

*Leave of Absence**Friday, September 01, 2006***HOUSE OF REPRESENTATIVES***Friday, September 01, 2006*

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 following Members seeking leave of absence from sittings of the House: the Member for Nariva (Mr. Harry Partap) for the period August 31 to September 22; the Member for Tobago East (Mrs. Eudine Job-Davis) for the period September 01 to 10; the Member for Tobago East (Mr. Stanford Callender), for a similar period and the Member for La Brea (Mr. Hedwige Bureaux), for a similar period. These latter three Members are attending the CPA conference in Nigeria.

I have also received a request from the Member for Barataria/San Juan (Dr. Fuad Khan) for leave from today's sitting of the House.

The leave which these hon. Members have requested is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 1999. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 2005. [*Hon. K. Valley*]  
*To be referred to the Public Accounts Committee.*
3. The Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
4. The Civil Aviation [(No. 2) Operations] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
5. The Civil Aviation [(No. 3) Air Operator Certification and Administration] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]

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6. The Civil Aviation [(No. 5) Airworthiness] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
7. The Civil Aviation [(No. 7) Instruments and Equipment] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
8. The Civil Aviation [(No. 8) Aviation Security] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
9. The Civil Aviation [(No. 9) Approved Training Organization] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
10. The Civil Aviation [(No. 11) Aerial Work] (Amdt.) Regulations, 2006. [*Hon. K. Valley*]
11. The Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period 2004 to 2005. [*Hon. K. Valley*]

#### **BANKRUPTCY AND INSOLVENCY BILL**

##### **Joint Select Committee Report (Presentation)**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I wish to present the First Interim Report of the Joint Select Committee appointed to consider and report on the Bankruptcy and Insolvency Bill, 2006.

#### **ORAL ANSWERS TO QUESTIONS**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, of the questions on the Order Paper today, the Government is in a position to answer questions numbers 24, 26, 35, 36 and 39. We are asking for a deferral of the other questions for a one-week period.

*Assent Indicated.*

*The following questions stood on the Order Paper:*

##### **Residents of Oropune and Piarco (Compensation of)**

25. Could the hon. Minister of Planning and Development indicate when residents of Oropune, Piarco would be compensated for their property acquired for the development of the Piarco International Airport? [*Mr. W. Dookeran*]

**Trinidad and Tobago Football Federation  
(Disbursement of Funds)**

30. Could the hon. Minister of Sport and Youth Affairs indicate the amount of money disbursed to the Trinidad and Tobago Football Federation (TTFF) in relation to World Cup 2006? [*Mr. M. Ramsaran*]

**Brian Lara Stadium  
(Status of)**

31. With regard to the Brian Lara Stadium, could the hon. Minister of Sport and Youth Affairs advise:
- (a) (i) the status of work being conducted;
  - (ii) the expected completion date; and
  - (iii) the cost overruns to date?
  - (b) Could the Minister state what the stadium would be used for in relation to Cricket World Cup 2007? [*Mr. M. Ramsaran*]

**Incentives for Cricket Team**

32. Could the hon. Minister of Sport and Youth Affairs advise what incentives have been given or would be given to our Cricket Team for winning the Regional Competition for the first time in 23 years? [*Mr. M. Ramsaran*]

**Prisoners on Remand  
(Non-Attendance at Courts)**

37. Could the hon. Attorney General indicate:
- (a) whether he is aware that prisoners on remand are usually not brought before magistrates in various courts at the Magistracy, San Fernando before 11.00 a.m. on a daily basis;
  - (b) whether he is aware that there is a severe shortage of police personnel at the holding bay "cell block" at the Magistracy, San Fernando;
  - (c) whether this shortage of police personnel has resulted in prisoners not being conveyed to the various Courts on time which has resulted in a chronic delay in the administration of justice; and
  - (d) what steps, if, any, are being taken to alleviate these problems? [*Mr. S. Panday*]

**Early Childhood Care and Education Centres  
(Chaguanas)**

40. Could the hon. Minister of Education indicate whether there are plans to construct Early Childhood Care and Education Centres in the Constituency of Chaguanas? [*Mr. M. Ramsaran*]

**Munroe Road Hindu School  
(Status of Construction)**

41. Could the hon. Minister of Education inform this House of the status of construction of the Munroe Road Hindu School? [*Mr. M. Ramsaran*]

*Questions, by leave, deferred.*

**Joel “Footy” Phillips  
(Escape of)**

35. **Mr. Subhas Panday** (*Princes Town*) asked the hon. Minister of National Security:

Could the Minister inform this House:

- (a) whether anyone has been held culpable for the escape of Joel “Footy” Phillips from protective custody;
- (b) the date and time Joel “Footy” Phillips escaped from protective custody; and
- (c) why the public was not immediately alerted about the escape?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Speaker, in accordance with the existing rules of the Justice Protection Programme of the Ministry of National Security, Joel “Footy” Phillips, a state witness in the case against Sheldon “Skelley” Lovell, volunteered to participate in the programme from September 2003. On the basis of initial and periodic reviews of the risk and threat assessment undertaken on Joel “Footy” Phillips, he was permitted to leave the “safe house” from time to time. He returned to the “safe house” without incident until December 12, 2005.

Given the voluntary nature of the programme and the fact that he did not escape, no individual has been held culpable for his failure to return to the Justice Protection Programme. Law enforcement officers are, however, assiduously seeking to ascertain his whereabouts.

Joel “Footy” Phillips was a volunteer participant in the Justice Protection Programme. The issue of escape from custody is therefore not applicable as he was not being held against his will. On December 12, 2005, he left the “safe house” on his own accord but failed to return as scheduled.

The identity of participants in the Justice Protection Programme is highly classified for obvious reasons. As such, it was not in the interest of security immediately to alert the public to the fact that Joel “Footy” Phillips had not returned to the “safe house” after he left on December 12, 2005.

It was also anticipated at that time that Mr. Phillips would have returned to the programme prior to the case being brought before the court. For these reasons, a public announcement related to his disappearance was not deemed prudent at that time.

**Mr. S. Panday:** Was Joel “Footy” Phillips not an accomplice? If so, would you allow an accomplice to enter the Witness Protection Programme voluntarily?

**Mr. Speaker:** That is indeed a new question and does not really arise out of the answer given by the Minister.

**Mr. S. Panday:** Mr. Speaker, would it not have been better to charge Joel “Footy” Phillips for murder, keep him in custody, as in the case of Dole Chadee, where, after he pleaded guilty to murder, he was dealt with and kept in custody to give evidence in the matter before the court?

**Mr. Speaker:** Again, that is out of order.

**Joel “Footy” Phillips  
(Details of)**

**36. Mr. Subhas Panday** asked the hon. Attorney General:

Could the Attorney General indicate to this House:

- (a) on what date did the Director of Public Prosecutions become aware of the disappearance of Joel “Footy” Phillips;
- (b) why did it take the Director of Public Prosecutions four years to bring the accused Sheldon “Skelley” Lovell and others to trial;
- (c) whether the Director of Public Prosecutions was aware that the state’s main witness, who was also an accomplice to the crime, was in protective custody; and

- (d) whether the matter involving the accused Sheldon “Skelley” Lovell and others was discontinued prior to the jury being empanelled?

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, the question is divided into four parts. With respect to part (a), during the week January 02—06, the Director of Public Prosecutions was informed by a member of the Homicide Bureau that the witness had disappeared. There were two related proceedings, both of which were instituted in September 2003. Information No. 10/21/03 of 2003 in which Sheldon Lovell, also known as “Skelley”, Sean Vincent, also known as “Gumbo”, Brent Danglade, also known as “Small Brent”, Richard Kirton also known as “Gene”, and Jason Joseph also known as “Cat” were charged with the kidnapping of Dennis Jodhan. These proceedings concluded at the Magistrates’ Court on September 30, 2004. The typed depositions were received on November 05, 2004.

Information No. 10/21/02 of 2003 was the second proceeding. In that matter Sheldon Lovell, also known as “Skelley”, Sean Vincent, also known as “Gumbo”, Brent Danglade, also known as “Small Brent” were charged with murdering Dennis Jodhan. The accused in that matter were committed to stand trial on January 19, 2004 and the proceedings received on April 19, 2004. It was necessary to await the committal in the kidnapping matter and to review the proceedings in both before indicting the accused in respect of both offences. This was so as different persons were charged with different offences and the proceedings could not be joined. Indictments were filed on October 04, 2005 in respect of the kidnapping and on October 05, 2005 in respect of the murder. The matters were listed for trial on October 29, 2005 and on February 09, 2006 in respect of the murder.

On the first date, on the matter listed for the murder, the prosecution was ready for trial. The defence was not ready. The matter was adjourned to December 15, when the prosecution was again ready. The defence requested disclosure in circumstances where extensive disclosure had already been made at the Magistrates’ Court. It was then adjourned to February 09, 2006. That is the answer to part (b).

In answer to part (c), yes, it was an expressed condition of his immunity that he subject himself to protective custody arrangements made by the State.

The answer to the fourth part of the question is: yes, by Notice dated June 26, 2006.

**Mr. S. Panday:** Mr. Speaker, if disclosure causes delay in serious matters like this one, why was full disclosure not made prior to the matter coming to trial, so that the defence would not have the opportunity to ask for disclosure and further prolong the matter and allow it to go by the wayside?

**Sen. The Hon. J. Jeremie:** The ultimate question on when and in what circumstances disclosure is allowed is a matter for the presiding functionary. As I have stated already, full disclosure was made in this matter in the Magistrates' Court, so that, in my view, the question does not arise. Full disclosure had already been made. You could do no more than that.

**Mr. S. Panday:** Therefore, Mr. Speaker, what was the necessity for an adjournment on an application for full disclosure?

**Sen. The Hon. J. Jeremie:** That is not a matter for me. It is a matter for the court. If the court allows disclosure in circumstances where the DPP has made full disclosure—there is a separation of powers. You of all people should be aware of that.

**Mr. S. Panday:** Does the Government intend to legislate on the issue of disclosure so that these matters can be dealt with before the trial and so that the trial could be expedited?

**Mr. Speaker:** That is outside the purview of a supplemental that is permitted. Perhaps, that is a matter for a new question.

### **New Chaguanas Health Facility**

**39. Mr. Manohar Ramsaran** (*Chaguanas*) asked the hon. Minister of Health:

With regard to the new Chaguanas health facility, could the Minister advise:

- (i) when will construction begin;
- (ii) the estimated time for completion of the facility; and
- (iii) the estimated cost of construction of the facility?

**The Minister of Health (Hon. John Rahael):** Mr. Speaker, the construction of the Chaguanas health facility is expected to commence before the end of December 2006. The estimated time for completion of the facility is 14 months and estimated cost of construction is \$23 million.

**Mr. Ramsaran:** Could the Minister promise that it would not be like the last time? When last I asked, it was supposed to start on August 18, 2005 and be completed August 18, 2006. We are long past that date.

**Hon. J. Rahael:** Mr. Speaker, I wish to assure the hon. Member that the tender document did go out and was received and processed and on Monday morning we expect the board of the North Central Regional Health Authority to award the tender. These dates are based on that.

**Mr. Ganga Singh:** Mr. Speaker, in the absence of the Member for St. Augustine, I request that questions 24 and 26 be deferred.

*The following questions stood on the Order Paper in the name of Mr. Winston Dookeran:*

**Point Fortin Market**

**(Leaking Roof)**

- 24.** Could the hon. Minister Local Government indicate:
- (a) whether the Ministry of Local Government is aware of the leaking roof at the Point Fortin Market?
  - (b) If the answer to (a) is in the affirmative, could the Minister inform this House when the roof would be repaired in order to bring relief to vendors and customers especially during the rainy season?

**Coastal Erosion**

**(Point Fortin to Icacos)**

- 26.** Could the hon. Minister of Works and Transport indicate:
- (a) whether he is aware of coastal erosion taking place in the south-western peninsula which is threatening homes from Point Fortin to Icacos?
  - (b) If the answer to (a) is in the affirmative, could the Minister inform this House of the plans to protect the south-western coastline and the expected starting date for implementation?

*Questions, by leave, deferred.*

**PILOTAGE (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move,

That a Bill to amend the Pilotage Act, Chap. 51:02, be now read a second time.

I hesitate to say that this is a simple Bill. Whenever those words are uttered in this House, we often get 75-minute contributions from the other side. However, it is a simple Bill. [*Interruption*] I know; as night follows day.

Let me put it in perspective. As Members look at the Bill, it has two clauses. Clause 1 is the title, so the Bill has one functional clause. This clause simply seeks to insert some definitions into the Act, which would allow a person, who is a Caricom national but not a Commonwealth citizen, the opportunity to be certified as a ship's pilot to operate within the waters of Trinidad and Tobago.

I now give some background. "Pilotage" is a term used to describe the navigation and safe conduct of ships in and out of harbours and restricted waterways within Trinidad and Tobago. It is not to be confused with pilots of aircraft. Every ship that navigates within our ports, harbours and channels must operate under the control of a licensed helmsman or a ships pilot in accordance with the Pilotage Act.

The Pilotage Authority, which is the governing body, has the responsibility to oversee all matters relating to the licensing and conduct of pilots and the safe pilotage of ships within our waters. The function and responsibilities of the Authority are as follows:

- the licensing of pilots for the purpose of conducting ships within the areas defined in the Act. I will go into those areas in a short while.
- the determination of the qualifications of candidates for licences and certificates as ships' pilots;
- the determination of the number of pilots to be licensed;
- the enforcement of the provisions of the Act and any bye-laws that may be made by the Authority;
- the approving of training standards for ships' pilots;
- the determination of the method of conducting examinations for masters and mates;
- applying for licences and certificates;
- fixing the rates of payments and fees for pilotage services; and
- ensuring that investigations are conducted when there is an accident or incident involving pilotage to determine the cause of the incident and steps taken to prevent recurrence.

Under section 10 of the parent Act, the Pilotage Authority may grant a certificate, referred to as a pilotage certificate, to any person who is bona fide the master or mate of a ship, if that person applies for such a certificate or if, after

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examination, they are satisfied that, with regard to that person's skill, experience and local knowledge, the person is capable of piloting the ship of which he is master or mate within the compulsory pilotage areas. The current legislation goes on to say that a pilotage certificate shall not be granted to the master or mate of a ship unless he is a Commonwealth citizen or if a bye-law under section 7(1)(l) of this Act is in force prohibiting the grant of pilotage certificates to masters or mates who do not hold at least a mate's certificate recognized under Part II of the Merchant Shipping Act, 1894 of the United Kingdom or to a master or mate who does not hold such a certificate of competency.

The pilotage areas referred to are contained in the schedules to the legislation. I will give you some brief ideas of the areas which are covered by this Act, by the Pilotage Authority and the regulations governing the pilotage of ships. These are the dredged channel and basin in the Port of Spain harbour; a number of areas within certain navigational aids, such as a carrier light beacon and the Pitch Point Jetty, the Brighton Jetty; in addition an area within half a sea mile of the jetty known as the Point Fortin Jetty; the area enclosed within a line drawn in a southerly direction from the mainland at Point Gourde to the easternmost point of Carrera Island, thence eastward to the southernmost point of Nelson Island and northeasterly to Martin Point; also that part of Lisas Bay, which is the Point Lisas area, also known as Goodridge Bay in the Gulf of Paria, areas around Point Gourde and the Scarborough Harbour. Those are the pilotage areas that are compulsory at this time. Mr. Speaker, when you are within those areas, the masters of vessels are required to engage the services of a ship pilot to bring the vessel into harbour.

The purpose of this Bill is to remove the restriction on certain citizens of Caricom, essentially citizens of Suriname and Haiti, whenever Haiti acquires its full status within Caricom. Neither of these countries, being non-English-speaking, is a member of the British Commonwealth. This is a very old piece of legislation, created when there was no concept of a Caricom that would include islands or territories that were not within the English-speaking Caribbean. If you look at the parent Act, you will see it was assented to on December 28, 1939, almost 70 years ago, at which time I do not think anybody was thinking about no Community. None of the Caricom states were independent at that time. There was no Federation, Carifta or Free Trade Area and it was therefore quite sensible at that time, Trinidad and Tobago being a British colony, for the restriction to be made limiting persons who would qualify for a pilot certificate to citizens of the British Commonwealth.

With the enacting into domestic law of the Revised Treaty of Chaguaramas—Members will recall we came here some time ago and we put the revised treaty into domestic law. Therefore, persons within the Caribbean Single Market and Economy (CSME)—as I said, citizens of Suriname and eventually Haiti—are not eligible to be ships' pilots.

I will now give a little background on the CSME itself. Trinidad and Tobago is one of the three Member States that is CSME compliant, or that is seeking to become 100 per cent CSME compliant, and has put in place the basic infrastructure for single market compliance for some time. Amendments have been made to the Immigration Act, Chap. 18:01 to facilitate the movement of a number of categories of persons, such as university graduates, media persons, sports persons, artistes and musicians. In addition, by virtue of the Immigration (Exemption from Work Permit) Requirement Order, 2005, self employed persons, including persons wishing to provide a service on a temporary basis, or persons wishing to establish a commercial presence are entitled to the right of free movement.

A number of other things are being done. Caricom queues and non-Caricom lines at ports of entry have been instituted and the Caricom passport is scheduled to be introduced in 2007. In addition, at a recently concluded meeting in St. Kitts & Nevis in July 2006, the conference of Heads of Government agreed to add nurses and teachers to the list of approved skilled Caricom nationals who can access free movement and they also agreed to further consider the position of artisans, domestic workers, hospitality workers and the procedures that should be put in place for the certification and accreditation of these categories of workers.

In order to make all this a reality, there are a number of restrictive measures—in fact, a total of 21 restrictive measures were found to exist in the areas of establishment services and capital and were identified for removal in Trinidad and Tobago's programme for the removal of restrictions as approved by the Council for Trade and Economic Development. The preparatory work has been done and we are now in the implementation stage.

I thought it was necessary to give this update on CSME because I am familiar with the type of response that is anticipated from Members opposite. I felt, rather than just giving the bare bones on the question of amending the legislation to deal with an anomaly which affects essentially persons from a single Caricom country, Suriname, who might want to be ship pilots in Trinidad and Tobago, it was best to give some update on what is happening in Caricom—what the Heads of Caricom Governments are doing and what the Caribbean countries are doing to make all Caribbean countries CSME compliant, in particular Trinidad and Tobago.

**2.00 p.m.**

I also think it is appropriate to give some information on why it might be necessary to examine the need for Caricom nationals to become ship pilots in Trinidad and Tobago.

The information I have is that there has been a recent study on vessel movements in the Gulf of Paria and it has been demonstrated that there are over 10,000 incoming and outgoing vessel movements through the Bocas on an annual basis. This allows for the possibility of approximately 6,000—close encounter situations and all the risks associated with that. There are limitations, in terms of navigable waters, in the Gulf of Paria. There are constrictions in terms of the northwest and the southwest passage. There is also a high concentration of critical infrastructure on the west coast of Trinidad and now more facilities will be constructed in the southwestern peninsula of Trinidad. There is ongoing infrastructure development of oil and gas facilities on the west coast, and with that, increased risk of incidents among vessels and increased risk of hazards within the Gulf of Paria. There are also potential risks of incidents such as a spill in the Gulf of Paria. There are dangers to fragile coastal ecosystems. There is also the question of illegal activities in the Gulf of Paria. As a consequence, the Government is actively looking at implementing a vessel management system to deal with these thousands of vessel movements that are occurring in the Gulf of Paria and will continue to occur and increase in the near future. It is predicted that by 2010, the vessel movements in the Gulf of Paria will increase from the current 10,000 or 11,000 to 18,000 incoming and outgoing vessels through the Bocas on an annual basis.

Therefore, there is the need to ensure that all of these vessels—from what I have just read, Members will realize—will be passing through the compulsory pilotage areas, which I have just outlined, which are the Port of Spain Harbour, the Brighton area, the Point Fortin area, and the areas around the northwest and southwest coasts of Trinidad and Tobago. Therefore, we are being forward-looking, in addition to dealing with an anomaly within our system, in terms of making available a larger pool of skilled persons within the Caricom region.

As I close, I want to point out that this legislation has become necessary because of a fundamental principle within the Revised Treaty of Chaguaramas, which is the principle of national treatment, that a Caricom citizen should enjoy national treatment within any of the Caricom territories. Therefore, we believe

this anomaly, and there are others that will be coming in the future to deal with other similar anomalies, will continue the process of making Trinidad and Tobago 100 per cent Caribbean Single Market and Economy compliant.

I thank you.

*Question proposed.*

**Dr. Roodal Moonilal** (*Oropouche*): Thank you very much, Mr. Speaker. The matter before us deals with an amendment to the Pilotage Act, Chap. 51:02, to provide for the removal of restrictions in the employment of pilots. Like you, I have listened attentively to the Member for Diego Martin East, and while the Member pointed out that it was a very minor amendment, the Member quite rightly pointed out the complexity of this matter in the context of the CSME and the inclusion of Suriname and later Haiti to the Caricom Single Market and Economy.

The Member also gave us a brief survey of some of the areas of concern around Trinidad and Tobago, particularly the western side of Trinidad, as it relates to the sensitivity and importance of this matter, and pointed out the dangers that we face now in the 21<sup>st</sup> Century, dealing not only with security and so on, but, indeed, our greater awareness of matters of the environment and our greater awareness of the threat of international terrorism. It is a comprehensive change. There are many issues involved here. I begin by indicating and possibly repeating that the classification of jobs we are dealing with is a very sensitive one. It is a very skilled and specialized area. I assure the Minister that no one on this side confused this function with piloting an airplane, as they may have done on the other side. They are really the very skilled and experienced functionaries who would go out to reach incoming vessels and would board and assist with the navigation of those vessels within Trinidad and Tobago waters and, particularly, the harbour areas and areas that are of concern that the Minister raised. It is a very sensitive job.

In case people did not know, there is actually a shortage of pilots in this country. I am informed that we have 25 pilots, but it is estimated that we need to get to 28 in the short term and 43 in the longer term, to deal with the demand in this particular area. The Minister would not have been aware of this. We do have a shortage in this area.

I found it instructive that the Minister indicated that this measure is forward-looking and told us that we are really dealing with legislation from 1939. The Minister, in piloting this measure, was most reckless in not alerting us to the

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intention of his Ministry and his Government in amending the parent legislation, which is the Pilotage Act, Chap. 51:02. It is clear, if we are dealing with legislation drafted in 1939 and for that period, that we should be talking about amendments to the 1939 and 1957 legislation. That, I thought, was a serious omission on the part of the Minister. The Minister failed to tell us, I am not sure if the Minister is aware, that at this moment the Pilots' Association is examining the parent Act and the officials of his ministry are involved in a process of bringing forward recommendations to amend legislation from 1939, which was amended in 1957. I think it is important to discuss the amendment to the parent legislation as well and to propose some of the recommendations that the ministry would be considering for debate. That is a serious omission by the Minister in dealing with this matter.

As I said before, this is a very sensitive area, where persons are highly trained. In a nutshell, without getting too complicated about it, these persons are trained in maritime matters and many are trained abroad at international institutes for maritime studies. They come back to Trinidad and Tobago and they are issued a licence from the Pilots' Association and they then undergo very serious training to gain experience to handle the sensitive business of steering a ship into a harbour. It is very sensitive. It involves training, experience and international exposure to education in the particular field.

As the Minister said, we are bringing this amendment so that pilots from Suriname and Haiti can have an opportunity to navigate a ship into the Port of Spain Harbour. There are several serious questions that arise. The first issue is: What are the mechanisms in place at the Ministry of Foreign Affairs or Works and Transport that would allow the Trinidad and Tobago Government to vet, examine and scrutinize applicants who are interested in becoming pilots in Trinidad and Tobago, who may be coming from a country outside of the Commonwealth, where their first language is not English? The countries we are dealing with, their first language cannot be English; it is French and Dutch. You are dealing with non-English speaking applicants entering Trinidad and Tobago to perform very sensitive functions; to board a vessel coming into the Port of Spain Harbour, Point Lisas Port or La Brea and we are not being told what mechanism is in place at the Ministry of Foreign Affairs or the Ministry of Works and Transport so that we can screen and vet applicants.

In this day and age, we are dealing with international incidents of terrorism and chemical and biological weapons. Apart from the importation of illicit drugs, we are dealing with a person who is the first to go on board a vessel; a vessel that

may have illicit material, whether it is drugs or biological or chemical agents, et cetera. This is a very serious matter of national security. How are we going to determine these workers who are coming here? The Pilots' Association's job is not to screen and vet applicants; it is to provide a licence, based upon the 1939 legislation, Chap. 51:02, on the basis of that person's training and education and certification—not on the basis of that person being screened from a national security perspective. That is very serious because you do not want someone coming into Port of Spain to apply to become a pilot, has a paper that he graduated from the International Marine Institute in Geneva and the person may be up to some other job. That person may be involved in international terrorism, international crime, and narcotics trafficking. The Ministries of Foreign Affairs and National Security must work together to undertake that type of screening. This is a very serious implication because we cannot take our security for granted. This is a country where we take our security for granted. We believe that anything that happens in the United States, Indonesia, Bali or Mombasa cannot happen here. That is the attitude we take with us. The only time we beef-up security at the ports in Trinidad and Tobago is when the Homeland Security Secretary of State issues an instruction.

It was amazing within the recent past, when there was an international terrorist threat in the United Kingdom; the Homeland Security Director issued guidelines for airports. At Piarco International Airport or Crown Point International Airport, nationals of Trinidad and Tobago see guidelines on the instruction of the Homeland Security Department, that Trinidad and Tobago nationals must follow. We were effectively following the policies of Homeland Security in the United States. The legal issue of that is another issue. It is the job of the Ministry of National Security of Trinidad and Tobago to protect citizens and not the Homeland Security Director in Washington. If you are travelling from Piarco to Crown Point on the Tobago Express for vacation in Tobago, you have the same security checks as if you were travelling from Tobago to Atlanta, as dictated by the United States Government, because the Minister of National Security has abdicated his responsibility. They follow the dictates of the United States Government and directions from the British Government. This is how they conduct national security.

I should not be surprised that in this business of issuing licences to pilots—whether they are from Haiti or Suriname because, clearly those are the two areas we are talking about—they abdicate their responsibility to provide checks on persons coming in, to apply for such sensitive positions.

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Mr. Speaker, we are not sure whether a person who is qualified as a pilot—I would use Suriname and Haiti as examples because these are the countries—who would have the training from Haiti or Suriname can even come to this country under the CSME arrangement. As it is now, there are certain categories of skill and labour that are allowed. The Minister indicated that these are artistes, sportsmen and journalists. The Minister indicated that Caricom Heads are now looking at nurses and teachers. We also have graduates from the University of the West Indies. Is it that Haitian or Surinamese, trained in a European country with a certificate of what is really a navigation officer, can enter a CSME labour market? Would they fit into any of the categories that exist now, or are we passing this measure to be CSME compliant ‘because we must do it’ because it is part of the Revised Treaty of Chaguaramas and other Parliaments in the region will pass this, so we pass it as well? At the end of the day, without clarifying whether these workers will be permitted in the first place, this may, indeed, be meaningless.

The other matter to me is a very, very serious matter. It has to do with Trinidad and Tobago standing up and clarifying our position, as it relates to the free movement of labour within the CSME. There is a conflict between the traditional policy, in terms of the importation of labour, and the new CSME framework. Under the traditional policy, we have a work permit system, where if you come into Trinidad and Tobago to work, whether it is in the oil refinery, manufacturing, sales or as a manager, you go through an established system; the work permit system. It involves coordination between the Ministries of National Security and Foreign Affairs. If you are a Canadian coming to work at Amoco, now BP, you obtain a work permit and part of the commitment is that you train, as an understudy, a local worker and after a prescribed time, the expatriate leaves and the local worker assumes the responsibility. It is our work permit system. That is the traditional system which we have been using here. Now, under the Caribbean Single Market and Economy framework, we have what is coming close to almost a free movement in certain areas. Presumably, what we are doing, without saying it, is discarding the work permit system in the context of the Caribbean and the CSME. Presumably, North America and Europe would still have that.

That leads to another problem. What priority do we place on workers of Trinidad and Tobago? Should nationals of Trinidad and Tobago have first preference for jobs that are becoming available in Trinidad and Tobago? There may be a debate on that. The UNC has to stand firmly on the side of the Trinidad

and Tobago worker. The UNC is pro-Trinidad and Tobago worker. We are very clear on that. We believe that opportunities available in Trinidad and Tobago should go to workers of Trinidad and Tobago first.

**Mr. Valley:** I want to inform the hon. Member that the PNM is pro-worker also and that is why we are giving him the opportunity to work anywhere within the CSME, not limited to Trinidad and Tobago.

**Dr. R. Moonilal:** Without that clarification I would not be able to continue.

In dealing with this matter, I want to come back to the pilots. At the University of Trinidad and Tobago, we are training citizens and nationals in the area of maritime studies. That training is the gateway training to becoming a pilot. Our nationals at the UTT will now get opportunities to train in this area, but at the same time we must open to ensure all nationals of every other CSME country come in. What we should be doing in the national interest is ensuring that we train our workers here to become pilots and we have the opportunities available for them. Many of the pilots have suggested that we should put a cap on this; to allow workers to come in and work for five years so that our nationals who are being trained in this area can get their formal training and get entry into the Pilots' Association and begin their apprenticeship and practice as a pilot. In that way, you would be putting Trinidad and Tobago workers first. They would be before workers from Haiti, Suriname or anywhere else. That will fit in with the CSME and the UTT.

You know what the Government have been doing? They have taken the labour force of Trinidad and Tobago and encamped them in a CEPEP/URP culture. They have psychologically damaged the workforce in this country. Today when you go to a parlour, pharmacy, warehouse, bakery or hairdressing place, you see: "Vacancy. Labour wanted. Salesperson wanted" everywhere; whether it is the fast food outlets or stores. That is so because the Government took the labourers and put them into the dependency syndrome in CEPEP and the URP and people are not interested in working in a drugstore, bookshop, hardware or a bakery. They may have work from 8.00 a.m.—4.30 p.m. or 5.00 p.m., or it may be that you have to work on a holiday, while they may find it easier to be enlisted in the URP and CEPEP and earn money for working a particular part of the day, where they can be holding up a curtain on the highway and get \$120 per day. Who would want to work in a bookshop and pack books, in a kitchen with heat or in a bakery? They are destroying the work ethic of this country by depriving the private sector of labour. There was another way to do that. With the introduction of OSHA and a Bill of Rights for workers, they could ensure that the private sector meets its

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moral obligations to workers and they in turn go to the private sector, because the history of business creation in this country was never NECDO. NEDCO never created the businessmen of today. The history of business creation is when someone goes into a business and works at the lowest level: packs books on a shelf, works in a bakery or drives the van to sell the bread. Eventually, they are bitten by a bug to get into business and they take risks and chances and open the business themselves and become big traders and businessmen. This is the system that we are breaking now in favour of the CEPEP/URP system.

**Mr. Manning:** I thank the Member for Oropouche for giving way. Is the Member aware that the CEPEP programme comprises 112 small contractors, providing permanent employment for those who are employed with the companies? Are you aware?

**Dr. R. Moonilal:** Yes, I am aware. I want to alert the Prime Minister that we are aware of the contractors. We are also aware—*[Interruption]* Please if you want to continue.

**Mr. Manning:** If the Member is so aware, on what basis does the Member argue that a dependency syndrome has now developed on the basis of the CEPEP programme?

**Dr. R. Moonilal:** Mr. Prime Minister, I am aware of the contractors, but I am also aware that those contractors and that community of contractors are also a PNM creation. Many of them never knew business. They were not involved in business and became CEPEP contractors because they are cardholding members of the PNM and got a contract. Many of those CEPEP contractors that you talked about never owned a wheelbarrow, when they got a contract they rented from somebody. *[Mr. Manning stands]*

**Mr. Speaker:** Member for Oropouche, are you giving way?

**Dr. R. Moonilal:** I am not giving way so I do not know why—

**Mr. Manning:** I wonder if the Member for Oropouche—*[Interruption]*

**Mr. Speaker:** Apparently he is not giving way at this time.

**Dr. R. Moonilal:** Mr. Speaker, I am addressing you. I would give way in a moment but let me make the point that while we are aware of the community of contractors, we are also aware of the corruption, nepotism and the discrimination in the CEPEP contracting system. If you are using that as your emblem of success, I humbly submit that it is flawed.

**Mr. Manning:** The Member for Oropouche condemns the CEPEP programme as a PNM creation. Is that what makes the programme bad; the fact that it was created by the PNM? Indeed, we have created so many other programmes in the social sector.

**Dr. R. Moonilal:** I would like to respond to the Prime Minister with your leave, Sir, because I may deviate a bit from the Bill. We have said, time and again, whether it is URP, CEPEP or any incarnation, once you attach training and development to a programme, the programme has value. There are many good uses to which CEPEP can be put, in theory, but when it emerges as a work programme—almost like a make-work farm programme, where you take supporters of your party and put them like American-style prisoners on the road to cut grass—and you descend it into that level and use it as a tool for dependency and discrimination, it loses its value, because there is value. I can give you an example without getting too much into it. CEPEP can be used for a rural drainage programme, to assist rural areas with the provision of services. CEPEP can be used to maintain all government and state enterprise buildings. Today we look at state buildings and there are moss, dirt and grime—not WASA Grime—on the concrete and walls of every school and the Hall of Justice. You can take CEPEP and put it to good use, but once you engage in that dependency you will destroy it. The point I was making is the undermining of the work ethic in Trinidad and Tobago and the difficulty with finding persons who want training. We may find the same problem with training to become a pilot.

We are also informed that the Pilots' Association, apart from seeking amendments to the parent legislation, also requires greater recognition. Unless I am mistaken, the Pilots' Association does not have an independent office. It operates in a cubbyhole somewhere in a ministry building without proper office space and equipment. That is another way to upgrade the quality of that function, the physical environment of those who are working in this area and their equipment. I do not want to tell you how difficult it is to generate a telephone call to this association. Many may not know that this association exists, but it does.

Another area for consideration has to do with upgrading and expanding the purview of the Pilots' Association. The Pilots' Association, as a creation of the 1939 and 1957 legislation, is not really involved in any system or programme to provide training outside of a narrow confine of maritime training. Anything to do with security and awareness programmes is almost outside in a serious way. They also have other concerns. There is a need, almost immediately, to enlist more

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personnel in that area. Incidentally, with so few pilots and such a critical function, do you know that at any time you can delay commercial activity?

Incidentally, another area that was raised as well concerns the fact that this traditional job involved expertise in maritime studies and some understanding of maritime law, but did not involve, traditionally, business studies and commercial practices. In today's world, it may be necessary for pilots to have extra training in business practices and commercial imperatives because someone who is boarding a ship to navigate it in may not be sensitive or alert to the fact that he or she is participating in an activity that could enhance or frustrate millions of dollars worth of business. If an importer is waiting on equipment or spare parts, the person doing that job is not aware of how he fits within the commercial scheme of things. That may be a concern for the relevant authority to look at. There is the concern to look at expanding their training into more commercial business and business practices. That may not be too difficult since we have, of course, the University of Trinidad and Tobago. We now have a very vibrant Sir Arthur Lok Jack Institute of Business. There can be some cross-fertilization between—  
[*Interruption*]

**Mr. Imbert:** Sir Arthur Lok Jack? You gave him a knighthood?

**Mr. Ramnath:** The PNM gave him that title.

**Dr. R. Moonilal:** The PNM appointed him at Balisier House. I thought all your financiers went by that title.

It may be possible to have joint programmes between the UTT and the IOB, so that persons who will progress to become pilots can have some training in business, commercial law and those related areas that can enhance their own function as pilots.

The Minister raised the issue of vessel movement and brought some figures for us. I have already alerted the House to the issue of security. My friend from Tabaquite, the very distinguished former Minister of the Environment, can speak at length on the matter of the environment and the threat to the environment that would come by the movement of vessels within this sensitive geographical area, whether it is the Gulf of Paria or the southwest passage. There is the possibility that with poor services and persons who may not know the geography—remember, if this thing goes into motion someone from Port-au-Prince may be coming to Port of Spain, or someone from Paramaribo or Suriname may be coming to San Fernando and will have to take their time to learn the geography, the environment, the sensitive areas and the harbours before they can graduate to

become full-fledged pilots. The last thing we want is some massive environmental spill or damage to the ecosystem arising out of reckless pilotage services. This is why, although it is a small matter, it is a very sensitive matter. It is more sensitive because we are now including non-English-speaking workers in such a sensitive area of national security, environment, ship handling and so on. Without language skills, that function cannot be properly undertaken.

The Minister, in his presentation as well, explained some of the qualifications required, but left out matters relating to commercial law and maritime law. The Minister also estimated that vessel movement on the western side of Trinidad is expected to increase in the coming years, for obvious reasons as well. This matter is a matter of some urgency to ensure that we get up to our 28 and 45 pilots required. It involves the management of ports, delays at the ports and security at the ports. It involves the movement of goods.

Now we are told that they are moving to construct a highway from San Fernando to Princes Town where they want to put a toll charge. I think that will take a toll on all of us. I think it is one of the most madcap plans that have ever been concocted by the Member for Diego Martin East. How many miles is it from San Fernando to Princes Town? It is three miles? If you are in San Fernando and you decide to go to Princes Town for two doubles, you need to pay a toll. That is madness. They are already taking a road tax and there is a fuel price increase. They are taking taxes to fix the roads and now they want to impose a tax from San Fernando to Princes Town, which is approximately five miles of highway.

**Mr. Manning:** I would like to advise the Member for Oropouche that beginning last year, the Government began to simplify the tax system and there is no longer any road tax, based on any gasoline arrangement. It does not exist. I think the Member knows that.

**Mr. Imbert:** He very well knows that.

**Dr. R. Moonilal:** After collecting the road tax for years they have no roads to show for it. I want to respond to the Prime Minister. You heard his comment when he raised the matter of the highway from San Fernando to Princes Town. Where in this country would he find persons to work in those toll stations to collect coins? They will be held up day and night. Who is going 12 o'clock in the night to collect a coin from San Fernando to Princes Town? They will be ambushed, kidnapped, robbed and beaten. Today we need automatic—[*Interruption*]

**Mr. Rahael:** Would the Member give way?

**Dr. R. Moonilal:** One second. Today you need automatic weapons to sell Solo and cigarettes and he wants to put a toll system. He would put people in the middle of the road to sell coins, where they will be exposed to bandits and criminals all hours of the day and night. We already have a traffic pile-up for miles and we would now have a line-up to put a coin into an iron box. This is what, in their moment of madness, they concoct. You have never heard anything like that. If someone from San Fernando has to drop their children to Princes Town every day—in this country you could live in Barrackpore and have a child coming to San Fernando—you would have to be moving from Mayaro to San Fernando. I would not have raised this matter had the Prime Minister not responded to this. I need to fully satisfy his curiosity that the toll system they want to impose from San Fernando to Princes Town is a complete waste of time and will not work. They should think of some other method to inflict a tax upon people. Surely, you are very creative in taking away money from people. You could think of something else, rather than a toll system. This was an aside relating to inland transport, as opposed to vessel transport.

**Mr. Rahael:** I want to advise the Member for Oropouche that in the world of technology today you do not need anybody to be standing in the middle of the road. Everything is done electronically now. You do not need to have an individual there, so what is your point?

**Dr. R. Moonilal:** Rhada Benjamin from Friendship Village would have liked to hear that. She was robbed at an ATM machine, dragged away, raped and beaten. They took her to the ATM machine where they asked her to take out the money from the machine. I think she would be comforted by your—

I want to wind up this presentation by indicating that there are serious matters here with this relatively small amendment. The matter involves our position on the free movement of workers. It also involves our position with Haiti and Suriname entering the CSME arrangement. I do not know if you might be aware, but the labour force of Haiti may well be approximately three million persons. I want to find the exact figure because I know my friends on the other side—3.6 million persons constitute the labour force of Haiti. We are dealing with a significant labour force in Haiti. Suriname is a bit smaller. They speak French and Dutch. This matter of pilots involves national security. It is a matter that is very sensitive and the Government should explain what system is in place at the Ministries of Foreign Affairs and National Security to ensure that persons are properly screened and vetted before they enter this country to work in such a sensitive area.

Mr. Speaker, I thank you.

**Dr. Adesh Nanan** (*Tabaquite*): Thank you, Mr. Speaker. I enter the debate on an Act to amend the Pilotage Act, Chap. 51:02. The Member for Diego Martin East, in his winding up, opened the debate considerably, because he spoke about vessel movements, navigable waters, critical structure, oil and gas facilities, hazards in the Gulf of Paria, fragility of the ecosystem, vessel management systems and principles of national movement. In the contribution of the Member for Diego Martin East—I am always very happy to hear the Member speak. I thought his contribution would be something that we would look forward to and would remember for a long time but his contribution today was very hollow. It is very sad, because the Maritime Services Division—I thought he would have had an opportunity to tell us what are the changes or what will be taking place in the Maritime Services Division. The Minister must be aware that the Maritime Services Division works hand in hand with the Pilotage Authority. Apparently he is not aware. He came and read from a document that was given to him and talked about an old Act. He did not take the time to speak about the treaties, because they are important here. I would show the House how this particular skill of piloting started way back, how it originated. It is important and is part of the concept of the bill. It will show where we are today in Trinidad and Tobago, if you are comparing it to how it was before.

The Member would be aware that there is a shipping Bill that is languishing in the Parliament in a Joint Select Committee that has not seen the light of day. If the Member were concerned about the shipping industry and pollution in this country, he would have ensured that that Bill was brought forward and passed. The Parliament is going to be prorogued and once again, the shipping Bill will lapse. The Prime Minister must be made aware of that. Whenever he speaks about the United Nations Convention with respect to the law of the sea, he is very aware of that particular treaty that was signed in Montego Bay, Jamaica in 1982 and ratified by the Government of Trinidad and Tobago in 1986. I am not speaking with respect to that Act but this shows the relationship and the importance of that particular piece of legislation that has not been passed in this House and the importance of that piece of legislation to revolutionize the shipping industry and to deal with pollution.

It is important also and the relevance here is that we are coming today to make the allowance for citizens who are not Commonwealth citizens and members of Caricom, to become pilots. Let us examine in this House today what is the work of a pilot.

**Mr. Manning:** To fly a plane.

**Dr. A. Nanan:** The Minister, in his presentation, isolated the flying of a plane, Mr. Prime Minister, from the piloting of a ship. There is relevance and an inextricable linkage. When the Member for Oropouche raised that point in the debate it was very relevant because it is a mode of transportation. Whether it is a sea-lane that is lighted for ships, you can also compare it with roads and streetlights. We are dealing with directions. When the Prime Minister tries to leave the aircraft industry out, it can come into the debate because it is relevant with respect to airspace and trafficking in airspace. It is all about transportation, guidance and navigation.

I thought the Member would have come here and told us about the navigational aids and the failure or the improvement in navigational aids in the harbour. All that is part of the work of a pilot; the particular navigational beacons are very important in the skill of piloting.

There should be an amendment in the House today. Not only should this Bill come with respect to Caricom, the Member should have brought today an amendment to the Pilotage Act. That is a very simple amendment to the Act of 1939, to make the east coast compulsory pilotage. I know the Prime Minister wants me to go in a direction with respect to the definition of archipelagic states and internal waters and territorial waters. If you want me to go there I will go there.

**Mr. Imbert:** He does not want you to go there.

**Dr. A. Nanan:** It is relevant here and I will tell you why. The Minister spoke in this House glibly about all the definitions and demarcations on the west coast, especially in the Chaguaramas area. He probably did not understand what he was reading, but those were the demarcations. He spoke about the territorial waters, the archipelagic states and the baselines in Chaguaramas. It is relevant to the debate. I do not know if the Prime Minister is aware of that, and I would like to tell the House, that it is important. The territorial waters extend 12 nautical miles. *[Interruption]* Of course, it is. Do you know that in ancient times and not too far back, the territorial limit for internal waters was three miles? Why do you think it was three miles? This was because the territories could defend a three-mile limit by a cannon shot. That is why it was three miles.

Countries like the United Kingdom, France and the United States had their three-mile limit, because of the cannon shot and their defending the territorial waters. It is only recently that the United Kingdom adopted a 12-mile limit, because certain countries, if I can recall, such as Iceland and Norway had three-

mile limits and four-mile limits respectively. That is important information. It shows the history of territorial waters. It is within the territorial waters that we are having this pilotage that is taking place.

When I speak about compulsory pilotage I am speaking about the areas where there would be compulsory pilotage. That means that pilots must be on board those ships that are coming into the waters, Mr. Prime Minister. That is why I said on the east coast. The Second Schedule of that particular Act left out the east coast and Charlotteville. The Minister made reference to it.

On the east coast, there is a particular situation. We are extracting natural gas on the east coast but there is also, when you are extracting natural gas, oil and water coming out at some point in time. The oil is being pumped to the shore for settlement and sent out on the oil tankers. What are they coming up to? The tankers are coming up to a buoy, so that the oil will be pumped into the tankers and there are no pilots on board these vessels that are coming in? These are large tankers that are coming in.

**Mr. Manning:** That is a deep-water buoy.

**Dr. A. Nanan:** Listen, this is the misunderstanding. That is why I am recommending the amendment and would explain it to you, Mr. Prime Minister. Yes, it is deep water, but what would happen if that ship is coming in and hits the buoy? *[Interruption]* No, you do not understand. When we speak about compulsory pilotage, we speak of within territorial waters. Do you know that in stormy weather, pilots board ships further out so that the captains make the request. When you speak about captains and their certification, I do not want to label any captain as an alcoholic, but you can have a situation where a captain can come in under the influence of alcohol. The point I am making, probably the Prime Minister does not understand, is that he said if the buoy is struck—*[Interruption]*

**Mr. Williams:** Would the Member give way?

**Dr. A. Nanan:** No, I am not giving way. It happened two years ago.

**Mr. Williams:** Alcohol is not allowed on an oil tanker.

**Dr. A. Nanan:** It happened two years ago. BHP was in those waters laying down their own buoy and damaged the BP buoy. I do not know if the Prime Minister is aware of that.

**Mr. Manning:** That is not the issue.

**Dr. A. Nanan:** The issue is that it can cause a shutdown the facility, the entire facility, because of that kind of negligence on the east coast—[*Interruption*]

**Mr. Hinds:** That could only happen on the HSS UNC.

**Dr. A. Nanan:** Mr. Speaker, I am hearing an aside from the Member for Laventille East/Morvant.

**Mr. Manning:** I am trying to follow the Member for Tabaquite. What I cannot understand is what exactly would a pilot do on an oil tanker that is approaching a single point mooring in deep water to collect oil. What exactly does the pilot do?

**Dr. A. Nanan:** That is a whole debate and I do not want to go into that particular area. I can go there and explain all of that. [*Interruption*] I am not going there. I am taking a line because it is important. I am giving the information so that the Minister of Works and Transport would do some work in that division. I spoke of a shutdown of the entire industry. PowerGen and our facility in Point Lisas are supplied by natural gas from the east coast. I am also making a plea. That is why I am not sure that the Prime Minister is aware that they may employ pilots. They employ pilots on that particular vessel coming in sometimes, but they are not qualified and they are on those tankers. Apparently the Prime Minister is not aware and that is why he is making those absurd statements. I hope he would be enlightened by the Minister of Energy and Energy Industries. I do not think it is the Member for Port of Spain South. [*Interruption*] Of course it is.

There are unqualified people on board these tankers. Apparently the Prime Minister is not aware of that. There are no certified pilots bringing these tankers on the east coast. That is why I am asking for compulsory pilotage on the east coast. Of course, the captain is not qualified. You said that the captain has to apply for a licence.

**Mr. Ramnath:** Do not let them distract you.

**Dr. A. Nanan:** They are not distracting me.

**Mr. Ramnath:** That is a deliberate ploy.

**Dr. A. Nanan:** I know that is a deliberate ploy. You can have a shutdown of the entire facility. There is the facility on the east coast and we are asking for compulsory pilotage and we are also asking for compulsory pilotage in Charlotteville, not only in Scarborough. There are large yachts coming into Charlotteville. Apparently the Member for Diego Martin East is not aware of that.

Cruise ships are coming into Charlotteville and docking. I do not know why the Member does not do his homework. He should ask the Director of Maritime Services. He should not ask me; I am giving him some information to help him in his work in the division. In Charlotteville there is situation where there may be fuel oil leaking from these ships that are coming in, and this particular fuel oil—I do not know if the Minister is aware that under the Marine Pollution Convention this particular issue is dealt with.

Before 1954 there was no oil convention. In 1954, there was a convention in London where there was the birth of OILPOL. That is why they were dealing directly, at that time, with only operational—Whenever there is the operation of ships, there is a situation where there may be pollution by the fuel oils. This comes about because these ships that are washing their tanks have a layer of oil that remains and they wash their tanks and allow the settlement of the oil, which remains on top. That is called the “load on top process”. Once that is done, as they come into port, the oil is removed. The convention makes allowance for a reception facility and all ports must be equipped with reception facilities. Are our ports equipped with reception facilities, Minister, or are you aware of that? I am not giving way for you to reply.

**Mr. Ramnath:** Not even for garbage.

**Dr. A. Nanan:** Exactly.

**Mr. Imbert:** I will ask the pilots.

**3.00 p.m.**

**Dr. A. Nanan:** So, Mr. Speaker, the fragile ecosystem or the fragility of the ecosystem around Tobago, that particular situation can develop there, and it has happened already. The Member for Couva South talked about it in terms of an oil spill off Tobago. So, we must make allowances for compulsory pilotage in Charlotteville to ensure that we do not have destruction of that fragile ecosystem, because the Tobago tourism industry is built upon a lot of their ecosystem activities or enhancements.

Mr. Speaker, you have the OILPOL Convention for the prevention of pollution of the sea by oil and, gradually, as we come up in terms of a chronological sequence, in 1973, there was the Marine Pollution Convention. This came about because of an incident in the English Channel. A ship ran aground in the English Channel and there was a lot of oil spilled in that area, and there was this convention to deal with the spillage. That was the birth of the MARPOL Convention

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which deals with pollution of the sea. At that time, they discovered that they must put specific areas so that there could be no oil or oily residue at all, because of the fragility of the ecosystem.

From 1954 to 1973, the amendment to the OILPOL Convention was, basically, with respect to the operation of tankers and the design of tankers. As the years passed by, eventually, they found that with respect to emergency oil spillage, when you compare it with operational pollution, it was only 12 per cent, and the real problem was the operation of tankers and the spillage of oil from machinery.

So, Mr. Speaker, MARPOL came in, and that particular convention is part of this Act that is languishing in the Parliament; a major part of the Act. We have to ask certain questions in this House, because they are important. I am told that it is easier to bring oil from Nigeria to Trinidad—[*Interruption*—this is just a reference—than to bring oil from Pointe-a-Pierre to Point Lisas.

**Hon. Member:** Who told you that?

**Dr. A. Nanan:** That is because of the problems at customs, in terms of the kind of information that is required. That is something that the Member for Diego Martin East should look into, in terms of getting the timely distribution of oil within the ports of Trinidad and Tobago.

Another area of importance in this convention, in terms of oil spillage and the importance of pilots is the Civil Liability Convention. The Member for Couva South is well aware of this particular convention. Since this Shipping Bill is languishing in a joint select committee, we cannot enforce any laws and, therefore, we cannot impound any ship. So, if there is a situation where oil is being spilled from a ship or harbour, we do not have any enforcement rights. If there is a major oil spill in Charlotteville, because of the lack of compulsory pilotage, Member for Diego Martin East, we cannot access the fund, and we are paying into the fund. Countries that are importing oil—I do not know if you are aware that we import 100,000 barrels of oil per day from the Middle East, Venezuela and Colombia. You probably need to be aware of that. [*Interruption*] You are no longer the Minister of Energy and Energy Industries. So, you have the importation of 100,000 barrels of oil per day.

In the Caribbean, we have the most traffic, in terms of oil tankers. So, if there is an accident, in terms of oil spillage, there is no claim. Do you know that if you have to insure the Port—let us say that you are insuring the Port of Port of Spain for \$5 million, you would get \$5 million in coverage if you have pilots on board the ships, and if there are no pilots, you would pay \$15 million. That is why I am

saying on the east coast and in other areas, for insurance purposes—I was just showing the reference to insurance and pilotage which are necessary. These different areas do impact and the pilots are paying a very important role.

We heard about the shortage of pilots. Presently, it is very difficult for pilots to get any work, because of the difficulty at the work permit level. I know there is a definite difficulty there. I was showing the reference there with the Civil Liability Convention, and how we cannot access any money. The convention breaks down the tonnage. If it is 5,000 tonnes or under, I think, we would get US \$5 million, in terms of coverage, and any excess would normally be covered by the fund. That is for ships less than 5,000 tonnes, and then it goes up to 140,000 tonnes and higher, and you would get a higher value. I think you could go up to 553 million tonnes with respect to the large ships. Presently, we have no claims, because the legislation is not in place. So, in terms of having any accidents, we have no claim.

Mr. Speaker, there is the right of free passage. Now, in our territorial waters you have the right of free passage under that same United Nations Convention on the Law of the Sea. If a submarine is in our territorial waters, that submarine has to surface and fly the flag of its country. Mr. Speaker, although we would get the right of free passage, there are restrictions within the territorial waters. It is important, again, because our pilots are trained to go on these ships. The Minister gave us the figures in terms of the movement of vessels.

Mr. Speaker, this is a high risk profession. There was an incident recently off the coast of Uruguay. I do not know if the Member for Diego Martin East is aware of that.

**Dr. Moonilal:** He only reads letters to the editor, nothing else.

**Dr. A. Nanan:** Three pilots were killed. They were going out to a ship, and there was a storm at sea. The launch that they were in going to that particular ship started to take in water and it sank. Two pilots were rescued and three pilots drowned. These pilots are risking their lives to ensure that these ships are brought into our harbours safely, and that they do not damage our facilities. This is a high-risk profession; the skill of piloting. I do not know if the Member for Diego East is aware that when these pilots are going into a ship, the captain of the ship must have a certain amount of confidence in the pilot, because he is going to command the ship and the instruments. So, you are going to take charge of that ship, and the crew must have a certain amount of confidence in that particular pilot who is

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going to take command of the ship. All that is happening is that they are using the rudder and propulsion to come in, and when they are coming in they are being guided by the skilled pilot.

Earlier on, I talked about the navigational aids. I do not know if the Member for Diego Martin East is aware of them, but in terms of responsibility for the upkeep of our navigational aids, whose responsibility is it? It is important for our shipping lanes to be identified. Under the United Nations Convention on the Law of the Sea and archipelagic states, there are definite ceilings that are allowed. These are marked by buoys or navigational beacons, just as it is with respect to the National Oil Contingency Plan. There is no national oil spill plan for Tobago; there is no oil spill plan for the east coast, but the private companies there can handle up to 50,000 barrels of oil—they have different levels—if there is an oil spill.

While we have the international aspect in readiness, what about our local capability? Did you have a brief on that, Member for Diego Martin East? It is relevant. I was showing the lack of authority, because you are not taking care of the navigational beacons or the buoys. So, who is responsible for Point Lisas? I know that Petrotrin has the responsibility for Point Lisas. Who has the responsibility for Chaguaramas? Nobody! The National Petroleum Marketing Company have certain responsibilities, but they do not have the equipment. The Coast Guard have the responsibility for Chaguaramas, but they do not have the equipment, and BP has the responsibility for the east coast. BP has the equipment. If there is an oil spill in Chaguaramas, you would have to go there with BP equipment.

**Mr. Manning:** We have a plan.

**Dr. A. Nanan:** Mr. Prime Minister, you are probably not aware. You probably need to head that committee.

**Dr. Moonilal:** What is the plan?

**Dr. A. Nanan:** What we are saying is that there is an international response, almost immediately, within 24 hours. With respect to this particular area, I am just pointing out the lacunae. It is relevant if there is an oil spill. With respect to the movement of vessels, you said that you have 10,000 in and out. You talked about navigable waters, and I am pointing out to you the importance of oil and gas facilities. There must be somebody responsible for those navigational beacons. You need to find that out. The pilots are using that as their eyes when they are coming in.

Just for the information of the Member for Diego Martin East, in the older days, these shipping lanes were identified by wooden caskets with iron strapped around them and chains on a rock in position. That is the history of navigational aids. That is how it was before. What is important here is the service. In certain countries, there are specific ships that go around and check these navigational beacons. Do we have that in place? Mr. Speaker, there are certain ships that go to these navigational beacons and ensure that they are in the right position. Do you know that there is an allowance of 25 nautical miles for these lanes? A ship cannot be off 25 nautical miles when it is coming in. Is the Member aware of that which is under the United Nations Convention on the Law of the Sea? So, it is important. These pilots are skilled and they need these navigational aids. Compulsory pilotage is necessary in those areas.

Mr. Speaker, there is also a situation with the Environmental Management Authority (EMA). The EMA is supposed to play a major role in controlling marine pollution, but the EMA has not demonstrated the capability to even deal with land pollution, so how is it going to deal with marine pollution? [*Desk thumping*] I said in my contribution that the Coast Guard is responsible for the Chaguaramas area, in terms of any oil spillage in that particular area. In the Coast Guard—and the Member for Diego Martin East is aware of this—there are many recruits who could be pilots, because they have that kind of expertise in the marine industry. There is no upgrade; there is no thinking on the part of that Minister. [*Desk thumping*] The Member has shown this many times in this House.

The Member has been tardy with respect to the interchange. If you look at the situation with our roads—the Member said that a Roads Authority is coming. Whenever the matter of roads comes up in this House, the Member would say that a Roads Authority is coming. So, it is important because the Minister has a track record of failure in other ministries.

**Mr. Ramnath:** Absolutely!

**Dr. A. Nanan:** We do not want that failure to be passed on to this particular sector, which is very important.

**Dr. Moonilal:** He was removing the dragon.

**Dr. A. Nanan:** We want to ensure, Minister, that we give you the assistance to make the difference. Mr. Speaker, with respect to the ferry service, whilst it is true that it is not necessary for a pilot—that is one of the exemptions—I do not think that the Member for Diego Martin East is aware of that, in terms of the Pilotage Act. There is a particular exemption, in terms of inter-island ferrying. As

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we are on the topic of inter-island ferrying, we have seen that the Member for Diego Martin East purchased a nine-year-old ferry. A ferrys, life is 12 to 15 years, and we have seen the purchase of this particular ferry, so we know the track record of the Minister. I just digress a little with that particular issue with the ferry because it is a sore point.

Mr. Speaker, another area that I want to deal with before I wind up, is the particular comment made by the Minister with respect to potential Suriname pilots in the country. Presently, there are Jamaicans applying to become pilots in Trinidad and Tobago. We have the potential here again, not only with respect to the financial capital of the Caribbean. The Member for Oropouche talked about the type of training and capability coming for the University of Trinidad and Tobago. We have the opportunity here to train all the pilots in Caricom. We have the expertise; we have the largest number of vessels traversing our ports; we have a shipping industry; and we have an industry made up of cargo, oil tankers and liquefied natural gas tankers. So, we have all the expertise that would be necessary to train them here. With the kind of track record of the Ministry of Works and Transport, we do not know if we could rely on the Ministry of Works and Transport to make that attempt to become the centerpiece of the Caricom region in terms of piloting. We want to be the training hub. *[Interruption]* The Member does not understand; he does not pay attention; and he is not taking note of anything.

**Dr. Moonilal:** He is only writing letters to the editor.

**Dr. A. Nanan:** That is all he is doing.

**Mr. Imbert:** Among other things.

**Dr. A. Nanan:** There are no bunkering operations in Point Lisas. I know the Member for Port of Spain South would want to get up and say that that is not true. Mr. Speaker, I intervened in this debate to make the point to the Member for Diego Martin East that he needs to pay attention to that particular ministry.

**Mr. Ramnath:** In all aspects of his ministry.

**Dr. A. Nanan:** Exactly. I thank you.

**Mr. Manohar Ramsaran (Chaguanas):** Mr. Speaker, as I listened to the Member for Diego Martin East presenting this Bill, he talked about a simple Bill and, I believe, this is the third time that this Bill is coming to this House during my tenure. Not too long ago, two Ministers presented this Bill: one was Minister Jearlean John, and it was the first and last Bill she had the pleasure of presenting

to this very august Chamber, and not too long after, my colleague, the Member for Ortoire/Mayaro, also came to this Parliament and talked about—the same message like that of the Member for Diego Martin East—this is a simple Bill, and I am going to quote him:

“Mr. Speaker, I think I have a unique opportunity tonight in piloting my first Bill in this honourable House. [*Desk thumping*] In uniquely piloting a Bill, on piloting, I hope, with time, I would become an extremely good pilot in this House.”

Mr. Speaker, this is just a warning for the Member for Diego Martin East that history is not on his side. So, he had better look at what is taking place. Before I go further, when the said Member spoke on the Bill which came before this House in October 2001, he said:

“If you look at this Bill it is to change one to two and give the Chairman of the Authority a casting vote; as I said, twaddle...”

I am not supporting this Bill. I am not voting for this Bill and I am asking the Government to get serious and bring serious measures into this Parliament.”

**Hon. Member:** Who said that?

**Mr. M. Ramsaran:** The Member for Diego Martin East. It is very interesting, when we look at what is taking place. The Member comes to this House, again, with what I consider as not a simple Bill, to change one clause. To me, this is really deceit. I say this because I believe that the Government must come to this House wholesale, and tell us about the Caricom Single Market and Economy (CSME), Caricom nationals and who are citizens and so forth. Every week this Government is coming to this Parliament and trying to get us to accept Caricom nationals to do certain jobs and so forth.

Mr. Speaker, I have been talking to people and I have been told that right here in Port of Spain—I was shocked to hear that—when the hon. Prime Minister would get up and talk about CEPEP and so forth—with respect to the construction on the port, there are 400 Caricom nationals who are working there for minimum wages, and the Trinidadians who are skilled have been sent home because they were working for \$26 an hour. Is the Government aware of the 400-plus persons who are working in Port of Spain? They are posted all over the country, and they are living in substandard conditions. Maybe in NHA houses, I do not know.

Here, we have another piece of legislation, again in a piecemeal manner, coming to this Parliament. They are telling us to approve this Bill because

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somebody is being discriminated against. You know, I would raise my ear when I hear the word discrimination. This is what the Bill says in case I am being accused of not reading.

“The purpose of this Bill is to amend the Pilotage Act, Chap. 51:02 to remove the discriminatory provisions relation to CARICOM nationals who are not Commonwealth citizens which deny them the opportunity to provide pilotage services.”

Mr. Speaker, when you look at pilotage, and why this Act came into being, if I remember correctly, there are two sections: one dealing with licences and the other dealing with certificates. The local people or now nationals of Caricom are given pilot licences where they could board a vessel. I just want to tell my friend that Customs would be the first people to board a vessel. Anybody who boards a vessel before Customs could be fined. So, when a pilot boards a vessel, he has to come straight to port, and there is where the responsibility starts. That is the local pilot. You then have the master or a mate of any ship coming into Trinidad and Tobago who could be given a certificate, once he proves to the Pilotage Authority that he could guide the boat inwards. Mr. Speaker, that is important. You would be tested and so forth. If you look at the parent Act, it is quite clear. When we come to the Parliament, we must understand what we are talking about. Mr. Speaker, just to put this on the record, section 10 of Pilotage Act, Chap. 51:02 says:

“The Pilotage Authority may grant a certificate...to any person who is *bona fide* the master or mate of any ship if that person applies for such a certificate, and if, after examinations, they are satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master or mate within the compulsory pilotage areas.”

So, there are two areas where people are given pilot licences, so to speak.

**Mr. Imbert:** Thank you very much, Member for Chaguanas, for being so gracious. It is not always a requirement for a master and a pilot. You could have a master who is also certified with a pilotage certificate. *[Interruption]* I am just clarifying that for the benefit of the Member for Tabaquite. *[Interruption]*

**Mr. M. Ramsaran:** I am glad that we have agreed on something. So, that is to understand the whole question of pilotage. I thought somebody would have said what is wrong with our pilots, because sometimes you could have mutiny and problems on a ship.

Let me go quickly to the second amendment in case I do not remember. When we look at the second amendment it says:

“The Pilotage Authority may grant a pilot’s licence to a person who is a national of a Member State or a Commonwealth citizen.”

Mr. Speaker, the reason for this, as I understand it, is that the maritime laws before now, especially those under the United Kingdom system, trained our ship captains, mates and so forth were trained so that they would be able to understand the English navigational system, hence that was put into place. Now, my friend, the Member for Oropouche, alluded to this; I want to ask the question now: Are these captains, mates and so forth being trained for our local conditions, especially with respect to the language? We must understand that we have to be careful about this. The pilots are hired locally and they would board the vessels, and they should know our navigational system.

In my former incarnation, I had the privilege of working offshore. I want to tell the Minister that maybe he should go and look for himself and when he comes to this Parliament he could tell us that there are clearly marked navigational sites that the captains of ships could follow and go in there. They are clearly marked. *[Interruption]* That is your responsibility. Have you seen the navigational systems? If you see them and you do not know what you are looking for, you would not see them. That must be pointed out to you. People would show you the different channels and so forth. When you are in charge of a ministry, you are supposed to understand what is taking place.

Mr. Speaker, I was talking about the Caricom nationals, the definition and persons who are coming into this country. I talked about the 400 persons who are working, at this time, in Port of Spain. The whole question is reciprocal: Are we getting that treatment from the other countries? I did not hear it. Are the other countries making provisions for us into their territories, or is it Trinidad and Tobago alone that is doing that? I ask this question based on the Representation of the People Act.

Mr. Speaker, let me read section 13 of the Representation of the People Act. It says:

“Subject to this Act, a person is qualified to be an elector for an electoral district at a...

City or borough election;

“who is of the age eighteen years or upwards and who on the qualifying date—

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- (a) is a citizen of Trinidad and Tobago; or
- (b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago...for a period of one year immediately preceding such date has been a resident of Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act;”

The proof, of course, lies in such persons.

- “(c) is not a Commonwealth citizen but has or will have resided in Trinidad and Tobago for a continuous period of at least five years immediately preceding such date;”.

Mr. Speaker, to me, this is a vexing question. Is this another form of voter padding? Are you aware of how many ex Trinidad and Tobago citizens are in this country? When I say “ex”, I mean persons outside of Trinidad and Tobago. Are you aware of those figures? If the individual Minister is not aware of these figures, is the Government aware of them? I feel this is a frightening situation. When we are opening the doors to our Caricom nationals, I worry. I would like somebody to tell and to at least free my mind from fear that these people are not coming into this country to support political parties or a political party.

I started my contribution by saying that every week we come to this Parliament, we are interfering with persons who are coming to this country under the guise of CSME and Caricom. I am worried about that; I am extremely worried. If you go further and look at the immigration laws, they tell us who a citizen is, and the qualifications a citizen must have to come into this country.

Mr. Speaker, let me go back and satisfy myself. A person is qualified to be an elector if he is a Commonwealth citizen and has resided in Trinidad and Tobago for one year. Mr. Speaker, all these persons in this country who are hiding could just go to the Elections and Boundaries Commission and say that they have been in this country for one year and they would be allowed to vote. The question is: How many such persons are here in Trinidad and Tobago? Are there thousands? We need to know that. So, when you come to this Parliament willy nilly, hitting under the belt, and bringing in these people—the last time we debated in this House we talked about people coming in to assist in the tourism industry and that these persons should be treated as Trinidadians. Mr. Speaker, this is frightening. It may sound like a simple Bill, but it is not. According to my colleague, yes we need pilots but, again, let me stop here and go to the pilots themselves.

This is the third time that this Bill has been debated here, and nobody knows how these pilots are treated; their salaries, how they are hired and what qualifications

they need to have and so forth. This is such a very famous Bill, we should know a little more about it, and do not just come here and say that it is a simple Bill.

Mr. Speaker, let me just go back to what I was saying earlier when the hon. Member said that he was not supporting this Bill. A Bill of this nature does not need a special majority. It needs a simple majority to put things in place. The Member said that he would return from time to time to deal with this piece of legislation. I want to ask loudly: Why did the Member not support that Bill in 2001? I have the answer. I would move it. Mr. Speaker, this is interesting.

When the then Minister Jearlean John, attempted to wind up the debate on this Bill, hon. Members shouted: "Pack up 'yuh' bags and go!" The hon. Minister tried, but she could not, because after every line there was crosstalk and so forth. Mr. Speaker, after uttering two sentences, there was loud noise in this Parliament. I remember the Member begged to move, and the Member for Diego Martin Central said that he did not hear. He did not hear because of the noise and bacchanal that was taking place. I am sure, Mr. Speaker, you would want to know what happened then. The Speaker, said, okay, I would now put the question. I think it was the Member for Diego Martin Central who asked for a division. Mr. Speaker, this is interesting because history is repeating itself. This is the third time this Bill has come to this Parliament and I warned that it was the last Bill that two ministers presented.

Mr. Speaker, I think the PNM called for a division because two Members of the PNM were out of the country. They had 15 Members present in the House and the UNC had 17 Members present. When they called for a division, this is how the voting went:

"AYES

Singh, Hon. G.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Assam, Hon. M.

Humphrey, Hon. J.

Baksh, Hon. S.

John, Hon. C.

Rafeeq, Dr. The Hon. H.

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Ramsaran, Hon. M.

Panday, S.

Khan, Dr. The Hon. F.

Peters, Hon. W.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Chaitan, Hon. W.

Sharma, Hon. C.”

There were sixteen Members who voted for the Bill and the House became quiet.

“NOES

Sudama, T.

Maharaj, R. L.

Maraj, R.

Valley, K.

Manning, P.

Rowley, Dr. K.

Imbert, C.

Robinson-Regis, Mrs. C.

Narine, J.

Bereaux, H.

James, Mrs. E.

Joseph, M.

Boynes, R.

Hinds, F.”

**Mr. Imbert:** I thank the hon. Member for giving way. In that recycle of the persons who voted “yes” and the persons who voted “no”, against the amendment

to the Pilotage Act in 2001, the first three persons who voted “no”; were they members of the UNC at that time? [*Interruption*]

**Mr. M. Ramsaran:** This debate is very exciting. Let me quote Mr. Ramesh Lawrence Maharaj, on that very fateful day on the build-up to the voting. The Member for Couva South, Mr. Ramesh Lawrence Maharaj said—I just want to talk about my friend, the Member for Siparia. The Member was Attorney General for a few days, and the man who “diss” her was Mr. Ramesh Lawrence Maharaj.

**Mr. Speaker:** I do not know whether “diss” is a parliamentary word. [*Laughter*] Perhaps, you could come up with something else that is acceptable.

**Mr. M. Ramsaran:** I am going to quote what the hon. Member said. On that day, the then Prime Minister, the Member for Couva North, appointed Mr. Ganga Singh as the Leader of Government Business and, of course, that was a one-day thing. The hon. Attorney General acted for another—not acted, she was in her substantive position as Attorney General and, again, done deal by the three dissidents of the UNC—the present Prime Minister created a done deal and, again, my friend, the Member for Siparia had a very short life as Attorney General of this country. The point is that we have to be careful of this Bill. This is a dangerous Bill. [*Laughter*] [*Desk thumping*] For those Members who have awakened, the first minister in my tenure who came with this Bill was Jearlean John, and it was her first and last Bill. For the Member for Ortoire/Mayaro, Mr. Franklin Khan, it was his first and last Bill, so my friend, the Member for Diego Martin East, you are not in good company. I just wanted to warn him. [*Laughter*] This could be the last Bill for the Member for Diego Martin East.

Mr. Ramesh Maharaj said:

“May I also congratulate all the Members of the Government who have been promoted or elevated and may I express my sympathy to those who have been demoted.

Under section 54 of the Constitution of Trinidad and Tobago, Parliament passes laws for the peace...”

You know, this was the Pilotage Bill, and hear what the former Attorney General said:

“Parliament passes laws for the peace, order and good government of Trinidad and Tobago. The legislative process involves the Government which is part of the executive arm of the State and the Parliament that is the legislative arm of the State. There must be moral authority and principled position for an Executive and also a Parliament to act.”

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That was my good friend whom I saw on the television last night with a nice green UNC shirt.

“Mr. Speaker, on principle, I have to take a position in respect of some of the matters which have occurred. If governance is not on principles and where there are threats to democracy, I have to show my stand, especially where the present Government is not the UNC government. I intend not to support this measure.”

I just wanted to put that into context. So, you were in good company then. Again, this Bill is so dangerous that I am a bit worried. I did not speak on that Bill. This is the first time that I am talking on this Bill and, perhaps, I have to watch out too. Mr. Speaker, as I move on, it did not end here.

Mr. Speaker, I believe that when we come to this Parliament—I want to agree a little with my friend, the Member for Tabaquite—that we must understand the context in which a simple Bill comes to this House. We have to question the Government’s intention when it comes to this Parliament from time to time to tell us about Caricom, the Treaty of Chaguaramas and the CSME. Why does the Government not come to this House and update us on CSME, FTAA and those matters.

This Government must stop playing games. They are sitting there and they believe that the UNC is in some trouble and they are going to win the election so they are abdicating their responsibilities. As you said before, we must come to this House and debate serious issues. Mr. Prime Minister, you should be the last one to talk about it. I told you privately and publicly that we would give you the Police Bills and nothing would happen. It is a year now.

Have we seen any reduction in murders? We have not seen any reduction.

**Mr. Manning:** Mr. Speaker, I thank the hon. Member for Chaguanas for giving way. The regulations, that are an essential part of the legislative package to give effect to that legislation are in their final stages of determination, and should be before the Parliament very shortly, and would now put us in a position to act under those Bills. In other words, the legislative process is not yet completed. I think the Member for Chaguanas knows that.

**Mr. M. Ramsaran:** No, I am not aware. I am glad you said that. I cannot remember if the *Hansard* report or any one of us could remember your coming to this House and saying that these things are delaying your Police Bills. I am happy to hear it now and, perhaps, the committee would thank me, because I have allowed you to explain what is happening.

When we go to the Occupational Safety and Health Bill, again, about six or 10 sections are about working conditions. I wonder—somebody said that it is a dangerous job—if OSHA is applicable to the Pilots Association. You said earlier that you cared about people in Trinidad and Tobago, but I am telling you that you do not care.

Yesterday in Point Lisas there was another explosion. This time it was at a warehouse in Point Lisas, and one person was badly burnt, and two persons are not as badly burnt. Mr. Speaker, this is what is happening and the Government are telling us that they care about the people in this country, and they are not coming to the rescue of the workers. Again, you jumped up and talked about CEPEP, but let me put my two cents worth in that in answer to you.

We have no quarrel with the workers who are below there. I feel that these persons are being abused. You have them permanent and they do not pay NIS; they have no sick leave. I mentioned this before that a former PNM candidate in the constituency of Chaguanas is a CEPEP worker and he fell ill and, up to this time, nobody has come to his assistance. He did not get any sick leave and he was not compensated. He is also a member of the central executive of the PNM, and he is being treated like that.

**Mr. Speaker:** Could you get back to the Bill that is before us?

**Mr. M. Ramsaran:** Mr. Speaker, this is a very exciting place. The hon. Prime Minister got up and talked about CEPEP and said that he cares about the country. I am just responding quietly to him. I said I want to add my one cent worth. I am finished with that topic. Mr. Speaker, the fact is that this is a Parliament where we come to debate issues, and if anybody else had said it, I would have brushed it aside, but the hon. Prime Minister said it, so we have to answer. So, I hope that the Member would get up and clarify the conditions under which the CEPEP workers are working.

Mr. Speaker, again, the Pilotage (Amdt.) Bill may sound like a simple Bill, and I agree, but when you come to this House you must come prepared. This is a Bill on which we could talk for the whole evening. There are certain questions that we have to ask. When one looks at these laws, we are talking about Constitution amendment, but, in this country, are we serious about rules and regulations? I want to ask the question: When are our laws going to be redone so that they would be applicable to today's world? The Pilotage Act was passed in 1956, and the world is now a global village where especially trade—people of all

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different nationalities would be coming to this country to ply their trade as captains of ships; not only Caricom people would do that now.

When this Bill was drafted, it was English based, but now the maritime boundaries have closed. I am sure that if you go to the Port and you do a check of the last 100 vessels that have arrived in this country, you would find that more than 50 per cent are not registered in the Commonwealth. So, what is happening to the non-Commonwealth citizen who is a non-Caricom citizen? It is discrimination. That is wider discrimination.

I want to humbly suggest that Constitution amendment is a good idea, not what they have presented, but when one looks at the whole question of our laws—we try to go into our laws to prepare for these debates—one would see that the language is old and, yet, we are talking about Vision 2020. Maybe the Prime Minister could stand and tell me when our laws are going to be rewritten and revised.

Mr. Speaker, I want to read something very interesting here that I discovered when I was doing my research. I did not make any contribution on the last two occasions when this Bill was presented because of the briefness of the debate, but I want to read something here that is very interesting. This is the 1956 legislation. It says:

“The Pilotage Authority shall consist of—

(a) the Harbour Master...

(b) a representative of the Shipping Association;”

and two members of the Pilots’ Association.”

Mr. Speaker, when the hon. Member for Ortoire/Mayaro came to this honourable House, he came to amend the law to make it two members. He told us that he was going to put two pilots. Somewhere between 1956 and 2001, it was reduced from two pilots to one pilot, but when we go to the law books there are still two members there. How could you prepare for a debate when the book is incomplete? The Member came here to change the law from one to two members, but the original Bill has two. So, Mr. Speaker, where are we going? We are talking about a modern county, a modern world and Vision 2020 and our laws are so dated. If you are a new Member of Parliament and you did not get the up-to-date Acts which amended the laws and so forth you would be in trouble. You are talking about a first world nation, so let us start with this Bill and rewrite the Pilotage Act and get the whole country together.

This Government is abdicating its responsibility to the nation. The Members are just sitting there and relaxing and enjoying their perks and so forth as if nothing is happening, and the country is sinking; the country is suffering. [*Crosstalk*] They should wake up and put the country first. Mr. Speaker, despite the mutiny, the man to pilot us to our next general election victory is my friend, the Member for St. Augustine.

Thank you very much.

**Mr. Chandresh Sharma** (*Fyzabad*): Mr. Speaker, thank you very much. I would have thought that the hon. Minister, having served previously as the Minister of Works and Transport, and who oftentimes appears to be educated on numerous subjects—failed terribly today. It seems that when the Member for Diego Martin West is absent he cannot perform. What obtains here this afternoon is really an excuse for the presentation of a Bill by a senior Government Minister. Every Bill must be looked at in a larger context.

The Bill before us today tells us the condition of this country. It is very instructive that we look at it. On any given day there are one, two, three and four murders. How does that relate to the Bill? Certainly, most of these persons are shot by persons who have illegal guns. Where are these guns coming from? They are coming through the Port. Why is the Minister defending the position?

Almost two years ago, the Shipping and Pollution Bill came to this House and it went to a joint select committee, and it purposely stayed there and nothing has happened. The reason why the Government has done that is for Government Ministers and others to profit from it. Now, this is a country doing enormous business. [*Interruption*] I would come to how you profit from it in a short while. In fact, I would come to it immediately.

I was told that only four years ago, a good friend and colleague opposite—all of us go through that from time to time, but our situations are not the same—issued a cheque for less than \$1,000 and it bounced. Today, that same colleague of mine is worth over \$16 million and I would relate it to this Bill in a minute and a half. What happens is that it is a free-for-all. The ports of Trinidad and Tobago are get-rich schemes for PNM and their friends.

Since this last new PNM came into Government they have spent \$100 billion, and how much of that money comes through the port? We import about 75 per cent of all our goods and services in this country, including cloth. My good friend the Member for Port of Spain North/St. Ann's West would know what I am talking about. We import foodstuff, ammunition and medication, and there are

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many kickbacks. There is absolutely no security at these ports, and this Bill is an excuse for the PNM. They had nothing else to do on this Friday evening, so they came up with this; absolutely nothing. They should tell this country how this Bill is adding value to people's lives. If you go to any health centre in this country, there is no medication. Why? Is it that the ports are not functioning? If you go to the groceries, you cannot buy your groceries. Why is this? The Minister is doing absolutely nothing! He really cannot perform his duties.

Let us look at the conditions at the ports. Let us start there. The infrastructure is failing. The Minister said that this Bill emerged from something that is 70 years old, and most of the infrastructure is 70 years old. Except for the period of the UNC administration, absolutely no infrastructural work was done at the Port. [*Desk thumping*] Absolutely nothing! The management of the port is poor. Mr. Speaker, have you been there? It is frightening! It is said that by the year 2020, cargo ships and cargo tankers would increase by close to 300 or 400 per cent. This would mean that more of our goods would be coming through these ports. Since 9/11, it is very costly for airfreight, and more and more airline companies are refusing cargos.

Let us continue with the port. There is lack of space and that is added to the value of the goods, so consumers have to pay for that. My good friend, the Member for Diego Martin Central knows that very well. Most of these things were sent to the Minister. At one time, it was thought that the Member was an effective Minister, but that is also history. The channels where these boats have to come in are very narrow. The harbour needs dredging. The complementary services at the port are lacking terribly, for example, truck transport.

In the United States of America they clear about 28.5 containers per hour. Could the Minister tell this Parliament and this country how many containers an average port would clear in Trinidad? There are 351 ports. Mr. Speaker, in Port of Spain, sometimes it is one container in eight hours, and there are all kinds of excuses. The Minister is really not in charge. He does not know. In fact, by tonight, the hon. Minister would go on his laptop, as I do, and he would send a number of letters to the editor saying what the Opposition said. So, all of this adds up to the shipping costs, and that is why the cost of living in this country is so very high, and persons who are living under the poverty line keep increasing daily.

Mr. Speaker, let us go to a major concern which is global, and that is environmental. At the ports in Trinidad and Tobago, no environmental practices obtain. Absolutely none! This is a failure of the Government. With respect to oil

spills—in fact, I remember a question was asked in this Parliament many years ago about the Oil and Water Board which dealt with oil spills in the farming community. Today, in almost every river and even in our seas—if you go to Chatham and Clifton Hill beaches they are polluted, and this affects the fishes, the life of the sea, and our cargo ships and it is getting bigger.

Mr. Speaker, when a cruise liner comes in here, there are 2,000 and 3,000 passengers. [*Interruption*] The Member for Point Fortin wants to know about cruise ships and the connection. What is happening is that there is the question of garbage disposal from these ships. Again, the ports have no system. It is instructive, perhaps, in the future that when we bring Bills of this kind, the week before or a month before, the Minister should indicate what areas he is going to be touching. He just cannot come and take the Parliament for a rubber stamp. Every time he brings a Bill, he says it is a simple Bill with one line and it should not take us more than ten minutes; and he is destroying the country in the process. [*Crosstalk*]

Mr. Speaker, the other areas I want to raise very quickly deal with the whole question of services at the port. Now, the Minister said that the Bill today should treat with captains. What about the support services? Does the Minister understand how the system works and what it is intended to achieve? How are these persons going to be employed? When this matter was raised previously in this Parliament the Opposition encouraged people to join this profession. The Minister indicated then that there would be training programmes, et cetera, and up to this day absolutely nothing is in place.

In fact, I went to the University of Trinidad and Tobago (UTT) web site and nothing obtains there and there is no intention to introduce these programmes. You cannot come with measures every Friday here that add no value to people's lives. The Minister must tell this House how the implementation of this Bill is going to reduce the cost of living here; and how it is going to reduce the cost of operations at the port.

I have raised the question about security which is very critical. This country is known as a transshipment point. Is it that the Government is encouraging the transshipment of illegal drugs? If you ask the average person on the street that person would say, yes, the Government is clearly doing absolutely nothing about it. If I ask, why is the Government encouraging this? Is the Government benefiting from this or is the Government profiting from this? Mr. Speaker, the man on the street would say, yes. When one looks at the lifestyle of Government colleagues opposite, it certainly does not represent what obtains here. These are

very important and fundamental concerns. For too long, we keep dismissing this as if everybody in the Government is a saint and they do not do anything wrong.

**4.00 p.m.**

For every single thing, they blame the UNC. All the social ills of this country, almost all of the social ills can be related in some way to what obtains at our ports because the port really provides the entry point for all the things we have in this country, including the vice we have. All of it; and the Minister agrees with me.

Now, I want to talk a little bit about container inspection. How is it done at the port? Has it improved in the last five or 10 years? The answer is no because your pilots are bringing in the ships with the containers. It is critical.

**Hon. Member:** What happens after?

**Mr. C. Sharma:** Exactly. The Minister has asked a very intelligent question, what happens after that? And exactly what happens is what we are talking about now; I am glad you asked that question. The point is, in those containers a lot of illegal substances are coming in; goods are coming in that are not perhaps allowed, but they get through the port one way or the other. And the question is, what kind of inspection do we have? Now, let us look at what obtains because this is universal; you do not need to recreate this.

They scan most of the containers right in Miami, which is a few hours away from here, even in some of the Caribbean islands. Now, the Trinidad port assists all the Caribbean ports as well because some of the ports in the other Caribbean islands cannot accommodate the size of ships, so they offload the goods here and transship them to the other Caribbean islands.

In fact, in one case, I remember a very expensive car purchased in Miami was stolen within an hour from the time it was parked, and three days later it was found in a container heading to one of the Caribbean islands. So again you see the use of technology. We, and when I say “we”, the nationals of Trinidad and Tobago, citizens, have tremendous concern with the illegal drugs coming into the country and from the evidence that comes to hand very little of it is coming through the airports, so it is certainly coming through the seaport. Again, the Government has done absolutely nothing and continues so to do. The new radiation detector devices which are very, very effective in many, many ports are now being used.

The other area I want to talk a bit about is the concern of terrorist attacks all over the world. In 2003 for instance, there were 22 ships that were attacked, some blown up; some rammed, aboard others explosives were found. The concern here is that the food security of this country depends on our shipping services. We would have no food tomorrow if these ships stop bringing the food in, our food supply that has to be guaranteed. The ministry is doing nothing in the area of agriculture.

All our public institutions, all our hospitals, depend largely on many, many items that have to come through our ports. And again, one of the concerns we have is the high cost of all these items that are not accessible to the average citizen today, and one of the contributing factors is the lack of management at ports here. Over the years, listening to the debates here, looking at what the Government has been doing, we have seen absolutely nothing that improves the conditions of the port.

Mr. Speaker, the other area I want to touch on is, what are the challenges we are facing and how we should approach some of them? You would remember and I want to read from something I obtained from the Internet. It talks about the Maritime Transportation Security Act which requires US ports and vessels to develop broad security plans and this is in conjunction with international ship and port facilities security codes. I enquired at our local port, whether any of these things obtain and the answer is really, no. One reason is what I explained earlier, the Shipping Bill that is still before the joint select committee and two years later—so it means to say the Government seems very, very keen on making sure developments that would benefit the country, do not come to this Parliament. And that is a good example. For some reason, the majority of the Members on the joint select committee are always from the Government side. *External noises* Mr. Speaker, can you allow the music to pass?

**Mr. Speaker:** The Marshal has gone to check.

**Mr. C. Sharma:** Yes. Shall I continue or wait until...?

**Mr. Speaker:** No, the Marshal has gone to check on it.

**Mr. C. Sharma:** Okay.

**Mr. Speaker:** You would like to continue or wait?

**Mr. C. Sharma:** No, I prefer to wait. Mr. Speaker, I remember, I think it was two Fridays ago when citizens of Trinidad and Tobago marched from Cedros to Port of Spain, they were denied the use of the facilities across the road. Last week

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another group or a number of groups that appeared to support the Government were granted permission and I hope the same thing does not obtain today. I was making the point that comprehensive security standards at our ports are terribly lacking and the fallout from it, is the insecurity of this country in addition to the high cost of goods.

Mr. Speaker, we need to be a little bit more concerned about how the port meets the security mandate in view of what happens. If you were to travel from an airport today, you cannot even travel with your medication. Earlier today, I met a young lady who has a six-month-old baby and she had tremendous concern coming from the United States because the milk products that she was bringing had to be tested. She could not answer some of the questions simply because she did not know about that, and again, it is only because of security. When you look at—and we have to learn from our friends and colleagues abroad who have port management under control in many areas, we see that there has been a concerted effort by Government to put resources into it. And when you look at the money that the Government has been spending at the port, it really begs the question: Is the Government concerned about security?

Every security measure that should obtain at the port for some reason does not obtain; a simple thing like a fence around the port. You could enter the port from any place. There is no system to look at people coming in; people walk in with bags, pouches and so, and again, there is no security. And the concern which is global is, how do we treat with transport of cargo and passengers? In one instance, there was a ship with 331 crew members and 185 passengers and they were attacked, and the way it was done, was simply that somebody got on board with a knapsack that had explosives, et cetera. Again, these little things that we dismiss would cost us more and more, not just in terms of dollars and cents, but in terms of human life.

It would also affect our workforce, because recently, the global trend is that people are very scared to work in airports and seaports because of what is happening all over the world. Because we service the entire Caribbean from this end, we ship out—in fact, the Prime Minister always boasts and rightfully so, that we are the largest exporter of ammonia in the world. Remember the young man who blew up a facility in the United State; some kind of fertilizer was used. A very simple cargo can get into the wrong hands, just a bit of it. We also ship out a lot of our petroleum products and of course that is always a risk factor.

Hazardous waste: We have not seen any development but we have talked about it on previous occasions. When the PNM were in opposition, they raised a

lot of the concerns that I am raising today because it was good to raise them then. Now you are in Government and have a very good opportunity to treat with them and you would obtain the Opposition's support to make sure anything you would add value at the end of the day.

Mr. Speaker, my colleague from Chaguanas raised to some extent the question of inspectors. What are the roles of inspectors? When a ship comes in, the Member indicated that the first appearance on it is the Customs, but the Customs officers are really there for the purpose of inspection. What are they inspecting? What is their success story to this day? I made the point that in the last three, four years of PNM rule, more than 1,000 murders; I think about 800 shot; so it means to say if 800 guns were used or 500 guns, did they come through the port? And the answer has to be, yes. The further question is, to date we have not been told what the inspectors have found; what recommendations they have made, no citizen in this country is any more conversant with what is happening over there.

Mr. Speaker, what happens in the United States in some of the ports is that there is a three-line attack on inspections and they have been able to reduce significantly, human cargo, illegal drugs and substances. The reason why they are doing this is that lives are at risk; very critical. The cost of goods keeps increasing all over the world, but in Trinidad we can reduce it by making sure we have the measures. And it is not that the measures are not available to us; it is the will power of the Government that does not obtain at this time.

I want to talk a little bit about the high stakes in the port. Now, it seems as if for too long a lot of containers coming into the country are just allowed to come scot-free. What do I mean by that, and what is the relevance of it? It means that goods that are not declared are entering this country. Now is that adding—

**Mr. Speaker:** You have been given 25 minutes to try to come to the point. You are talking about the port but whilst the port is connected to the Pilotage Act and with the pilots, I wish you would relate it to the Bill. We are dealing with the Pilotage Bill and it talks about licensing members of Caricom States and the CSME. Could you come back to that, please? I do not think you are quite on the Bill when you talk solely on the port; it is 25 minutes into your contribution, so relate it to the Bill before us.

**Mr. C. Sharma:** Thank you very much, Mr. Speaker. Mr. Speaker, I bow to your ruling, but just in passing to say, a number of the things that I have raised were spoken about by the PNM in Opposition. In fact, I only introduced three new items, but more than that, is the whole question that the containers—the port

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cannot function as the Minister indicated without this Bill introducing and making way for the pilots. What are we doing? Are we going to pass a bill here which is what is being asked, to allow pilots to come in; non-nationals of Trinidad and Tobago who may not have an interest, who may be agents of other governments or terrorist groups, to bring those ships into our ports, bring in the cargos that I am speaking about and be allowed to go scot-free? So preventive measures must be engaged and the first preventive measure to look at is, what is coming into the port. It does not matter who is bringing it at this point, and that is the focus of my presentation.

**Mr. Valley:** Mr. Speaker, just to clear whatever cobweb there might be in the Member's mind. The purpose of this Bill, in effect, is to comply with a Caricom requirement, a CSME requirement and the only country it is going to apply to is Suriname. All the other member countries of Caricom, because they are all Commonwealth countries, already have the privilege that the Bill considers, so that we are not talking about all non-nationals, terrorists and so on. I do not know whether he deems citizens of Suriname as terrorist; but it is merely Suriname as a member country of CSME. The pilot from Suriname, given that he meets the qualification to be a pilot, will be able to get the benefit of the Bill. I just wanted to put that on the table for the Member

As I am on my feet, Mr. Speaker, I would just say because he asked, how does it benefit a citizen of Trinidad and Tobago? By complying with the CSME requirement, we provide leadership in Caricom. As is known, we have already benefited tremendously from Caricom and CSME accounting for some 80 per cent of the imports and exports. Therefore, Trinidad and Tobago has everything to benefit from this legislation.

**Mr. C. Sharma:** Mr. Speaker, I am so glad that the Member for Diego Martin Central intervened because perhaps he forgot for a minute that he was on TV and people must be saying. That is our Government? Thank God we have a good Opposition. Both sides of course, a very strong Opposition because he said absolutely nothing. He did not bring any value to the debate; he did not lift the standard of the debate the least bit. But let me get back to where I was.

Are the Government saying that they are in disagreement with me and the Opposition because we talked about the enormous security gaps that obtain now at any of our ports? You cannot say that? Are they disagreeing that lax inspection of containers both in bond and out bond is taking place as we speak? Inadequate identification procedures for not just workers, but for the trucks that

do removal; is the Minister aware of that? Is the Minister aware that entire containers disappear from the port?

**Mr. Speaker:** Hon. Member, please get back to the discussion. You said that about five minutes ago and I did rise and I indicated to you that you are really not on the Bill. Please, get to the Bill before I rule you out of order.

**Mr. C. Sharma:** Mr. Speaker, you would appreciate that when Members of the Opposition and Government have to prepare for a debate, it is a ton load of information. If the Bill is a one line, as the Minister indicated, but raised 25 different issues; and if the Member intervened and raised 10 more, that is 35 that I have to respond to in addition to my own contribution.

The fact of the matter is, we cannot talk about this Bill without looking at the holistic approach. We cannot talk about this Bill without looking at the port because what is in focus; what is the citizen seeing? He is seeing a port managed by the Government, there is no private port in this country really, and he is seeing at the end of the day that everything that comes through the port is either adding value to his life or not and we are required to respond in that particular way, but I am guided. [*Crosstalk*]

Mr. Speaker, I would begin to wrap up so as to avoid being ruled out of order. The last few points I want to make: the Government must demonstrate a willingness to establish protective measures at all our ports. I am saying those things do not obtain in the least. The Minister has also identified a number of ports and has not said where and who is going to work where, how it is going to happen. But when the Minister indicated about Suriname, that does not treat with the question I have raised. It does not treat with it at all; the question is security. I have raised for the hon. Minister the question about funding ports to make sure, in the first instance, security measures are put in place—simple measures by the way—and more so in recent times. Recently, we saw coming from Tobago to Port of Spain, I think on two occasions passengers had fallen off. There are no measures to respond to that.

**Resources:** It seems as if most of our ports are not given the resources to improve the quality of service across the board and this would include protecting the seaports. Mr. Speaker, I think the time has come for committees to be established to look at security at all our ports and in this instance I would include airports as well. Now, I raised earlier the question about a recent development which is affecting many, many ports the world over; it relates to terrorism, and we must not wait until something happens in this country to say we have something in place. As obtains at this time, as we speak, there is nothing in place and Trinidad could very well be a target for different reasons.

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We have seen certain practices in recent times and that has been a tremendous concern. On one or more occasions we had ships and the Minister said that there were 10,000 ships that service the Caribbean or 10,000 calls as the case might be. One unfortunate incident in that 10,000 can be disaster, not just for us here but for the Caribbean and we need to start implementing measures. The question about information. In preparing for this debate, there is no place you can really go and get information about the practices that obtain at the ports in Trinidad and Tobago, no website, even the Government Information. I was going to suggest that the recently introduced PNM website could carry that information if the Ministers are unable to take it.

**Mr. Manning:** Beautiful website.

**Mr. C. Sharma:** Beautiful website, I have visited it. You know, if I may just say on their side, somebody remarked that they do up the site—I would keep that for private.

**Mr. Manning:** Ha, ha, ha

**Mr. C. Sharma:** Information sharing, very critical. You see, the Government must not hide information from the Opposition. We are your partners in government, we have no other partners in government; the Opposition are your partners in government. Am I correct, Sir?

**Mr. Manning:** In governance.

**Mr. C. Sharma:** In governance, thank you. You always try to correct me with that. We are our partners so let us know so that when we come here we could say, okay, and that is why I am—

**Mr. Imbert:** *[Inaudible]*

**Mr. C. Sharma:**—suggesting that before the Bill comes here, provide information, even the mover of the Bill and the shadow person on this side could sit and talk a little bit about it. I have asked at the ports in preparation for this; there is absolutely no training in this area that I have raised and I want to make the point that there must be training dedicated to the areas that I have raised, largely security; inspection of containers; and persons entering the area.

Now, Mr. Speaker, I raised earlier and I want to expand on this point, the whole question of cargo control, not just importing but also of exporting. We have to be very careful what is exported and the manner in which it is exported. Let us reflect on what happened in the United Kingdom recently, where passengers intended

to carry simple little liquids and creams on an aircraft that could have been converted into an explosive. We have to make sure that—you could imagine a ship leaving here with 30 to 40 containers or 100 containers as the case might be, in fact, some of those larger ships have close to 1,000 containers, and they can use this country as a transshipment point to make things happen elsewhere and we have to be very careful. We also have to look at what is coming in as well, when our—

**Mr. Speaker:** Hon. Member, I am trying to help you, but you must tell me what the pilots have to do with this.

**Mr. C. Sharma:** Mr. Speaker, I indicated—what is the role of the pilots? It is to bring in and to take out the ships. Correct? What are they taking in these ships? So that is the first call. The pilots have a responsibility to take in, that is what the Government have come here for. They have come here and said, “Listen, we want to engage the services of 30 or 40 pilots as the case might be. Why? Because we do not have.” The pilots are bringing in cargo here. We have a concern. The Minister indicated a host of other things; that this is going to add value; it is going to grow the economy. The port is a very important place for economy. In fact, it is one of the best driving forces we have now for the export and importation of our goods. So if we have to export, it means to say that we are depending on the pilots and we have to make sure that the measures are combined. It cannot be singular in that context, it has to be collective.

**Mr. Ramnath:** A pilot is like a leader.

**Mr. C. Sharma:** Mr. Speaker, I want to raise the question, and I raised on the previous occasion that this Bill came, on technology, research and development. When I raised this matter with the hon. Minister on the last occasion an undertaking was given that very soon we would see at our local institutions some training, so that we may not have to import the pilots in the future. We may not have to rely on external technology. As I had indicated earlier, there is no provision for training at any level. In fact, some of our officers and persons involved at the port, travelled abroad for training, but it is not sufficient because it is an area that is growing; the cargo would keep increasing.

Mr. Speaker, the last three items I want to raise are on the question of job security at the port.

**Mr. Valley:** What job security?

**Mr. C. Sharma:** But I want to make the point. In looking at the research for this Bill, one of the concerns that raise the cost of all our goods in the country is that a number of persons who work at the port always have this feeling, and

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rightfully so, that there is no job security—[*Interruption*] Hold on. The persons that the Minister is attempting to engage here are for what period? We have not been told how they are going to be paid and what job security. Now, the question is a very relevant one. You see, we are in the Opposition, you do not oppose. If you are going to engage these pilots they must be told for what period because what would happen is that once they get a better job, one that is going to pay more, they are going to leave. We do not want to be caught up where ships have to stay out on the waters.

We have had cases right here where ships have had to stay out on the waters for two and three days because the pilots were not available—some had left the jobs unannounced—so we have had that problem in the past. In fact, I remember the hon. Minister talking about it, so I am surprised that he is asking what job security. There is much work to be done at our ports and again, the work has to be done in a holistic manner in that it must be comprehensive. It cannot be piece now and piece later because it does not add value at the end of the day.

Mr. Speaker, the Minister indicated that currently in the ports of Trinidad and Tobago, there are close to 3,000 or 4,000 calls per year. The number of barrels of oil that we are exporting and bringing in as well is also of concern. Again, some of these captains oftentimes want to know what the cargo involves. The reason for that is sometimes they refuse depending on the cargo and the Minister must tell this House if such obtains up to this time.

Mr. Speaker, thank you very much.

**Mr. Speaker:** We just have about two minutes before the tea break. I am not sure whether the Minister may have a lot to respond to, so perhaps we can take the tea break now. [*Interruption*] Sorry?

**Hon. Member:** TV

**Mr. Speaker:** No, well we are live and direct so when we come back at 5 o'clock the whole nation would be watching you. You want to say something?

**The Minister of Works and Transport (Hon. Colm Imbert):** Thank you very much, Mr. Speaker.

**Dr. Moonilal:** You like this camera, right?

**Hon. C. Imbert:** I just want to make sure that none of them could speak again. I just want to make sure that none of you all speak again so let me do my winding up now.

Really, really, Mr. Speaker, it appears that it is the intention of the Opposition that whenever a Member of the Government brings a Bill to deal with a particular matter, they intend to roam all over the globe, to distant planets in the universe to bring in wholly irrelevant matters. In fact, one of the Members opposite demonstrated that he was a repository of useless information. He could be a success perhaps at Trivial Pursuit telling us that in ancient times the marks that were used to mark channels were barrels wrapped in iron. Of what relevance that is now in the year 2006 beats me.

Then, in the middle of another contribution from one of the hon. Members opposite somehow he switched from water to land, instantaneously, and blurted out some craziness about toll roads. It is clear that it is the deliberate intention of the Opposition that whenever the Government intends to deal with particular measures, is dealing with specific matters, they would ramble and roam all over the world with nonsensicalities.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for tea and will be resumed at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.01 p.m.:** *Sitting resumed.*

**Hon. C. Imbert:** Mr. Speaker, as I indicated before the tea break, it has become obvious that it is a tactic of the Opposition to engage in deliberate obfuscation and perambulation.

**Mrs. Persad-Bissessar:** You have a whole Thesaurus in your head.

**Hon. C. Imbert:** Perambulation and navigation, with respect to matters, because this Bill is intended to deal with a restrictive procedure in our pilotage legislation to allow nationals of Caricom, who are not Commonwealth citizens, to be eligible to apply for pilots' licences. [*Interruption*]

**Mrs. Persad-Bissessar:** Would you, Minister, kindly give way?

**Hon. C. Imbert:** Sure.

**Mrs. Persad-Bissessar:** Would you be able to tell this House whether any of the other Caricom countries have amended their domestic legislation in the manner that we are now doing? [*Interruption*] People have to do a lot of things that they do not do, with due respect, or they take a very long time to do it. I am asking whether, at this time, any of them have, in fact, amended their legislation. I

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know the intention from the Treaty is that they would do so; the question is whether any country has done so. If there are countries that have not done so, then the issue of reciprocity arises.

I want to know whether there would be, in some way, a trade off, that when a country amends its domestic legislation, in keeping with what we are doing, only then can it access the benefit. That way we can allow the benefit for the Trinidad and Tobago workers, as you pointed out, to go elsewhere. While we allow their workers to come in here, there must be the reciprocity that ours could go. That is the premise, the foundation on which the Member for Diego Martin Central spoke, when he said that this Bill was going to give the Trinidad and Tobago worker a larger marketplace to seek jobs; in Caricom. Until those countries do so, we would be allowing their workers in without our workers being able to go. I am asking, firstly, are there any countries that have done so, thus far, and if the majority has not, would we want to consider a reciprocity clause within the amendment that we are doing today?

**Mr. Valley:** No.

**Mrs. Persad-Bissessar:** Why?

**Hon. C. Imbert:** Mr. Speaker, it is interventions like that which make it difficult to oblige when one Member asks another to give way. That was more of a speech than a question.

**Mrs. Persad-Bissessar:** It was not a speech; it was a question. Do not evade the question.

**Hon. C. Imbert:** It also demonstrates that the Member has either forgotten the terms of the Revised Treaty of Chaguaramas or has chosen to pretend that she is not aware of the terms of that Treaty. We came to this House on a previous occasion and dealt with the Revised Treaty of Chaguaramas. It was made crystal clear, at the time, that it was signed by the hon. Basdeo Panday in his capacity as the then Prime Minister of Trinidad and Tobago. It was endorsed by the UNC Cabinet of which the Member for Siparia was a prominent member; in that Treaty there was no provision for reciprocity. The hon. Member has either forgotten or is pretending not to be aware of it. As the Attorney General, at the time, or as one of the lawyers in the then Cabinet, I am certain that the Member for Siparia would have perused the proposed Treaty and would have seen that there was no reciprocity in the agreement. [*Interruption*]

**Mrs. Persad-Bissessar:** Would you kindly give way?

**Hon. C. Imbert:** No, I shall not.

**Mrs. Persad-Bissessar:** You are wrong.

**Hon. C. Imbert:** I shall not give way; I am not giving way.

**Mrs. Persad-Bissessar:** You would not give way because you do not want to hear the truth.

**Hon. C. Imbert:** I will not give way to you.

The whole question of reciprocity was torpedoed by Members of the then Government when they excised the requirement for reciprocity from the Revised Treaty of Chaguaramas. Having signed that Treaty, they bound this country to a situation where there was no reciprocity.

**Mrs. Persad-Bissessar:** You are not speaking the truth.

**Hon. C. Imbert:** In any event, my colleague from Diego Martin Central made the point that we are the leaders of the region and we have to show the way in terms of making the Caribbean Single Market and Economy (CSME), the single regional system, a reality.

There are a number of countries that have already made themselves CSME-compliant. There are some countries that have not. Some of the major territories indicated an intention to join Trinidad and Tobago to become CSME-compliant towards the end of 2005; Jamaica being one; Barbados being one and Trinidad and Tobago being another. They have already amended their legislation to deal with anomalies in respect of the treatment of Caricom nationals. We are simply doing our part to remove restrictive provisions within our legislation. So to answer the question directly: there is no provision for reciprocity within the Revised Treaty of Chaguaramas that was signed by the UNC.

**Mrs. Persad-Bissessar:** It is a good Treaty.

**Hon. C. Imbert:** I am glad you said that it was a good Treaty, because you signed it. In that Treaty, which you signed, which you drafted, which you endorsed and on which you sat in a Cabinet and agreed to, there was no provision for reciprocity.

**Mrs. Persad-Bissessar:** You are not speaking the truth and you would not give way.

**Hon. C. Imbert:** I will not give way. Let us move on.

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There was a point in which I had a particular interest and I went through it with the legal draftsmen dealing with the Caricom legislation. It became crystal clear that there was no reciprocity in the Revised Treaty of Chaguaramas. Go and read it. I advise the Member that the Treaty is available online; just log on to the Caricom Secretariat and you would see a link to the Treaty; check it out. You would see another link telling you who signed the Treaty. Perhaps that would refresh the memory of hon. Members opposite.

With respect to virtually all the issues raised by Members on the other side, it was a tedious debate, because from the Member for Oropouche, to the Member for Tabaquite, to the Member for Chaguanas and then to the Member for Fyzabad, they raised so many irrelevant issues that they became truly repetitive and simply boring. The Member for Oropouche demonstrated that he had not done his homework when he raised the scenario of a ship's pilot boarding a ship before anybody else. He had to be corrected by one of his own Members, the Member for Chaguanas, who told him, in no uncertain terms, that the first person to board a vessel when it comes into our waters was a member of Customs. It is common knowledge that Customs and Immigration personnel are the first persons to board a vessel when it comes into our waters. Then you have the ship's pilot taking control of the vessel and bringing it safely into the harbour. I was quite ashamed for the Member for Oropouche that the Member for Chaguanas had to correct him on such a simple matter.

The other issue that the Member for Oropouche raised demonstrated to me that he had not read this legislation, the parent legislation or that he had not bothered to spend five minutes reading Chap. 51:02 of our laws to determine the criteria for the granting of licences. The Member also got completely mixed up in terms of the role and responsibilities of the Pilots' Association and the Pilotage Authority; complete ignorance.

The Pilots' Association, like the Shipping Association, is a body corporate. The Pilotage Authority is the authority under this legislation. The Pilots' Association deals with the terms and conditions of pilots with their membership. It is tantamount to a trade union, but it is not an authority that would issue licences and so on. The licences are issued by the Pilotage Authority, which is a statutory authority appointed by the Government.

If the hon. Member had taken five minutes to read the Act relating to pilots and pilotage, Chap. 51:02, he would have seen that the Pilotage Authority has a certain membership, comprising the Harbour Master, a representative of the Shipping Association and so on. This is for the benefit of hon. Members who just,

obviously, do not know, do not read, do not understand anything and are bereft of intellect. Mr. Speaker; we might have to bring a bankruptcy Bill, a Chap. 11, to deal with the intellectual bankruptcy in the Opposition UNC; whether it is the old UNC, the new UNC or the middle-aged UNC, for that matter.

The Pilotage Authority comprises the Harbour Master, who is the *ex officio* Chairman; a representative of the Shipping Association, which is registered under the Trade Unions Act—the Pilots' Association is incorporated under the Companies Ordinance—a representative of the Port Authority; somebody who holds a certificate as a Master Home Trade; a barrister or solicitor and a person suitably qualified in economics or commerce. That is to deal with another nonsensical point from the Member for Oropouche on the question of commercial training and so on. The Act states:

“The representatives and members of the aforesaid Associations shall be appointed by the Minister and shall hold their appointments at the Minister's pleasure.”

The fact is that the Pilotage Authority, like all the other authorities: the Port Authority, the Airports Authority, the Water and Sewerage Authority and so on, is a statutory authority whose membership is drawn from a particular group of persons having certain qualifications. It is appointed by the Cabinet in the normal way that these appointments are done.

The Pilotage Authority is the body that grants licences and certificates. The Pilots' Association has a completely different role. It is more like a trade union dealing with the terms and conditions of its members. Therefore, some of the points posed by the Member for Oropouche were absurd, trivial and childish in the extreme.

Let me go now to the Pilotage Regulations, the subsidiary legislation, the Pilotage Bye-Laws, which, again, if the Member had spent two minutes reading, he would have seen the following: Pilotage Bye-Law No. 3:

"A person shall not be licensed as a pilot unless and until he satisfies the Authority that—

- (a) he is a Commonwealth citizen;
- (b) he is, at the time a licence is first granted him, more than twenty-five and not more than forty years of age;

- (c) he holds a certificate as a Master Mariner issued by the Government...or an equivalent or higher certificate;
- (d) he has served an apprenticeship of not less than six months with the Pilots' Association under the conditions approved by the Authority;"

That is another role for the Pilots' Association, to have an apprenticeship programme.

- “(e) he has produced certificates of good conduct and sobriety from persons by whom he may have been employed during the three years immediately preceding his application for a licence;
- (f) he has satisfied either a board of medical practitioners.
  - (i) that he is medically and physically fit;
  - (ii) that his eyesight is normal.
- (g) he has satisfied the examining committee...that he has a satisfactory knowledge of local conditions and the Regulations affecting the pilotage areas...including—
  - (i) his skill in handling ships;
  - (ii) his knowledge of navigation in each area for which he has applied for a licence;
  - (iii) the courses and distances between any two places within the limits of such pilotage areas;
  - (iv) the rise, velocity and set of the tides;
  - (v) the depth and character of the soundings;
  - (vi) the best anchorages;
  - (vii) the banks, shoals and other dangers;
  - (viii) the buoys and lights in such areas."

In summary, a person cannot become a pilot in Trinidad and Tobago until he has satisfied the Authority, not the Association, that he is of good character, he is thoroughly familiar with the local conditions in terms of the seabed, navigational aids, the harbour, the channels, the behaviour of the sea, anchorages, sand banks, shoals, lights, buoys, et cetera, et cetera, et cetera. Under those circumstances, since this is what is in the law, this person must be thoroughly familiar with our local conditions and must satisfy the Authority that he has a certificate of good conduct.

How on earth could a terrorist, without any knowledge, come in from Suriname, by the way? That is what the Member for Oropouche said; that this terrorist was going to take control of a vessel in the Gulf of Paria, run into the Point Lisas Port with it and blow up Ispat or something like that. Under those circumstances, how on earth could a terrorist coming from Suriname be deemed to be thoroughly familiar with all our local conditions, unless he has satisfied the Pilotage Authority that he is competent? He has to get a certificate of good conduct and he has to be sober. I wonder if the Members opposite spend any time at all researching legislation before they come into this House and espouse such arrant nonsense.

They spoke about problems with the English language. How on earth could somebody satisfy the Pilotage Authority that he has the necessary skills to handle ships, he has a knowledge of navigation and he knows all about our local conditions, if he cannot also satisfy that Authority that he is proficient in the English language? So what, they would speak to him through a translator, an interpreter? He has to come before the Pilotage Authority and demonstrate to them that he is thoroughly versed in our local conditions? How is he doing that if he cannot speak English? I am ashamed of the Members opposite; they are intellectually bankrupt.

There was so much nonsense that I cannot even respond to some of the things they said. The Member for Oropouche declared that the University of Trinidad and Tobago (UTT) was carrying out a comprehensive programme of training in maritime studies; training Trinidad and Tobago nationals to become ship captains, master mariners, ship mates and ship officers. That is what came out of the mouth of the Member for Oropouche. Therefore, in due course, we are going to have a supply of Trinidad and Tobago nationals who would be trained at the UTT to the level which would qualify them to receive either a licence or certificate from the Pilotage Authority. You have one member of the UNC saying that.

Then I had to listen to the Member for Fyzabad, who is a political embarrassment, saying that he went onto the UTT website and could not find a single thing with respect to training in maritime studies. That is a colossal untruth and it was demonstrated by the very words of the Member for Oropouche's own colleague. This is typical of the Member for Fyzabad; to come to the Parliament and say things that have no relationship to reality, hoping that everybody in this country is stupid and that people would not bother to verify the nonsense he is talking.

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So you have one Member saying that the UTT has a comprehensive programme of training in maritime studies, which I happen to know, as a fact. In fact, the permanent maritime campus is well under way in Chaguaramas, in terms of construction, and there is an interim maritime campus of the UTT established when I was the Minister, which was more than a year ago. More than a year ago, down at the Chaguaramas Convention Centre at other buildings in the Chaguaramas area, they had commenced the training of persons to be ship captains and ship officers. This has been going on in Trinidad and Tobago for more than one year. There are advertisements in the newspapers almost every day.

Mr. Speaker, I am sure you would have seen advertisements by the UTT outlining all their courses and all the areas and sectors they are conducting training in and to what level. Yet, the Member for Fyzabad would come to this Parliament and tell us this nonsense, that the UTT is not training anybody in maritime studies, that we are doing nothing to train people—arrant nonsense. That was symptomatic of all the contributions from the Members opposite—arrant nonsense.

The Member for Oropouche repeats, "There is a shortage of pilots; we have 25 ship pilots in Trinidad, we need 28 and, in due course, we are going to need 45." He said 43 and then he went to 45. So one member of the UNC, the lead speaker responding to me on this piece of legislation, said that we had a shortage of ship pilots here and another one asks, "Why should you allow all these people to come from Caricom to take work away from Trinidadians?" He could not see the simple contradiction in terms. If there is a shortage of ship pilots here, where are the ship pilots who are being denied employment because of the Caribbean nationals coming in? And I have to listen to this foolishness from supposedly semi-educated people; semi-educated; they could not be educated.

The other thing that is bothering me, Mr. Speaker, is that all we are doing is plugging a lacuna. Persons from Suriname, and Haiti, ultimately, are restricted from becoming ship pilots in Trinidad and Tobago under our current legislation which makes it a requirement that in order to be a ship pilot, you have to be a Commonwealth citizen. Citizens of Jamaica, Barbados, St. Lucia, Grenada, St. Vincent, Dominica, Antigua and Guyana, all these Caribbean territories, that are members of the Commonwealth, could send ship pilots here. Every one of them could send their nationals who could qualify to be ship pilots, because they could meet the requirements. [*Interruption*]

They would be Commonwealth citizens; they could meet the age requirements; they could have certificates as master mariners; they could have served the apprenticeship under the Pilots' Association; they could have had their certificates

of good conduct; their medical certificates and they could have demonstrated the local knowledge. So, at this time, we could have a flood of persons from all the other Caribbean territories qualifying to be ship pilots under the legislation and being registered as ship pilots, but the Member had to zero in on people from Suriname.

There are 15 territories in Caricom; if we take away one that leaves 14 and there are two here that are the subject of this legislation. So there are, at least, 12 other Caribbean territories from which a terrorist could come, if you follow the ridiculous argument of the Member for Oropouche. If I follow his argument, we have to consider everybody from every other Caribbean territory a terrorist. Then what about Trinidadians? If I follow his ridiculous argument, we have to screen every applicant as a ship pilot, whether it is a Trinidadian, Jamaican or Bajan. Forget this legislation; we have to screen them as potential terrorists. Nonsense!

So I must enact legislation where, if you are a citizen of Suriname, I must go to the US State Department to find out if you are on a list. I do not know if there is a "no-sail" list; I know they have a no-fly list. I must send the name of every applicant from Suriname to see whether he or she is on the list of terrorists; but Trinidadians, Bajans, Jamaicans, Antiguan and so on, "doh worry with that." Do you see the inconsistency of their arguments, Mr. Speaker? Absolute nonsense!

Then we had the Member switching from sea to land, in an instant; talking about the Pilots' Association and the Pilotage Authority, getting himself hopelessly mixed up in terms of the roles and responsibilities of the two organizations. All of a sudden, he blurted out something about a highway from San Fernando to Princes Town; just out of the blue like that he declared, "It is madness to institute a toll road between San Fernando and Princes Town"; then he shouted, "Why must people pay? It is not fair." And then he went on to talk about toll operators who would be held up and all "dat kind of ting".

I know that the hon. Member for Oropouche, unless he got his degree certificates by correspondence—anything is possible with Members on the other side—has travelled to, at least, one country in Europe and, perhaps, he has gone to one state in the United States. Anybody who has travelled abroad would be aware that toll roads are never implemented unless there are viable alternative routes, so that people have a choice. When I announced the construction of a highway between San Fernando and Princes Town, I made it crystal clear that there is an existing road network between San Fernando and Princes Town; people drive on it every day; that is an alternative route. So a motorist driving between Princes Town and San Fernando and back, could choose to go on the local network and pay no toll;

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perhaps, spend a little longer in the traffic, or jump on the expressway, do it in 10 minutes and pay a small toll.

Every developed society in the world provides these choices to its citizens. It is all over Europe and the United States. I was just in Florida and you have a plethora of expressways and freeways; on some you have to pay a toll, some you do not have to; some you have to pay a toll for part of the way, some you pay for all the way.

**Mr. Narine:** In Guyana you have to pay a toll to cross the river.

**Hon. C. Imbert:** The hon. Member for Arouca North is reminding me that in Guyana—and I have been on this floating bridge myself—you have to pay a toll to cross one of the larger rivers. The purpose of the toll is to maintain the bridge, because it is a high maintenance facility. But this is the kind of "scaremongering" that is typical of the UNC; they frighten people and tell them that when this toll highway is built they would not be able to travel between San Fernando and Princes Town without paying and, "It is de wicked Government doing dat." Not for a minute would they embrace the concept of development, where we are taking Trinidad and Tobago into the First World and providing people with an ultra modern road network. But I know that the Member for Oropouche speaks for a minority of persons; they do not agree with him and, therefore, I know he was just whistling in the wind.

To deal with this other nonsensical argument that toll operators would be held up, even the Member for Couva South whispered, at least, *soto voce*, "sun pass". I am sure we all know what a sun pass is. If you travel in the Florida highway system, there is a line in the toll network where you just have a card, like a credit card, which is detected by an electronic device above the toll bridge. You just put up your card and you go through without any inconvenience whatsoever.

The Member for Couva South was, essentially, telling me that he could not believe his colleague from Oropouche was so uninformed that he did not understand that in this day of modern technology you do not need to have human beings manning the toll stations. You could use the traditional machine with the basket where you throw a coin into it. Anybody who has travelled through the United States or Europe knows that you throw the coins in the basket. The more modern system is to use the electronic card with the electronic device on the toll bridge and you just go through.

The Member would want to keep the people of this country in bondage. He would want Trinidad and Tobago to be a colonial backwater. He does not want the people of Trinidad and Tobago to go into the 21<sup>st</sup> century and this is why he brought all this "scaremongering" into the system, to tell us that he is bitterly opposed to the implementation of a toll road in this country.

Jamaica is already ahead of us. The Member for Arouca North has also pointed out that Guyana has a system of tolls on their roads long ago, but there is a very successful toll road operating in Jamaica going north from Kingston. Initially, there was some resistance, because persons were not familiar with the concept of a toll road. Now it is the preferred road in Jamaica, because it has cut the travel time down by almost 80 per cent. People prefer to travel on the toll road, because of the fact that it is an expressway, no traffic lights, high speed and it takes you from one point in your destination to the other.

Anybody who has travelled on the Florida turnpike would understand what I am talking about. If I am going north in Florida, I could choose to travel on Highway 1 and take an hour to get to Fort Lauderdale, for example, or I could jump on the turnpike and get there in 15 minutes and pay \$3 or \$4. I choose to pay the \$3 to travel on the Florida turnpike, because it saves me 40 minutes of congestion on highway 1. I just wanted to debunk the nonsense put into the parliamentary record by the Member for Oropouche as it relates to tolls.

The other person who surprised me in terms of his contribution and he was the person I referred to when I said that one of the contributors demonstrated to this Parliament that he was a repository of useless information, was the Member for Tabaquite who regaled us with stories of wooden barrels that were used as navigation aids some time in the year 01. He also told us about the origin of the three-mile limit, as if that is of any significance to us in the year 2006, when the three-mile limit went out so many years ago. He also mentioned something about a cannon. I cannot recall when last ships used cannon in our waters, but I am sure it was before you were born, Mr. Speaker. [*Laughter*] I am certain of that, and certainly long before the Member for San Fernando East was born. I really do not appreciate the history lesson.

Why should I have to be regaled with a historical definition of the three-mile limit and the barrels and all that kind of thing? I would have preferred to hear from the Member for Tabaquite a sensible contribution. The hon. Prime Minister tried to help him, but poor "fella", he refused to accept any help. If only the hon. Member had taken the time to do a proper study. [*Interruption*] That is why I had to get up and make sure I was the last speaker on this Bill.

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If the Member had bothered to spend a few minutes researching what a ship pilot is and does, then he would not have confused himself, demanding that we use ship pilots to bring sailing boats into Charlotteville and tankers to single point moorings way out in deep water. "Pilotage" refers to the navigation and safe conduct of ships in and out of harbours and restricted waterways. It does not refer to a yachtie from St. Vincent coming into Charlotteville with his yacht; that is not pilotage. It boggles my mind that the Member for Tabaquite should seriously propose in this House that we should declare Charlotteville a compulsory pilotage area, so that every sailboat, row boat and tug that comes into Charlotteville would have to have a ship pilot on it. [*Interruption*] It boggles my mind that the Member for Tabaquite could make such a silly recommendation.

The other point was the recommendation with regard to the single point mooring; this thing is way off the east coast in hundreds of feet of water. That is not a harbour; that is not a restricted waterway. If only the Members opposite would spend time to just think why you need a pilot. You need a pilot because you are in a restricted waterway, a channel, for example.

In Port of Spain we have the Grier Channel, which is the main channel coming into the Port of Spain harbour and you need somebody with local knowledge, as the legislation says, of banks, shoals and other dangers, the depth and character of the soundings, the best anchorages, the rise, velocity and set of the tides. So as you enter the channel, let us say, to the Point Lisas or Port of Spain harbours, you would require a ship pilot, because quite often you might meet another ship coming out as you are going in. In other countries, some of the channels that take you in and out of port are large enough to allow two vessels to pass side by side; one coming in and one going out.

You could understand, in those circumstances, why you would want to have a specialized pilot to take over command of the vessels. Why on earth would you require a ship pilot to take command of an oil tanker to berth at a single point mooring when there is not a ship around, but only the oil tanker? It is not a sea lane, it is not a commercial area in terms of vessels sailing up and down; it is an area where you have a single point mooring for an oil tanker. If it is the only boat coming in, why would you need a pilot for that? The hon. Prime Minister tried to explain to the Member for Tabaquite, but poor "fella" he just was not listening.

The other error that the Member for Tabaquite made was that he commanded me to bring legislation to amend the Pilotage Act to include additional schedules to make the east coast of Trinidad a compulsory pilotage area. If the Member had

spent 10 seconds reading the legislation, he would have seen in the parent Act in section 3(2), in terms of the First and Second Schedules:

"The Minister may by Order amend the Schedules."

An experienced parliamentarian, such as the Member for Tabaquite—how many years "yuh here now"? [*Crosstalk*]

**Dr. Nanan:** Bring your point.

**Hon. C. Imbert:** An experienced parliamentarian would know that there is no requirement. It does not say by affirmative or negative resolution. [*Interruption*] Sorry; a former Cabinet minister would know that if legislation says that the Minister may by Order amend the Schedule, I do not have to bring it here. [*Crosstalk*] He commanded that I amend the legislation to include the east coast of Trinidad. I just wish Members opposite would do their homework, Mr. Speaker.

**Dr. Nanan:** So you are going to do it?

**Hon. C. Imbert:** That is a lot.

**Dr. Nanan:** Just say that you are going to do it and all the pilots would be happy. [*Crosstalk*]

**Hon. C. Imbert:** It is all right, "Mr. Prime Minister". This is my ninth year as a Cabinet Minister. I think you served for one day, hon. Member for Couva South.

**Mr. Ramnath:** What a disaster.

**Hon. C. Imbert:** You could sit there and taunt me about my position and so on, but this is my 15th year as an elected Member of Parliament and my ninth year as a Member of Cabinet. [*Desk thumping*]

**Mr. Valley:** Fifteen continuous years.

**Hon. C. Imbert:** Fifteen continuous years. I was not thrown out nor did I beg to come back to the Parliament, as did the Member for Couva South. [*Crosstalk*]

The Member for Tabaquite spoke about putting pilots on yachts; he also spoke about submarines. [*Laughter*] I asked him whether he wanted us to put pilots on submarines but he did not answer. That is the level the Member for Tabaquite has sunk to. We are talking about commercial vessels in restricted waterways.

**Dr. Nanan:** I said free passage.

**Hon. C. Imbert:** Those going in and out of harbours; offloading goods and people. Members opposite do not understand anything.

**Dr. Nanan:** You do not understand.

**Hon. C. Imbert:** The pilot is taking command of the vessel in an area where there are dangers such as sand banks, shoals and other maritime hazards, in a restricted waterway where you have a large number of vessel movements and the pilot is using his skill and local knowledge in order to bring the ship safely into harbour. I would like to know which harbour the submarine would be going into and what goods and services would the submarine be off loading. If you do not know, I suggest you consult with the Member for Chaguanas. He would have some experience in the loading and off loading of goods and he could tell you whether a submarine would be coming into Trinidad and going into harbour to offload goods and people. *[Laughter]* A submarine, Mr. Speaker! This is what I have to listen to in this House. *[Crosstalk]* After telling us that the little yacht coming out of St. Vincent with the two elderly persons on it, the two yachties coming into Charlotteville to drop anchor, we must put a pilot on it, he then goes on to say, "Yuh must put a pilot on the submarine coming into Point Lisas and Port of Spain."

**Dr. Nanan:** I never said that; he is lying.

**Mr. Ramnath:** He cannot misquote you so, man. *[Crosstalk]*

**Hon. C. Imbert:** The Member went all over the place. He spoke about oil spills; he spoke about oil from Nigeria. He made some comment that it would be easier to bring oil from Nigeria than from Pointe-a-Pierre.

**Mr. Ramnath:** He never said that!

**Hon. C. Imbert:** That is what he said. He said it was easier to bring oil from Nigeria than from Pointe-a-Pierre. I wrote it down. *[Crosstalk]* After uttering that absurdity, he said that it took so long to process the paperwork to bring a shipment of oil from Pointe-a-Pierre to Trinidad.

**Dr. Nanan:** I never said that.

**Hon. C. Imbert:** He then confirms that we import no oil from Nigeria. I asked him, "How much oil do we import from Nigeria?" He said, "None; all the oil is coming from the Middle East or Venezuela." How can we be expected to take hon. Members seriously when they talk this kind of arrant nonsense?

**Mr. Ramnath:** "Yuh talking stupidity." He said that we import oil from Colombia.

**Mr. Ramnath:** You forget that you are talking to the public.

**Hon. C. Imbert:** After he finished with the oil spills, the submarine and the little yacht, all of which are supposed to have pilots on them, he then jumped on the ferries. [*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin East has expired.

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

*Question put and agreed to.*

**Mr. S. Panday:** The comedy strip continues. [*Crosstalk*]

**Hon. C. Imbert:** The full 30 minutes. "What yuh tink it is; it is live." They had it live for hours; it is my turn now. [*Interruption*] I did not say that you all lied for hours; I said that you were live for hours. Mr. Speaker, they are so paranoid. I said "live" and they thought that I said "lies" referring to them. [*Crosstalk*]

So "yuh" have to put a pilot on a submarine; no problem.

**Dr. Nanan:** I never said that.

**Hon. C. Imbert:** Mr. Speaker, then we had the Member for Chaguanas. On a Bill to include the last two of the 14 other Caricom countries, Suriname and Haiti; within the ambit of citizens from those countries; within the ambit of persons who are eligible to apply for licences; you already have 12 other Caricom countries where persons are already Commonwealth citizens and can be ship pilots, I have the Member for Chaguanas asking, "Are people coming into Trinidad and Tobago under the guise of this legislation for voter padding?" That is what he said.

**Dr. Nanan:** A valid enquiry.

**Hon. C. Imbert:** "Mr. Prime Minister", that is what he said. He asked, "Are people being brought into T&T under the guise of this legislation for the purpose of voter padding?" I cyar believe dat. Jamaicans, Bajans, Antiguan, Vincentians, Guyanese, et cetera, are already Commonwealth citizens, can already come and apply to be ship pilots, because they meet all the requirements, but when the Surinamese come as ship pilots, we would be bringing them in for voter padding.

**Mr. Manning:** How many would they be bringing in?

**Hon. C. Imbert:** I do not know. That is paranoia of the highest. [*Crosstalk*] The Prime Minister is asking you a question. The answer to the question was given by the hon. Member for Oropouche. He said, "Right now, we have 25 pilots; the immediate requirement is 28, that is three more; at some point in the future, it will be 45." It was either 43 or 45; I would take the higher figure.

**Dr. Moonilal:** You could win a seat with that.

**Hon. C. Imbert:** So these three additional pilots who would come from Suriname or wherever, could win a seat.

**Mr. Manning:** Chaguanas.

**Hon. C. Imbert:** Yes, the Chaguanas seat. [*Laughter*] The seat where on the last occasion, as far as I recall, the UNC won by a majority of almost 10,000? How much was it, hon. Member?

**Mr. Ramsaran:** Twelve thousand.

**Hon. C. Imbert:** On the last occasion, the Members opposite won the Chaguanas seat by 12,000, but three pilots from Suriname would overturn that 12,000 majority and turn Chaguanas from a safe seat to a marginal seat. [*Laughter*]

**Mr. Ramsaran:** I did not talk about Chaguanas.

**Mr. Ramnath:** That is how Burnham started.

**Hon. C. Imbert:** This is what I have to listen to. I -understand what is going on; it is the split in the UNC that "have all of dem so frighten", that they really feel three ship pilots from Suriname could make us win the Chaguanas seat; that is clear. If I used his specious reasoning, that is where I would arrive. Three more pilots would win the Chaguanas seat. I have to listen to this nonsense, Mr. Speaker?

**Mr. Ramsaran:** Would the Member give way?

**Hon. C. Imbert:** No. [*Laughter*] It is too much to bear.

**Mr. Ramsaran:** Every time you get up, I give way. Your wayward son has no manners.

**Hon. C. Imbert:** I am winding up. [*Interruption*] Well, you would know better next time.

**Hon. Member:** I give way to the Prime Minister all the time.

**Hon. C. Imbert:** The other point that the Member for Chaguanas made, which I thought was very relevant, was when he read from the *Hansard*. I had no mischievous intent coming to the Parliament today.

**Dr. Moonilal:** We do not believe that.

**Hon. C. Imbert:** I did not go into the *Hansard* to refresh my memory of the fact that on one of the past occasions that the Pilotage Bill was brought before this Parliament, it was a very important day in the history of Parliament and Trinidad and Tobago. To be honest, I really had forgotten, but it took the Member for Chaguanas to go into the *Hansard* and remind us on this side that the last time the Pilotage Bill was debated in this House and defeated was when three dissident members of the UNC walked out of the UNC on the grounds of corruption.

**Mr. Ramsaran:** I did not say that.

**Hon. C. Imbert:** I am saying that.

**Mr. Ramsaran:** End the quote after that.

**Hon. C. Imbert:** They walked out of the UNC stating that they could not remain with that government, because it was corrupt. They walked and said that "dey eh want no part of dat." Therefore, they voted against a number of pieces of legislation, one of them being the Pilotage Bill.

**Dr. Moonilal:** "Dey come back."

**Mr. Manning:** "One come back."

**Hon. C. Imbert:** As the member spoke.

**Dr. Moonilal:** "Two come back."

**Hon. Member:** Ralph making movies now.

**Hon. C. Imbert:** I remember the Member for Siparia, or somebody like that, piloting one of these minor pieces of legislation. I remember her piloting one of these pieces; possibly even the Pilotage Act, for all I know. I remember the shock on her face when the then Members for Couva South, Oropouche and—what was the other one?

**Mr. Ramsaran:** You forgot?

**Hon. C. Imbert:** I forget certain things. It was Naparima. The three Members got up and voted against their own government. I remember the shock on the face of the Member for Couva North.

**Dr. Moonilal:** San Fernando East was not shocked; he knew that.

**Hon. C. Imbert:** That was the beginning of the collapse of the UNC government and the beginning of the period of the PNM administration and good governance. I thank the Member for Chaguanas for reminding all of us—

**Mr. Ramsaran:** What did you give Ramesh?

**Hon. C. Imbert:**—that the last time we were here to debate the Pilotage Bill, the UNC government collapsed on the grounds of corruption and they are still collapsed. The UNC party continues to collapse in front of our eyes.

**Mr. Ramsaran:** Do not forget Ortoire/Mayaro collapsed too.

**Hon. C. Imbert:** What became apparent to me, however, was that the Member for Chaguanas had an ulterior motive. What is the relevance of the actions of the Members for Couva South, Oropouche and so on?

**Mr. Ramnath:** Are you challenging the Speaker's ruling?

**Hon. C. Imbert:** What is the relevance of that, in the context of a debate on the Pilotage Bill, unless it was to highlight the fact that the former Member for Couva South is now part of the new leadership council of the old UNC? [*Crosstalk*] That could be the only motivation. I see the Member laughing; he knows that it is true. His only motivation in reading out that *Hansard*, was to remind Members on the Front Bench that the said Member for Couva South had mashed up the party and the then government on a previous occasion and he was, therefore, sounding a warning to hon. Members on the other side that, "Look, he did it before and he would do it again; watch him; watch him." It is obvious; that was the only purpose of the intervention from the Member, other than to correct the inaccuracies put on the record by the Member for Oropouche. [*Interruption*] I thank you for that.

While you were not here, I made the point that you corrected the inaccuracy. [*Interruption*] You could put it any way you want.

The Member for Oropouche asked what would happen if one of those pilots boarded a ship with all kinds of weapons and illegal things like drugs and so on, and you corrected him by pointing out that Customs were the first persons to board a ship; so you had two purposes. [*Interruption*]

**Mr. Ramsaran:** Just to correct that statement. Even though Customs boarded a ship, they would leave and the pilot would come on; he could still bring illegal items.

**Hon. C. Imbert:** I thank the Member for the clarification and his expert knowledge on the boarding of ships by customs. Now your colleague is educated and, perhaps, he can correct his misinformation.

The contribution of the Member for Chaguanas was, basically, that this was a very dangerous Bill. It brought down the whole UNC and it also signalled the demise of the Member for Siparia. It did not escape me that he was sending a message to the present Leader of the Opposition. It did not escape me that in addition to warning his colleagues on the Front Bench that the former Member for Couva South was dangerous. He was also warning the Member for Siparia that the last time the former Member for Couva South entered the fray, she was out of office very quickly. It was always clear to me what his intention was, but I really do not want to get into their bacchanal.

**Dr. Moonilal:** Having spoken for 20 minutes, you do not want to get into that? [*Crosstalk*]

**Hon. C. Imbert:** "Dat is for allyuh." Mr. Speaker, what can I say about the contribution of the Member for Fyzabad? A tissue of inaccuracies; a plethora of untruthful statements. What did he say? In the USA, they clear 28 containers per hour. When I challenged the hon. Member to tell me where, which port, of course, he was dumbfounded, because he had pulled this number out of a hat. He could not say which port; he did not know which port and then went on to say that in Trinidad and Tobago they clear one container every eight hours.

You may have seen me going behind the Chair; I took the opportunity to text the Port Authority and I received a text back. In the last 12 months, the Port Authority has handled in excess of 300,000 TEUs. A TEU is a measurement of containers; it is a container unit. It is the international standard and refers to a 20-foot container. The Member for Chaguanas is nodding in agreement, so he is confirming that what I am saying is right. So the Port of Port of Spain handled in excess of 330,000, 20-foot container units in the last 12 months. That means they were handling almost 900 TEUs per day. I am sure the hon. Member knows that there are 365 days in a year, so if you have a 330,000 TEUs in a year, then there were 900, on average, TEUs being handled by the port every single day.

There are 24 hours in a day; so 900 over 24 is 40; 40 containers an hour. That is the reality of what is happening in Trinidad and Tobago on the Port of Port of Spain. I knew it was over 300,000; I was not sure whether it was 350,000. They confirmed to me that 350,000 TEUs was their target for this 12-month cycle, but in the last 12-month cycle they handled in excess of 330,000 TEUs. So the Port of Port of Spain handles in excess of as much as 40 containers every hour.

**Mr. Ramnath:** "More than the States, boy."

**Hon. C. Imbert:** It is obvious that the Member is talking nonsense. That was why I had asked him which port in the US handles 28 containers an hour. That must be some little Mickey Mouse port in some little backwater, behind New Orleans or something like that; in the Everglades. *[Laughter]* I just wish that when persons come to this Parliament they would talk sense. The Member for Fyzabad feels that he could fool people, but I just happen to know how many TEUs and I knew that it was over 300,000 TEUs that the port was handling. So what can I say? *[Interruption]*

**Mr. Ramsaran:** Would the Member give way?

**Hon. C. Imbert:** No, once is okay, twice is nice, but three times, "uh uh".

**6.00 p.m.**

Mr. Speaker, in terms of other contributions from hon. Members opposite what can I say? Listen to this one. The Member for Chaguanas says—and this is one of the most ludicrous contributions from the Member this afternoon—that people are hiding in the hills getting ready to vote PNM. I do not know if people heard that. All these people who have come to Trinidad are hiding in the hills just waiting to vote PNM.

**Mr. Ramnath:** You have a history of that.

**Hon. C. Imbert:** Does the Member for Chaguanas have any idea what he said? He also said when these ship pilots and all these Caribbean nationals come in they will be hiding in the hills until the PNM calls for election and then they will run out of the hills like ants and run into the polling station. The three pilots will be hiding in the hills to run down to the polling station in Chaguanas to overturn the Member for Chaguanas. *[Interruption]*

Mr. Speaker, he is now putting a number to it. He is saying that there are 400 persons hiding in the hills waiting to vote PNM. I did not even bother to put the number down because it was so absurd, now he has confirmed that there are 400 persons.

The other thing he said which has me so embarrassed by the contributions opposite, they are so bereft of intellect, so bereft of research. The Member for Chaguanas demanded to know how these pilots will be dealt with, who will determine their terms and conditions, et cetera. I made the point that the Pilots' Association is essentially a trade union, and it is the Pilots' Association that sets the terms and conditions of employment of pilots, the Trinidad and Tobago Pilots' Association.

**Mr. Ramnath:** Tell us now.

**Hon. C. Imbert:** It is in the Bill, go and read instead of talking this foolishness in the Parliament.

Mr. Speaker, do you know that the hon. Member for Chaguanas was a Customs Officer, and would have had interaction with ship pilots? I am sure he knows a number of them very well, he is probably friends with a couple of them and he comes to this Parliament to try to fool me and everybody else that he has no idea that the Pilots' Association, which is a body corporate incorporated in the Companies Ordinance which has the responsibility to establish the terms and conditions for pilots, he does not know that.

So all these ship pilots with whom he limes on a regular basis never spoke to him, he does not know, he never saw the Pilots' Association building, he never went into it and has absolutely not a clue about what goes on in terms of remuneration for pilots in Trinidad and Tobago and I have to accept that nonsense from him?

To deal with the only relevant point that was brought up: How will this Bill assist citizens of Trinidad and Tobago? What this Bill does is demonstrate the commitment of Trinidad and Tobago to making the Caribbean Single Market and Economy (CSME) work, and that is the point they are missing.

Trinidad and Tobago is a leader in the region, we have already benefited from 75—80 per cent of intra-regional trade. We have to show the way, we have to show leadership. If this kind of insular approach was used by politicians in Europe there would never have been a European Common Market, there would never have been a European Parliament, there would never have been a European Constitution; European citizens would have never been able to travel from one country in Europe to another to live in one country or to work.

I remembered I went to Europe about two years ago and staying in a small hotel in London very close to Hyde Park, every person who worked in that hotel was from Western Europe. People from Romania and a whole bunch of countries which had just been admitted or were about to be admitted to the European Union and I looked at it and thought: when will the Caribbean be like this where a person who is an Irish citizen can live and work in Italy? Where a German can work and live in Spain and have true freedom of movement and ownership of property and movement of capital and so forth when I saw what was happening in Europe.

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Apart from Great Britain, all the other territories have a common currency; the euro. When I saw what was happening there, I thought to myself when will the Caribbean get to this point where we have a common currency, where there is complete freedom of movement; where citizens of Caricom can travel around the region without let or hindrance; where they can put down their bucket in any territory, can establish roots, build businesses and flourish as members of the Caribbean Community?

It will not happen if people with petty positions and insular minds keep shouting and screaming that we must keep all these Caribbean citizens out of Trinidad and Tobago, that we must oppose the Single Market and Economy, and we must object to a single currency. It will never happen when petty minds keep mouthing this antiquated dogma of so many years ago that we must close our borders and keep everybody out, that we must not be part of one Caribbean family, and we must not be part of a West Indian family. But what I thank God for is that the PNM administration is in office now and we are showing leadership in the Caribbean Single Market and Economy and this will become a reality in the very near future. [*Desk thumping*]

Thank you, Mr. Speaker. I beg to move.

**Mr. Ramsaran:** You could lie, boy.

**Mr. Speaker:** Order!

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Dr. Nanan:** Mr. Chairman, there may be an amendment; there is a slight error in "Revised Treat of Chaguaramas".

**Mr. Chairman:** This is a typographical error and it will be corrected.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

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

*House resumed.*

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

**STATE LANDS (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Mr. Speaker, I beg to move,

That a Bill to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence, be now read a second time.

Mr. Speaker, the Bill before this honourable House is very straightforward. It is a Bill to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence.

This Bill may be cited as the State Lands (Amdt.) Bill, 2006. The specific provisions of this Bill include amending the State Lands Act in section 25(a) by deleting the words “four hundred dollars” and substituting the words “one hundred and twenty thousand dollars and imprisonment for a term of one year”. May I remind you, Mr. Speaker, that this part is for a first-time offender for mining asphalt. Also:

“(ii) by deleting the words ‘two thousand dollars’ and substituting the words ‘two hundred and fifty thousands dollars and imprisonment for a term of two years’;”

This section is for repeat offenders so that the increase in this section is to indicate that the persons have been repeating the same act.

In section 25(b) by deleting:

“the words ‘two hundred dollars’ and substituting the words ‘sixty thousand dollars and imprisonment for a term of six months’; and”

As a matter of fact, this part is for first offenders mining other than asphalt. Further:

“(ii) by deleting the words ‘four hundred dollars’ and substituting the words ‘one hundred and twenty thousand dollars and imprisonment for one year’;”

This part is for repeat offenders.

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Mr. Speaker, we also have further amendments which will be circulated and taken at the committee stage.

2 A Insert the following new clause 2:

Section 6	2. Section 6(6) of the Act is amended
amended	by deleting the words “one thousand dollars” and substituting the words “two thousand, five hundred dollars.”

This part is for the permit for vehicles to carry materials.

B. Renumber the existing clause 2 as clause 3.

4 Insert the following new clause 4:

Section 30	4. Section 30 of the Act is amended
amended	by deleting the words “two thousand dollars” and substituting the words “two hundred and fifty thousand dollars and imprisonment for a term of two years.”

This section deals with the matter where someone is charged, has been convicted and is on appeal and goes back to the land mining.

5 Insert the following new clause 5:

Section 31	5. Section 31 of the Act is amended
amended	by deleting the words “two thousand dollars” and substituting the words “twenty thousand dollars.”

This part is a matter of bail according to the parent Act.

Mr. Speaker, the State Lands (Amdt.) Bill, 2006 was referred for the consideration of the Legislative Review Committee by Cabinet Minute No. 3156 on December 08, 2005. The Bill was also referred to a ministerial subcommittee of the Finance and General Purposes Committee appointed to consider proposals for the regulations of the quarrying industry; by minute No. 1325 of June 01, 2006, Cabinet considered the recommendations of the Legislative Review Committee; the Finance and General Purposes Committee; and Cabinet Note AG: 205/219 of 2005, and proposed amendments to the State Lands Act, Chap. 57:01, to increase the penalties in respect of illegal quarrying of state lands.

Cabinet then approved the Bill entitled the State Lands (Amdt.) Bill 2006 and agreed to the above-mentioned Bill being introduced in Parliament at the earliest opportunity, and noted that the Bill seeks to increase the penalties in respect of quarrying on state lands without a licence.

Mr. Speaker, this administration has always been concerned with the increased levels of illegal quarrying operations; as a consequence, by Minute No. 1888 of July 04, 2004, Cabinet agreed to the establishment of a security regime under the direction of the Minister of National Security. This establishment was intended to protect the assets, equipment and exploitable acreages of the State. Government also established an inter-ministerial committee to develop and oversee the implementation of a sustainable security plan for preventing illegal quarrying activity.

Mr. Speaker, on July 18, 2005, the inter-ministerial committee submitted a report entitled the “Inter-ministerial Report on the Security of the Tamana Quarry” for the consideration of Cabinet. The committee made the following observations in its report:

- (a) That there is illegal quarrying operation by private quarry operators and encroachment by National Quarries Limited.
- (b) That illegal operators are becoming instant millionaires at the expense of the State which is being denied of a significant amount of revenue in the form of unpaid royalties.
- (c) That there are unconfirmed reports of rampant collusion between some state employees and persons involved in illegal quarrying activities.

Mr. Speaker, under the Minerals Act, No. 61 of 2000, a licence issued by the Minister is required for mining, processing, importing and exporting a mineral.

Section 12 of the Minerals Act states:

“(2) Except where the Minister may in special circumstances permit, no licence shall be granted to any person to operate a mine or to mine within a specified area unless such mine or mining is located within a mining zone.”

Section 45 of the Minerals Act provides that:

- “(1) A person who—
  - (a) explores for, or mines, processes, imports or exports, any mineral without a licence issued under this Act; or

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- (b) mines in any area that is not a mining zone, commits an offence and shall, on summary conviction, be liable to a fine of two hundred thousand dollars and imprisonment for a term of two years...”

This is for the first conviction.

Mr. Speaker, at the same time section 25 of the State Lands Act, Chap. 57:01, also makes it an offence if:

“Any person who digs, or wins, or removes, or is in any way concerned in the digging, winning, or removing of, material on or from any State lands in Trinidad and Tobago without a licence in the prescribed form is liable—”

However, under section 25(a) of this Act:

“where the material dug, won, or removed is asphalt, on first conviction to a fine of four hundred dollars, and on subsequent conviction to a fine of two thousand dollars;

- (b) where material other than asphalt is dug, won, or removed...”

The fine imposed under section 25(b) of the Act is \$200 on first conviction and \$400 on subsequent conviction.

Mr. Speaker, having regard to the gravity of the offence and to the significant loss of revenue to the State, Cabinet agreed that the penalties prescribed by section 25 of the State Lands Act are not adequate and would not therefore serve as a deterrent to illegal quarrying. A person found engaging in illegal quarrying activity may be arrested and charged under the Minerals Act or the State Lands Act.

Mr. Speaker, we are all too familiar with the recent charges brought against persons who were found engaging in illegal quarrying under the State Lands Act and you will recall that happened sometime this year and the newspaper reported 12 persons were arrested and having paid \$200, walked out of the courts in Sangre Grande and Arima smiling because they could have done it again and again and pay the \$200 per day.

These recent experiences highlighted the urgent need to ensure that the penalties under the State Lands Act are increased by bringing them in line with the penalties charged under the Minerals Act.

Mr. Speaker, I therefore urge all Members of this honourable House to support this Bill to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence.

*Question proposed.*

**Mr. Kelvin Ramnath (Couva South):** Thank you very much, Mr. Speaker. It is not very often that I remain this late in the Parliament, but I think that the matter before the House is worth making some comments on, and also to dispel the concern of citizens that Government, by bringing this legislation, is really serious about illegal quarrying.

I would like to ask the hon. Minister, the Member for Arouca North, that having been aware for such a long time of the existence of illegal quarrying operators, how many people were brought to trial or charged under the pieces of legislation to which he has referred? There are three pieces of legislation which one can resort to in dealing with illegal quarrying; the first is the State Lands Act which is being amended today to increase the penalties, the second is the Minerals Act and the third is the Environmental Management Authority Act, 2000.

I think it was almost scandalous to note the abuse and the State-tolerated abuse of illegal quarrying operations especially in the northern range for a very long time. It is a well-known fact that certain people who were charged with criminal offences in the country and who swore to affidavits of having supported the ruling party, the PNM, in the last general election, were involved in illegal quarrying operations. The Government turned a blind eye and refused to take action because when one reads the declarations of the leader of that group and the role he played in the rigging of the last election one will understand why there was no effort to prosecute anyone. It was done—

**Mr. Valley:** Mr. Speaker, I want to ask a question please, if the Member would give way. I wonder whether the Member can indicate to this House the penalties under the various pieces of legislation. I heard my colleague mention that under the State Lands Act, the penalty was a mere \$200. The purpose of this legislation to increase the penalty, and I wonder whether he can indicate, if that is correct, what is the level of the penalty under the other Act.

**Mrs. Persad-Bissessar:** You should charge them for money laundering, ill gotten gains.

**Mr. K. Ramnath:** I am advised by my learned attorney and friend, the Member for Caroni East, that enforcement of the law has nothing to do with the

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penalties. The fact is that the Government was collaborating with criminal elements and it has not up to today denied the accusations that the leader of the Jamaat al Muslimeen participated in activities designed to bring the marginal seats—and he identified those seats to the PNM.

So Mr. Speaker, whether the fine was \$60 or \$200 is not important, the Government turned a blind eye and I will tell you why I am making this point. It is because it has serious environmental impacts on the northern range and serious consequences for the people of Trinidad and Tobago. As someone whispered a few minutes ago, it is now closing the stable door after the horse has bolted and that is the modus operandi of the Government.

Let me first deal with the State Lands Act. If the fines were not prohibitive and you did not want to bring a charge under the State Lands Act, you could have gone under the Minerals Act and I am advised that one of the reasons the Government has not gone under the Minerals Act is that it is a piece of legislation that needs substantial amendment, but if you want to quarry you require a Certificate of Environmental Clearance from the Environmental Management Authority (EMA), so that the EMA was in a position to enforce the law with respect to illegal quarrying.

One cannot drill a well, extract asphalt, oil, water, or aggregate in Trinidad and Tobago without obtaining a Certificate of Environmental Clearance. In fact, the law is clear, there is a list of designated activities under the environmental clearance rules and one of those is quarrying operations.

**6.30 p.m.**

So why did the EMA turn its head in a different direction when it was aware that there were people operating without a licence and they had no clearance certificate from that organization in order to permit quarrying operations? I find that very strange, because it appears as if the EMA goes after law-abiding citizens and not against those who continue to break the law. The EMA is known to have fined the companies in Trinidad in recent times—I know of two such companies in the oil industry—for carrying out designated activity operations without having obtained a certificate of environmental clearance. Of course, as I said, the Government could have used the Environmental Management Act or the Minerals Act.

What is clear is that public pressure has been brought on the Government to deal with this issue of illegal quarrying, but more than that, political pressure has been brought on the Government and the Government is now seeking to punish those that collaborated with them in criminal activities to win the last general

election. I am not surprised that this piece of legislation has come about as a result of an effort to punish those who have sworn affidavits linking the Prime Minister and members of his Cabinet with attempts to illegally win the last general election, so you must now punish those persons who have been quarrying there for quite a period of time.

That is not a reason to bring legislation. I do not care whether affidavits are evidence. I am not dealing with evidence here; I am saying if people swear to affidavits and no one denies the accusation, all I could say, is that as far as I am concerned, I can take note of what has been said. I am not in the business of making judgments. When they want judgments in their favour they can have magistrates do it for them; they could do that, and they could have magistrates impose maximum penalty when it is in their political interest to do so. But when it is not, they have them in Balisier House, supping and celebrating illegal activities designed to seize power. So now that the tables have turned, the PNM Government has decided: "We have to punish these people who were once our friends." I am not suggesting in the very least that we should not punish people for illegal quarrying, but that punishment must be for illegal quarrying and not for vindictive purposes.

I want to refer hon. Members to a very important document. It is called the Annual Report of the EMA, 2004. This was only circulated a few days ago and it makes very good reading. I want to refer to xviii. This is what the EMA had to say:

"5.The Northern Range is the main source in the country of deposits of blue limestone and other non-hydrocarbon construction materials. Lack of implementation of the Mining and Minerals Act, 2000 allows quarrying to proceed in an unregulated manner, with many negative impacts and nuisances, and without restoration of sites.

6.Land-based sources of pollution (from quarrying, agriculture, waste disposal and malfunctioning sewage-treatment plants) pose a major threat to the Northern Range freshwater resources and thus to coastal environments,..."

This is the Government agency responsible for the management of the environment speaking, and this information is not new. They did not discover this yesterday. It was based on considerable research that was done. In fact, this entire publication is dedicated to the Northern Range and, as I said, it would make good reading, particularly to people who have a history of geology as part of their—

**Mr. Imbert:** You got that in Parliament?

**Mr. Ramnath:** Yes. Would fines, whether it is \$100,000 or \$200,000, prevent people from illegal quarrying operations? It might, to some extent. But where is the plan to deal with quarrying itself in the Northern Range? In fact, the report suggests that we should stop quarrying altogether in the Northern Range and to consider the importation of aggregate into the country, because of the enormous damage that has been done to the environment in that part of this great country of ours.

It is not only illegal quarrying, it is unplanned quarrying; it is indiscriminate quarrying. Sometimes we have to pay a price if we are going—we do not preserve the environment anymore; we protect it. We understand the principle of sustainable development, in that we have to use our resources now and leave some for later on. So we do not talk about environmental preservation anymore, we talk about environmental protection and we understand that we need the valuable resource coming from the Northern Range. But as we go along we would see what has happened in the Northern Range.

I turn to page 30 of the document and I quote:

“The increase in the wealth of the country has spawned a growing demand for construction material from quarries, and the Northern Range is the main source in the country of deposits of blue limestone and other non-hydrocarbon construction materials...”

There is a table that indicates the location and size of quarries.

“It is reported that 2,800 ha in the Valencia Forest Reserve and Wallerfield area was mined as at 1996...”

In 1993, WS Atkins Limited and A De B Consultants reported that the method of operations of quarries in Santa Cruz Watershed was dictated by business economics, to the exclusion of any environmental considerations, and that this was aggravated by the poor level of control in the industry. Studies have indicated that quarrying has impacted negatively on the water quality of the Santa Cruz/San Juan, Arima, and North Oropouche rivers...Generally there is inadequate mitigation of the effects of quarry-floor runoff and effluent discharge that could lead to changes in sediment dynamics and river ecosystems...”

This is the EMA speaking based on studies commissioned to look at what is happening in the Northern Range and there is a list of the quarries. But do you know what is very interesting? I notice that under certain names there were no figures for acreage and there was no ownership but there were people who were

operators, and I find that to be very interesting for the EMA to have published such a table with operators without identifying their acreages and ownership where, in many cases, they did the same thing.

The question I want to ask the honourable—and this is really a matter for the Minister of Energy and Energy Industries. It is a great pity that my friend from Arouca North has to reply to this. The question is whether 20 operators in the Northern Range are licensed at this time and whether they are considered to be legally quarrying as indicated in the report. Because it could very well be that the information that is missing was not made available to the EMA; it could very well be that these people have historically been quarrying but they are not the owners of the acreage in the Northern Range. What I am saying is, what plans have been there—*[Interruption]* You had your chance to speak all the time. I remained in the Parliament; I listened to you and you just keep mumbling and rambling.

**Hon. Member:** Who is that?

**Mr. K. Ramnath:** The Member for Diego Martin East. Let me speak. I think I am contributing to something important here. Grumble, mumble, ramble. *[Interruption]* I am supporting your Bill.

**Mrs. Persad-Bissesar:** In his words, arrant nonsense.

**Mr. Imbert:** That is why they would never make you leader.

**Mr. K. Ramnath:** I do not want to lead anything. All I am saying is, if you have information coming to you as a government—

**Mr. Manning:** 2020 vision.

**Mr. K. Ramnath:** The 2020 vision articulated by the Government talks about the quarrying industry, the petroleum industry and what plans the Government has for these industries. The question is: Would increasing fines deal with the problem of the destruction of the Northern Range? Or do you not want to do both, and that is, to ensure that you have proper studies or the recommendation of studies which have already been done are implemented together with legislative measures to prevent illegal quarrying?

The impression conveyed by my hon. friend from Arouca North is that we have illegal quarrying; when we charged people in the past they would pay their fines and then they would go back and quarry again. So if we increase the fines then we are going to have some deterrent in place. I am saying that is not sufficient. A load of gravel aggregate to a person building a home ranges between TT \$1,600 and \$2,000. That is the cost.

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The point I am making is that you can sell enough loads of gravel to pay the fine. There is not proper monitoring for the purpose of taxes. How many inspectors are there in the various quarries to ensure that materials that are dug, won and removed—to use the term in the legislation—are paid for; the taxes are paid for such material? You take what they give you and you hope that the truck driver is not caught on the Churchill-Roosevelt Highway for some traffic offence, at which point the police may ask for a certificate to prove that you have paid for the material.

So there are a lot of indiscriminate practices taking place. It is not only about illegal quarrying, it is about legal quarrying as well, but insufficient attention that is paid to those people who do not obey the law because the law cannot be enforced if you do not have enforcement personnel from your various ministries. The army would not help you or the special unit would not help you; they are there for a particular purpose. They were sent there to prevent bullying when it was well known that people were entering upon state lands and even private lands, moving in excavators and bulldozers and removing material without any respect for law and order in the country. But that will not prevent legal quarrying and not paying taxes on it. You are required to pay a royalty. That is part of the business and it is a serious problem. So where is the plan?

I recall when my colleague and friend from Port of Spain North was Minister of Energy and Energy Industries, threw his hands up and said: “We have to strengthen legislation in order to deal with the serious problem of quarrying.” And I understand that you need about 250 amendments to the Minerals Act. But that Act was passed in 2000 and was assented to by Legal Notice in 2000 and this is 2006. So even if that Act was introduced by the UNC regime in 2000, you have had at least five years within which to revise the Act and to ensure that we have a comprehensive piece of legislation to deal with quarrying operation. We could not have done that in the oil industry. The EMA would not have allowed it, but it looks as though—if I may repeat myself—that the people who are law-abiding are the ones who are being monitored on a continual basis.

The time has come for the Ministry of Energy and Energy Industries—and, you know, so many of our key Ministers are not elected. It is one of the tragedies of our system, and if we change the system as envisaged by others, only about five elected people might end up in the Cabinet, with the rest coming from San Fernando East and from parts of the country that are associated with San Fernando East. You never could tell, Mr. Speaker, that being a loyal PNM yourself, you might

be in the Cabinet the next time around. No disrespect meant. It is part of our system where you are free to join political parties.

So if I may return, there has to be a master plan for quarrying operations, as there is a master plan for natural gas. That master plan for natural gas was commissioned by a UNC government and when the plan came it was not made public, as a result of which many of us in the Parliament are not aware of the contents of such a plan. I do not know the reason for that. If there is confidential information, I can understand that.

**Mr. Williams:** Would the Member give way?

**Mr. K. Ramnath:** Yes.

**Mr. Williams:** Just to remind you that in the two previous budget presentations while I was Minister of Energy and Energy Industries, I detailed all the aspects of the master plan that had either been implemented or that were in the process of being implemented and those which it was felt that times had changed and were no longer necessary. That is in the record of the Parliament.

**Mr. K. Ramnath:** I want to thank you for that. I also want to say that it would have been nice for Members of Parliament to have had a copy once the information was not regarded as classified. I also want to tell you that I thought you were a very good Minister of Energy and Energy Industries. [*Desk thumping*] I have always said that. And I do not believe that our system, where one is fired from his position because of allegations, is a just system, but perhaps he was fired for another reason and I do not want to get involved in internal party business.

So we return, and I am going to ask the former Minister if he could help me here. Was there a master plan for quarrying operations while you were there, to the best of your knowledge?

**Mr. Williams:** Yes, and after you speak I will seek to detail all of it.

**Mr. K. Ramnath:** I am very happy that my hon. friend would be entering the debate because I have not heard him for quite a while.

**Mr. Manning:** He is not going to be the only one.

**Mr. K. Ramnath:** I know sometimes the Prime Minister just loves to have other people give him reason to push people out of the Cabinet.

**Mr. Manning:** I am not biting again.

**Mr. K. Ramnath:** But let me say that if there are so many situations and problems identified with respect to quarrying operations, we must not only look at the aspects of law and order but look at the problems affecting our geology, our

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fresh water aquifers, the issue of pollution, since a lot of our water resources originate from the Northern Range. As I said, if you read this document you will really congratulate the people at the EMA for producing such a fine piece of work, because it is worth reading.

I want to go now to page 95 of the document. Parliament offers an opportunity for people to do quite a lot of research when certain people from the other side are speaking, and I was able to look at some aspects of this document today.

“The NEP also provides for rehabilitation programmes for mining sites which can help to mitigate the negative impact on flooding and water recharge by indiscriminate quarrying and land-abandonment practices.”

This is taken from page 95 of the report, and I want to dwell on that for a moment. When you are issued with a certificate of environmental clearance to drill a well or to enter into quarrying operations, you must produce a post-CEC rehabilitation programme, that is, you must indicate what you are going to do to restore the environment as best you can to its pristine situation. Quarrying also requires, as part of the designated activities, that you should return the quarry to an acceptable level, not to leave holes in the ground and have all kinds of chemicals used in the process which contaminate ground water and water that enters into your streams and rivers.

When you look at an aerial photograph of the Valencia and Santa Cruz areas, you would see the disaster in Sangre Grande and so forth. There are a lot of photographs available. The question is: Why are these operators—the legal ones I am talking about here—not required to return the quarrying sites to what, under the law, is required to be acceptable?

**Mr. Achong:** Ask Sadiq.

**Mr. K. Ramnath:** Well, I have not been speaking to Mr. Sadiq Baksh for a little while but this might be an opportunity for me to do so. I would ask him, Member for Point Fortin, and I have a very good relationship with him. You never could tell what is possible. I belong to an organization that exercises democracy to the hilt, where there is freedom of speech and freedom of association. *[Interruption]* You only manipulate when you do things like the PNM and you hide in rooms, not when you speak openly, as I am accustomed to, as I am given the right to do in my party. I am not, like some of my colleagues opposite suffering from megalomania. I have no fear of not returning here. This is my 20th year as a Member of this honourable House. *[Desk thumping]* Unlike my friend from Diego Martin East, in 1991 I had already served 15 years of uninterrupted service in this House.

**Mr. Manning:** I thought you said it was 15 years uninterrupted.

**Mr. K. Ramnath:** I had a short hiatus, which gave me an opportunity to enter the professional world of engineering and environment, and ably supported by my employers at Petrotrin.

The point I am making is that the EMA has identified that there are serious problems that must be mitigated, particularly the impact of flooding and water recharge. I do not know how many people are aware that a lot of our water comes from reservoirs; fresh water aquifers and these aquifers have to be recharged and you can only recharge those aquifers and ensure purity of water if you do not have contaminants entering those areas of recharge, so that you face the danger of having contaminated water. In fact, in south Trinidad, we have the Morne La Croix and the Erin Sands aquifer as the main supply; in central Trinidad we have the Sum Sum aquifer and the future is not certain for these water supplies because of housing, of squatting, and of the removal of forest cover in many of these areas.

So that the Northern Range which is regarded as one of our major recharge areas and supply of water to our dams, is now under threat, according to the studies done by the Environmental Management Authority. They are saying that there must be a rehabilitation programme for these sites which would help to mitigate the negative impact of flooding and water recharge. Where is the plan for that? Is there legislation? Would legislation do that? Would increasing the penalties and fines do that, when the legal operators are not returning the abandoned pits to one which will prevent the negative impacts?

I think the Government itself, according to the EMA, has recently begun a broad-based national macro-planning process for the country, called Vision 2020. The rationale is to advance towards sustainable development and to achieve developed country status by the year 2020. The results of this exercise would need to be considered for a specific implication for the Northern Range. This macro plan, I was involved to some extent, and we were looking at the general parameters and so on, with respect to environmental issues in the country, but the EMA is saying— and I think we all agree—that in our effort to advance towards sustainable development and to developed country status by 2020, we will have to consider specific implications for the Northern Range. They went on to talk about what are those issues: State land regularization; conceptual development plan; national physical development plan, and so forth.

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I would like to suggest that we do not have to wait for these amendments to legislation so that we can put these plans into effect, but that we should immediately seek to implement the law as it is today, and that is, the EMA should begin to demand wherever we are going to have new pits—because you see, there is an aspect of the law which says that if you were doing certain operations before the Act came into being, then you do not require a certificate of environmental clearance, and abuse of that provision of the Act is taking place.

**7.00 p.m.**

We may have to amend the law which states that if you were quarrying before the Act came into existence, then you can continue to quarry without a certificate of environmental clearance. If you are expanding your operations by going into other areas even within the law or your lease, you could be required—it requires investigation. We cannot leave it like that. We cannot come to Parliament to seek to impose fines for illegal operators while the legal operators are continuing to create a problem and nuisance for the country. It is all before your eyes from this organization that has produced this report.

I want to talk a little about the Minerals Act. I think that there is an error where the EMA says that the Act has been passed but not proclaimed. My information is that it was proclaimed in 2000. I had the information earlier. Page 98 states:

“It attempts to manage the mining activities of the common and special minerals and regulate the environmental impact of the exploration, mining, and processing operations, and encourage land rehabilitation after abandonment. The Act allows the granting of mining licences and approval of mining zones to promote and facilitate the effective and efficient management of mineral resources. The Act seems to regulate mining activities via:

Enforcement of the rehabilitation of State lands affected by mining

- Overseeing of exploration,...
- Enforcement of regulations...
- Termination of illegal mining...
- Refusal of mining licences...

The Act requires appointment of a committee to oversee its operation but this has not happened to date.”

It would be interesting to know whether this information—the legislation is in force but has not been enforced. I cannot understand why.

The report continues:

“It is important to note also that many quarries have been in operation before they have had to obtain Certificates of Environmental Clearance (CEC) based on Environmental Impact Assessments required under the Environmental Management Act, 2000. These now need to be regulated separately to monitor impacts of operations and to ensure rehabilitation of vegetation and restoration...”

That is the point I made earlier before reading this. We can do things as a Parliament when we want to do them, but we should not allow the continuation of this set of indiscriminate activities.

Page 114 will be my last quotation. I know that Members are very interested in what is happening here today. The recommendations are as follows:

- “Accelerate the revision (in process) of the Quarrying Policy and increase the threshold for good practice in this sector.
- Give priority to rehabilitation and restoration where possible of abandoned quarry sites to arrest erosion and water runoff; create sites of amenity value for use by communities; create community employment and basis for livelihoods in process.
- Disallow further quarrying within the Northern Range and, if necessary, import the aggregate required.
- Bring into the regulatory framework quarries that pre-existed the Environmental Management Act.”

The day you bring that I would be the first to support it in Parliament.

There are several water reservoirs in south Trinidad. They are on the average of 100 acres each and some in La Fortune, Point Fortin, Parry Lands, Pointe-a-Pierre and Penal are bigger. The company for which I have the honour to work has rehabilitated these reservoirs. We have introduced red tilapia into these dams and provided park benches and other facilities for residents. Point Fortin now has a reliable source of water for its fire operations. I do not think that the lines are working. They have to work on the corroded lines. Those reservoirs were once polluted. Today, they have been restored to the extent that communities feel safe.

**Mr. Manning:** How you know?

**Mr. K. Ramnath:** I do not know who mandated it. I did the project myself. [Interruption] Did you do it? [Interruption] Hazel Manning. I should like to meet the goodly lady if you will permit. [Laughter]

**Mr. Manning:** I thank the hon. Member, Mr. Speaker. Notwithstanding the obvious risk to her, I will agree. [Laughter]

**Mr. K. Ramnath:** Contrary to what even my colleagues have said, I am no predator. [Interruption] I am a very decent, hardworking Presbyterian. We believe in moderation in all things. You can ask my elder, the Speaker.

Quarries provide an opportunity as recommended here for recreational activities. You can rehabilitate those quarries and create opportunities for communities and people across the country who would like to visit some of these areas. After you have done rehabilitation of these sites and create parks, you can create opportunities for water sports in many of the areas—

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

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [Hon. P. Manning]

*Question put and agreed to.*

**Mr. K. Ramnath:** Thank you, Mr. Speaker and hon. Prime Minister. I assure you that I will not be more than five minutes.

I could not agree more with the recommendations that have been made by the Environmental Management Authority. I want to reiterate the main points in these recommendations. We need to accelerate the revision of the quarrying policy—which the ministry is in the process of doing—to increase the threshold for good practice; give priority to rehabilitation and restoration of abandoned quarry sites to arrest erosion and water runoff; create sites of amenity value for use by communities; create community employment and basis for livelihood in the process—that can be done without major expenditure—and disallow further quarrying within the Northern Range. That will have to be done after a comprehensive study is done and a balance is established between the needs of the country and the need to ensure that the environment is protected.

The Prime Minister understands the spirit of the recommendation. Bring into the regulatory framework quarries that pre-existed the Environmental Management Act of 2000. This particular Act does not require companies which began operation

before the Act to get a Certificate of Environmental Clearance (CEC). Simply put, we should now ensure that all further operations are subject to the approval of a Certificate of Environmental Clearance which also requires approval of Town and Country Planning.

I know that people have become impatient with the regulatory bodies especially when they are anxious to have the industrialization process move ahead. You become frustrated with the bodies for slowing down the process. I am quite sure that the spirit of the legislation was to allow the country to live in balance. We have to look at the benefits of industrialization after the impact on the livelihood of people; the opportunity for upward mobility in the society and compare that with the likelihood of a long-term danger to human health and the environment. I am quite sure that is the balance we want to strike. That is the balance that is simply described as sustainable development.

We are not going to achieve this by simply increasing fines. That is only one deterrent. What must be the major concern of Cabinet and the Government is to look at expediting this quarrying policy; changing the law to ensure that we have no more abuse of the process of doing further work and using the opportunity to rehabilitate several of those mining sites. In such a case the country would benefit enormously. I urge the Government to heed the advice and recommendations of EMA. I wish to commend these recommendations to this honourable House. [*Desk thumping*]

Thank you.

**Mr. Eric Williams** (*Port of Spain South*): Mr. Speaker, I thank you for recognizing me. I wish to enter the debate in support of the State Lands (Amdt.) Bill, Chap. 57:01, to increase the penalties for digging or removing materials from state lands without a licence. The increase in the fines and penalties in this Act and the subsequent amendments as outlined by the Minister, the Member for Arouca North, are wholly necessary and have come from a considerable amount of research by a number of different parties who have been involved in looking into this matter for several years. The amendments that are being suggested to sections 25 (6), 30 and 31 are in concert with other legislation that has come before this honourable House.

This matter of illegal quarrying is certainly not a new one and of course the Member for Couva South who was Minister of Energy and Energy Industries for a short while, knows this. During that time he was my minister because I was employed at that ministry. [*Crosstalk*] I remember being summoned to the minister's office to have a meeting. It may have been one day but I could recall going there on that day.

**Mr. Imbert:** One day.

**Mr. E. Williams:** I think it was longer than one day. Even so, this matter is a long outstanding matter.

I want to chronicle the process that we have undertaken to resolve this matter within recent times. The Member pointed quite rightly to the Minerals Act, No. 61 of 2000, which was proclaimed under a previous administration. The Member alluded to the fact that there were a number of deficiencies in this Act. He mentioned about 250 deficiencies. That is approximately the number. I have in front of me, a deficiency report, a *Critique of the Minerals Act, 2000*. It goes into very great detail of some of the errors which are typographical and grammatical and quite a few substantial ones. I would like to point out some of the deficiencies of the Minerals Act of 2002.

With your permission Mr. Speaker, I would like to read section 19 of the Minerals Act of 2000, as passed and proclaimed. Section 19 states:

“(1) On receipt of an application for the exploration, mining, processing, import or export of minerals, the Committee shall make a recommendation to the Minister on the issue of licence, and the Minister may either grant or refuse the licence.”

There is no direction for the minister. He is open to judicial review. It continues:

“(2) Where the application for a licence is for the exploration or mining of minerals the Minister may subject to subsection (2), grant or refuse the licence only with the approval of the Cabinet.”

This subsection says that the Minister can subject to itself—it does not refer to something else—grant a licence. That is an inconsistency. When one sees these kinds of drafting errors in legislation, one would know that something is wrong.

The deficiency report goes on to talk about 250 such errors. There is a clause that speaks to the termination of such a licence upon the death of a licence holder. Section 28(1) states:

“Where the holder of a licence dies or becomes bankrupt, the licence shall be deemed to be terminated with effect from the date on which the licensee dies or becomes bankrupt, and where the licensee dies the licence may be transferred to the heirs, successors or assigns of the deceased with the written consent of the Minister.”

In one breath we are saying that as soon as the person dies or becomes bankrupt the licence does not exist, but then it goes on to say that the Minister can

grant a licence that no longer exists to the heirs or benefactors of that person. There are a number of deficiencies in the Act; Some are substantial and others grammatical.

The Member opposite went on to talk about the environment and issues surrounding the environment. The fact of the matter is that this legislation, the Minerals Act of 2000, which sought to govern the quarrying business is in conflict with the EMA Act and the State Lands Act. We went through a long period of time trying to understand the legalities that were involved in each piece of legislation and which one superseded the other. Each sought to govern certain parts of the industry and it was not clear. We were in a legal quagmire.

When I was Minister of Energy and Energy Industries, I had to endure news headlines saying that ‘Williams says government powerless’; Williams says State cannot do this or that or the other and the next. The fact of the matter is that we have been working assiduously behind the scenes to get the legislation correct. We inherited a legal quagmire which had to be undone.

On April 15, 2005, in this House and Tuesday, April 19, 2005 in the other place, a Green Paper the *Draft Quarry Policy for Trinidad and Tobago* was laid. This outlined the process that we were undertaking to get it sorted out. We also pointed out in our presentation when this was laid that we would be engaged in a public consultation to get the *Draft Quarry Policy* from being a Green Paper to a White Paper. I have in my hands the verbatim of the public consultation on the *Draft Quarry Policy for Trinidad and Tobago* which was held at Crowne Plaza, Wrightson Road, Port of Spain on Wednesday 27 July, 2005 in which we engaged the entire quarry industry. Many practitioners came because we invited the public at large. A few persons who had nothing to do with the quarry industry came to the consultation and contributed. We undertook a considerable amount of discussion on quarries, the quarry policy and how we should move forward. I am advised that in the not too distant future, possibly a month or so, a White Paper should be forthcoming on this matter subject to all the necessary approvals. The process has been continuing.

If the Members need to have their memories refreshed of what was in that *Draft Quarry Policy*, here we are. In the introduction of the Green Paper that was laid in this House we pointed out this. I want to quote from it.

“The quarry industry in Trinidad and Tobago is currently beset by a myriad of challenges, not least being the need for appropriate legislation to effect proper control of activities in the sector.

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In addition to the fact that quarry resources are depleteable, the majority of these resources are on state lands and illegal quarrying operations effectively deprive the State and by extension the people of Trinidad and Tobago from the maximum benefits of this natural resource.

More importantly, the environmental effects of uncontrolled quarrying create major problems for persons who live in or use the immediate environs of the quarries. This practice also has negative effects on the general health and welfare of the citizenry as a whole.

In order to effectively manage and regulate the quarry industry there is a clear mandate to address the above and other major issues currently plaguing the industry and to establish effective policies to guide the efficient management of the country's resources.

The policy proposals include the establishment of two bodies, i.e. the Quarries Authority and the Geological Survey under the Minister of Energy and Energy Industries.

This draft policy document is an indication of the initiatives being taken in this regard.”

We came to both Houses and enunciated clearly the draft policy and the direction we would go. We sought to outline the nature of the local industry and as many issues as we could surrounding quarrying in this country. I pointed out that we held a public consultation and the work is almost coming to closure to bring these pieces of legislation to the House.

The Member opposite has pointed out that it is not only increasing the fines that would cause proper regulation of the quarry industry or even address issues surrounding the environment. We agree. This is part of a comprehensive piece of work that is being done and brought forward to the national public. We have to curb illegal quarrying. These amendments to the State Lands Act are entirely appropriate because under the current regime of legislation in this country, we have been advised legally that the State Lands Act takes precedence over both the Minerals Act of 2000 and the EMA Act as regards the penalties involved for illegal quarrying on state lands. We are here to deal with one pillar of a series of legislation that will seek to properly redress all the issues around quarrying.

There are a number of misconceptions and possible misinterpretations or maybe, even mischief surrounding a number of issues involved in quarrying. I read in the newspaper and in other places that persons whom Members allude to

and who may or may not be the most law abiding of people are involved in quarrying in the Valencia area for sand and gravel. It has been said that because they have a licence to quarry they have the ability to acquire explosives to go about doing this sort of quarrying. For the advice of the general public and those who may not be aware, sand and gravel quarrying in this country is done currently by excavator, backhoe, dragline and other means of extraction. Dynamite or explosives are used in the Northern Range for blue limestone activities and not in the area where sand and gravel mining is taking place. The misconception that has been perpetuated throughout the society; that those involved in sand and gravel whether legally or illegally have a legal right to get explosives, is simply not true.

The Member opposite in reading from the EMA report pointed to several operators—under a table that says Northern Range Quarries—for whom there is no information on acreage or ownership whether state or privately owned. I want to point out to Members of this House and the general public who have access to the EMA report to look at the table that spans from page 30 to 32, under the heading, Table 3, Northern Range Quarries.

Several of these quarries listed here are not in the Northern Range proper and are not blue limestone quarries. They are south of the Valencia Road; the road that goes from Valencia Junction that meets Toco Main Road. They are south of the road in what is known as the Valencia Triangle where the activity is sand and gravel mining. Let me list some of them. They are Alescon Readymix, Green Gate Road, Valencia; Alescon Readymix Limited, Toco Road Valencia; Readymix West Indies, Valencia Road, Valencia; Readymix West Indies, Tapaná Road, Valencia and Pias Holdings, Toco Road, Valencia. There are several of them. Carib Glassworks Limited, Matura is involved in extracting high quality silica sands to make bottles from sand and gravel. What is misleading about all this—the source is the Ministry of Energy and Energy Industries Personnel Communication, 2005. This source is not even from a formal written request with a written reply to go into such an important document which would outline properly where all these people are operating. This is based on a personal communication from somebody within the Ministry of Energy and Energy Industries in 2005. Here it is published and probably has gone global to suggest that things are happening that we do not know about.

Coosal's Construction Services Limited, Block 1, Tapaná Road is south of Valencia Road and is involved in sand and gravel activity. These are not Northern Range activities. These are south of the Northern Range in the sedimentary basin known as the Northern Basin and it is sand and gravel activity. There are issues

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around the environment which have to be addressed by the legislation. There are some difficulties that we face in the environmental issues; mineral activities and some of our other industrial activities.

**7.30 p.m.**

Mr. Speaker, let me point out to you, from my copious notes, some of my activities in my previous life. The Minerals Act of 2000 is in conflict with existing legislation such as the Environmental—

*[Mr. Ramnath begins to leave the Chamber]*

Member for Couva South, I promised you I would answer some of your queries that were so close to your heart, and here I am.

**Mr. Ramnath:** Your speech would be fully recorded on television.

**Mr. E. Williams:** I see, and you would look at it in your car as you—

**Mr. Ramnath:** I have always admired you.

**Mr. E. Williams:** The Minerals Act of 2000 is in conflict with existing legislation such as the Environmental Management Act of 2000. Section 43 of the Minerals Act conflicts with section 35 of the Environmental Management Act (EMA) of 2000—You have noticed the date, Mr. Speaker, 2000. In other words, we received and agreed to two Acts in this House in 2000, both of which are in conflict with each other.

The Minerals Act requires a mandatory Environmental Impact Assessment (EIA) for the conduct of quarry operations, whereas the Environmental Management Act makes it optional. The same EMA that is complaining here about lack of CECs that were created as the creature of the EMA, the Environmental Management Act makes it optional, whereas the Minerals Act made it mandatory and they conflict with each other. Which one is right? Which one does one go with?

In addition, under the Certificate of Environmental Clearance (CEC), or the rules, a CEC is only required for quarry operations commencing after July 2001. This meant that operations prior to that date are only required where there are major variations in quarry activities. In fact, between those two pieces of legislation a loophole was created, whereby at least 80 per cent of quarry operators are not required to obtain a CEC and are, therefore, able to flout the EMA 2000 and the CEC rules, resulting in widespread environmental violations.

**Dr. Nanan:** Could the Member give way? While that may be true, Member for Port of Spain South, you would recall that the quarry operators are also

granted a licence by the Ministry of Energy and Energy Industries. I do not know if you have seen that form. It is like a Certificate of Environmental Clearance or an Environmental Impact Assessment.

**Mr. E. Williams:** First of all, I want to thank you for your contribution, notwithstanding our earlier repartee. I must point out to you that these pieces of legislation created a considerable amount of confusion in the system. In fact, the Ministry of Energy and Energy Industries because of the then shortage of staff in the EMA—effectively it was the Ministry of Energy and Energy Industries that had been carrying on the investigative and other functions of the EMA because of that shortage of staff. Compounded with two pieces of legislation that are in conflict with each other, there was a considerable amount of discussion. I will go to the critique again of the two and expand on it a little more for you, at the risk of being repetitious.

There are conflicts between the requirements of Part VII of the Minerals Act, 2000, the Environmental Management Act, 2000 and the Certificate of Environmental Clearance. Section 43 of the Minerals Act states that:

“An Environmental Impact Assessment must be done prior to obtaining a licence.”

In other words, if you were trying to get a licence—we agree—under the Minerals Act, 2000—[*Interruption*] You must get a licence but then somebody could say that this is in direct conflict with section 35 of the Environmental Management Act and the CEC rules of 2001. Mr. Speaker, one Act says you must have it and the other says it is optional. Quarrying operations commencing after July, 2001 or operations prior to that date, requiring major variations and expansions would require a CEC. The EMA may require an EIA prior to granting of such a CEC. Therefore, whereas the Minerals Act, 2000 makes the Environmental Impact Assessment a mandatory requirement for granting such a licence, under the EMA, it is optional.

In resolving the conflict—this is the advice I got, as Minister, from the legal fraternity—one should be very careful not to create a loophole whereby over 80 per cent of quarry operators who were operating prior—In other words, the point is that we had to resolve this. This required resolution and to say that we were irresponsible, in terms of our approach to the environment, is to be less than charitable and to be less than truthful. [*Interruption*] Well, others have said that. In fact, it is alluded to in this EMA document.

We were, in fact, seeking to resolve the issue, and if I go back to the Green Paper by bringing comprehensive new legislation which will require a Quarries Authority and the Quarries Authority would then have the jurisdiction over matters that had to do with quarrying. I would skip forward in the Green Paper to exactly what we were planning to do.

“ADMINISTRATIVE, REGULATORY, LEGAL AND FISCAL FRAMEWORK”

Mr. Speaker, and I am reading from the Green Paper, the Draft Quarry Policy for Trinidad and Tobago. At page 14 it says:

“The administration of the quarry industry in Trinidad and Tobago is currently governed by the Minerals Act 2000. Some shortcomings have been observed in the application of the Act in this regard. These include:

- “Absence of regulations to grant quarry licences”

That was another deficiency. Apart from all the drafting and other inconsistencies throughout the Minerals Act, 2000, there were never any regulations proclaimed to govern the Act. In fact, while the Act speaks to all the laws, there are no regulations that govern it. We were without regulations and, in fact, there was even a suggestion to use the regulations of the previous Act, which bore no reference to the new Minerals Act, as a means of regulating the industry while we tried to amend these 250-plus inconsistencies, some of which were really repetitious and circuitous. As I have said, there is no regulation to the Minerals Act, 2000 to begin with. I continue to quote:

- “Ambiguity with respect to the procedures for assigning and terminating licences
- Conflicts with existing legislative provisions e.g. the Environmental Management Authority Act
- Ineffective and deficient regulatory control
- Inappropriate legislative mechanisms and institutional weaknesses
- Absence of enforcement measures

Bias in the legislation which favours large scale entrepreneurs”

In fact, one of the things in the Minerals Act, 2000 is that it is proposed that we move in a way that is similar to the energy sector where you have competitive bidding. The way it was done where the quantum of money that a prospective operator would have to put into a bond, as it were, favoured those who were large

operators as opposed to the small entrepreneurs. The Quarries Association made a lot of representation. In fact, it is replete in the consultation that we had: What about the small operator? Is the Government not favouring the small quarry operators in the country? In fact, there is a balance between small operators versus his ability to rehabilitate and all these other things.

Mr. Speaker, I continue to quote:

- “Lack of redress for investor complaints”

There was no due process by which a person could make a proper complaint. I continue to quote:

“To address the above-mentioned shortcomings, the Ministry of Energy and Energy Industries proceeded immediately to prepare proposals for the following:

A Quarries Authority – The rationale for the establishment of a Quarries Authority is to create an entity to undertake the effective and comprehensive regulation of the quarry industry. Such activities relate to extracting, removing and disposing of quarry resources. It is therefore intended to address *inter alia* the licensing and regulation of quarrying operations. It is proposed to enact legislation which would give effect to the Quarry Authority. Regulations under the proposed Act would include provisions for detailed guidance for the supervision of the industry.

The legal nature of the proposed Quarries Authority would take the form of a public authority (Halsbury Laws of England Vol. 30 paragraph 1317 to 1318).”

This would be, in effect, a statutory entity and it goes on in detail in the Green Paper.

The second thing that was recommended was to repeal and replace the existing Geological Surveys Act and create a new Geological Survey, which would specifically go through the country looking for resources. There would be a separate body that looks at resources only in the country, whereas you now have a new regulatory body that will regulate the industry. The Green Paper also looks at making changes to royalties, incentives and so on.

We also discussed the importation and exportation of aggregates. In fact, the Member for Couva South spoke about stopping activities in the Northern Range proper, the blue limestone activities, and only importing aggregate. Well, in this

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country we adhere to international trade rules and, therefore, one of the things we were moving towards was a free market in aggregate in the quarrying sector. The Government of Trinidad and Tobago approved the importation of aggregates and moved towards the removal of any licences for the importation of aggregates. There were members of the Quarries Association who objected to doing that, because in their view, such a measure was meant to protect the local quarrying industry. But the fact of the matter is that with aggregate prices rising and with some of the inefficiencies in the system, we moved expeditiously towards importation.

Further, there is a need in some of the industrial plants that are being built for something known as non-spark material, which is not available locally.

Mr. Speaker, when we came into office, we met some curious practices in the way the licences were awarded for the importation of some of these specialty types of aggregate. We had to take some guided actions to stop some of these curious practices that had been taking place for the importation of aggregates into this country. We sought to liberalize it so that we could have a better sense of free market play in importing aggregates. Aggregates, as we understand it, have been imported from Nova Scotia, the Dominican Republic, other islands in the Caribbean and there are possibilities from South America. The point is that we had moved to liberalize the importation of aggregates. You should also note, Mr. Speaker, that aggregates are exported from Trinidad and Tobago as well. Certain grades of sand, gravel, plastering/fill sand and so on are exported for specialty uses in other places.

**Dr. Nanan:** Member, could you give way? Mr. Speaker, I thank the Member for Port of Spain South for giving way. In the Revised Environmental Policy that was laid in the House this year, we did not see anything about those recommendations coming with respect to a Quarries Authority. I do not know if you are having discussions with the EMA or the Ministry of the Environment, but that is new with respect to the environmental policy.

**Mr. E. Williams:** Well, Member, it is in the policy that is coming out of the Ministry of Energy and Energy Industries and, in fact, it is signalled, as I have pointed out, in the Green Paper. There are staff members from all the different ministries who are working together to try to bring a comprehensive policy throughout. *[Interruption]* Well, it is coming.

Mr. Speaker, I repeat that there have been a number of misconceptions, untruths, or rather, what are the words, terminological inexactitudes that have been made surrounding the whole business of quarrying in this country.

Mr. Speaker, I will give you an anecdote, when I was Minister of Energy and Energy Industries, I received a letter from a concerned citizen that there was a blue limestone quarrying activity in a particular valley to the north of Arima. The letter, if I am not mistaken, went to the hon. Prime Minister who referred it to me, as Minister of Energy and Energy Industries. The letter alleged that the limestone quarrying activities would cause the Cerro del Aripo mountain to fall into the sea.

Mr. Speaker, along with some members of my staff we, dutifully, went to visit the quarry. To begin with the quarry was set up with the most advanced technology that is available to us in the country. They were properly treating the water, the effluent that was coming from the plant, removing as much of the silt as was technologically possible, so that it was not going to contribute to the pollution of the waterways of that particular valley. They were benching and quarrying the area in a manner that was as technologically sound with as much engineering best-practice as was possible.

They had employed some of the best consultants available to them to properly map the limestone vein that they were trying to mine. In fact, they were conducting their blasting and other activities in a way that would not disrupt the ecology of the area. What was even more ludicrous about the whole complaint, Mr. Speaker, was that this quarry was located some 15 or so miles away from the Cerro del Aripo mountain. It was moving a small part of the mountain, yet this concerned citizen was able to write to the leadership in this country to say that such an activity would destroy, and cause, the Cerro del Aripo mountain to fall into the sea. When we are faced with that level of exaggeration and plain lack of understanding, then, clearly, we have some challenges.

The bottom line is that this Government has embarked, for some time now, in the public domain as well as in this House and in the other place, on the programme that would cause a holistic and proper remediation of the quarrying activities in this country. Yes, we agree that there has been a considerable amount of illegal quarrying, but we have put in motion a series of activities, not the least of which will properly regulate the quarrying activities, as well as to allow us to properly evaluate the resources that are available to us in this country for the benefit of our people.

When a young couple wants a house and, indeed, as this Government has said, when we expect to build in excess of 10,000 houses a year, everyone knows that to build those houses you must have aggregate. The aggregate must go into the cement, blocks and so on. We all know that we have to build roads, physical plants, office buildings and so on. The country is on a serious path of development and

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as a result, the quarrying industry and, indeed, the winning of aggregate for use in the development of our country is a critical plank in our national development.

This Bill, which seeks to make some amendments to some of the penalties to stop the business of illegal quarrying, is, indeed, entirely warranted. Unlike the points made by Members opposite and coming from this EMA document, all of these matters are being addressed. Today we are dealing with one very important plank which will be followed by several others in the development of our beloved country of Trinidad and Tobago.

With those few words, Mr. Speaker, I want to add my support to the Bill before this honourable House. Thank you.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that this House do now adjourn to Wednesday 06 September, 2006 at 1.30 p.m.

I wish to inform Members that we will have Finance Committee on that day. On that day, also, we will continue this debate, as well as start the debate on Bill No. 3 on today's Order Paper, that is "A Bill to amend the Pharmacy Board Act, Chap. 20:52". Given time, Mr. Speaker, we should also like to do Bill No. 5 on today's Order Paper, "A Bill to amend the Fire Services Act, Chap. 35:50".

**Mr. S. Panday:** Could you repeat that? I did not quite get it.

**Hon. K. Valley:** *Hansard* has recorded it.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.50 p.m.*