

*Leave Of Absence**Friday, April 11, 2008***HOUSE OF REPRESENTATIVES***Friday, April 11, 2008*

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 requesting leave of absence from sittings of the House: The Hon. Paula Gopee-Scoon, Member of Parliament for Point Fortin, for today's sitting of the House; the Hon. Kennedy Swaratsingh, Member of Parliament for St. Joseph, for the period April 11, 2008 to April 16, 2008. The leave which these Members seek is granted.

BELATED CONGRATULATION

Mr. Speaker: Hon Members, it was remiss of me on the last occasion we met not to congratulate the hon. Member for San Fernando West on his maiden contribution; belatedly, I now do so. [*Desk thumping*]

CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL

Bill to provide for the implementation by the Government of the Republic of Trinidad and Tobago of the Agreement Establishing the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission, brought from the Senate [*The Minister of Foreign Affairs*]; read the first time.

PAPERS LAID

1. The National Action Programme to combat Land Degradation in Trinidad and Tobago, 2006—2020. [*The Minister of Works and Transport (Hon. Colm Imbert)*]
2. The Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amdt.) Regulations, 2008 [*Hon. C. Imbert*]
3. The Civil Aviation [(No. 2) Operations] (Amdt.) Regulations, 2008. [*Hon. C. Imbert*]
4. The Civil Aviation [(No. 3) Air Operator Certification and Administration] (Amdt.) Regulations, 2008. [*Hon. C. Imbert*]

5. The Civil Aviation [(No. 7) Instrument and Equipment] (Amdt.) Regulations, 2008. [*Hon. C. Imbert*]
6. The Civil Aviation [(No. 8) Aviation Security] (Amdt.) Regulations, 2008. [*Hon. C. Imbert*]
7. The Civil Aviation [(No. 15) Air Navigation Services] (Amdt.) Regulations, 2008. [*Hon. C. Imbert*]

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, the Government has answers for the following questions today: Nos. 12, 43, 49, 50, 51, 53, 67 and 112, and asks for a deferral of two weeks for the other questions.

The following questions stood on the Order Paper:

Municipal Corporations (Wooden Bridges Owned by)

- 23.** Is the hon. Minister of Local Government aware that a person was injured when he fell through a dilapidated, rotten wooden bridge in the jurisdiction of the Penal/Debe Regional Corporation.

Could the Minister state:

- a) the number of wooden bridges under the jurisdiction of each municipal corporation;
- b) whether funds have been allocated to municipal corporations for the conversion of these wooden bridges into concrete bridges;
- c) the allocations for conversion of wooden bridges into concrete bridges in each municipal corporation, if the answer to (b) is in the affirmative; and
- d) the number of wooden bridges she expects to be converted into concrete bridges utilizing the said allocation? [*Mr. S. Panday*]

Special Purpose Companies (Criteria and Purposes for)

- 24.** Could the hon. Prime Minister state:
- a) the allocations given to the special purpose companies for carrying out infrastructure works for the years 2006 and 2007;

- b) what criteria and/or mechanisms are used in determining the type of work and the areas in which such works are to be carried out by the special purpose companies;
- c) the various ministries under which each special purpose company falls;
- d) the criteria and procedures adopted by these companies in awarding contracts; and
- e) the persons and/or organizations which supervise and/or monitor the performance and the quality of work carried out by them? [*Mr. S. Panday*]

**Brian Lara Sporting Complex
(Cost and Completion of)**

48. With regard to the Brian Lara Sporting Complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
- a) the projected cost;
 - b) how much money has been expended on the project so far; and
 - c) the expected date of completion of the entire project? [*Dr. H. Rafeeq*]

**Constituency of Mayaro
(Details of Road Works)**

54. Could the hon. Minister of Works and Transport state:
- a) what roads within the constituency of Mayaro are earmarked for road paving, restoration/rehabilitation; and
 - b) when these works are expected to commence? [*Mr. W. Peters*]

**Financial Support for Needy Students
(Details of Selection)**

60. Could the hon. Minister of Science, Technology and Tertiary Education state:
- a) how much money was spent in 2007 to support needy students seeking tertiary training abroad;
 - b) how these students were selected for financial support;
 - c) whether there was any advertisement with respect to the availability of this fund for assistance to local students studying abroad; and

- d) if the answer to (c) is in the affirmative, could the Minister state the dates and the specific media in which these advertisements were placed? [*Dr. H. Rafeeq*]

**Sangre Grande Public Market
(Details of Construction)**

- 62.** Could the hon. Minister of Local Government state:
- a) what was the estimated cost of construction of the Sangre Grande Public Market;
 - b) when was construction started and when was it scheduled for completion;
 - c) which contractor/contracting firm was awarded the contract for the construction of the market; and
 - d) is the contractor still on the project and has there been a cost overrun on the construction project? [*Mr. H. Partap*]

**Foreign Consultant Stephen Mastrofski
(Hiring of)**

- 69.** Could the hon. Minister of National Security state:
- (a) the sum of money it has cost the Government to date for it to hire foreign consultant Stephen Mastrofski;
 - (b) whether any other foreign consultant or advisor is now employed by the Government in the police service, and if so, how many and at what cost in respect of each advisor and/or consultant; and
 - (c) what is the total sum spent by the Government since it took office in 2001, to present time, in hiring foreign advisors and/or consultants for the police service and/or for the fight against crime, giving the particulars for each foreign advisor and/or consultant? [*Mr. R. L. Maharaj SC*]

**Justice Monica Barnes Report
(Recommendations)**

- 71.** Could the hon. Minister of Social Development inform this House:
- (a) if the Government has received the Justice Monica Barnes Report;
 - (b) if the answer to (a) is in the affirmative, when this report will be laid in Parliament; and

- (c) what are the recommendations made in the report and whether these recommendations are being implemented? [*Mr. N. Baksh*]

**Barrackpore Regional Complex
(Board of Management)**

- 73.** Could the hon. Minister of Community Development, Culture and Gender Affairs state:
- (a) the period/s during which the Board of Management of the Barrackpore Regional Complex was appointed and functioned for the last five years;
- (b) if he is aware that there is no functional Board at present; and
- (c) if the answer to (b) is in the affirmative, when the Board will be appointed and become functional? [*Mr. N. Baksh*]

**Ex-Caroni (1975) Limited
(Leases for Agricultural Land)**

- 74.** Could the hon. Minister of Agriculture, Land and Marine Resources state:
- (a) how many leases for agricultural land have been given out to and executed by ex-Caroni (1975) Limited VSEP-availed workers as at February 29, 2008; and
- (b) where the lands in (a) are located? [*Dr. H. Rafeeq*]

**Ex-Caroni (1975) Limited
(Leases for Residential Lands)**

- 75.** Could the hon. Minister of Agriculture, Land and Marine Resources state:
- (a) how many leases for residential lands have been given out to and executed by ex-Caroni (1975) Limited VSEP-availed workers as at February 29, 2008; and
- (b) where the lands in (a) are located? [*Dr. H. Rafeeq*]

**Caroni (1975) Limited
(Criteria and Selection of)**

- 76.** Could the hon. Minister of Agriculture, Land and Marine Resources state:
- (a) how many residential lots from land previously owned by Caroni (1975) Limited will be made available by sale/lease/rental to members of the public;

- (b) the price at which the lands in (a) will be sold; and
- (c) when the land in (a) will become available; and the criteria for selection of purchasers for the above lots of lands? [*Dr. H. Rafeeq*]

**Major Landslips
(Repair of)**

- 89.** Could the hon. Minister of Local Government state when would the Sangre Grande Regional Corporation repair the major landslips in Cumuto at:
- (a) Harkoo Trace; and
 - (b) Sookoo Trace? [*Mr. H. Partap*]

**Health Institutions
(Staffing)**

- 98.** Could the hon. Minister of Health state the number of doctors, state registered nurses and enrolled nursing assistants that are required at each of the following health institutions, and the number of vacancies that currently exist:
- (a) Port of Spain General Hospital;
 - (b) San Fernando General Hospital;
 - (c) Mount Hope Maternity Hospital;
 - (d) Eric Williams Medical Sciences Complex; and
 - (e) Sangre Grande Hospital? [*Dr. T. Gopeesingh*]

**Burns Unit
(Construction of)**

- 99.** Could the hon. Minister of Health state:
- (a) the reasons for the non-commencement of the construction of a Burns Unit in Trinidad and Tobago;
 - (b) if the Government is still desirous of constructing such a Unit; and
 - (c) if the answer to (b) is in the affirmative, what are the plans for such construction, in terms of tendering, starting and completion dates, and construction costs? [*Dr. T. Gopeesingh*]

**San Fernando General Hospital
(Construction of ICU)**

100. Could the hon. Minister of Health state:

- (a) the reasons for the non-construction of the Intensive Care Unit at San Fernando General Hospital; and
- (b) what plans now exist for the construction, including starting and completion dates, and construction costs? [*Dr. T. Gopeesingh*]

**Bombardier Executive Private Jet
(Ordering of)**

105. With respect to the proposed purchase of a Bombardier Executive Private Jet for use by the Government, could the hon. Minister of Finance state:

- (a) whether a firm order has been placed for this jet;
- (b) if the answer to (a) is in the affirmative, who placed the order and on what date was it placed;
- (c) if the order was placed, is there a contract and what is the date of the contract;
- (d) whether any money was advanced to Caribbean Airlines Limited for the purchase of a Bombardier jet; and
- (e) if the answer to (d) is in the affirmative, how much money was advanced? [*Mr. J. Warner*]

**Bombardier Executive Private Jet
(Cabinet Consideration of)**

106. With respect to the proposed purchase of a Bombardier Executive Private Jet for use by the Government, could the hon. Minister of Finance state:

- (a) on what date was the matter of purchase considered by the Cabinet;
- (b) will the proposed official executive jet be utilized by public officers for official travel; and
- (c) was a feasibility study presented to Cabinet upon which a decision was based? [*Mr. J. Warner*]

Official Overseas Travel

107. Could the hon. Minister of Finance state:

- A. What was the actual annual Government expenditure on official overseas travel (airfares) from 2006—2007?
- B. What is the projected expenditure on official travel for 2008?
- C. How many aircraft travel hours are envisaged for 2008? [*Mr. J. Warner*]

Purchase of Blimp/Sky Ship

111. A. Could the hon. Minister of National Security give the name(s) of the person(s) and/or organization(s) which negotiated the purchase and /or lease of each blimp/sky ship on behalf of the State?
- B. Could the Minister give the name(s) of the person(s) and/or organization(s) which negotiated the purchase and/or lease of each blimp/sky ship on behalf of the suppliers?
- C. Were anti-corruption clauses inserted in the contracts for the purchase and/or lease of each blimp and/or sky ship? [*Mr. S. Panday*]

Aerus 40 Blimps/Sky Ships

(Specifications)

113. With regard to the Aerus 40 blimps/sky ships, could the hon. Minister of National Security state:
- (a) whether the specifications were obtained for each prior to the purchase and/or lease;
 - (b) if the answer to (a) is negative, why were they not obtained; and
 - (c) if the answer to (a) is in the affirmative, what were the specifications? [*Mr. S. Panday*]

Questions, by leave, deferred.

Office of Disaster Preparedness Management

(Details of)

12. **Mr. Jack Warner** (*Chaguanas West*) asked the hon. Minister of National Security:

With regard to the Office of Disaster Preparedness Management, can the Minister of National Security inform the House what is the recurrent cost in

2007 in relation to the operations of this office and what has the office achieved thus far?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, in 2005 Cabinet took the decision to disband the National Emergency Management Agency (NEMA) replacing it with the Office of Disaster Preparedness and Management (ODPM). This was to ensure a more proactive model of comprehensive, modern disaster management. The ODPM as formulated by the Government is the national body tasked with the responsibility for leading the national effort in protecting public health and safety, restoring essential government services and providing emergency relief to those severely affected by a major hazard impact.

Its role therefore, is to coordinate and manage the country's disaster preparedness and response capacity so as to ensure Trinidad and Tobago's readiness and responsiveness to emergencies and disasters.

In terms of providing relief to affected persons therefore, the ODPM works together with the first responders; the Ministry of Local Government and the Ministry of Social Development which are mandated to provide such relief. The Ministry of Community Development's National Commission for Self-help Programme also provides minor repairs and construction grants of up to TT \$10,000.

While the two former ministries are mandated to provide immediate response, when situations are of the magnitude that warrant the involvement of ODPM, the organization assists with additional resources and ensures that there is a coordinated response by mobilizing all key players and resources.

The aim at all times is to bring about the best possible approach to ensuring that impacted persons are assisted in a timely manner and that loss of life and damage to property and any interruption to the developmental process are prevented or minimized.

The ODPM is assisted by the Trinidad and Tobago First Engineering Battalion in providing assistance in the immediate aftermath. According to the records of ODPM, between 2005 and 2007 there were several flooding events of varying magnitudes. The hurricane seasons, though above average, did not cause any significant devastating events and generally, there were no major national events which required large-scale response from the ODPM.

However, the organization provided assistance to persons based on requests from the regional corporations; some 25 weather events ranging from flooding, to loss of roofs, to high winds where the ODPM was asked for assistance and

provided same to over 300 persons. This assistance included the provisions of 575 mattresses, 146 blankets, 218 sheet sets and 55 tarpaulins.

The ODPM has noted an increasing number of requests for assistance since it commenced work with corporations to strengthen its capacity to respond. In light of the collaborated nature of the work being done by the ODPM, and given the organization's mandate to create and implement the inter-agency collaborative structure as it relates to disaster risk reduction and development, the ODPM has placed special emphasis on forging stronger relationships with key stakeholders. In this regard, the ODPM has:

- (a) worked extensively with the Ministry of Local Government in developing its policy and plan on disaster management;
- (b) trained regional corporation personnel in several areas of disaster risk production;
- (c) increased its links with the Ministry of Works and Transport, their Works and Highways Division in particular, which has resulted in an improved response to events;
- (d) together with the United Nations Economic Commission for Latin America and the Caribbean agreed to embark on a socio-economic vulnerability assessment of Trinidad and Tobago in 2008. This study will establish a baseline of vulnerabilities which can be utilized in post-disaster assessments, as well as to enhance national disaster plans and policies and will be supplemented by a country risk profile also to be developed in 2008; and
- (e) partnered with Central Bank of Trinidad and Tobago to establish a Financial Sector Disaster Committee to focus primarily on business continuity planning for the financial sector and to ensure a rapid recovery following disaster incidents.

Some of the other key initiatives undertaken by the ODPM include: in collaboration with key stakeholders, the ODPM successfully advanced the revision of the National Shelter Management Policy of Trinidad and Tobago and commenced development of a National Shelter Management Plan.

The organization embarked on a number of training initiatives with the assistance of the United States Agency for International Development, Office of Foreign Disaster Assistance including shelter management, damage and needs assessment, and the initial damage assessment training. It established a medical first-responder team in February 2007, comprising 18 persons who were trained to

international standards and certified by Creighton University in the United States of America to provide medical assistance.

The medical first-responder programme has since been advanced with the approval of the medical protocols by the Government Director of National Emergency Services, Ministry of Health, and it has advanced the development of a geographical information system which, when completed, will enable the ODPM to electronically plot the areas historically affected by hurricanes, floods, et cetera and use that information to better design response and mitigation programmes.

With respect to the organization's expenditure, hon. Members are advised that for fiscal year 2007, the sum of \$19.3 million was expended by the Office of Disaster Preparedness and Management under recurrent expenditure for the provision of relief items during emergencies, procurement of vehicles and minor equipment, the conduct of its public education and awareness campaign, and on standard recurrent expenses such as salaries, utilities and office maintenance costs.

Thank you, Mr. Speaker.

Mr. Speaker: Before I go to the next question, you said question No. 42, but I am not seeing that on the Order Paper.

Mr. Imbert: I said question No. 43.

Mr. Speaker: Oh, it is question No. 43. Okay.

Self-Employed Persons (National Insurance Coverage for)

43. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Finance:

Could the Minister indicate:

- a) why coverage of self-employed persons has not been introduced under the National Insurance Board; and
- b) whether this will be done in the future, and if so when?

Mrs. Persad-Bissessar: Mr. Speaker, I would take the liberty to ask the question for him. I think there is a massive traffic jam on the highway; a tanker overturned, so they are on their way.

Mr. Speaker: We will take that at the end; let us get the questions of the Members who are here.

**Housing Development Corporation
(Details of Housing Units)**

49. Mr. Winston Peters (*Mayaro*) asked the hon. Minister of Planning, Housing and the Environment:

With respect to the Housing Development Corporation, could the Minister state:

- (a) how many housing units were constructed in the *Mayaro* constituency during the period January 01, 2006—December 31, 2007;
- (b) the geographical location of these units;
- (c) the total expenditure on construction of those units to date; and
- (d) how many of these units are still unoccupied?

Hon. C. Imbert: Mr. Speaker, in the absence of the Minister of Planning, Housing and the Environment I do have the answer.

Mr. Speaker: The same thing will apply; we will do that at the end.

**Naparima–Mayaro Road
(Details of)**

53. Mr. Winston Peters asked the hon. Minister of Works and Transport:

Could the Minister give a status report on road paving works along the *Naparima Mayaro Road* to *Rio Claro* inclusive of the present condition of the road, scope of works still needed to be done and projected completion date?

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, the area of roadway from *Agostini Village* to *Mayaro*, which is approximately 23 kilometres of roadway along the *Naparima-Mayaro Road*, was seriously damaged in October and November 2007 during a water transmission pipe laying exercise.

To date a total length of 14.2 kilometre on the *Naparima-Mayaro Road* has been rehabilitated under the Programme for Upgrading Roads Efficiency (PURE) from *Circular Road, San Fernando* to *Torrib Trace Junction, New Grant* at a total cost of TT \$32.4 million. Work on the section of roadway from *Torrib Trace Junction* to *George Village* is outstanding pending the outcome of soils investigations conducted on two landslips in the area.

Works comprising deep-patching, overlaying and drainage works of approximately 5 kilometres are currently ongoing from *George Village, Tableland* to *Rio Claro*

Roundabout under the National Highways Programme. To date, the drainage works are completed and seven out of eight landslips have been repaired. Deep-patching and asphalt overlaying is substantially complete at an approximate cost of \$28 million.

PURE also rehabilitated 10 kms of roadway from the Rio Claro Roundabout to Basil Trace on the Naparima–Mayaro Road at a total cost of \$18.9 million.

1.45 p.m.

In addition, 10,000 square metres of deep patching together with strengthening and paving works were carried out at a total cost of \$11.2 million, at intervals, from the 51.6 kilometre mark to the 64.2 kilometre mark, that is, before Basil Trace to Plaisance, Mayaro, to repair damage done during the pipe-laying exercise.

The scope of work still needed to be done to rehabilitate other critical areas of the road as a result of the damage done during the pipe-laying exercise includes: full-depth patching; strengthening of the existing roadway; laying of bituminous surface course; reestablishing of online drains and pavement marking. These works are estimated to cost \$13.1 million and barring unforeseen circumstances, the remaining works will be carried out on the roadway at appropriate intervals in 2008 from Mile End Village to Mayaro.

Mr. Peters: Could the hon. Minister say—there is a portion of road in Mafeking on which very substandard work was done and there is a long piece that is not even finished; just about a quarter mile of road. I would like to know if the hon. Minister could tell me when that would be finished.

Hon. C. Imbert: Mr. Speaker, I am not in a position to give a precise answer. I also do not have the full details and particulars with respect to the matter that the Member is raising. But I suspect that the Member is referring to some work done by one of the public utility companies. At present, the Ministry of Works and Transport is inspecting road reinstatement done by WASA in particular, to see whether it meets our specifications, and where it does not, we will take appropriate remedial action.

Mr. Peters: Could the hon. Minister say who the contractors were—or the contractor is—that did these works?

Hon. C. Imbert: Again, Mr. Speaker, I am not clear on what the Member is referring to, whether the Member is referring to the work done by WASA. So I would ask the Member to pose that question in the proper manner and I will endeavour to obtain the response.

Dr. Gopeesingh: I would just like to ask the hon. Minister to indicate if there is a Government policy, or a Ministry of Public Utilities policy, when WASA damages the road on the pipe-laying programme, who is ultimately responsible for repairing the road to the complete satisfaction of the road user.

Mr. Speaker: That is not a proper supplemental question flowing from the answer, but are you in a position to answer the Member?

Hon. C. Imbert: Mr. Speaker, the Government is ultimately responsible. In the first instance WASA is responsible. If it is a main road or highway, if the reinstatement work done by WASA or WASA's contractors is unsatisfactory, the Ministry of Works and Transport will take appropriate action to ensure that the road is properly reinstated. The situation is a little more complicated when you are dealing with roads that are under the purview of the 14 local government corporations. It is a matter that is addressing the attention of the Government and solutions will be found in the near future.

Mr. S. Panday: Mr. Speaker, could the Minister indicate why it takes so long to repair the road after WASA digs it up? Secondly, is there any mechanism in place to expedite that process?

Hon. C. Imbert: Mr. Speaker, as I said, the Government is working on solutions to this problem.

Gasparillo Intersection (Traffic Jams and Congestion)

67. Mr. Ramesh Lawrence Maharaj SC (*Tabaquite*) asked the hon. Minister of Works and Transport:

Could the Minister state what plans if any, the government has to redress the continuing hardships and anguish experienced, on a daily basis, by the travelling public at the vicinity of the Gasparillo intersection with the Solomon Hochoy Highway from the traffic jams and congestions of motor vehicles travelling to and from Gasparillo either from north or south on the highway?

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, the Gasparillo interchange on the Solomon Hochoy Highway currently provides a less than optimum service during the morning and afternoon periods. This situation will be further exacerbated if Petrotrin proceeds with its plans to relocate its office and other facilities to the eastern side of the Pointe-a-Pierre compound. In order to address the problem and to provide relief to the travelling public,

Petrotrin, in conjunction with the Ministry of Works and Transport, has engaged consultants to formulate practical solutions for the efficient management of traffic at the Gasparillo intersection.

The contemplated engineering solution disperses the traffic at the Gasparillo interchange by construction of a new interchange at the Guaracara/Tabaquite Road. This new interchange will also include a new access for Petrotrin. The preliminary design includes the following features:

- Construction of a partial diamond type and partial cloverleaf interchange at the overpass of the Solomon Hochoy Highway and the Guaracara/Tabaquite Road;
- the diamond-type ramps will be on the south-west quadrant—the exit ramp—and the north-west quadrant—the entry ramp, and the intersection thus formed with the Guaracara/Tabaquite Road will be the west intersection of this new interchange;
- the cloverleaf ramp will be on the south-east quadrant of the interchange in order to facilitate exit from the Solomon Hochoy Highway and entry to the Guaracara/Tabaquite Road, east and westbound movements. The intersection thus formed with the Guaracara/Tabaquite Road will be the east intersection of this new interchange;
- the bridge on the Guaracara/Tabaquite Road over the Solomon Hochoy will be upgraded to include a turning lane from the east onto the northbound entry ramp;
- the west section of this new interchange will be signalized and the entry ramp will have two lanes for 100 metres and will then continue as one lane, eventually branching into a straight-through road to Petrotrin and an acceleration lane onto the northbound Solomon Hochoy Highway;
- on the Guaracara/Tabaquite Road east approach to the west intersection, there will be a right-turning lane for 100 metres and a straight-through lane;
- on the Guaracara/Tabaquite Road west approach to the west intersection, there will be a left-turning lane for 100 metres and then a straight-through lane. The east intersection of the new Guaracara/Tabaquite Road interchange will also be signalized;

Oral Answers To Questions
[HON. C. IMBERT]

Friday, April 11, 2008

- there will be no turning movements for the eastbound traffic on the Guaracara/Tabaquite Road and the east and westbound turning movements for the traffic on the cloverleaf exit ramp will be coordinated;
- the entry ramp for the west intersection of the Gasparillo interchange will be closed in order to remove weaving traffic safety risks with the new acceleration lane for the diamond-type northbound exit ramp of the proposed Guaracara/Tabaquite Road interchange.

It is expected that on completion of these road access improvements, the waiting time at either the existing Gasparillo interchange or the proposed new Guaracara/Tabaquite interchange, will be reduced to one minute, compared to the current waiting time of more than 10 minutes. Final design proposals are scheduled to be invited by May, 2008 and tenders for the construction work are expected to be invited by December 2008. Barring unforeseen circumstances, construction work should commence in the first quarter of 2009 and be completed by the end of 2010.

Aerus 40 Blimp/Sky Ship
(Status of)

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

With regard to the Aerus 40 blimp/sky ship, could the Minister state:

- (a) the extent of the repairs and maintenance done thus far;
- (b) the sums spent on parts and labour; and
- (c) the name(s) of the person(s) and/or organizations(s) which did these repairs?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, for the six months during which the Aerus 40 Blimp airship was utilized by the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT), repairs were done to the port engine enviro and rudder avatar. Additionally, routine maintenance was also performed on the aircraft.

The cost of repairs and maintenance which was covered by the maintenance contract amounted to US \$1,120,000 or TT \$7,560,000.05 for the six-month period.

In keeping with the provisions of the purchase contract, maintenance was carried out by personnel from the supplier, Worldwide Aerus Corporation.

Mr. S. Panday: Mr. Speaker, a supplemental question. Was there any term in the contract for any kickbacks to any organization?

Mr. Speaker: You need not answer that.

**Self-Employed Persons
(National Insurance Coverage for)**

43. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Finance:

Could the Minister indicate:

- a) why coverage of self-employed persons has not been introduced under the National Insurance Board; and
- b) whether this will be done in the future, and if so when?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. Speaker, national insurance, unlike private insurance, requires as a condition of success, universal and compulsory application. Accordingly, the national insurance programme, as envisaged, was intended ultimately to apply to all categories of workers. In this regard, the National Insurance Act, No. 35 of 1971 provided inter alia that where the National Insurance Board is satisfied that the registration of a self-employed person is in order, the board shall issue to the self-employed person a national insurance registration card.

Subsequent to the passage of the legislation in 1971 and beginning in 1971, the board embarked on the development of a policy to provide national insurance coverage for self-employed persons. This undertaking involved detailed consideration and consultation on the following operational issues:

- (1) designation/identification of the self-employed, for example, should housewives be included in the definition;
- (2) definition of the income of the self-employed which proved particularly challenging, given the demonstrated reluctance of the self-employed to declare their true income;
- (3) assessment methods in respect of the income of the self-employed;
- (4) coverage and registration, for example, compulsory versus voluntary system;
- (5) a strategy for registration;
- (6) contribution rates;

- (7) benefit structure and qualifying conditions for benefits;
- (8) the issue of a separate fund for the payment of self-employed benefits;
- (9) tax deductibility for self-employed;
- (10) impact of self-employment coverage on the stability and sustainability of the social insurance system.

In addition, during the early stages of the implementation of the national insurance system to provide coverage to paid employees, there was initially significant resistance by some stakeholders which led to low compliance by employers during the 1970s. It was therefore necessary to first gain acceptance of the national insurance system before introducing self-employed.

The country, as a whole, faced another challenge. In response to the prevailing economic climate and restructuring policies implemented between the mid-1980s and 1990s, a number of employers reduced their workforce. By 1995, contribution income, excluding arrears, was less than the benefit payout. The fourth actuarial review conducted in 1991, indicated that coverage of the self-employed was extremely dangerous to the financial stability of the social insurance system and this was especially true in the case of countries with high levels of unemployment. It was therefore not feasible to pursue self-coverage under the then existing economic conditions.

The National Insurance Board, as an employer, was also impacted by the prevailing economic climate. The situation was further aggravated by the fact that contribution rates, insurable earning ceilings and benefits, were only raised once during the 26-year period between 1972 and 1998. As a result, administrative cost as a percentage of contribution income rose to about 15 per cent by 1995. The National Insurance Board was forced to reduce its staff by close to 50 per cent, leaving a limited capacity to continue operations, much less to pursue major initiatives, such as the introduction of a self-employed coverage.

Notwithstanding the circumstances described above, the National Insurance Board, on occasion, tested the interest of self-employed persons and groups. Interviews conducted in 1993 showed the reluctance of the self-employed to be provided with coverage at that time. The National Insurance Board also gauged the willingness of the self-employed to comply by monitoring the take-up of the voluntary contribution option by persons who had left paid employment without meeting the qualifying conditions for retirement pension.

2.00 p.m.

This remained law throughout the years. The primary reason cited was cost, since the full cost of the contribution due was then paid by the insured person. As the economy became more buoyant and recommendations arising out of the fifth and sixth actuarial reviews were implemented, the National Insurance Board's situation improved and the benefits being offered became relevant to the self-employed. In conducting the seventh actuarial review, the National Insurance Board started its drive to implement self-employed coverage.

A survey was conducted to gauge the interest of self-employed persons for national insurance coverage. During the survey 352 persons who worked across Trinidad and Tobago were interviewed; 300 came from Trinidad and 52 came from Tobago. These self-employed workers fell under the following categories: construction, hospitality, legislators, senior officials and managers, professionals, technicians, service and sales, agriculture, craft and related workers, plant and machine operators and assemblers and elementary workers. The percentage of 80.6 of those interviewed showed a high level of interest in acquiring social insurance. The Tobago sample was 86.5 per cent compared to the Trinidad group of 80 per cent.

Financial security for retirement, as well as being able to benefit if anything happened to them were the main reasons for interest. Of those interviewed, only 34.6 per cent of the Tobago group had private insurance coverage, while only 28.3 per cent of the Trinidad group had private insurance coverage. The ILO was engaged in 2006 to conduct a feasibility study and providing coverage to the self-employed. This exercise is still in progress. However, the ILO has reiterated the comments made in the *Fifth Actuarial Review* that the contribution compliance of self-employed persons usually presents a serious problem and an effective enforcement system must be set up. To this end, as recommended by the ILO, the National Insurance Board has approached the ministries and regional corporations to ascertain their willingness to promote self-employed compliance, as a requirement to gaining access to the services of the Government.

In light of the above, the National Insurance Board has taken a decision to extend coverage of the self-employed in Trinidad and Tobago. This policy position was reflected in the terms of reference for the conduct of the seventh actuarial review of the national insurance system.

Accordingly, Phase II of the seventh actuarial review project involves a feasibility study for the extension of coverage to the self-employed and a

comprehensive regime would be developed to identify the following: suitable benefits; financing options; administrative operations and costs; implementation approach and actuarial considerations.

With respect to the second part of the question, the target for extended national insurance coverage to the self-employed of Trinidad and Tobago is 2010.

Mr. Baksh: Could the hon. Minister give any indication of the number of self-employed in this country?

Hon. M. Browne: I am not in a position to do so at this time.

**Housing Development Corporation
(Details of Housing Units)**

49. Mr. Winston Peters (*Mayaro*) asked the hon. Minister of Planning, Housing and the Environment:

With respect to the Housing Development Corporation could the hon. Minister state:

- a) how many housing units were constructed in the Mayaro constituency during the period January 01, 2006—December 31, 2007;
- b) the geographical location of these units;
- c) the total expenditure on construction of those units to date; and
- d) how many of these units are still unoccupied?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. Speaker, it should be noted that the Government does not construct houses on a constituency basis but on a national basis. At present, the ministry's database reflects applications by over 107,000 households for housing.

In the Mayaro/Rio Claro area applications have been received from 1,093 households. Two hundred and twenty-one (221) housing units were in various stages of construction in Mayaro during the period January 01, 2006 to December 31, 2007.

The geographical locations of the housing units under construction in Mayaro are as follows:

Location	No. of Units
Rio Claro/Mora Heights/Sidney Street	104

El Guanapo	26
Plaisance	40 (26 completed and 14 under construction)
Coconut Grove	51

In its thrust to provide affordable and adequate housing, to improve the living conditions of the low and middle income households, the Government has to date expended approximately \$4.8 billion on its National Housing Programme. Of this total, an estimated sum of \$60 million has been spent on the provision of housing in the Mayaro area.

A total of 26 housing units has been completed and allocated and 21 have been occupied. Five units are unoccupied. All other units are still in various stages of construction.

Mr. Peters: Can the Minister say if the houses that are occupied are occupied by any of the applicants from Mayaro or people from elsewhere?

Sen. The Hon. E. G. Dick-Forde: Mr. Speaker, I cannot answer that question. We will have to go into the database. We need that question posed properly.

Mr. S. Panday: In the National Housing Programme, will houses be built in Williamsville for the poorest people in Princes Town?

Mr. Speaker: You need to file a different question.

Mayaro Constituency (Construction of Housing Units)

50. Mr. Winston Peters asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister state what new housing units are earmarked for construction in the Mayaro constituency?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. Speaker, again it should be noted that the Government does not construct houses on a constituency basis but on a national basis. In the Mayaro area, prior to the commencement of the accelerated housing programme, there was one government housing site at Plaisance and some housing units developed through the Sites and Services Programme at El Guanapo.

The current database reflects applications from approximately 107,000 households and a further breakdown of the Mayaro/Rio Claro area reflects an

*Oral Answers To Questions**Friday, April 11, 2008*

[SEN. THE HON. DR. E. GAYNOR DICK-FORDE]

applicant database of 1,093. In order to facilitate the perceived need in the area, a projected 780 housing units are being constructed or are to be constructed in the Mayaro/Rio Claro area.

A breakdown by site of projected construction of housing units in the Mayaro/Rio Claro area is as follows:

Location	No. of Units
Rio Claro/Mora Heights/Sidney Street	354
El Guanapo	26
Plaisance	40
Coconut Grove	110
Bristol	250

In relation to these projections, units already under construction or constructed are as follows:

Location	No. of Units
Rio Claro/Mora Heights/Sidney Street	104
El Guanapo	26
Plaisance	26 completed, 14 under construction
Coconut Grove	51

**Housing Development Corporation
(Relief from Flooding by Homeowners)**

51. Mr. Winston Peters asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister state:

- (a) whether she is aware of the plight of families in Plaisance Park, Mayaro who have been severely affected by regular flooding of their Housing Development Corporation Units (recent advertisement December, 2007); and
- (b) what the Housing Development Corporation is doing to bring relief and comfort to these homeowners in the short and long term?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. Speaker, 40 units are to be provided at Plaisance at Mayaro under the Infill Programme. Twenty-six (26) units have been constructed already and 14 more are under construction. The houses are of various designs and are located on lots off the eastern side of the development.

It should be noted that the houses that suffered flooding were flat units. The walls of these houses are 4" fair-faced concrete blocks while the floor is designed as a ribbed concrete floor with post tension cables. The houses were built on soft clay and a post tension rib slab was used to mitigate the possible shrinking and swelling of the soil.

In late October 2007, Mayaro experienced unusual rains which resulted in widespread flooding in the area. The water level of the main drain rose considerably and flooding occurred caused by the large volume of water to be accommodated in a short space of time and a sand barrier at the point where the main drain discharges to the sea. This restricted the flow of water and caused a back-up of the drain.

The Housing Development Corporation (HDC) was aware of the situation and took action. The HDC approached the situation as follows:

- (1) The HDC dispatched clean-up crews and worked along with the regional corporation to bring immediate relief to the residents.
- (2) Two meetings were held with the affected residents; the first on October 01, 2007 and the second in December 2007, to discuss these concerns.
- (3) The HDC conducted a social survey of the affected residents and took an inventory of items damaged or lost in the flood.
- (4) An independent engineer was commissioned to assess the structural integrity of the houses taking into consideration damage caused by the flood, as well as to propose a possible solution to the flooding.
- (5) The results of the structural survey were shared with the residents.

The engineer recommended that with regard to the structure, the tension resistance of the walls needed to be increased by inserting horizontal reinforcement at the top of the wall or constructing a tie beam similar to a ring beam, to the top of the external wall.

It was recommended that with regard to flood mitigation in the area, the drainage design of the site and the main drain outfall be rectified to mitigate the effects of high run-off from the catchment of the river.

[SEN. THE HON. DR. E. GAYNOR DICK-FORDE]

Contractors have been engaged to facilitate the necessary repairs, as well as an infrastructural and drainage upgrade. The HDC is also working with the Ministry of Works and Transport at the regional corporation to address the wider flooding issue.

Requests from residents for relocation were considered and four families were relocated.

Mr. Peters: Could the hon. Minister state when this remedial work to alleviate the flooding will begin? Given the fact that the great possibility exists that in our lifetime we would see more rain in Mayaro, the people who are now temporarily housed in houses of the HDC but they were not given to them, would they be able to stay there permanently, given the fact that what they moved out from are uninhabitable?

Sen. The Hon. E. G. Dick-Forde: I do not have the answer for when the work will be started. I have to find out from the HDC.

With respect to the relocation of the residents, as far as I know four families were displaced and have been relocated. If there are other residents, I do not know.

Mr. Peters: Will they be permanently housed where they are? They were relocated to higher houses. They were also told that those houses were given to other people. On my insistence, they went to those houses and I told them that they are HDC's houses. Will they be able to stay permanently or will you relocate them?

2.15 p.m.

Sen. The Hon. Dr. E. G. Dick-Forde: You would need to pose that as a separate question and we will be happy to answer it then.

**MR. MICHAEL CARRINGTON
(SPEAKER OF BARBADOS)**

Mr. Speaker: Hon. Members, I would like to go back to "Announcements by the Speaker". Again, it was remiss of me not to recognize the hon. Speaker of the House of Representatives of Barbados, who is sitting to my left. [*Desk thumping*] He is the hon. Michael Carrington.

ORAL ANSWERS TO QUESTIONS

Mr. Ramesh Lawrence Maharaj SC: Mr. Speaker, I note that it is 2.15 p.m. and about 20 questions have not been answered. When we look at the bottom of

the Order Paper, we see that most of these questions have been postponed on three occasions. The Standing Orders anticipate that 21 days thereafter the answers would be ready. It is no defence to say that the time has run out. If the Government is prepared to answer the questions, then it may be that it has agreed to ask that the Standing Orders be suspended to answer the questions. The fact is that they should be ready to answer the questions.

Mr. Speaker: Hon. Members, if you check the *Hansard*, you will see that, on numerous occasions, I have implored Ministers to answer questions. The Standing Orders do not provide me with any authority to force a Minister—*[Interruption]* Order, please!—but I have implored Ministers continuously to answer questions. Again, that is something the Standing Orders Committee can look at.

Mr. Manning: Mr. Speaker, I want to place on record the fact that today we answered questions for the full period allocated for answering questions under the Standing Orders *[Desk thumping]* and, therefore, if questions on the Order Paper have not been answered today, it is no liability of the Government.

Mrs. Persad-Bissessar: Mr. Speaker, that is totally incorrect. The Standing Orders do put—

Mr. Speaker: I am on my feet. Let us not go over that. The Chief Whip had his say; the Prime Minister had his say. Again, for the umpteenth time, I appeal to Ministers, especially those with questions on the Order Paper since late January and early February, that those questions really need to be answered.

**DEFINITE URGENT MATTER
(LEAVE)**

**Destruction of Residences
(Trotiwa Scale Road)**

Mr. Subhas Panday (*Princes Town North*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the wanton destruction and demolition of residences at Trotiwa Scale Road, Williamsville, by the Land Settlement Agency of the Housing Development Corporation.

The matter is definite because it pertains to a specific matter of the current destruction and demolition of a number of homes of extremely poor persons residing in Trotiwa Scale Road, Williamsville, in the constituency of Princes Town North.

Definite Urgent Matter (leave)

Friday, April 11, 2008

[MR. S. PANDAY]

The matter is urgent because the residents are so poor and indigent that they are unable to rebuild their homes anywhere else because the servants and/or agents of the Land Settlement Agency have confiscated all the building materials from the destruction of their homes.

The matter is of public importance because it is the duty of the State to assist the poorest and neediest of the society to obtain and/or acquire at least basic housing needs.

Mr. Speaker, I see you have truncated from my Motion the issue of sanitation because these people live in sheds and motor cars and there is no sanitation—

Mr. Speaker: Take your seat please, hon. Member. I refer you to a ruling I made some time ago. I have a copy here for your reference. I will pass it on to you. [*Mr. Speaker passes document*]

Hon. Members, the Motion as moved by the Member for Princes Town North does not qualify under this Standing Order. It would certainly qualify under Standing Order 11.

PENSIONS (AMDT.) BILL

Bill to amend the Pensions Act, Chap. 23:52 [*The Minister of Public Administration*]; read the first time.

TRINIDAD AND TOBAGO NATIONAL STEEL SYMPHONY ORCHESTRA CORPORATION BILL

Order for second reading read.

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. Speaker, I beg to move,

That a Bill to establish the Trinidad and Tobago National Steel Symphony Orchestra Corporation and for matters incidental thereto, be read a second time.

Hon. Members, this Bill seeks to supervise the implementation of the National Steel Symphony Steel Orchestra in keeping with our mandate to display the diversity and richness of our culture and to inspire the creativity of our people. The intention of the proposed Bill is the provision of legislative framework to facilitate the transformation of the Trinidad and Tobago National Steel Orchestra established through the Trinidad and Tobago National Steel Orchestra Act, 1999, into a full symphony, which would be the flagship of musicianship, professionalism, ambassadorship and multicultural expression in Trinidad and Tobago and the premier steel orchestra in the world.

The question might be asked: Why the need for a symphony orchestra; what is the Bill seeking to achieve, and what part can it play in the cultural development of our nation?

Permit me to define what we mean by culture. We see culture as symbolic communication and some of these symbols would include the words, gestures, pictures, objects, values and motives of a group of people. The meaning of the symbols is learned and deliberately perpetrated in a society through its institutions. Culture as we know it has manifested itself in different ways throughout our short history and the power of symbols represents one of the deepest manifestations of culture.

The steel pan is just one of those symbols which have touched all the groups in our society and has developed as a symbol of communication. It is creative artistry and natural, voluntary experience of the human spirit and our foremost example of artistic innovation to date.

The culture of Trinidad and Tobago reflects our distinctive way of self-expression. It goes back to our history and emphasizes our social values, our attitudes towards work and play, our norms, and, above all, our way of artistic expression. We as a people, must, therefore, be careful to safeguard and to facilitate a strong cultural industry that encourages the creative arts as a whole, including the music of all genres.

The National Steel Symphony Orchestra is expected to be a vehicle through which our creativity in the area of music can attain global recognition. It is noteworthy that the repertoire of the symphony orchestra would be both indigenous and international. I speak of allowance for creativity in the area of music and hon. Members may very well wonder what protection would be afforded the creator and owners of such musical works.

Mr. Speaker, our copyright laws and intellectual property rights assume greater importance than ever before. I am sure that hon. Members are aware that the Copyright Act has been recently amended to afford our creative citizens full ownership of their intellectual properties. I like the definition of copyright that sees it as one mechanism for aligning the world of ideas to the world of commerce.

Copyright is expected to provide answers as to how intellectual creativity can best be promoted. Copyright as a branch of communication law is in a volatile state, given the current changes in technology, the new methods for production, duplication, storage and dissemination of information and cultural material.

*T&T National Steel Orchestra Bill**Friday, April 11, 2008*

[HON. M. MC DONALD]

Creativity is vital for any time and any society, but present challenges require a premium on imagination and courage. Our responses must be turned toward the future in support of our creative people and in aid of our society. There have been various attempts at establishing a national steel orchestra in the past. In 1951, there was the Trinidad All Steel Percussion Orchestra, the National Steel Orchestra of Trinidad and Tobago between 1963 and 1967, and the Trinidad and Tobago Steel Orchestra, 1997. There is a common thread that runs through all the national steel orchestras in respect of objective, that is, they all sought to address the question of national pride and indigenous singularity in the world of music.

On January 01, 2000, the National Steel Orchestra (NSO) came into operation by virtue of the Trinidad and Tobago National Steel Orchestra Act. The NSO's mandate was to promote the steel pan as the national instrument of Trinidad and Tobago. The NSO Act called for an eight-member board appointed by the President, whose responsibility was to oversee and further the mandate of the Act. The composition of the board comprised a number of individuals, who either represented the Pan Trinbago fraternity and/or displayed an empathy for indigenous music and possessed professional qualifications or at least had three years' knowledge and experience in the music industry. The musical director was an ex-officio member of the board.

Under the NSO Act, the Minister for whom responsibility for culture is assigned was the person to direct the board with respect to the general policy of the NSO. Some of the board's functions involve administering the operations of the orchestra, ensuring training of the members of the orchestra in music literacy, diplomacy, public speaking, self-presentation, history and development of Trinidad and Tobago and other such functions that may be required to achieve the objectives of the orchestra.

To receive the required mandate, a steel orchestra fund was created to assist in the development of the orchestra's objective. The fund comprised of a grant from Parliament plus other revenues from performances, royalties, loans raised by the board and donations.

Subsequent to the presentation of the budget speech for the financial year 2005/2006, which articulated the re-examination of our values and attitudes as a nation, the Centre for Creative and Festival Arts at the University of the West Indies, St. Augustine, proposed that the National Steel Orchestra was the ideal vehicle for what the Prime Minister had articulated in terms of nation building.

2.30 p.m.

However, in identifying the National Steel Orchestra (NSO), it was recognized by the Prime Minister and cultural stakeholders that in its present form, the NSO Act did not have the wherewithal to manage a symphonic orchestra which is to become the premier steel orchestra in the world.

It is against this background that Cabinet agreed to the establishment of the Trinidad and Tobago Steel Symphony Orchestra along the lines of a proposal prepared by the Centre for Creative and Festival Arts, University of the West Indies, St. Augustine.

The Trinidad and Tobago National Steel Symphony Orchestra would be the flagship for musicianship, professionalism, ambassadorship and multi-cultural expression in Trinidad and Tobago.

The major objectives of the symphony orchestra are to nurture the development of the talented musicians of our country, both within its membership and in the nation, and to present a cohesive symphonic orchestra with a repertoire that reflects the multiculturalism of the nation along with other world music, while maintaining a high calibre of performance at all times.

The National Steel Symphony Orchestra Bill represents an evolution of the National Steel Orchestra Act, and purports to address some of the problems that the National Steel Orchestra faces in relation to its functions and objectives.

The National Steel Symphony Orchestra Bill seeks to ensure that the NSSO members of the board comply with present international standards in the fields of finance, administration and good corporate governance.

Mr. Speaker, hon. Members quite rightly may ask: why a symphony and not an orchestra? An orchestra, in the strict classical musical sense, is an ensemble composed principally of strings with the addition of wind instruments and percussion. In other words, the term has become radicalized to mean any concerted group of instruments.

A symphony is a group of work for the orchestra. The term implies a work which embodies a complex and sophisticated music form and a large scale of music making. The National Steel Symphony Orchestra in this sense is a radical departure from the former NSO, and embodies the spirit of both the symphony and the orchestra.

While the NSO dealt with the primacy of the finest players drawn from the existing steelbands of Trinidad and Tobago, the National Steel Symphony

*T&T National Steel Orchestra Bill**Friday, April 11, 2008*

[HON. M. MC DONALD]

Orchestra continues to recruit, audition and employ the finest players possible playing the finest original, classical and other compositions available to the steel orchestra, as well as the finest classical transcriptions from existing classical repertoire, for example, Handel, Beethoven and Mozart to name a few.

The constituent players of this group, the symphony orchestra, will be expected to sight-read, perfect the finest repertoire available to steelband players and play at international standards. Already, the group, which aims at becoming the chartered National Steel Symphony Orchestra, has about 90 minutes of complex and sophisticated scored music that they can play on command and reflects the essence of symphonic playing, aligned with international standards.

By comparison, the former NSO has no scored repertoire and the works that they have learnt, while valuable, are neither as complex, durable or of any individual length to warrant the term “symphonic”.

In like manner, hon. Members may ask: Why a corporation? The following advantages are derived:

- (1) Incorporation will give the symphony orchestra the right to own property, carry on business, incur liabilities and sue or be sued.
- (2) The symphony orchestra will enjoy an unlimited life or perpetual succession, enabling it to continue, notwithstanding changes of government or changes in the composition of the board.
- (3) Corporations are seen to be more stable than unincorporated businesses. Some companies, to be more specific, international companies and/or music organizations, are more ready to do business with incorporated companies if only because of the liability provision.
- (4) The possession of a common seal facilitates and distinguishes between the acts of the company and those of its members.

Mr. Speaker, the business of the corporation shall be managed by a board to be known as “The Trinidad and Tobago Steel Symphony Orchestra Board”. The board shall comprise 11 members appointed by the President as follows:

- (a) a person who has demonstrated expert knowledge of and skills in playing the steel pan;
- (b) a person holding a university degree in management;
- (c) a person with tertiary level qualification in financial accounting;

- (d) an educator with experience in the development of community outreach programmes;
- (e) a representative from the ministry with responsibility for culture;
- (f) an attorney-at-law, preferably with knowledge of intellectual property issues;
- (g) a person holding a university degree in marketing or public relations or similar experience;
- (h) a representative from the Centre for Creative and Festival Arts of the University of the West Indies or the University of Trinidad and Tobago;
- (i) one other person who by virtue of his skill or experience can contribute meaningfully to the work of the board; and
- (j) the Artistic/Music Director and the Chief Executive Officer of the symphony orchestra shall be ex officio members.

Having regard to the thrust envisaged for the symphony orchestra, it is desirable that the composition of the board reflect expertise, wide and varied in number, in disciplines such as management, marketing, financial accounting and education.

Similarly, the functions of the board are consistent with the objectives of the Bill and are—to address a few of the related matters:

- (a) international, regional and national performances of the orchestra;
- (b) composition of the symphony orchestra and the qualifications and selection criteria for the various positions on the orchestra;
- (c) to examine the terms and conditions of appointment, service and remuneration of the members of the orchestra;
- (d) training and development of the members of the orchestra;
- (e) the establishment of professional and ethical standards with which members of the orchestra shall comply;
- (f) the discipline of members of the orchestra and the termination of their appointments; and
- (g) the repertoire of the orchestra which shall reflect the multiculturalism of the nation.

*T&T National Steel Orchestra Bill**Friday, April 11, 2008*

[HON. M. MC DONALD]

Mr. Speaker, this exemplifies the strategic direction that the board is committed to follow to ensure that the symphony orchestra pursues its mandate that the National Steel Symphony Orchestra becomes the premier steel orchestra in the world.

Mr. Speaker, the Government which I have the honour to serve, is fully committed to ensuring that the professional development of the members of the symphony orchestra is addressed, as well as the latent talent in the wider society.

Moreover, the Ministry of Community Development, Culture and Gender Affairs is ideally poised to bring to fruition two development pillars in particular, of Vision 2020 Strategic Plan: Nurturing a Caring Society and Developing Innovative People.

Mr. Speaker, members of this honourable House are aware of the genesis project which was initiated at the request of the hon. Prime Minister, whose objectives were to see the creation of a new family of pans with an enhanced musical range, particularly where the tenor pan was concerned, and to replace the then current range of instruments with a smaller number of individual instruments to form a useful orchestra.

Members are also aware that the project birthed the development of a new family of acoustic steel pan called the G-Pan, which is capable of high musical accuracy and clarity, wide musical range and excellent sound projection, yet with a reduction in the number of steel pans required to cover the steel pan musical range.

When launched, the members of the National Steel Symphony Orchestra will have the unique experience of being the only cadre of musicians on the planet utilizing the new and revolutionary G-Pan. [*Desk thumping*] The Government remains convinced that projects such as that which produced the G-Pan, and which are therefore of strategic importance to the country, can be a powerful tool for the development of an innovative culture in Trinidad and Tobago.

Indeed, the objectives of the symphony orchestra are in harmony with and accentuate these two developmental pillars:

- (a) to play the transcriptions of the standard orchestral repertoire;
- (b) to commission the original compositions for steel orchestras;
- (c) to play at international standards;
- (d) to achieve the status of professional musicians and ambassadors of Trinidad and Tobago through the development of music, academic and communication skills, as well as personal development of members; and

- (e) contribute towards the development of national culture through music.

Mr. Speaker, in fulfilment of the objectives, the symphony orchestra will undertake the following functions:

- (a) perform at national celebrations;
- (b) facilitate workshops aimed at providing the standard of music and techniques employed in playing the steel pan;
- (c) participate in overseas events at which the country is to be officially represented; and
- (d) any other functions as may be determined by the board and approved by the Minister.

The emphasis remains on training, self-development, discipline and maintaining professional and ethical standards among members of the orchestra. In addition, workshops, seminars and outreach activities will all serve to develop a pool of resources from which the innovative spirit of our people can be nurtured and future members of the orchestra sourced.

In essence, this Bill seeks to repeal the Trinidad and Tobago National Steel Orchestra Act, 1999 and to replace it with a new Act which would establish the Trinidad and Tobago National Steel Symphony Orchestra Corporation and to provide for matters related thereto.

The Bill is divided into six parts. Part I of the Bill contains clauses 1 to 3. Clause 1 provides for the short title.

Clause 2 provides for the commencement of the Act.

Clause 3 provides for the interpretation of certain terms.

Part II of the Bill contains clauses 4 to 12 and addresses matters related to the establishment of the Trinidad and Tobago National Steel Symphony Orchestra Corporation, and the Trinidad and Tobago National Steel Symphony Steel Orchestra Board.

Clause 4 provides for the establishment and objectives of the corporation.

Clause 5 provides that the seal of the corporation shall be kept in the custody of the secretary of the board, and for the manner in which it is to be used.

Clause 6 provides for the business of the corporation to be managed by the board, the composition of the board and matters related thereto.

T&T National Steel Orchestra Bill
[HON. M. MC DONALD]

Friday, April 11, 2008

Clause 7 provides for the appointment of a chairman and deputy chairman of the board.

Clause 8 provides for the procedure to be adopted at meetings and other matters relating to meetings including the quorum, minutes and co-opting of persons to attend board meetings.

Clause 9 provides for the functions and powers of the board.

Clause 10 provides that the Minister may direct the board as to policy.

Clause 11 provides for the determination of the remuneration of members of the board.

Clause 12 requires members of the board to disclose any pecuniary interest that they have in a business or body corporate that conducts business with the corporation, and to give an undertaking to refrain from activities that would conflict with their functions and duties to the corporation.

Part III of the Bill contains clauses 13 and 14 and would provide for the staff of the corporation.

Clause 13 provides for the policies of the board to be implemented by the officers of the corporation namely, the chief executive officer, the artistic/musical director and the education officers.

2.45 p.m.

Clause 14 would provide for the employment of administrative, technical and other staff including the secretary to the board.

Part IV would contain clauses 15 to 17.

Clause 15 would provide for the establishment of the Trinidad and Tobago Steel Symphony Orchestra. Clauses 16 and 17 would identify the objectives and functions of the symphony orchestra respectfully.

Part V would contain clauses 18 to 24 and would provide for financial matters of the corporation. Clause 18 would provide for the establishment of the Trinidad and Tobago Steel Symphony Orchestra Fund and for the sources of moneys that shall comprise the fund.

Clause 19 would provide for the various purposes or expenses to which the fund may be applied.

Clause 20 would require the Board to keep proper accounts and records; to have it accounts audited and to submit financial statements to the Permanent Secretary and the Minister.

Clause 21 would require the board to submit an annual report of the activities of the symphony orchestra to the Minister for laying in Parliament.

Clause 22 would provide that the board shall be responsible for the real and personal property of the corporation.

Clause 23 would require the board to prepare and submit budgets to the Minister four months prior to the beginning of each financial year.

Clause 24 would provide for the financial year of the board.

Part VI would contain clauses 25 to 27.

Clause 25 would provide that the Minister may make regulations subject to the negative resolution of Parliament to give effect to the provisions of the Act.

Clause 26 would transfer all property that was held by or vested in the Trinidad and Tobago National Steel Orchestra Board to the corporation.

Clause 27 would provide that any proceedings commenced by or against the Trinidad and Tobago National Steel Orchestra prior to the commencement of this Act shall be continued by or against the corporation.

Clause 28 would repeal the Trinidad and Tobago National Steel Orchestra Act, 1999.

Mr. Speaker and hon. Members, the passing of this Bill will herald a new dawn in our cultural landscape. It will not only provide the international branding of our premier cultural product, the steel pan, but serve to enhance our defining talents as one people and one nation.

Mr. Speaker, I beg to move.

Mr. Speaker: Hon. Members, before I put the question for debate, I have asked the Leader of Government Business and the Chief Whip to meet me in my Chambers now. So that the House will be suspended for 20 minutes. The House is now suspended for 20 minutes and we will resume at 3.15 p.m.

2.48 p.m.: *Sitting suspended.*

3.25 p.m.: *Sitting resumed.*

**REFERRAL TO HOUSE COMMITTEE
(USE OF LAPTOPS)**

Mr. Speaker: Hon. Members, the issue of the use of laptop computers will be referred to the House Committee. I am directing that the Chairman of the

Use of Laptops

Friday, April 11, 2008

[MR. SPEAKER]

House Committee, who is the Leader of Government Business, convene a meeting of the House Committee during the course of the coming week to have this matter discussed.

Mr. Ramesh Lawrence-Maharaj (*Tabaquite*): Mr. Speaker, I appreciate that very much, but I would like to let the House know that the position of the Opposition is that in the interim, it would want to protest the non-use of the computer and it has decided to boycott the Parliament as it sees fit. But I appreciate very much—Thank you very much.

[*Opposition Members leave the Chamber*]

UNPARLIAMENTARY BEHAVIOUR

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I wish to raise a matter under Standing Order 27. The May's *Parliamentary Practice* by *Erskine May* has explained that:

“...any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence.”

I have taken this extract from *Erskine May's Parliamentary Practice*, 23rd Edition, on page 128.

The term “contempt” as understood by May, embraces breaches of parliamentary privilege, but it includes many other acts and behaviours, including disturbance of the proceedings of the House, deliberately misleading the House and molestation of Members in the performance of their lawful duties.

Additionally, speeches and writings reflecting negatively upon the character or conduct of individual Members in their parliamentary roles have always been considered to be contempt. To establish that a contempt has been committed on this ground, the words complained of must reflect on the Member in the discharge of his or her duties in respect of some proceeding in the House or in Committee and not merely arising out of the Member's status as a public figure.

This is a very important distinction, Mr. Speaker, because in order to establish that a contempt has been committed the words must reflect on a Member in the discharge of his or her duties in a proceeding of the House.

Notably, some of the most serious reflections on Members that can be made concern those against the character of the Speaker, an accusation that the Speaker or other presiding officer has shown partiality or bias in discharging his or her duties, since reflections on the official conduct of the Speaker are direct attacks on the very institution of the Parliament itself. That is why the House has provided a mechanism for Members to air their concerns about the conduct of a Speaker or the Speaker.

All hon. Members are aware that any Member could bring a substantive motion for debate in the House in order to have the House consider the conduct of the Speaker. To do otherwise, is to disregard the rules of this honourable House and to engage in behaviours that are certain to bring the House into odium and ridicule.

And while we in this House should not be over sensitive, in fact, it is well established that the Parliament is not a Bishop's tea party, we must decide when the bounds of acceptable behaviour in this regard have been breached.

Mr. Speaker, three incidents that can be cited within recent times, which need to be brought to the attention of this House, are as follows:

In the *Guardian* of Wednesday, April 09, 2008, the news section reports the Member for Tabagite as saying, with reference to the Speaker—I am quoting and please do not associate me with these words—that he:

"...had 'exposed his corrupt and shameful partisan alliance with the PNM'. (He) 'is a servant of Manning and Manning wants to silence the Opposition. He is shielding the Government from accounting...'"

Then again, on CNC Cable News Channel 3, on the night of Wednesday, April 09, 2008, the Big Story, statements made by the Member for Oropouche East, which included:

"The Speaker really is playing the fool. To suggest as the Speaker did in the most absurd way, I found that to be puerile and sadly to say moronic. The Speaker has been acting in this bias manner to prevent the Government from accountability."

On Thursday, April 10, Radio Shakti carried live a public meeting of the UNC in Princes Town, where the following statements were made by persons who spoke at that meeting.

"There was a conspiracy between the Government and the Speaker to suspend Panday. The Speaker is biased and dishonest. The Speaker is guilty with the

Unparliamentary Behaviour
[HON. C. IMBERT]

Friday, April 11, 2008

Government as an oppressor. The Speaker is helping the Government to get a political life. The Speaker is acting as a shield to the Government."

Among other statements, I also heard a news story on Radio 100.5 FM on Tuesday, where the Member for Tabaquite indicated that the Speaker is prostituting the office.

In the highest parliamentary tradition, the Chair as far as we are concerned, has thus far exercised restraint in not answering these charges leveled against him in public. Perhaps, it is this silence on the part of the Speaker and the House that has resulted in this becoming a pattern of behaviour by some Members and as such, these unanswered comments are being repeated without restraint. British parliamentary practice to which we subscribe, clearly defines these actions as contempt of the House, so does our practice. It may be that the House needs to carefully consider whether there is a need to provide, in explicit terms, what constitutes misconduct in this regard.

3.35 p.m.

Because of what has occurred during this week, it may be, and we believe it is necessary for the House to carefully consider whether there is a need to provide and express on explicit terms what constitutes misconduct in this regard, both for the benefit of new and the benefit of returning Members and to define how such action should be treated. On the face of it and having regard to the definition of contempt of Parliament to which I referred earlier as defined in May's, we on this side are of the view that the actions of the Members referred to could be acts of misconduct which amount to contempt of this House requiring the consideration of the relevant committee of the House.

Mr. Speaker, we had hoped that there would have been an appropriate cooling-off period because we felt that better sense should prevail. However, it is my understanding that May's requires that a matter of this nature be raised at the earliest possible opportunity. This being the first sitting after which the utterances occurred, it is incumbent on us to follow the required parliamentary procedure and raise these matters at the first available opportunity, which is today. It is against this background that I raise this matter in accordance with Standing Order 27 and I now move that the matters that I have referred to, be referred to the Committee of Privileges for consideration and report to this honourable House.

Mr. Speaker: Having regard to the Motion by the hon. Member for Diego Martin North East, it is perhaps prudent that this matter be referred to the Deputy Speaker for her consideration and report at the next sitting.

**TRINIDAD AND TOBAGO NATIONAL STEEL SYMPHONY
ORCHESTRA CORPORATION BILL**

Question proposed.

The Parliamentary Secretary in the Ministry of Community Development, Culture and Gender Affairs (Mr. Junia Regrello): Mr. Speaker, the Bill to repeal the Trinidad and Tobago National Steel Orchestra Act, is an important initiative which represents the high point in the development of the steelband. In considering the Bill it will be difficult to ignore the memory of the pioneers of the steelband and the steelband movement who created and played this world's famous instrument in the backyards of the underdeveloped communities of Port of Spain and San Fernando.

The first attempt to establish a national steel orchestra was in 1951 when the Trinidad All Percussion Steel Orchestra was assembled to tour Europe. That orchestra comprised, basically 10 players who were selected from steelbands in Port of Spain and one in San Fernando. Among the players were Winston Spree Simon, Anthony Williams and Ellie Mannette. These heroes of the development of the steel pan were able to baffle the world with their inventions, although they had little or no formal training in the physical sciences. They amazed and marvelled music experts and physical scientists with their exceptional inventions. The pan fraternity salutes these geniuses. Among their inventions are the remodelling of the pan from a convex to a concave position, putting wheels and canopies on the pans and rubber on pan sticks. Anthony Williams, in particular, through his outstanding creative work has been identified as the person responsible for the spiderweb invention, the forerunner to the G-pan.

Today, in Parliament I want to single out this untrained genius for special commendation for his contribution to development of the steelpan [*Desk thumping*]

The process of the evolution of the national steel orchestra continued between 1962 and 1967, when two national steel orchestras toured North America. One performed at the World Fair in the United States of America and the other was a massive attraction in Expo '67 held in Montreal Canada. During these tours of North America our national steel orchestra made powerful statements about our innovative capacity and ability of a young independent nation to impact on the world of music much to the envy of the other more developed nations [*Desk thumping*]

Mr. Speaker, in the early days of the steelband, disrespect and social

*T&T National Steel Orchestra Bill**Friday, April 11, 2008*

[MR. J. REGRELLO]

stigmatization characterized the society's perception of a pannist. The Mighty Sparrow in his famous calypso of the sixties referred to us as outcast. I am a typical example of this stigmatization of the pannist. When I was selected to be the candidate for San Fernando West in the last general election there was a loud cry in some quarters about the suitability of a pannist to represent the people in Parliament and to function in a government ministry.

The development of steelband music has now reached the stage where Government's intervention is necessary to take it to the next level. As we continue along the path towards developed country status on or before the year 2020, our steelband music must be positioned to meet and sustain the highest standard of world music. This Bill is therefore very critical for placing our indigenous music alongside the highest forms of instrumental music at the international level. The establishment of the national steel symphony would not only symbolize the full evolution of the creative effort of members of our local community but would also represent the quintessence of musical development of the pride of our nation. A balanced process would be employed in the selection of the entire membership of the band so that persons from every creed, race, social status and geographical location would have an equal chance to be part of a national steel symphony; the repertoire of music would also include musical pieces reflecting our cultural diversity.

Mr. Speaker, the Bill ensures that there are the necessary structures for protecting and sustaining the integrity of the national steel symphony, the management board would be carefully selected to provide for the presentation of a wide array of skills and competence. Such a wide array of skills and knowledge would certainly bring new ideas of experience for the efficient and effective management of the steel symphony.

As stated in clause 8 of the new Bill, a major function of the board is to establish a policy to be approved by the Minister. This means that the board has a major role in shaping the policy which will guide the operation of the national steel symphony. There is no doubt that the board would produce a protective and developmental policy given the rich mix of expertise and experience which will be involved in the process. Additionally, the involvement of the board in shaping the policy should motivate members to ensure that effective action programmes and projects are developed within the context of the policy framework.

In a similar vein, the performance and standard of behaviour of members must be exemplary since clause 9(1)(e) of the Bill makes provision for the board to address professional and ethical standards with which members ought to comply. Further safeguards are provided in clause 12(a) which will require all members to give a written notice of their disclosure to the board.

The National Steel Symphony is self-justified it is logical, high point in an evolutionary development of the steelband, the stages of which are the single pan band, the conventional orchestra, the national steel orchestra, and now, the national steel symphony.

Mr. Speaker, the instruments in the national steel symphony and the changing attitude towards the pannists are integral to this evolutionary process. The symphony will comprise members who would not be perceived as outcasts but as highly trained exponents of music. Even more impressive will be the use of the G-pan as instruments which embody the creativity and innovativeness of our people—and those of us who were fortunate to be at the Hyatt Regency last Friday could attest to that. [*Desk thumping*] The G-pan significantly improves upon traditional steel pans which were developed over time in an ad hoc fashion. These improvements include the extension of note range across the family of G-pans, a consequent reduction in the minimum number of steel pans required to effectively cover the steel pan musical range from 11 to four.

In other words, what we had before was a family of eleven pans, a tenor, a double tenor, a double second, a double guitar, a three-cello or a four-cello and a tenor base; what you really got there was a repeat of notes. [*Desk thumping*] [*Interruption*] What we have done really is reduced that to a tenor pan, a three-cello and a base pan and a double second. Rationalization and minimization of note layout styles: currently we use the fourth and fifth layout on the tenor, three-cello and six bases and the whole tune of double seconds. The use of a compound design approach whereby individual component parts of the instrument specifically the playing surface which is the rim and the skirt are optimized for the specific function. Particular mention must be made of the fact that the playing surface of the G-pan is made from high grade steel of which two tuners of the project, Roland Harrigin and Bertram Kellman are high in praise.

What happened before is that we used discarded drums to make these musical instruments and now we are importing steel specially designed and tested to make the instruments, so we can tell beforehand as opposed to trial and error approach where a man may spend almost a whole day labouring behind one drum and at the end of the day it may not yield itself well to tuning. Because of this new system with the G-pan, we can now test the steel in advance and can deal directly, based on the system we have done at the University of the West Indies, the research could tell exactly what we are doing; [*Desk thumping*] saving, more importantly on time and money. The G-pan incorporates the use of a variety of techniques for eliminating or reducing annoying non-musical sympathetic vibrations that you track from the purity of the musical sound of the instrument.

T&T National Steel Orchestra Bill
[MR. J. REGRELLO]

Friday, April 11, 2008

We have a very sophisticated piece of equipment at the university that we have imported specifically for this project. I do not think anybody in this country besides, probably ANSA McAl has a computer of that level and standard. What we can do with that computer is test the steel beforehand and say whether or not we can make an instrument.

Hon. Member: “Yeah man”. [*Desk thumping*]

Mr. J. Regrello: As indicated above, all except the G-second steel pan follow a note layout philosophy based on the cycle of musical fourths and fifths. The G-second uses the whole tone note layout used on traditional double seconds. The use of just two styles solves the problem of having a range of note layout styled in a single band and at the same time facilitates the player’s mobility between instruments and bands.

In other words, if you move from band A to band B, what happens is that the style of playing is different. Some bands have a double second with the G-sharp on the left, some bands have a double second with a G-sharp on the right, some bands use high tenor, some bands use low tenor, some bands use six bases and some bands use seven bases. With this standardization it will be imperative and allow you to go to any band where the same styling exists, even for travelling we can leave Trinidad and go to London or New York and just join a steel band and play, and not worry about any different layout or style.

Hon. Member: “Yeah man”. [*Desk thumping*]

Mr. J. Regrello: It is through these innovative instruments and the professionalism of the pannist that the symphony orchestra will be well positioned to achieve the objective of playing symphonic music locally, regionally and internationally at a level that is consistent with international standards. The prominence of the G-pan in the national steel symphony would also reinforce our claim to be the home of the steel pan.

Prof. Copeland reminded us at the official launch of the G-pan that we had given the world the steel pan and we have not really patented it as our creation. While other countries are patenting various aspects of the pan, with the development of the G-pan action is now taken to correct this wrong. We could therefore expect to witness the national steel symphony performing at the concert halls of the world on the patented G-pans branded under the label, “Made in Trinidad and Tobago”. [*Desk thumping*] But the focus of the national steel symphony will not only be on the international performances, though this is an important form of matching our standards against international benchmarks. The

orchestra will also be expected to perform at national celebrations. It could become a regular feature at our Independence and Republic Day celebrations, playing a repertoire of tunes, representative of our cultural diversity. The symphony orchestra will also perform at state functions, regional and international events at which the country is to be officially represented.

Mr. Speaker, my line Minister already elaborated on some of the issues I have here so I will not spend additional time in this House. The presence of the national symphony will therefore increase the reservoir of trained pannists. Learning to play pan by the note method would eventually become the exception rather than the rule as more and more pannists become musically literate. The ambition of our pannists for upward mobility will also increase as they harbour hope and optimism of being future members of this symphony orchestra. This should lead to a thirst for advanced training and the attainment of higher standards.

This Bill will pave the way for the establishment of a professionally managed national steel symphony with professionally trained pannists playing the genesis pan as the most advanced indigenous creation in the world's first steel symphony. This is an achievement that will surely bring pride and joy to me and all citizens of Trinidad and Tobago.

Thank you. [*Desk thumping*]

3.50 p.m.

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. Speaker, in light of the clear authoritative and pellucid

presentation [*Desk thumping*] of my hon. colleague from San Fernando West and in the regrettable absence of Members of the Opposition, there is nothing more I wish to add, I therefore beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 28 ordered to stand part of the Bill.

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.

BASEL CONVENTION (REGIONAL CENTRE FOR TRAINING AND TECHNOLOGY TRANSFER) BILL

Order for second reading read.

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. Speaker, I beg to move,

That a Bill to establish the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region in Trinidad and Tobago and for related matters, be now read a second time.

Mr. Speaker, I wish now to provide a brief background to the matter before this honourable House. Trinidad and Tobago acceded to the Basel Convention on the control of transboundary movements of hazardous waste and their disposal on February 18, 1994. This Convention is a global environmental treaty that regulates strictly the transboundary movements of hazardous waste and imposes obligations on parties to the Convention, to ensure that such waste is managed, minimized and disposed of in an environmentally sound manner.

The Convention was developed in response to the significant threats posed to human health and the environment globally, from the unregulated transportation of such waste, which include toxic, poisonous, explosive, corrosive and flammable materials. The parties to the Convention agreed to the establishment of Basel Convention Regional Centres to treat with matters relevant to the implementation of the Convention and to promote the environmentally sound management of hazardous and other waste in the countries they serve.

Currently, there are regional centres around the world in countries such as Argentina, China, Egypt, El Salvador, Indonesia, Senegal, South Africa, Trinidad and Tobago and Uruguay. Trinidad and Tobago is a member of the recognized United Nations negotiating bloc of the group of Latin American and Caribbean countries. This wider region is currently served by three regional centres—the Basel Convention Regional Centre for the South American Region in Buenos Aires, the Basel Convention Regional Centre for Central America and Mexico in San Salvador and the Basel Convention Regional Centre for the Caribbean Region here in Port of Spain. These three Regional Centres are further supported by the Basel Regional Co-ordinating Centre for Latin America and the Caribbean Region in Monte Video, Argentina.

Mr. Speaker, regional centres are required to provide assistance to projects that would benefit the region they serve. They can also provide assistance to

national projects by linking global, hazardous waste management obligations with national plans. Their core functions are quite varied and include the following:

- training through the development and conduct of specific programmes, workshops, seminars and related projects;
- technology transfers by identifying, developing and strengthening mechanisms for the transfer of technology;
- collection, assessment and dissemination of information in the field of hazardous waste; and
- provision of consultation services and advice to parties upon their request.

Mr. Speaker, regional centres have been in existence for quite a number of years, including the centre in Trinidad and Tobago, which was established in 1998, as recorded in Decision 55 of the fifth meeting of the conference of the parties to the Basel Convention. However, subsequent to the establishment of the centre, the parties to the Convention recognized that legal personality was essential to the proper and effective functioning of the centres. Legislation to establish the centre would facilitate its access to funding from the Basel Secretariat so that it could fulfil its mandate.

Therefore, as recorded in Decision 6(3), the conference of the parties to the Basel Convention in December 2002 set out the core elements and functions of regional centres and required that Framework Agreements be executed between the Secretariat and the host countries of regional centres.

In this regard, after significant consultation among countries in the Caribbean Region and the Basel Secretariat, a Framework Agreement between Trinidad and Tobago and the Basel Secretariat was executed on October 29, 2004 for the establishment of a Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region in Trinidad and Tobago.

Mr. Speaker, Cabinet in July 2004, agreed on the advice of the Chief State Solicitor, that the Attorney General caused to be prepared the necessary legislation for the establishment in Trinidad and Tobago of a Basel Convention Centre. In this regard, the Office of the Chief Parliamentary Counsel forwarded draft legislation to the then Ministry of Public Utilities and the Environment on November 23, 2006. That Ministry then submitted a draft Bill to the Basel Secretariat, which was approved and subsequently forwarded to members of the Caribbean region, who had indicated in the Framework Agreement a willingness

*Basel Convention Bill**Friday, April 11, 2008*

[SEN. THE HON. E. GAYNOR DICK-FORDE]

to be served by the centre. Receiving no request for amendment, the Bill is therefore ready to be tabled in Parliament.

Mr. Speaker, I wish to indicate that the legislation before this honourable House contains some of the salient provisions of the Framework Agreement that was required to be enacted. However, all of the provisions of the Framework Agreement are binding and would be adhered to in all circumstances. Indeed, the Framework Agreement is appended to the Bill.

It is against this background that I now address the provisions of the Bill before this honourable House. It is set out in four parts and two schedules. Part I deals with preliminary issues such as the short title and relevant definitions for the interpretation of the Bill.

Part II addresses the establishment of a regional centre. Clause 3 of the Bill, in Part II, seeks to establish as a body corporate, the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region.

Clause 4 sets out its functions, which include the core functions of training, technology transfer, information gathering, assessment and dissemination, consultation and awareness promotion. The appointment and responsibilities of a director of the centre and the appointment of national and international staff, consultants and experts of the centre are addressed in clauses 5 and 6. It is crucial to note that the centre's activities and functions will be supervised by a steering committee as required by the Framework Agreement.

Part III of the Bill, which includes clauses 7 to 11, addresses the establishment of nomination, election and other relevant issues concerning the steering committee.

4.05 p.m.

This committee will be constituted by representatives of the Caribbean region who will be served by the centre. In this regard, Annex III of the Framework Agreement which itself is appended to the Bill as the First Schedule and, further, the Second Schedule sets out those countries in the Caribbean region which have consented to be served by the Regional Centre in Trinidad and Tobago. These countries are: Antigua and Barbuda; the Commonwealth of the Bahamas; Barbados; Belize; the Republic of Cuba; the Commonwealth of Dominica; the Dominican Republic; the Republic of Guyana; Jamaica; the Republic of Trinidad and Tobago; the Federation of St. Kitts and Nevis; St. Lucia and St. Vincent and the Grenadines.

Mr. Speaker, clauses 12 to 17 of Part IV of the Bill address all the issues that require legislative force, such as financial management, funds and resources and

reporting by the Regional Centre to both the Basel Secretariat and the Government of the Republic of Trinidad and Tobago. These clauses also speak to the audit of the centre by an independent auditor. Of significance is clause 13 which provides for the centre to keep separate accounts for funds and resources received from the trust funds or external sources, and those received from the Government of Trinidad and Tobago.

The feature of the Bill that relates to financial management of the Centre is important since, as the host country, Trinidad and Tobago will be responsible for the provision of an agreed budget to the centre as stipulated in Annex II of the Framework Agreement which, as stated before, is appended in the First Schedule.

The funds provided by the host country would cover the cost for office accommodation and salaries of essential staff. The Basel Secretariat, on the other hand, will be responsible for the provision of funds for regional projects and research and other core functions of the Centre. Sound governance over the financial management of the centre is a fundamental reason for this legislation.

Mr. Speaker, the benefits of hosting this regional centre in Trinidad and Tobago are innumerable. In the spirit of international cooperation and responsibility required under international law, in general, and the Rio Declaration in 1992, in particular, Trinidad and Tobago, as an industrialized developing country, is ensuring that it provides as much support to its neighbours under the Basel Convention. Additionally, it is important to ensure that there is a robust support system for small island developing States, such as those within our region, so as to afford us as much protection as possible against activities of larger nations, particularly on the issue of transboundary shipment of hazardous waste.

Nationally, expertise will be available to guide Trinidad and Tobago through the process of ensuring that we adhere to our obligations under the Basel Convention and will also provide us with advice and assistance in best practice in hazardous waste management.

In light of the foregoing, I have the honour to recommend the consideration of this Bill to establish the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean region in Trinidad and Tobago, by this honourable House.

Mr. Speaker, I beg to move.

Question proposed.

Miss Penelope Beckles (*Arima*): Mr. Speaker, it would be remiss of me if I did not make a small contribution on this Bill. There were a few matters raised in the other place, and I would want to give some assurances as it relates to the Government's position on those matters.

One of the matters raised had to do with the whole issue of the accounting procedures. I think it is necessary to state the normal procedure, that is to say, the Auditor General would be responsible for auditing the accounts of the Basel Centre, and those audited accounts would be laid in Parliament every year. While the Government, in the main, would be responsible for the operational costs, it is the Basel Regional Centre, the international centre, that would be also providing moneys for the continuation and running of the Basel Centre.

Another issue raised was the appointment of the Director. The suggestion was that the Government would simply be appointing some political person. There would be the normal procedure of advertisement in the daily newspapers, and the Chief Personnel Officer (CPO) would have the particular control to ensure that persons are appointed by contract. It is very interesting that the international centre, the Basel Secretariat in terms of the final signing off of the Director, would be consulted in this matter, so in that way we can be assured that the person selected has the technical competence and that the process will be transparent and satisfactory to all. Mr. Speaker, even though this centre was not yet legally established, there were a number of projects that already had started that were beneficial to Trinidad and Tobago. For example, the centre had started the project of used lead-acid batteries. A number of concerns have been raised in the environment as it relates to these particular practices with used lead-acid batteries. The centre was able to start its study, collate data and, of course, make appropriate representation to the Ministry of the Environment for the purposes of establishing policies.

As indicated by the hon. Minister of Planning, Housing and the Environment, one of the important benefits to the setting up of the centre here is that, at the end of the day, not just Trinidadians and Tobagonians, but both regionally and internationally, we can be very proud that this is a clear demonstration of the Government's commitment to the environment.

This centre is going to allow us access to different kinds of technical expertise and experience, particularly in areas of waste management and some areas that we may traditionally not have had certain access to technical assistance. So in setting up this centre and actually bringing this before the Parliament, we would now be able to access from the Basel Secretariat technical assistance in implementing the

Convention as well as developing policies as it relates to the environment, both as it relates to waste management issues and other types of issues relating to the environment.

One of the areas that has also attracted a lot of interest is the issue of our treatment of hazardous waste. This centre, together with the Environmental Management Authority (EMA), has also been conducting studies as it relates to the whole issue of waste management and hazardous waste in Trinidad and Tobago. Now that the centre is set up, as the Ministry and as the Government seek to deal with the whole issue of management and conservation of the environment, we can again access expertise and technical assistance from both the Secretariat and other countries that are also members to the Convention.

Mr. Speaker, it would be remiss of me as well if I did not certainly mention that a number of persons have really played a critical role in ensuring that this piece of legislation is before the Parliament today. I remember myself attending a conference in Dubai about two years ago, and Trinidad and Tobago was one of the countries that had not yet bought this piece of legislation to the Parliament. So today we can be extremely happy and proud that this piece of legislation is eventually here. [*Desk thumping*] Credit must certainly go to the Attorney General's Office, the Chief Parliamentary Counsel, the various technical staff of the then Ministry of Public Utilities and the Environment, the environmental unit and, certainly, the technical staff of the new Ministry of Planning, Housing and the Environment, for ensuring that this legislation is here today.

With these few words, I rise to support the Minister, both in her submission as well as to support this Bill.

The Minister of Housing, Planning and the Environment (Sen. The Hon. Emily Gaynor Dick-Forde): Mr. Speaker, I thank the hon. Member for Arima.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 17 ordered to stand part of the Bill.

First and Second Schedules ordered to stand part of the Bill.

Preamble approved.

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.

ARRANGEMENT OF BUSINESS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, in accordance with Standing Order 90(1), I beg to move that we suspend Standing Order 10(2) so that the House can continue to sit until we complete the Legal Professions (Amdt.) Bill.

Agreed to.

4.20 p.m.

LEGAL PROFESSION (AMDT.) BILL

Order for second reading read.

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. Speaker, I beg to move,

That a Bill to amend the Legal Profession Act, 1986, be now read a second time.

Mr. Speaker, when we think of what unites us as a people in the Caribbean, our minds tend to run firstly on West Indies Cricket, the University of the West Indies and the Council of Legal Education.

The architects of the Treaty which established the Legal Council of Education recited their common determination to establish without delay a scheme for legal education and training suited to the needs of the Caribbean. They also recognized the need to vest responsibility for providing institutional training in a regional council of legal education. The primary object of that council was to undertake and discharge general responsibility for practical, professional training.

The Legal Profession (Amdt.) Bill, 2008, though brief in its form is noteworthy for its substantial significance and widespread ramifications in the context of the Caribbean Single Market and Economy (CSME). This amendment must be addressed in its historical context and, therefore, the nexus of this amendment to the Revised Treaty of Chaguaramas cannot be underscored.

Mr. Speaker, I wish to refer to an address delivered by the Right honourable Owen Arthur, the former Prime Minister of Barbados at the Thirteenth Anniversary Lecture of the Caribbean Community at the Frank Collymore Hall, Bridgetown,

Barbados, on April 23, 2004. He was then painting the historical evolution of the CSME in the context of Federation and Carifta and this is what he said:

“The opportunity that the CSME offers is best understood by reference to the limitations of the attempts at Caribbean economic integration which preceded it...”

The contemporary endeavours to integrate the economies of the Caribbean go back to 1968 and the quotation continues:

“with the establishment of the Caribbean Free Trade Area that had as its principal feature the removal of tariffs and other barriers to the interregional trade in goods which were produced within the region.”

Owen Arthur then pointed out the limitations of an integration based only on trade in goods. He said that only yielded very modest results.

The former Prime Minister further made the point in that lecture that the importance of the Revised Treaty of Chaguaramas, 2001 was really the real attempt to deepen and strengthen Caribbean Community in all its dimensions.

He made reference to the importance of removing barriers not just of trade in goods, but also in trade, services, capital flows, technology and skilled persons. It is against that backdrop that this amendment has to be viewed.

Mr. Speaker, the *raison d'etre* for the proposed amendment is to conform the domestic law of Trinidad and Tobago with Article 37 of the Revised Treaty of Chaguaramas, this is the Treaty that sets up the Caribbean Community and the CSME. At that treaty, 15 member states signed including Trinidad and Tobago and committed under Article 37 to remove restrictions in their domestic laws and any sort of discriminatory practices that affected member states.

At a meeting of the Council of Trade and Economic Development, a timetable was developed to ensure compliance by the member states with the removal of restrictions. December 31, 2005 was set as the latest date by which states should comply in their domestic law with the provisions of the treaty.

Mr. Speaker, you may recall that the Caribbean Community (Removal of Restrictions) Act was passed in this Parliament in 2005. That was an omnibus piece of legislation that sought to remove in the domestic law of Trinidad and Tobago restrictions and discriminatory practices in several pieces of legislation, among them being the Immigration Act, the Pilotage Act and the Tourism Development Act.

*Legal Profession (Amdt.) Bill**Friday, April 11, 2008*

[SEN. THE HON. B. ANNISETTE-GEORGE]

Section 15 of the Legal Profession Act, 1986 contains a restriction and a discriminatory practice that is in conflict with the provisions of the Caribbean Community (Removal of Restrictions) Act, No. 2 of 2005. The purpose of this amendment is to ensure that Suriname and Haiti which are member states but not commonwealth states, are not discriminated against by virtue of sections 15 and 16 of the Legal Profession Act.

Mr. Speaker, I would like to inform the House that Haiti recently deposited its instruments of ratification as recent as February of this year. Haiti and Suriname are not commonwealth members and therefore, in accordance with section 16 of the Legal Profession Act, their nationals can only apply to be admitted to practise in Trinidad and Tobago if reciprocal agreements existed between their governments and the Government of Trinidad and Tobago. This practice was found to be discriminatory because commonwealth members of Caricom are allowed by virtue of section 15 to be admitted to practise.

I therefore now refer to the amendment Bill. Clause 1 of the Bill recites its short title.

Clause 2(a) of the Bill seeks to insert the words “a Caricom national” after the word “commonwealth citizen”. The effect of this will remove the restriction that permits only qualified commonwealth citizens to be eligible to be admitted to the High Court of Trinidad and Tobago to practise as attorneys-at-law in Trinidad and Tobago.

Clause 2(b) of the Bill defines Caricom nationals by inserting a new subsection 4A as follows:

“4A ... ‘Caricom national’ means a person who—:

- (a) is a citizen of a Caricom member state;—which would therefore include Suriname and Haiti—or
- (b) has a connection with that State of a kind which entitles the person to be regarded as belonging to or, if it be so expressed, as being a native or resident of the State for the purposes of the law thereof relating to immigration.”

Mr. Speaker, I am to report that all member states have removed their restrictions, save and except Suriname and, of course Haiti, which has only now ratified.

I would also like to make the point that in making the amendment and in removing the discriminatory practice in no way affects the qualification for admission which requires that applicants must have the certificate issued by the

Legal Profession (Amdt.) Bill

Friday, April 11, 2008

Legal Council of Education showing that they are qualified to be members. All the amendment does, is remove the discrimination with respect to nationality for member states.

Mr. Speaker, I would like to read into the record Article 37 of the Revised Treaty of Chaguaramas.

“Subject to the provisions of this Treaty, member states shall abolish discriminatory restrictions on the provisions of services within the community in respect of community nationals.”

I therefore now beg to move.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

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.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House do now adjourn to Friday, April 18 at 1.30 p.m. and on that day we would be dealing with the Caribbean Court of Justice (Headquarters) Bill and if time permits, the Pensions (Amdt.) Bill, 2008.

Mr. Speaker, may I also say we are prepared to answer all the motions for the adjournment, but as before, there is no one to present them.

Mr. Speaker: May I say in the circumstances, all the Motions on the Adjournment that are listed for today will lapse.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.34 p.m.