are sufficiently aware of what needs to be done.

Shipping (Marine Pollution) Bill
[MR. RAMNATH]

Friday, March 11, 2005

We can go back to the National Energy Corporation's way of doing business in the '70s and say that it is important for economic development to bring these plants in the country and we will deal with the environmental issues afterwards. Again, we are adopting that model. I am not suggesting that we should not encourage aluminum smelting or additional steel industries or a new refinery, as the case might be, I am saying that we must have the institutional framework to properly analyze the impact these are going to have and how we will be coping in terms of our conventions and protocols that we have signed. Otherwise we will simply be a nation that is very cooperative in terms of protocols and conventions and when it comes to actual implementation, we would be in breach most of the time.

It appears to me that the present arrangement is nothing more than what happened in 1970. It is Prof. Julien back again; Prakash Saith back again; Malcolm Jones, in and out, or more in than out. All the people who, at one time, were involved in setting up Point Lisas, you bring them back again and you fail to look at the problems which are long-term. So there is absolutely no long-term planning in the country. We are talking Vision 2020 but there are no institutions to deal with long-term planning. We are talking about a waterfront project developed when Calder Hart was a member of the board, as if the project has just now been developed and it is a PNM project, and there is absolutely no planning going into any of these, but the impact on the environment can be quite high and no one is measuring that impact.

I want to tell the Member for Ortoire/Mayaro that it is not sufficient to talk about how complex the legislation is; it is not sufficient to talk about if we implement it that we are going to see benefits, when those benefits are not measurable; when we are not able to monitor what is going on in the high seas; when we are not able to deal with these high seas environmental piracy that takes place around the world, unless, of course, we have an agency with some teeth that can do something about those who violate the laws of Trinidad and Tobago and these conventions and protocols.

Thank you, Mr. Speaker. [*Desk thumping*]

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, in this particular debate I want to bring into context the role of the Environmental Management Authority, as the Member for Couva South mentioned.

When we talk about the potential pollution of the marine environment, we have to include run-off and also discharges from land-based sources. The land-

based discharges through the atmosphere is approximately 33 per cent; maritime transportation, 12 per cent, and from the offshore production, approximately 1 per cent. That is the breakdown in terms of potential pollution in the ocean. I am showing the link here of the role of the EMA, as mentioned in this Bill before the House. If we are dealing with atmospheric pollution, from land-based sources to the atmosphere, we must deal with air pollution rules. If we are dealing with run-off and land-based discharges, we must deal with water pollution rules.

The Member for Ortoire/Mayaro must be aware of the non-performance of the EMA. We heard an absurd statement from the CEO of the EMA, Dr. Mc Intosh, about the Biche High School: “It is on a fault and it should be broken down”. Right through Trinidad there are schools built on faults. Is that the new policy of the Government? [*Crosstalk*]

The CEO of the EMA, under the PNM, was the same CEO of the EMA under the UNC. Look at the performance under the UNC: A certificate of environmental clearance came before the House; noise pollution rules; we dealt with the environmentally sensitive areas. But what has happened under the PNM? The water pollution rules never came before the House, and I keep mentioning that. They were already drafted and introduced in Parliament and never saw the light of day under the PNM. [*Desk thumping*]

The air pollution rules—you heard about the amount of carbon dioxide coming out of Point Lisas, and nothing from the EMA under CEO, Dr. Mc Intosh. In the joint select committee on Tuesday, we heard about the non-performance of the Ministry of Public Utilities and the Environment. In 2001 we had a project for a Dopler radar in the Central Range, already the land was allocated by the Forestry Division, and all that happened from 2001 to the present under the PNM is a fence on a certain portion of land in the Central Range.

Mr. S. Panday: What? Nah, nah, nah.

Dr. A. Nanan: The project was estimated to finish in 18—24 months. Non-performance! So today I call for the resignation of the CEO of the EMA. Dr. Mc Intosh must go! [*Desk thumping*]

I go further. We heard that the Member for Laventille East/Morvant was referred to as a member of “NATO”. The entire Government should be members of “NATO”—no action; talk only. That is what we are seeing from the PNM. I have so much to say on this particular Bill with respect to the technical aspect, but I wanted to deal with the non-performance of the CEO of the EMA, Dr. Mc Intosh, because the country is suffering. People in the PNM constituencies are suffering.

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

Beetham Gardens is a classic example. Every Friday when we are driving to Parliament on the bus route, the entire area—blue water for the people of Beetham Gardens. No control!

If you bring the water pollution rules we would pass them; it is not that we are going to reject them. The country needs the water pollution rules. Tell your Attorney General to bring them here! Let the Leader of Government Business bring the legislation before the House! [*Crosstalk*] I must be vex!

Mr. Valley: He is practising in front of a mirror.

Dr. A. Nanan: I never practise in front of a mirror, Mr. Speaker.

Bring the water pollution rules! There are air pollution rules sitting in the EMA; they have to be brought here. All the hazardous waste rules; all the links that you have heard here with the EMA and the Ministry of Works and Transport, the EMA has a role to play here. We see in this Bill the EMA having such a high profile role, linking not only with the director but the corporate parties. It would not only be reporting to the Minister but reporting directly to corporate parties. What is the role of the EMA? We heard it is an independent agency. The CEO must go! Non-performance!

The Member for Ortoire/Mayaro, the Minister of Works and Transport, gave us a brief history and we need to know the history, because that is what is happening here with respect to this Bill and the non-passage of it. This Bill has so many flaws that it has to go before a select committee. In 1991 there was a complete prohibition of incineration of waste at sea. I am sure the Member for Ortoire/Mayaro is aware of this, but in this Bill you are giving the EMA a permit to allow persons to incinerate at sea. The only time the EMA should be given a permit for incineration is under emergency circumstances. Even if the EMA gives that permission, there is no accountability in this Bill.

I will go to that section right away.

Mr. S. Panday: Tiger! Tiger! He alone could demolish the whole side.
[*Crosstalk*]

Mr. Speaker: Order!

Dr. A. Nanan: If you look at clause 34, it states:

“The Environmental Management Authority shall—

(a) keep records of the nature and quantities of all wastes or other matter...”

This particular reference, I thought it was a mistake under the Bill, but when you look at the schedule you will see that it speaks of “waste or other matter”. So “waste” has been missing throughout this part of the Bill. It is supposed to be “waste or other matter” as indicated in the convention. Let me repeat:

- “(a) keep records of the nature and quantity of all wastes or other matter for which dumping permits have been issued and, where practicable, the quantities actually dumped, and the location, time and method of dumping;”

There is no reference to incineration that the EMA is now being allowed to give a permit for.

Before 1954 we had a situation where countries would regulate their territorial waters with respect to ships and oil pollution, but in 1954 a conference was held in the United Kingdom and they came up with a convention called OILPOL. That convention remained until 1973. In fact, if you trace the history, you would see from 1954 to 1973 there were certain amendments in that particular OILPOL Convention that dealt with oil pollution.

The reference, as the years passed, would include the difference in terms of structure of oil tankers. This afternoon I want to show to the House the relevance as you go from 1954 to 1973. In 1954 you had the UK Conference on Oil Pollution and so you had the birth of OILPOL—the International Convention for the Prevention of Pollution of the Sea by Oil. This included routine tanker operations and the discharge of oily waste from machinery spaces. So at that time it was basically the routine tanker operations. They were not too concerned about accidents.

Later on I will show, before 1973, how they used to operate with respect to tankers, cargo tanks and ballasts. It is important, because during the routine tanker operations you would have a situation where oil would be going into tanks but the tanks had to be washed prior to ballast going in, which was water. Once you did that, you would have an oily residue. There was a certain way they did it where they would wash out the tanks so you would have a combination of oil and water and as the ship sailed with this particular ballast, you would have settling taking place, where the oil would come to the top and the water underneath. The oil would be removed and you would have that cycle continuing, what they call the “load on top” feature.

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

In 1958 you had pollution of seas by oil. The definition of oil at that time was: crude oil, fuel oil, heavy diesel oil and lubricating oil. At that time they said that the prohibited zone would be 50 nautical miles or more, with respect to oil pollution. They even specified the concentration. Mixtures of oil must be no more than 100 parts of oil per million. There was agreement by parties with respect to this particular requirement and because of this situation, the development of special areas came in, and in this particular legislation you will see there is a reference to “special areas”. The special areas came in because in those areas the marine environment was so fragile that it could not tolerate any oil or oily residue. So “special areas” introduced the reception facilities requirements, so when oil tankers come to a particular port, there must be a reception facility; because, remember in a special area you will be storing oil residue which you would want to get rid of when you arrive at port.

In 1962 and 1969 there were amendments to the OILPOL Convention. The 1969 amendment made reference to this particular area. It restricted the operational discharge from oil tankers and from machinery spaces of all ships. So it put a further restriction on the release of oil and oily residue. But what triggered the 1973 convention? You would recall in 1967 as a ship—the *Torrey Canyon*—entered the English Channel, it ran aground and 120,000 tons of crude oil was spilled into the sea. That triggered a conference in 1973 to deal with this particular situation.

The year 1973 was the birth of the Marine Pollution Convention (MARPOL). In 1973 they found that accidental pollution was spectacular but the operational pollution was still the bigger threat. That was 12 per cent in terms of marine transportation. They incorporated this particular situation in the OILPOL Convention. So from 1954 to 1973 they were dealing with oil and oily residue, but they went even further. Now they had the annexes that the Minister made reference to: chemicals, harmful substances carried in packaged form; sewage and garbage. There were two protocols also included dealing with reports on incidents involving harmful substances and arbitration.

There were many tanker accidents between 1976 and 1977, and in 1978 there was a Tanker Safety and Pollution Prevention Convention and a whole new design in oil tankers was introduced with respect to the protocols. In 1983 we saw Annex 1 and 2. What was interesting about this particular situation with respect to the international convention was that States do not have to sign up for all the Annexes. You could have signed up, at that time, for Annex 1, which would have been oils; and, Annex 2, which would have been chemicals. Annex 2 came into

force three years after Annex 1, so in 1973 both annexes were in force. Annex 5 of the 1978 protocol—garbage—came into force in December 1988. The harmful substances in package form, Annex 3, came into force in July 1992, and Annex 4—sewage—came into force in October 2003. Annex 6—air pollution—will come into force in June 2005.

The initial part of this piece of legislation talks about the United Nations Convention on the Law of the Sea. This particular convention was signed on December 10, 1982 at Montego Bay and there are general provisions in this convention. I would like to go through the general provisions and make reference to this convention and this piece of legislation before the House. Part II of the Bill, clause 5(1) makes reference to Trinidad and Tobago exercising sovereign rights in accordance with UNCLOS (United Nations Convention on the Law of the Sea). What are these sovereign rights?

Section 1 of the United Nations Convention on the Law of the Sea under “General Provisions, Article 2” states:

“The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.”

As we trace the marine pollution or oil pollution from 1954 to 1978, we also have to demarcate internal waters, archipelagic waters, territorial sea, the exclusive economic zone and continental shelf. The Member for Ortoire/Mayaro spoke about the archipelagic state. Article 49, section 1 of the United Nations Convention on the Law of the Sea, states:

“The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines...described as archipelagic waters, regardless of their depth or distance from the coast.”

If you are dealing with a single island, normally boundary is the low watermark on the coast. If you are dealing with an island surrounded by reefs, then you would have to go up to the reef and take the seaward part of the low watermark, so you are getting more territorial sea. When you deal with archipelagic baselines, you are dealing with joining outermost points of the outermost islands and drying reefs. So you are getting even more territorial sea. So that is the situation with respect to this particular archipelagic sovereignty. The internal waters with respect to archipelagic states are from the baseline towards the land. That is considered internal waters.

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

There is a reference in Part II, clause 9(1), and I want to read that into the record, with your permission:

“Where there are clear grounds for believing that a vessel navigating in the territorial sea of Trinidad and Tobago has, during its passage therein, been in violation of this Act, the Director may, without prejudice to the vessel’s right of innocent passage under UNCLOS, undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with this Act.”

What is “the vessel’s right of innocent passage under UNCLOS”? Under the United Nations Convention on the Law of the Sea, section 3 talks about “innocent passage in the territorial sea”. Article 17, subsection (a), talks about “The Right of Innocent Passage”. It states:

“Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State.

(h) any act of wilful and serious pollution...”

What is interesting is if a submarine is within your territorial waters, it must surface and fly its national flag. That is how we have matured, because normally in wartime they would remain incognito. In fact, not only submarines, but any underwater vessel. I am sure the Member for Ortoire/Mayaro is aware of that. So anything that threatens the security of the state is not innocent passage. That is what this particular clause 9 makes reference to in terms of innocent passage.

The exclusive economic zone is mentioned in this Bill also. It is 200 nautical miles from the baseline of the territorial sea. Again, we have to talk in terms of Article 46, which deals with archipelago. How we became an archipelagic state is important. The archipelago, as everyone is aware, is a group of islands. However, it also includes parts of islands with interconnecting waters and other natural features that form an intrinsic geographical economic and political entity, or which, historically, have been regarded as such. That is why we talk about the sovereignty of an archipelagic state and archipelagic baselines.

Article 48 also talks about the measurement of the breadth of the territorial sea, the exclusive economic zone and the continental shelf. All these, as I said before, are measured from the archipelagic baselines. We heard in this debate about fishing in the exclusive economic zone, and I want to remind the Member about this particular situation with the exclusive economic zone. Article 56 states:

“(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone,...”

This would include if you want to produce energy from water currents and winds in the exclusive economic zone. That was a reference I wanted to put forward.

Article 57 is the one that points to the demarcation of the exclusive economic zone.

“The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines...”

The exclusive economic zone and the right of innocent passage also include if you want to lay submarine cables and pipelines, because if you are surrounded by other parties, you could lay submarine cables and pipelines through the exclusive economic zone once you have the permission of both parties.

Article 60 talks about an artificial island, installation and structures in the exclusive economic zone. Article 61 of this convention talks about conservation of the living resources. This is where I draw the reference.

“The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.”

That is over-fishing.

Hon. Member: No more flying fish.

Dr. A. Nanan: No more flying fish from Barbados. And this is a reference that I could go into with respect to the Bajan fishing but I would not get into that in this debate.

I want to deal with the situation of dumping because I do not think the Minister was clear with respect to that. Dumping at sea—now, this is a commonsense approach. If a country is generating waste and there is no place, really, to incinerate, or you do not want to incinerate and your garbage is getting out of control, as the Member said, the easiest thing to do is to send it on a ship and dump it in the sea or just incinerate it. That is why they prohibited the incineration of garbage at sea. But what really prevented dumping is the London Convention of 1972. The Minister made reference to the convention but I just want to give some clarity on this particular convention.

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

The dumping at sea, of waste, which as I said, was generated on land and placed on specialized vessels. This was carried out for several years by industrialized countries before the international rules. What were the international rules? There was a London Convention of 1972 and the amended protocol of 1996. So you had unregulated dumping at that time.

This particular convention makes reference to what we call, “black and grey areas”. The black list is dumping of materials which are prohibited and the grey list is the substances that can be allowed with permits, under strict control. That is why in my contribution I spoke about the particular permit by the EMA. You are giving this permit under this particular London Convention to allow dumping but not incineration, because incineration was prohibited in 1991. So if incineration was prohibited in 1991, how can you give a permit under clause 28(2), which reads:

“The Environmental Management Authority may issue permits in accordance with this Part in respect of wastes intended for dumping or for incineration at sea—”

Now, if you are making a reference to clause 32, it says:

“...if dumping or incineration at sea appears to be the only way of averting the threat...”

That is an emergency situation:

“and if there is every probability that the damage consequent upon such dumping or incineration at sea will be less than would otherwise occur.”

If it is an emergency situation, will it be timely for the EMA to issue a permit? That is the question. If this particular clause 32 is making reference to clause 28(2) where they are giving that permit for dumping or incineration, it is okay, but if they are not—if you look at clause 30, it states:

“Subject to section 28, the incineration at sea of wastes is hereby prohibited.”

But in 1991 incineration of waste was prohibited. They gave no permit for the incineration of waste. The reference from clause 32 goes to clause 33, and clause 32(3) states:

“The Environmental Management Authority shall communicate to the Director...”

And this is where I made the reference:

“the details of any dumping or incineration at sea carried out under this section, and the Director shall, as soon as may be practicable, relay the information to the Organization.”

Which is the IMO.

Clause 34 talks about the keeping of records. If you are going to issue that permit for incineration at sea, you must keep a record of it. Clause 34(2) states:

“The Environmental Management Authority shall communicate to the Director and, where appropriate, to other State Parties...”

Not the Minister:

“to the Convention, and the Director shall report to the Organization—”

Now, the EMA is going to tell the director, “this is the situation”, but the EMA also has the authority now to tell other state parties to the convention what is happening, and then the director just reports to the IMO. So we have to get the reporting mechanism correct, and if it is so, then the permit they are going to give for incineration must be reported.

Clause 38 states:

“In the event of a dispute between Trinidad and Tobago and another State Party to the Convention, the provisions of Article 16 of the Convention shall apply with regard to settlement of such dispute.”

I do not know if the Minister looked at the reference in Article 16 under the schedule, because if you look at that article, it would be referring to a convention, and you have negotiation with respect to one year in which you could have mediation and conciliation agreement. But there is another area with respect to Article 16 of the convention, that if it breaks down, then you have to go to arbitration.

What is important here is that both parties must agree when there is arbitration taking place. Then the United Nations gets involved. So it is really complicated when you have a situation of disputes. In Article 16, you have to go to the convention to actually break down what is going to happen over a certain period. If you report this matter, let us say the EMA is tardy, as they always are right now—because we heard the Member for Couva South write the EMA on a matter and got no response. But there must be a situation where you have a certain time frame to report the breach. If you do not do that, then you have no case. So it is important to understand that you must have an EMA that is active and vibrant. You

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

are giving it all this power but it is showing nothing right now. It is a member of “NATO”, as they say: No action; talk only. [*Desk thumping*] [*Interruption*] You should not speak, you are definitely a member of NATO. I do not want to get into a discussion with the Member for Port of Spain North/St. Ann’s West on Super Farm. I do not want to go in that direction this afternoon. I could go there.

Mr. Rahael: Go ahead.

Dr. A. Nanan: Do not interfere with me. I will go to Super Farm and expose you. [*Crosstalk*]

Mr. Speaker, I just want to go through another section with respect to this particular legislation and that deals with prevention of pollution by oil. It is important for the House to understand the construction of an oil tanker. Before all these conventions came about, oil tankers were basically a storage facility for oil. There is very little instrumentation on board an oil tanker. But today, under the new conventions, they have moved away from the “load on top” theory; they have gone to segregated ballast tanks, which is completely separate. So you do not have this washing of tanks and mixture of oil anymore. There are meters on these oil tankers.

You are allowed to discharge, not in a special area, but in certain areas and a certain amount and I quoted the parts per million. These ships must be equipped with meters and monitoring devices so that when they are discharging there is a certain cut-off point. If, for example, the parts per million change and they are not permissible, you will have an automatic cut-off. When new oil tankers are being designed, you have a situation where they are asking for a double hull. Double hulls will be compulsory in 2015. I do not know if that is of any significance, which is when they said the UNC would return—in 2015.

Mr. Khan: The year 2016.

Dr. Moonilal: Much earlier. We will be there in a couple of years.

Dr. A. Nanan: The year 2015 is when they would be phasing out double hulls. Why are they going for double hulls? It is another requirement in that the segregated ballast tanks in the oil tankers are supposed to protect the cargo tanks. So the ballast tanks on the oil tankers would act as a shield. That is why, in the design of oil tankers now, they want no cargo tanks upfront; they are supposed to be protected because of the possibility of oil spillage.

They have also reduced the amount of deadweight tons of tankers. There was a certain figure that was given before. [*Interruption*]

Dr. Rowley: Speaking of deadweight—

Dr. A. Nanan: Mr. Speaker, I will direct my contribution towards you.

In December 1975 if the oil tankers carried 70,000 deadweight tons or more, they had to have segregated ballast tanks. But in 1978 when they amended the convention, they went down to 20,000 deadweight tons or more where you must have segregated ballast tanks.

From 1996 onwards you had double hull tankers. But tankers are very expensive, so you are going to have a mixture of new and old tankers. Therefore the convention has to make allowances for shipping companies that are going to have old tankers as well as new tankers. So the “load on top” would still hold for certain tankers that do not have the new facilities. When you are dealing with special areas, you cannot have any oily discharge, so the reception facility on a coastal state must be on par. When we look at the situation as it stands now, is there money allocated to construct new reception facilities?

We have LNG tankers leaving Point Fortin and going to Boston, Puerto Rico and Lake Charles in southwestern Louisiana so we have the opportunity to earn foreign exchange, but these chemical tankers and LNG tankers can pose a threat to the marine environment, and when we look at the non-performance of the Environmental Management Authority, we have to ask the question: Where is the Government going with respect to the EMA? I am not blaming the Minister of Works and Transport with respect to his performance, but when we look at the overall picture of the Government we are seeing non-performance across the board and the population is getting a little wary of this non-performance and it is reflected in the great number of protests we are seeing throughout the country.

The legislation also deals with “harmful substances and noxious liquid substances”. When you look at the new requirement, are our ports going to be equipped in May 2005—if I recall correctly—when their annex with respect to air pollution kicks in? What is going to happen? We are signing the convention in May 2005 and we are supposed to be dealing with air pollution in ships. We cannot even deal with air pollution on land but we are going to deal with air pollution on sea.

What about the Basil Convention, the Control of Trans-Boundary Movements of Hazardous Waste and their Disposal? You will recall when a ship was passing through the Panama Canal, Greenpeace had to inform the Caribbean that this ship was carrying radioactive waste and it was diverted. There are situations right now where developed countries are looking to get rid of their garbage and there are

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

proposals coming forward where you can build an incinerator in your State and garbage would be shipped from the United States to be incinerated in your State. We have to be careful when we are dealing with these proposals, because according to the Basil Convention, this is prohibited.

Who is going to define hazardous waste? The EMA was supposed to come up with a register of what is hazardous and oily waste and how to deal with it. This takes me back to the old problem that was almost dealt with by the United National Congress government, when they were removed, unceremoniously, from office. The National Solid Waste Management Plan was already drafted. All the Government had to do was to go out for tender. All the work was done with respect to every single area.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Tabaquite has expired.

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

Question put and agreed to.

Dr. A. Nanan: I thank all Members for extending my time.

Mr. Speaker, accompanying this particular piece of legislation are a number of schedules and it is important to reflect on them because they actually give you what will be the function of the port state inspectors. When you look at the situation now with respect to terrorism, you have a heightened sense of security. I want to make the Minister aware that there are United States' agents in all the big ports—Japan, Singapore—who are looking at cargo before it enters the United States. So they are doing prior tracking because they want to know what shipment is coming into their country. [*Interruption*] I am just giving you the global perspective.

There is a situation in the United States where the coast guard has earmarked certain areas near the port where no ships are allowed. There are certain lanes where the ships must pass. There is certain legislation that came into being under the Patriot Act that was not there before and this tightened security at ports. It has made shipping very difficult in the United States.

This Bill talks about port state inspectors and, as I said in my last contribution, the coast guard personnel could be trained to become port state inspectors. There is a lucrative trade where they can go to other ports within the MARPOL Convention to ensure that ships coming into our territorial waters have this

particular oil prevention certificate. If you look at the schedules that accompany the legislation you would see, for example, "Record of Construction and Equipment for Oil Tankers". That is on page 186 of the schedule, Form A. They must have an International Oil Pollution Prevention Certificate (IOPP). So you see the kind of rigidity that is now being enforced. It states:

- “1.1 Name of ship
- 1.2 Distinctive number or letters
- 1.3 Port of registry
- 1.4 Gross tonnage”

As I said before, that is in terms of deadweight tons. Because of the conventions, ships must have the requirement of the segregated ballast. It continues:

- “1.5 Date of build:
- 1.5.1 Date of building contract
- 1.5.3 Date of delivery.”

If you are converting from an oil tanker to a chemical tanker:

- “1.6.1 Date of conversion contract
- 1.6.2 Date on which conversion was commenced
- 1.6.3 Date of completion of conversion.”

Mr. Speaker, after July 1975 there are certain requirements and as you go from 1978 there is another set of requirements.

If you go to page 187 you would see: "Equipment for the control of oil discharge from machinery space bilges and oil fuel tanks". You will recall I said earlier that they were dealing mainly with oil and oil from machinery spaces. I quote:

- “2.1 Carriage of ballast water in oil fuel tanks:”

Now if you are carrying ballast water in your fuel tanks, you are going to have the oily residue and you must have a way of getting rid of the oil, rather than dumping it into the sea. It goes on:

- “2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks

2.2 Type of oil filtering equipment fitted:"

Mr. Speaker, you would have the separation of the oil from the water but you must have a filter to remove the oily layer into the slop tank. It continues:

"2.2.1 Oil filtering (15 ppm) equipment."

You must be able to measure how much oil there is in the water that you are pumping out. You must have an alarm system:

"2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device."

So you are seeing as the convention kicks a lot of money would be needed with respect to shipping and you could even see the price of cargo going up with respect to these requirements. It goes on.

"2.3 The ship is allowed to operate with the existing equipment until 6th July, 1998 and fitted with:

2.3.1 Oily-water separating (100 ppm) equipment

2.3.2 Oil filtering...equipment without alarm."

This is from July 1998:

"2.4.1 The separating/filtering equipment:"

All of these requirements are now on ships and are now schedules. On page 188 it states:

"2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on:

1. voyages within special area(s):.."

You have to say where you are. You must have a record book, a log book. If there is a disaster you must have a record—"Why did you put oil in that special area when you know that you are not supposed to put oil there? It is totally prohibited." It goes on:

"2 voyages within 12 miles of the nearest land outside special area(s) restricted to:...

2.6.2 The ship is fitted with a holding tank(s)..."

Because of the special area you must now have holding tanks:

“for the total retention on board of all oily bilge water.”

Mr. Speaker, you also have a situation with respect to sludge tanks. Because of the oil from machinery spaces you have, and I quote from page 189:

“3.2.1 Incinerator for oil residues...

3.2.3 Tank for mixing oil residues with fuel oil...”

Another interesting one which has to do with the construction of the tanker. It states at 4.1:

“The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection...”

Again, all of this is to ensure that the oil does not go into the sea. If a captain notices that there is an oily residue, or even if the Director of Maritime Services is informed that there is an oily residue, they have to be able to test and make sure the concentration is not ahead of the—

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea. We resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5:00 p.m.: *Sitting resumed.*

Dr. A. Nanan: Mr. Speaker, in my contribution this afternoon, I made much reference to air pollution and the historical perspective from 1954 to present. I will point out the situation with respect to oil tankers and super oil tankers that call at Galeota on the east coast of Trinidad. There is a situation where these tankers come at Galeota, but there is no requirement for a pilot to be on board. I referred to that particular situation in another debate. It is important now because we are dealing with oil tankers and super oil tankers calling at Galeota and if there is not a licensed pilot on that super tanker, there can be the possibility for a major disaster and a massive oil spill that can lead to destruction of the marine environment. There is need for a licensed pilot to be on board those super tankers that call at Galeota. The Government must make an amendment to the schedule to include the east coast for compulsory pilotage.

The Bill before the House shows the role of the Environmental Management Authority (EMA). As I close, I want to put on record that we have witnessed naked interference by the PNM Government in the police service; the Judiciary and the

Shipping (Marine Pollution) Bill
[DR. NANAN]

Friday, March 11, 2005

latest we are seeing is with respect to an independent authority, the EMA. This afternoon I have to ask: Is the CEO of the EMA, Dr. MacIntosh, wearing a balisier tie? Once again, because of the non-performance and non-legislative agenda by the Government, I call for the resignation of the CEO of the EMA, Dr. MacIntosh, for the good order of Trinidad and Tobago.

Thank you.

The Minister of Works and Transport (Hon. Franklin Khan): Mr. Speaker, obviously, I want to respond to some of the comments made by two honourary Members on the other side. Having said that, I will still be very brief.

The Member for Tabaquite always babbles. I say that in the most positive of ways. During the UNC's term of office he was the Minister of Education; Minister of Tourism and Minister of the Environment. I guess being a dental surgeon by profession, if they had stayed longer he could have been the Minister of Health. He does command a breadth of knowledge. I am sorry that you are not living in the United States; you could have entered, "Who Wants To Be A Millionaire," and have a good chance of winning. [*Desk thumping*] He is very knowledgeable in many areas of science. I heard him make very involved discourses in chemistry and organic chemistry on a particular Bill. He is an expert or knowledgeable in weather systems and meteorology and the plotting of the path of the hurricane out of the Miami Hurricane Centre. He seems to be knowledgeable in disaster preparedness and matters that pertain to maritime issues and oceanography. He started off hot and sweaty and was very aggressive. For a very short time in the debate he did earn the title of the "Tabaquite Tiger", granted he petered off quite rapidly. He went into a long discourse on the history and chronology of marine pollution legislation and all the various conventions that were kept from 1951 to 1954 and coming through the decades that have led us to this position.

He dealt at length with the theory behind the demarcation of international boundaries; the archipelagic state; territorial waters; internal waters; exclusive economic zone and issues relating to the high seas and the continental shelf. We thank him very much for that lecture. In substance there is nothing more to respond to. He was just telling us the facts and it was not a critique of the legislation per se or what we could add. Member for Tabaquite, I thank you very much for the knowledge you have shared with this House. I will move on.

The Member for Couva South—I do not want to get into their internal affairs but my understanding is that he was not even supposed to speak this afternoon. I guess he used the opportunity, like the Member for Tabaquite, to show the

honourable House his knowledge base on matters as they pertain to environmental legislation and in his job specification at Petrotrin, as head of the health, safety and environmental unit on issues as they relate to, in particular, the national oil spill contingency plan.

For the record, I will respond to two issues raised by the Member for Couva South. This is a fundamental issue as we develop this society to 2020 and to build the institutional strength that our economy and society need as we continue to evolve. He went at length to try to prove that while the legislation is robust in its form, he questions the ability of the State to implement such complex legislation. He was making the theory—and with some substance—that at this point in time we do not have the institutional sophistication to implement in its entirety legislation of the nature that we are debating today.

You cannot wait forever until everything is perfect before you bring legislation to Parliament, especially legislation that is based on international conventions and protocol. The large body of legislation that reflects that whole concept of international protocol is indicative of the globalization of the world and the global village that we see. The Kyoto Convention that deals with greenhouse gases—all the issues now are becoming transnational issues. A month ago we enacted anti-terrorist legislation. Whether or not the Opposition supported it or felt that it was on the white line or borderline as it relates to human rights issues, the fact of the matter is that we are no longer immune as a small state and a small society to international issues, be it law of the sea issues; pollution issues; international air pollution issues; anti-terrorist issues and all the other issues that are of an international flavour including the World Trade Organization (WTO); trade matters; Free Trade Area of the Americas (FTAA) matters; compliance matters; international standard disputes and the like.

More and more, our legislative tenor will start to resemble that international flavour. It is incumbent on this Parliament to proceed to pass this legislation even though we will be mindful that at this point in time, we do not have the sophistication of the institutional infrastructure to support every clause, verse and chapter in the legislation, but at the same time we can use that as a template to build the institution as necessary and reorganize what we have already. [*Desk thumping*]

It is clear from how this legislation has been structured that is what we attempted to do. We said that the Minister of Works and Transport will have overall jurisdiction over the legislation but specific sections as we dealt with them, Parts IV and V in particular, based on what issues they are, the EMA will be responsible for what you dump; giving permits and monitoring incineration.

With regard to the national oil spill contingency plan the Ministry of Energy and Energy Industries will have jurisdiction over that. Certain aspects of it will be the Maritime Services Division of the Ministry of Works and Transport and as they relate to the issue of civil liability and compensation, another arm of the State.

The Member for Couva South made the point—there is some theoretical validity and I say this theoretically—that probably there should be one institution to deal with issues like that. We are evolving and for the time being the specific agencies of Government where there is the best match and overlap of the functionalities as they relate to the implementation of this piece of legislation, is how we have structured the legislation.

For the record, much critique went into our ability as a nation for disaster preparedness. NEMA has been under some flak for many months now and for years. As a matter of fact, the Prime Minister indicated quite clearly—when he convened the said meeting on disaster preparedness that the Member for Couva South alluded to—that NEMA would be disbanded and there will be a new office for disaster preparedness that will be established under the Ministry of National Security. Planning for that is well in train and we expect that to be functional during the course of this year.

I will comment on the view expounded by the Member for Couva South who indicated that if there is legislation and you do not have the full capacity to effect and police the legislation, it will be of no use. That is a flawed position to hold especially on legislation that has an international compliance aspect. The fact of the matter is that we have passed the legislation and the shipping fraternity will be aware of that. Whether or not Trinidad and Tobago has the policing power for 100 per cent of compliance is not an issue at this point in time. The fact that it exists is in itself a deterrent because it is internationally linked and the legislation comes under the auspices of the international IM. That is the fundamental issue. Whether or not the Member for Princes Town laughs, this is how international law operates. There are international laws and countries that do not have an army to protect their borders. Because they come under the umbrella of the protocol of the United Nations, a strong country will not invade a small country. That was in the days of the 17th and 18th centuries. Member for Princes Town, stick to criminal law not international law.

The final point I will spend a few minutes on is the issue of the EMA. I am probably not the line minister to speak about the EMA. In the course of the coming months as relevant legislation comes to Parliament, I think that an involved debate has to take place as to the role and future of the operations of the EMA, only in the context of the developmental path that this country is proceeding on. We will be taking the opportunity to articulate our views as to where we want the EMA to go.

In that context, the Member for Couva South spoke much about our industrialization programme and tried to give the impression that the Government wants to bypass the EMA in terms of our industrialization programme, especially in the deep south as it relates to iron, steel and aluminium. Unlike the Member for Couva South, I will not take this opportunity to expound my expertise on energy. I will use the appropriate time to do so. Unlike him, I will not use a backdoor way to come to expound. I will wait on the relevant legislation.

For the records the energy decisions in this country come under the ambit of the Standing Committee on Energy of Cabinet. That committee is chaired by the Prime Minister and includes several Ministers and a series of high-end technocrats, including the Chairman of Petrotrin; the Chairman of the National Gas Company and the Chairman of National Petroleum (NP). When I was chairman of NP a couple years ago I sat on the Standing Committee on Energy. Included also are the Chief Executive Officer and Chairman of T&TEC; Prof. Julien as head of the Natural Gas Export Task Force; the Permanent Secretaries of the Ministry of Finance; the Ministry of Energy and Energy Industries and a series of high-end public officers and technocrats. I give this honourable House the assurance that the level of discussion that takes place at those meetings is probably second to none in any forum in Trinidad and Tobago in terms of involved and detailed analysis as it relates to decision-making.

Those are the basic points that were raised in the debate. The key one that I wanted to put to bed is the fact that we do not have to wait for all our institutional structures to be in place 100 per cent before we enact legislation that relates to our compliance with international treaties and protocol.

With those few words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a special select committee of the House appointed as follows:

Shipping (Marine Pollution) Bill
[HON. F. KHAN]

Friday, March 11, 2005

Mr. Franklin Khan; Mr. Colm Imbert; Mrs. Eudine Job-Davis; Dr. Adesh Nanan and Mr. Chandresh Sharma.

Motion made and question proposed, That the House do now adjourn to a date to be fixed. [Hon. K. Valley]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.23 p.m.