

*Joint Select Committee**Tuesday, September 17, 1996***SENATE***Tuesday, September 17, 1996*

The Senate met at 1.32 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**JOINT SELECT COMMITTEE****(ESTABLISHMENT OF)**

Mr. President: Hon. Senators, I have received communication from hon. Hector Mc Clean, Speaker of the House of Representatives, which reads as follows:

“August 9, 1996

Sen. The Hon. Ganace Ramdial,

President of the Senate,

Parliament,

Red House,

Port of Spain.

Dear Mr. President,

Resolution—Joint Select Committee

Please be advised that at a sitting held on Friday, August 09, 1996, the House agreed to the following resolution which was moved by the hon. Attorney General.

Whereas the Working Party on Equal Opportunity Legislation was tabled in the House of Representatives on Friday, February 16, 1996 and in this Senate on Tuesday, February 13, 1996:

Be It Resolved

That a Joint Select Committee of Parliament be established to receive and consider comments from members of the public and to submit a report to the Parliament thereon.

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Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Yours Sincerely,

Hector Mc Clean.
Speaker.

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, at the appropriate stage, I shall seek leave of this honourable Senate to deal with this matter.

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. Finbar Gangar to be absent from sittings of the Senate with effect from September 17, 1996.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have been advised that His Excellency the President has appointed Mr. Roodal Moonilal a temporary Senator with effect from September 17, 1996 and continuing during the absence from Trinidad and Tobago of Sen. The Hon. Finbar Gangar.

OATH OF ALLEGIANCE

Sen. Roodal Moonilal took and subscribed the Oath of Allegiance as required by law.

LAND SURVEYORS BILL

Bill to provide for the registration of Land Surveyors, Trinidad and Tobago Land Surveyors and Land Surveying Graduates, for the regulation of the practice of surveying and for other connected matters, brought from the House of Representatives [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

Motion made, That the next stage of the Bill be taken at a later stage of the proceedings [*Hon. W. Mark*].

Question put and agreed to.

REPEAL OF SCHEDULED LAWS BILL

Bill to repeal the Bahamas and Leeward Islands Light Dues Ordinance, Chap. 18 No. 7; the Customs A.T.A. (Admission Temporaire/Temporary Admission)

Repeal of Scheduled Laws Bill

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Carnet System Act, 1986 and the Montreal Trust Company Act, Chap. 9:31, brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made, That the next stage of the Bill be taken at the next sitting of the Senate. [*Hon. W. Mark*]

Question put and agreed to.

PAPERS LAID

1. Annual Report of the Law Commission of Trinidad and Tobago for the year 1994. [*The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]
2. The Supreme Court of Judicature (Amendment) (No. 2) Rules, 1996. [*Hon. W. Mark*]
3. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1984. [*The Minister of Finance and Minister of Tourism. (Sen. The Hon. Brian Kuei Tung)*]
4. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1985. [*Hon. B. Kuei Tung*]
5. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1986. [*Hon. B. Kuei Tung*]
6. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1987. [*Hon. B. Kuei Tung*]
7. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1988. [*Hon. B. Kuei Tung*]
8. Report of the Auditor General on the accounts of the Public Utilities Commission for the year ended December 31, 1995. [*Hon. B. Kuei Tung*]
9. Report of the Supervisor of Insurance for the year ended December 31, 1995. [*The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]

10. Report of the Auditor General on the accounts of the Trinidad and Tobago Export Credit Insurance Company Limited for the year ended December 31, 1995. [*The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung)*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Murder Cases
(Data)**

7. Would the Attorney General inform the Senate of:
- A. (i) the number of persons, male and female, charged for murder whose trials, at June 1996 had not been held or completed;
 - (ii) the number of persons, male and female, sentenced to be hanged for murder who, at June 30, 1996, were awaiting execution;
 - (iii) the number of persons, male and female, sentenced to be hanged for murder who have had their sentences commuted to life imprisonment and at June 30, 1996 were serving their sentences?
 - B. Would the Attorney General tell the Senate the number of persons, male and female, who, at June 30, 1996, were serving sentences of imprisonment for manslaughter?
 - C. Would the Attorney General give the Senate the comparative data at June 30, 1980?
 - D. Would the Attorney General also give the Senate for each year 1980—1995, the number of persons executed on sentences of murder? [*Sen. Dr. E. St. Cyr*]

**Loan Conditionalities
(Legislation)**

11. A. Would the Minister of Public Administration and Information please inform the Senate whether the passage of any pieces of legislation placed on the Order Paper of the Senate in the months of June and July, 1996 were conditionalities of any loans entered into by the Government of Trinidad and Tobago?

- B. If the answer is in the affirmative, could the Minister please state:-
- (i) which pieces of legislation were conditionalities?
 - (ii) to which loans did the pieces of legislation relate? [*Sen. M. Daly*].

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I propose to the Senate that questions Nos. 7 and 11 be deferred for one week.

Questions, by leave, deferred.

**Environmental Management Authority
(Employment of Non-nationals)**

10. Sen. Prof. Julian Kenny asked the Minister of Planning and Development:

- A. Could the hon. Minister inform the Senate of the number of non-nationals employed by the Environmental Management Authority?
- B. Could the hon. Minister state:
 - (i) the nationalities of these non-nationals;
 - (ii) their academic and professional qualifications;
 - (iii) their individual total compensation packages; and
 - (iv) the duration of their contracts and the proportion of the annual salaries and staff benefits budget used to service employment of non-nationals?
- C. Could the hon. Minister also inform the Senate of the total compensation paid to Mr. Sultan-Khan in his capacity as Advisor to the Minister of Planning and Development and Interim Managing Director of the Environmental Management Authority, and the sources of these funds?

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. President, by way of background, let me state that the process of staff recruitment

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was done through the guidelines of Loan Agreement No. 3863 which outlines the procurement procedures for the recruitment of personnel which are consistent with the World Bank guidelines.

The procedure provides for the recruitment of suitably qualified and experienced nationals of Trinidad and Tobago locally or from abroad. It also makes provision in cases where it is not possible to fill positions with nationals, to consider applications from non-nationals and to appoint them on a contractual basis.

The selection and recruitment of professional staff members was undertaken by a task force appointed early 1995 to oversee the operationalization of the Environmental Management Authority in the persons of Sir Ellis Clarke, Mr. John Andrews and Dr. Sultan-Khan.

Advertisements for the positions were placed in both local and foreign newspapers. A total of 236 persons, comprising 145 nationals and 91 non-nationals, were interviewed for the various professional positions. May I emphasize that this process took place before the coming into office of this administration.

Mr. President, out of a total of 12 professionals employed by the Environmental Management Authority, the number of non-nationals is three. They are: the Managing Director/Chief Executive Officer; the Manager, Conservation and Planning and the Manager, Pollution Prevention and Control. The nationality of the three non-nationals is Canadian.

Mr. President, the question also asks for the academic and professional qualifications of the non-nationals. This will take me quite a while to read so, if the Senator wishes, I could pass the information to him and just give a brief outline of the academic and professional qualifications here.

The Managing Director/Chief Executive Officer, Mr. Patrice LeBlanc, has a B.Sc. degree in Chemistry from the University of Moncton in Brunswick; a Master in Engineering Environmental and Chemical from the University of Toronto. He did additional post-graduate work which includes environmental studies programme from Dalhousie University; and management in Business Administration from another college. He has held positions of Director, General Policy and Process Development, Canadian Environmental Assessment Agency and Director, Research Federal Environmental Assessment Review Office

Executive Secretary. He has worked with various departments of government in the administration in Canada.

The Manager, Conservation and Planning, Diane Blachford, has a B.Sc. and M.Sc. from Queen's University, Kingston, Ontario. Between 1986 and 1995, she held positions of Project Leader, Environmental Management Development, Indonesia, Co-ordinator of National Water Programme at the Department of Environment, Ottawa; and other work experiences.

The Manager, Pollution Prevention and Control, Janine Zend, has an Electrical Engineering Diploma from France and holds two Masters Degrees from the University of Toronto. Her professional experience includes Manager, Ontario Ministry of Environmental and Energy Air Quality and Meteorology Section, Environmental Monitoring and Reporting Branch; and Manager of the Environmental Sciences and Standards Division, and other work experience.

The compensation packages paid to the non-nationals are as follows:

The Managing Director/Chief Executive Officer:

A basic salary of Can. \$6,250 per month. Housing allowance of TT \$4,500 per month. Provision of a car fully maintained which has been leased at a cost of \$3,500 per month. Medical coverage for the Managing Director and his wife under a group medical plan. Travel—the cost of relocation comprising airfare for the Managing Director and his wife in moving household effects from Canada to Trinidad and Tobago and return up to a maximum of Can. \$6,000. One month's vacation as well as one economy class ticket for the Managing Director and his wife for each year of service. A gratuity on completion of the contract equivalent to 20 per cent of gross earnings.

The Manager, Pollution Prevention and Control Services:

A basic salary of Can. \$4,000 per month. Housing allowance of TT \$2,000 per month. Provision of a car fully maintained which has been leased at a cost of TT \$3,000 per month. Medical coverage for manager under a group medical plan. Travel—the cost of relocation comprising airfare and moving household effects from Canada to Trinidad and Tobago and return up to a maximum of Can. \$4,000. One month's vacation as well as one economy class ticket for the manager for each year of service. Gratuity equivalent to 20 per cent of gross earnings.

The Manager, Conservation and Planning Services:

A basic salary of Can. \$4,000 per month. Housing Allowance of TT \$2,000 per month. Provision of a car fully maintained which has been leased at a cost of TT \$3,000 per month. Medical Insurance and medical coverage for manager under a group medical plan. The cost of relocation comprising airfare and moving household effects from Canada to Trinidad and Tobago and return up to a maximum of Can. \$4,000. One month's vacation as well as an economy class ticket for the manager for each year of service. Gratuity equivalent to 20 per cent of gross salary.

1.50 p.m.

The contracts are for a two-year period and became effective on January 1, 1996. Of course, the recruitment process preceded the taking up of the post by the non-nationals. Approximately 35 per cent of the budget of the EMA for annual salaries and staffing, inclusive of gratuity, is used to service the employment of non-nationals.

Mr. President, Dr. Sultan-Khan was engaged by the Ministry of Planning and Development over the period November 1993 to December 1995 in various capacities to assist in the development of the Environmental Management Programme, including the establishment of the Environmental Management Authority. The total compensation paid to Dr. Sultan-Khan during this period was US \$306,592.07, and is broken down as follows: as Project Co-ordinator, November—December, 1993, US \$11,615.93; in his capacity of Senior Advisor and Programme Co-ordinator from January, 1994 to June 1995, US \$222,976.14; and as Senior Advisor/Interim Managing Director of the EMA from July—December, 1995, US \$72,000.

Resources for funding Dr. Sultan-Khan's services were a UNDP grant and a World Bank loan.

Sen. Prof. Kenny: Mr. President, a supplementary question to the hon. Minister. I am almost speechless, so please give me a few seconds to calm down. This system has produced a report which came to Parliament at great costs, and I am wondering what is the status of this report. Has it been accepted by the ministry, and the Government, as being of acceptable standards, bearing in mind the money expended?

Hon. T. Sudama: Mr. President, that is a completely new question so I would advise the Senator to file another question, since it has no relationship to the one asked.

Sen. Daly: Mr. President, I wonder if I might be permitted a supplementary question. Would the Minister say, from his long experience, whether the sums of money that he divulged in answer to part C of the question, are quite unprecedented for employment of that kind?

Hon. T. Sudama: Mr. President, I have not had much experience as a non-national—[*Laughter*—]but, from my own knowledge of comparative emolument packages, these are by no way exorbitant in terms of what the multilateral institutions, such as the World Bank, Inter-American Development Bank and so forth, pay their employees for services in countries of the world. In light of those compensation packages, I do not think that these are very exorbitant.

Sen. Daly: Mr. President, I was really asking the question in relation to Dr. Sultan-Khan, not to the non-nationals. That is what I want the Minister's comment on.

Hon. T. Sudama: I am not in a position to comment on Dr. Sultan-Khan's emoluments.

Sen. Prof. Ramchand: Can the Minister say whether these packages were free of income tax?

Hon. T. Sudama: Yes, the basic salaries were tax-free.

DEFINITE MATTER (URGENT PUBLIC IMPORTANCE)

**Prime Minister's Statement
(Teachers)**

Sen. Orville London: Mr. President, first let me welcome you back after your stint as President of the country. I also congratulate Sen. Hamel-Smith who, I assure you, did a very magnificent job in your absence.

Mr. President, I am seeking leave to move the adjournment of the Senate to discuss a matter of definite, urgent public importance, that is, the Prime Minister's unwarranted description of teachers as criminals and his contention that they should be treated as such.

As new parliamentarians, when we had our initial briefing, we were informed that we did have an option to bring definite matters of urgent public importance to the attention of the Senate provided that these matters were urgent, of public importance and definite.

I think that the first qualification is quite obvious. This is, in effect, a definite matter because it pertains to a specific issue which is the public statement made by

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the Prime Minister of Trinidad and Tobago. We were also given the impression—I am not quoting anybody—that the main reason one brings matters of this kind to the Senate is that one is actually calling upon the Members of the Senate to respond urgently to present or impending crisis or even disaster. In other words, it is more or less a proactive method of dealing with problems. Examples were drawn about floods, storms and the general consensus in those early discussions was that one really brings these matters in situations where the welfare of the citizens is under imminent threat. I am suggesting that this matter does fall under those criteria.

Mr. President, I am suggesting that the matter is urgent because according to reports, the Prime Minister's statement has not only inflamed the teachers, but the bulk of the population, and if that situation is not addressed expeditiously, it would lead to a drastic decline in the industrial climate.

I wish to explain, Mr. President, that teachers have been threatened by the highest ranking political figure in the country. They have been equated with criminals, and look at the timing of the statement. It is in the context where just a couple days before the whole country was made aware of who is a criminal and how criminals should be treated. Therefore, the timing made the situation more critical and, I suggest, even more urgent.

That single statement, Mr. President, has impacted more negatively on the industrial climate, the psyche of the teachers of the country and even on their ability to interact with their charges than any other single action over the past decade and it must be dealt with very expeditiously because it is causing a hardening of positions as evidenced by the flood of letters to the newspapers and the storm of complaints from all over the country and the wider Caribbean.

2.00 p.m.

Mr. President, I am suggesting that the Government's mishandling of the industrial relations situation in this country must be of public importance—not just by the Prime Minister, but by other Ministers of Government. It is already having a widespread and a negative impact on teachers, students and the wider citizenry who are alarmed. I suggest that some of them may even be frightened at this stage by the Government's insensitive and heavy-handed approach to industrial relations.

Mr. President, you cautioned me to be brief and I just wish to state that I believe that the public sector workers, and by extension, the citizens of this country, are concerned. They believe that this is a matter of public concern. They

are fast coming to the conclusion that they are being propelled into a new and dark era of governance and I believe we have a responsibility to reassure them now. Consequently, I am humbly requesting that there be an adjournment at this point to discuss what, I am convinced, is a matter of urgent public importance.

Thank you.

Mr. President: Hon. Senators, I received Sen. London's claim this morning. I have had an opportunity to study it, and I have heard him put forward his arguments.

I am not convinced that this qualifies under Standing Order 12 as a definite matter of urgent public importance. The request, therefore, does not qualify.

DOMESTIC VIOLENCE

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. President, I wish to inform this honourable Senate about the comprehensive plans of my ministry for addressing the scourge of domestic violence and the upsurge in violent deaths in the country due to domestic conflicts. As a background, statistics supplied by the Ministry of National Security for the period 1990 to July 1996 show a clear pattern of increase in deaths due to domestic violence. Figures rose from seven deaths of women due to domestic violence in both 1990 and 1991 to 18 deaths in each of the years 1992, 1993 and 1995. In 1994, there were 15 deaths of women resulting from domestic violence and to date in 1996, 12 women have died in domestic violence circumstances. You may note that projections for the year indicate that this may indeed be on the decline but we do not want it to get out of hand. Indeed, we are of the view and the vision that domestic violence deaths should be eliminated and hence we have embarked on a proactive programme.

Additionally, from 1992, children have also become a significant statistic among the victims of domestic violence totalling 21 deaths to date for the period 1992—1996. Death among males through suicide has also become an integral part of this syndrome. This alarming scenario creates a sense of horror and dismay among the population and causes some insecurity in the national community. Following earlier initiatives during the year to address this problem, the Ministry of Community Development, Culture and Women's Affairs has concretized plans to put in place a comprehensive ongoing programme to deal with this problem. The programme consists of short, medium and long-term strategies.

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The short-term package: Mr. President, this package of short-term strategies was launched on August 28, 1996 and there is ongoing implementation. The short-term project consists of four aspects. Firstly, a toll-free telephone line. Secondly, a 24-hour listening and counselling service manned by trained and experienced personnel from non-governmental organizations. Thirdly, an empathetic police service providing safety intervention and swift movement to safety for those whose lives are threatened, if this is necessary. Fourthly, safe houses or shelters if and when these services are required. These are the four aspects of the short-term package.

In the short term, the objectives of the projects are as follows:-

1. To save lives, i.e. to reduce the incidence of the murder of women and children and the suicide of men.
2. To reduce the incidence of violent acts related to domestic violence.
3. To ensure that no one in a domestic violence situation suffers because of the absence of support.
4. To provide a facility for anyone, that is, children, elderly women and men to access help in domestic crises.

The toll-free line was provided by the Telecommunications Services of Trinidad and Tobago (TSTT), using the number, 800-SAVE or 7283. It is capable of facilitating up to three callers at any one time. In this way, up to three separate callers using the single 800-SAVE number can access help at the same time. A number of non-governmental organizations offering both listening and shelter services have been accommodated in the programme. This project, therefore, involves the co-operation of governmental ministries, several NGOs and corporate enterprises. It is just an example of a multipartite initiative in collaboration.

The Ministries of National Security, Social Development, Education, Legal Affairs and Health will be asked to participate in this programme. In this respect, we note that both health and legal issues are crucial to this particular problem. In the area of sensitization and orientation, a workshop to sensitize and orient police officers and hotline listeners to the specific issues of crisis intervention in domestic violence was held on September 6 and 7, 1996, at the Valley Vue Hotel and was hosted by the Ministry of Community Development, Culture and Women's Affairs. A total of 80 police officers and 25 listeners attended the workshop. The objectives of the workshop were as follows:

- (1) sensitization around issues related to domestic violence;
- (2) crisis intervention strategies;
- (3) strategies related to reduction in the loss of life;
- (4) techniques in listening and counselling;
- (5) skills of monitoring and evaluation.

2.10 p.m.

Data on the socio-demographic features of callers, types of threats, responses of the police, referrals to shelters and other pertinent information are being collected by the several agencies. These data will be available for use in monitoring the programme and informing future plans.

The medium-term programme consists of three aspects. One is the creation and/or activation of male support groups. An initial exploratory meeting to address the issue of government's support for men in domestic violence situations was held in the office of the Minister on September 13, 1996. It was agreed that the ministry would look to and work with NGOs already in the field in this area. It would set up a networking mechanism to co-ordinate and expand existing offices; encourage research and relevant training in the area and look into the feasibility of creating specific male centres. A committee was formed to consider these issues and provide concrete recommendations.

The second part of the medium-term plan is a public awareness programme. At a meeting of a group called "Friends of the Ministry" held recently, it was agreed that the public awareness programme must be as broad-based and participative as possible and provide positive solution-based thrusts to the problem. It would be launched through a community slogan competition; adopt a logo and be carried through drama, theatre, cultural expressions such as calypso and chutney; cultural festivals such as Divali, parang and Christmas and events such as carnival. There are also to be media blitzes, information pamphlets and leaflets created for dissemination.

A third aspect of the medium-term plan is the creation of community-based support mechanisms. The community-based support is to be accessed through the Community Development Division of the ministry. All aspects of the medium-term plan have already been activated.

In the long term, two programmes would be implemented. The first is legal reform which is reform of the Domestic Violence Act and other related legislation.

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These are being addressed. A committee headed by the Minister of Legal Affairs is being constituted for this purpose.

The second part of the long-term programme is a comprehensive educational programme which is to be included in the school syllabus. This matter has also been raised with the Minister of Education and plans are in progress. The vision of the ministry is to focus on the youths, to eradicate the problem of domestic violence as far as possible, and to greater reduce the incidence of death due to domestic violence. This is why we are focussing on a public awareness programme and education for our youths. These are the plans of the ministry for addressing the problems of domestic violence.

Thank you.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I would like to advise that the Motions before us shall be taken in the following order. Firstly, we shall debate Motion No. 3; then Motion Nos. 4, 5 and 2, after which we would deal with the Land Surveyors Bill.

Agreed to.

WEIGHTS AND MEASURES (AMDT.) REGULATIONS

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. President I beg to move the following Motion:

Whereas it is provided by section 59 of the Weights and Measures Ordinance, Chap. 31:15 that the Governor-in-Council may make regulations prescribing—

- (a) the several matters mentioned in this Ordinance to be prescribed by the Governor; and
- (b) a table of fees to be taken by the inspectors for stamping or marking weights or measures under this Ordinance:

And Whereas it is provided by section 59 of the said Ordinance that regulations shall have no force or effect until they have been approved by the Legislative Council;

And Whereas it is provided by section 3(1) of the Existing Laws Amendment Order, 1962 that a reference in any existing laws to the Governor...including a reference to the Governor-in-Council...shall be read and construed as reference to the Governor General;

And Whereas it is provided by section 5(5)(b) of the Constitution of Trinidad and Tobago Act No. 4 of 1976, that any reference to the Governor General shall be read and construed as it were a reference to the President;

And Whereas it is provided by section 6(1) of the Existing Laws Amendment Order, 1963 that...for any reference in an existing law to a legislature of the former colony of Trinidad and Tobago there is substituted a reference to Parliament;

And Whereas on the 29th day of May, 1996, the President under section 59 of the Weights and Measures Ordinance, made the regulations entitled “the Weights and Measures (Amendment) Regulations, 1996” whereby specified fees were increased:

Be It Resolved:

That the Weights and Measures (Amendment) Regulations, 1996 be approved.

This is a very simple Motion and I am absolutely sure it would not incur any controversy on either side of this honourable Senate. We are simply making a small correction to a historical fact. The Weights and Measures Ordinance Chap. 31:15, was first enacted in 1878. These laws require that inspectors enter premises where goods are sold, examine any weights or measures and verify the same by comparison with the proper secondary standards in his possession, then stamp or mark in a prescribed manner for which a fee is collected.

2.20 p.m.

By supplement in the *Royal Gazette* issued on September 16, 1943, the acting Governor-in-Council the hon. A. B. Wright made regulations under section 59 of the Weights and Measures Ordinance, Chap. 31:15, in respect of fees for stamping or marking each weight, measure or counterpoise. The fee charged for each weight and/or measure at that time was a paltry 12 cents and for each counterpoise, 24 cents. It is still the same today as it was over 50 years ago.

At present, inspectors have difficulty getting people to come to the stamping offices to stamp their weights and measures, perhaps because of the nominal fee attached to this exercise. They feel that coming to stamping offices to stamp weights and measures is sometimes a waste of their time and prevents them from making more sales and obviously a profit on their sales. Further, the cost of running a stamping station far exceeds the revenue earned from the current fee structure. In fact, the cost of running a stamping station is well in excess of

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\$125,000. I will enumerate to you before long, the corresponding revenue the Government collects as a consequence of this expenditure.

Since the enactment of the Weights and Measures Ordinance, Chap. 31:15, in 1878, we have seen in business establishments, improved and sophisticated weighing instruments such as electronic scales, digital scales, scales used in the process industry and scales of a very sensitive nature used in different types of laboratories. No legislative measures have been made for these weighing instruments in the existing fee structure, nor is there legally any requirements that they be checked or certified. However, in the interest of ensuring that the consumer is properly protected from unjust weighing and measuring practices, it is the intention of the Ministry of Consumer Affairs, to bring additional legislation to Parliament before long to correct this situation.

This Motion today has its genesis in two Cabinet Notes. The first Cabinet Note emanated from the last administration and the second from this administration.

Mr. President, to give you an example of what I was saying earlier with respect to what revenues accrue to the Government *vis-a-vis* the expenditure incurred, I will give you, for about four years, the revenue collected by the Government, having to expend in the region of \$125,000 per annum to maintain a stamping station. In 1991, the revenue collected was \$2,129; in 1992, \$2,036; in 1993, \$2,220; in 1994, \$2,226. You would see a very vast disparity between what it costs the Government to run a station and the revenue it collects. So by increasing the fees from 12 cents for weights and 24 cents for counterpoise to, in some cases, \$5, \$10 and \$15, we would obviously increase the revenue accruing to the Government, making the weighing stations a little more economic and in accordance with modern practice, having user charges that are economic in nature.

I mentioned earlier that there are certain measuring devices for which there is no law nor ability on the part of these offices to check. Therefore, we intend to introduce a revised Metrology Bill which will incorporate all these features and which would impose upon these people, legally, all the conditions necessary for checking and certifying weights to protect the consumers of Trinidad and Tobago.

It is in this context that I present this very simple Motion here this afternoon and in the full knowledge that it is not completely adequate to cover the entire situation which exists today with respect to weights and measures, but that this is only a bit of a stop-gap until the new Metrology Bill is introduced. I am absolutely sure that this measure will gain the approval of the entire Senate.

Question proposed.

Sen. Danny Montano: Mr. President, as the Minister quite rightly pointed out, we really have no particular difficulty with this simple Motion. Without having much detailed information before me, but doing a little arithmetic, it would appear that using the new rates, the Minister is trying to balance his revenue and expenditure and, in fact, he may come very close to it. Based on the arithmetic I did, he may still fall a little short, but the intention is clear.

The activity of checking weights and measures is really a service of the Government. It is not an academic exercise just to go out and check scales; there is a particular purpose to it. What I was disappointed about though, and what was not dealt with in the Minister's presentation—but perhaps we can hear something about it—is that any agency or arm of the Government must operate with a specific clear-cut objective to achieve certain specific aims. We heard nothing about what they are actually doing and about how effective this little agency is in carrying out its duties. They are there, after all, to protect the consuming public to ensure that the weights and measures they are purchasing from the merchants are, in fact, accurate. What we have not heard here at all, is any yardstick by which the effectiveness of the agency is being measured—if it is being measured at all.

2.30 p.m.

By doing a little arithmetic one can average the fees that are earned and the number of incidents in which scales are being measured. However, one does not know, in any given year, if one-third, one-tenth or all the scales in this country are being measured. Mr. President, one really does not know what is the situation. This, after all, is the purpose of government; to provide a service to the people as a whole. We are talking here about revenue which is a rather simple exercise in terms of raising the scale of rates—with which I wholeheartedly agree—but the question is whether or not, in fact, all the scales that must be checked every year are being checked or whether the public at large is receiving the service that it quite rightly deserves.

In closing, Mr. President, we have no particular difficulty, but I ask the Minister to perhaps address some of the issues I have raised.

Thank you.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. President, I thank hon. Senators for being so kind. It is the second time I have visited this honourable Senate as a guest, and this is the second occasion that they have been equally kind to me.

With respect to the two specific areas raised by Sen. Montano, I thought I had indicated in my presentation that the specific purpose of stamping inspectors and stamping weights and measures was to protect the interest of the consumer, but maybe I had not elaborated enough and perhaps I was not sufficiently emphatic. However, the main purpose is to protect the interest of consumers, in that, it has often been said that people who are not operating in an institutionalized environment take risks in offering short weights to customers or clients, as a consequence of which they automatically bump-up the cost of the item. If one is paying \$1.00 for a pound of merchandize and one gets 15 ounces, one is, in fact, paying more than \$1.00. Therefore, this is a mechanism to protect the interest of the consumer.

It is not only a revenue or a service-oriented kind of activity, but it is an activity designed to incorporate all the measures that we are trying to do at the Ministry of Consumer Affairs; that is to protect, in a holistic way, all the various interests of consumers, whether they are in terms of goods or services, public sector or private sector, a household item, the environment or the air that one breathes. This is what we are about.

The second issue raised by Sen. Montano was—although it is not really part of the amendment; the regulations really refer, specifically, to user charges—how effective is the agency. The agency is as effective as the number of individuals who one is able to catch who are providing goods and services—particularly goods—that are not in conformity with the proper weights and measures. These people are prosecuted from time to time whenever they are caught. Or, alternatively, if people lay a complaint to the Ministry of Consumer Affairs of having a weight that is not proper in accordance with what they have purchased, we investigate and take the necessary action.

These inspectors of weights and measures do go out and, from time to time, lay charges on those persons who are not performing in accordance with the law; that is, having their scales stamped on an annual basis or, alternatively, those who give short weights. It is from that standpoint that one can really measure the efficacy of the service of the inspectors of weights and measures.

I pointed out earlier that there are certain weights and measures that cannot be checked at this time, so that the effectiveness of the service is in some way hampered by the fact that we do not have in law today, any kind of control over those devices, be it digital, electronic and other types of scales which are not provided for in the legislation.

As I mentioned, Mr. President, I intend to bring to the Parliament, in the not too distant future, a new Metrology Bill which will incorporate and encompass all these weighing devices to give further and more secure protection to the consuming public of Trinidad and Tobago.

With these few words, Mr. President, I am very happy that this Motion has been received so well on both sides of the Senate.

I beg to move.

Question put and agreed to.

Resolved:

That the Weights and Measures (Amdt.) Regulations, 1996 be approved.

**EQUAL OPPORTUNITY LEGISLATION
(WORKING PAPER)**

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to move the following Motion:

Whereas the Working Paper on Equal Opportunity Legislation was tabled in the House of Representatives on Friday, February 16, 1996 and in the Senate on Tuesday February 13, 1996:

Be It Resolved that a Joint Select Committee of Parliament be established to receive and consider comments from the members of the public and to submit a report to the Parliament thereon.

This is just a procedural matter which deals with the earlier decision to establish a Joint Select Committee of Parliament.

Question proposed.

Question put and agreed to.

Resolved:

That a Joint Select Committee of Parliament be established to receive and consider comments from the members of the public and to submit a report to the Parliament thereon.

2.40 p.m

**PRIVILEGES AND IMMUNITIES
(ANDEAN DEVELOPMENT CORPORATION)**

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, I beg to move the following Motion standing in my name:

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Whereas it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 (hereinafter referred to as “the Act”) that the President may by Order declare that any international or regional organization or agency named or described in such Order shall to such extent as specified in the Order, be accorded the Privileges and Immunities set out in Part I of the Fifth Schedule therein;

And whereas it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

And whereas the President has on the 27th day of March, 1996 made the Privileges and Immunities (Andean Development Corporation) Order, 1996;

And whereas it is expedient that the Order now be affirmed;

Be it resolved:

That the Privileges and Immunities (Andean Development Corporation) Order, 1996 be approved.

Mr. President, the purpose of this Order is to grant privileges and immunities to the Andean Development Corporation. The Andean Development Corporation known by its Spanish acronym CAF which really stands for Corporación Andeña de Fomento is a multilateral financial institution in Latin America and the Caribbean which has as its objective, the achievement of the economic and social development of the citizens of its member countries. As we know, Mr. President, the Andean Pact countries are Venezuela, Colombia, Peru, Ecuador and Bolivia.

The activity of the bank is to develop as a multiple bank and financial agent, and in addition to offering opportunity for the development through investment, CAF is designed also to offer investment promotion service to its members.

There are three types of shareholders in CAF, namely, the series “A” shares—the governments of the member countries of Bolivia, Colombia, Ecuador, Peru and Venezuela, as I have said before. There are the series “B” shares which are underwritten and paid up by the governments of the member countries or public institutions authorized by them, as well as individuals or subregional private companies. This procedure allows for private banks to also become shareholders in CAF. There are the series “C” shares which are underwritten by countries or individuals outside of the subregion, that is outside of the Andean Pact and this group of countries consists of Brazil, Chile, Mexico, Trinidad and Tobago and Argentina and, interestingly, Mr. President, Jamaica has also expressed an interest

in joining CAF and subscribing to the "C" shares. I am almost sure that it is acceding to membership of this organization and that process has been completed.

Trinidad and Tobago, at present, holds 108 series "C" shares and at the time of its accession to membership, the value of the shares was in the region of US \$999,000.

In countries which have subscribed to series "C" shares, CAF may undertake a very wide range of activities jointly with the respective governments or governmental agencies. When the hon. Prime Minister led a delegation to Venezuela recently, we had the privilege of meeting with the top executives of CAF and we discussed a number of possibilities for financing investment development in Trinidad and Tobago both in the public and private sectors. The activities identified in the agreement signed by Trinidad and Tobago with CAF on June 24, 1994 are as follows and these are some examples of how CAF is going to be operating in Trinidad and Tobago.

Operations with the government or governmental agencies, for example, providing technical co-operation to finance the preparation of integrational projects with the series "E" shareholders and the managing and channelling of third parties and lines of credit to finance projects which encourage integration with the Andean subregion.

We are also looking at operations with public or private companies, that is, CAF may provide financial aid through public or private companies from Trinidad and Tobago which either by themselves or in association with companies in the subregion are operating, or will operate in any country in the Andean subregion and private or public companies in the Andean subregion will enjoy comparable rights.

Then there is operation with financial institutions where lines of credit may be established to financial institutions from Trinidad and Tobago which are operating in any country in the Andean subregion in order to finance foreign trade among the countries of the Andean subregion. It is also proposed that lines of credit will be established to financial institutions operating in Trinidad and Tobago so that foreign trade can be financed among their subregion countries.

In discussions prior to the execution of the agreement in 1994, a CAF official noted the possibility of promoting ventures in the tourism sector emanating from Colombia, Mexico and Venezuela and at that time there was considerable excitement about the possibilities that could come from what was then called the

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Orinoco/Apure Project which we in this administration intend to pursue very vigorously.

Membership in CAF and active participation in the meetings of the organization and its business activities could facilitate access to the information and commercial contacts with member countries and thereby serve to deepen Trinidad and Tobago's chances of being an important financial and diplomatic centre.

The point is, Mr. President, that being a member of CAF puts one on the circuit within the hemisphere and enhances one's contacts with the appropriate people, organizations, financial institutions, investment opportunities and really redounds to the economic benefit of the country.

It will be recalled that in 1992 a CAF line of credit was established and managed by one of our local commercial banks, the Royal Bank of Trinidad and Tobago, and this, in fact, involves the revolving fund of US \$5 million used to finance Trinidad and Tobago's trade with CAF member countries in the manufacturing of food, petroleum and chemical sectors.

Mr. President, you would recall that CAF did provide a line of credit of \$10 million which would be extended to Petrotrin to finance the cost of purchasing crude oil for refining purposes from Colombia and Venezuela, which purchases have become necessary with the recent upgrading. If I were to refer to CAF's activities in another country, in nearby Venezuela, CAF did agree to lend to the government of Venezuela US \$200 million for the purpose of restructuring its finances when that country experienced a measure of turbulence in its economic operations.

The purpose of this Order is to grant privileges and immunities to this organization, the Andean Development Corporation, and some of the immunities to be enjoyed by CAF include immunity from expropriation, search, requisition, confiscation, seizure and so forth of any form of a forceful nature. The archives of the corporation shall be inviolable, the corporation's foreign staff should also enjoy immunity with respect to judicial and administrative process relative to acts performed by them in their official capacity and the Order which I am presenting seeks to set out all the privileges and immunities to be accorded to CAF. The Order also seeks to ensure that the President may, by Order, grant to a wholly-owned investment subsidiary of CAF any of the privileges and immunities accorded to the corporation under this Order.

There is one Schedule to the Order with 19 clauses. Clause 1 is self-explanatory. It seeks to provide the corporation with legal personality and the legal capacity to undertake certain tasks.

Clause 2 states that a judicial action may only be filed in Trinidad and Tobago against the corporation if it has established an office in Trinidad and Tobago.

2.50 p.m.

Clause 3 seeks to incorporate section 2(3) of the agreement between Trinidad and Tobago and the corporation, which provides that the Government and the persons who represent or who derive their rights from them may not file any legal actions against the corporation. Of course, Trinidad and Tobago is a member of CAF but there is, however, a proviso in the agreement for the settlement of disputes which may arise between the Government and the corporation.

Clauses 5, 6 and 7 seek to provide immunity for the property and other assets of the corporation wherever located. The property and other assets of CAF shall also be exempted from any types of restrictions, regulations, controls and any such measures to the extent necessary for the accomplishment of the corporation's objectives and functions. Protection will also extend to the corporation's archives and communications; and all of this is explored in clauses 8, 9 and 10 which are relevant to this particular aspect of the agreement.

The corporation's operations shall also be exempt from all direct or indirect taxes, duties, levies, deductions and other imposts of any kind levied in Trinidad and Tobago. This is explored in clause 11 which, on the whole, seeks to exonerate the corporation from the payment of taxes on its investment and operations.

Clause 12 will authorize the corporation to import, free of customs or import duty, vehicles, goods and technical equipment necessary for the operation of any representation it may decide to maintain in Trinidad and Tobago.

Clause 13 makes it incumbent on the Government to ensure that all the relevant departments, offices and so forth, expeditiously deal with all foreign investment and foreign exchange control matters, so that CAF can conduct its business in an expeditious and efficient manner. The privileges and immunities of the staff of the corporation's local office are detailed in clauses 15, 16 and 17, all of which I am sure Members of the Senate are very familiar with, since we have dealt with matters like this in the past, as we seek to grant privileges and immunities to regional and international organizations which are operating in Trinidad and Tobago.

Mr. President, in concluding my opening remarks, may I state that this Government is of the view that, through our membership in CAF, we have an excellent opportunity to further integrate the economy of Trinidad and Tobago into the hemispheric system. As you know, the economic integration process in the hemisphere is moving apace with many regional and sub-regional integration movements.

I was in Argentina recently, talking to the Government there about MERCOSUR and, as you know, Mr. President, I have indicated that they are very anxious to ensure that Trinidad and Tobago, along with Caricom, come into some agreement with this very dynamic integration process. Argentina is a part of CAF, and so are Brazil and Chile, so that through our membership in CAF we are deepening our involvement in the hemispheric economic integration process.

Mr. President, this is a home-grown organization: one that has developed in the Third World, without any real help and assistance from the developed countries and the multilateral financial institutions of the developed countries. It has adopted a very conservative approach to lending and its balance sheet is very strong. It is an important mechanism for financing investment and development in the region, and I have no doubt that when we grant the privileges and immunities to the Andean Development Corporation through this Order, we will be facilitating its work in Trinidad and Tobago.

With these words, Mr. President, I beg to move.

Question proposed.

Sen. Orville London: Mr. President, things are becoming uncomfortably cordial because a second successive Minister is knocking on an open door. We would like to associate ourselves with this particular Motion. I think we all recognize that it had its genesis in previous administrations, and we share the Government's desire to widen and deepen the integration process, especially with our Latin American neighbours.

I just want to share one concern and I hope that the Minister would address it when he is replying. I would like to be assured that there is no member of this particular organization in which the conditionalities are more restrictive than ours. I would like to feel comfortable that all the privileges and immunities which we are offering to this corporation are identical to those privileges and immunities offered by every single member of the organization.

Thank you, Mr. President.

Sen. Danny Montano: Mr. President, as my colleague said, we really have no particular difficulty with the Motion, but during the presentation of the Minister, we have heard that the purpose of this Motion is to facilitate trade with our regional partners on the South American continent. Certainly, we on this side are in full support of that kind of initiative, therefore, one really has to focus on the trade element of the result of this Motion. What I heard the Minister talk about, specifically, was what sounded like one-way trade, that is, trade from there to here, so that we could be buying from them and they would be lending money to our financial institutions and so forth, in order for us to facilitate purchasing of raw materials, finished goods, or whatever it is, from the Andean Pact countries. I would like to think, Mr. President, that in fact, the initiative would go both ways.

In that regard, one of the things I would like to bring to the attention of the Government as a whole, is that we on this side are, certainly, very interested in reducing the cost of living to our citizens and, in fact, the Latin American market is an excellent market both as a source of finished products for us, as well as a fabulous market for us to penetrate. In the sourcing of goods for our market, while almost everything is available in Latin America, I am aware that beef is not allowed to be imported from Latin America into Trinidad and Tobago. I am aware also that this has a historical context and, perhaps, one of the Independent Senators could put that into clearer perspective for us. But it begs the question as to why this does not happen.

3.00 p.m.

One hears about "foot and mouth" disease in the cattle in South America and beef not being allowed into this area. If certain beef is treated in a certain way, I cannot see how that disease could be communicated. Certainly with the "mad cow" disease in Britain, beef is still being imported from that region. Therefore, in trying to promote trade with Latin America, we should try not to exclude any of the products that might be available from that region and that none of the products from here would be excluded from there.

Thank you.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, may I immediately thank hon. Senators for what, clearly, is the support of this Order which I have brought to this honourable Senate.

With respect to the concern raised by Sen. Orville London about whether the other countries of CAF, or of the Andean Pact, are, in fact, granting identical

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immunities, I cannot honestly, and with any accuracy, say that it is the identical thing. What I know is that we have signed an agreement with CAF and I am of the view that the agreement is based on a model that CAF would have signed with the "C" shares countries, namely: Brazil, Chile, Argentina, Jamaica, Trinidad and Tobago, and so forth, and that we are granting privileges and immunities based on this agreement.

In any case, these privileges and immunities are not in any way excessive and extraordinary. They are privileges and immunities which we have granted to diplomatic missions here and other regional and international organizations, so that it is quite in keeping with a norm that has developed in Trinidad and Tobago.

With respect to the concern raised by Sen. Montano, I did not only speak about trade. I am sorry if I gave the impression that CAF was only seeking to promote trade between the countries. We are also talking about investment opportunities, joint ventures. For example, we were talking to them, when we were in Venezuela, about infrastructural development in Trinidad and Tobago and in particular, the need to open up the country, to build new highways, and so forth. There is the very distinct possibility that CAF can be a source of funding for infrastructural development. So it is both trade and investment.

I am also sorry if I gave the impression when I spoke about trade that I was talking about one-way trade. I am not talking about that at all. In fact, the days of one-way trade are long gone. Reciprocity now is the name of the game. We are into the era of free trade and Trinidad and Tobago has sent very clear signals to the region and internationally, that we are prepared to engage in the whole question of free trade; that we are prepared to engage in discussions and agreements based on reciprocity and free trade. In fact, we are confident enough to be able to handle the era of free trade.

I want to make that point very clear. In fact, Caricom also, as a group, has come of age, as it were, with respect to this. As you would recall, a model bilateral free trade agreement has been decided upon and Caricom has taken the decision that it is going to negotiate free trade agreements with a number of countries in the Western Hemisphere—Dominican Republic, Central America, Venezuela, Colombia and many others. I also want to make that point quite clear.

We are not only seeing our participation in the integration movements in the region as a means of sourcing goods. In fact, what is more important to us at this time is the market access that we are creating. The idea is to develop trade

agreements with these countries in Latin America and through these trade agreements we create market access for our manufacturers because we are convinced that our manufacturers have now gone past their own neighbourhood in terms of market penetration and that they are prepared, capable and competent enough to deal with the competition in places like Mexico, Argentina, Brazil, the Dominican Republic, and so forth. When we integrate economically with the countries of the region, we are creating market access for our manufacturers through which they can grow and develop and through which they can generate long-term sustainable employment for the people of Trinidad and Tobago. That, really, is the goal of the international economic relations thrust of the Government of Trinidad and Tobago.

On the question of beef, the Senator is quite right. The time has come for us to begin to source products such as beef from countries such as Venezuela and Argentina. In fact, when I was in Argentina the other day, we signed a number of agreements. We signed a scientific and technological co-operation agreement; we signed a visa waiver agreement; we would be signing an investment protection and promotion agreement; a double taxation agreement, and we are looking at an agreement which would allow Trinidad and Tobago to source beef from Argentina. The Argentines are very proud of their beef. As you know, they say it is very succulent and tasty, and I am sure the citizens of Trinidad and Tobago will delight in the beef that emanates from Argentina.

On that note, may I thank hon. Senators for their comments and for their support, and I beg to move.

Question put and agreed to.

Resolved.

That the Privileges and Immunities (Andean Development Corporation) Order, 1996 be approved.

**PRIVILEGES AND IMMUNITIES (CARICOM FISHERIES
RESOURCES ASSESSMENT MANAGEMENT PROGRAMME—RESOURCE
ASSESSMENT UNIT) ORDER**

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, I beg to move the following Motion standing in my name:

Whereas it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01,

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(hereinafter referred to as "the Act") that the President may by Order declare that any international or regional organization or agency named or described in such Order shall to such extent as specified in the Order, be accorded the privileges and immunities set out in Part I of the Fifth Schedule therein;

And Whereas it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

And Whereas the President has on the 27th day of March, 1996 made the Privileges and Immunities (CARICOM Fisheries Resources Assessment and Management Programme—Resource Assessment Unit) Order, 1996;

And Whereas it is expedient that the Order now be affirmed;

Be It Resolved:

That the Privileges and Immunities (CARICOM Fisheries Resources Assessment Management Programme—Resource Assessment Unit) Order, 1996 be approved.

3.10 p.m.

Mr. President, I am almost certain that this Order will also find approval with hon. Senators. The purpose of it, of course, as I said before, is to accord privileges and immunities to the Caricom Fisheries Resources Assessment Management Programme necessary for its effective functioning in Trinidad and Tobago.

This Caricom Fisheries Resources Assessment Management Programme (CFRAMP) came on stream in 1991 and is funded by the Canadian International Development Agency (CIDA). The CFRAMP is principally designed to focus on fisheries management institutions in the region and has as its main aim, the enhancement of the basic information and institutional capacity necessary to manage and develop fisheries resources in the Caricom region on the basis of sustainable yield. Of course, this is a matter of great importance to us.

Our fisheries resources are critical to our survival, the generation of economic activity and the creation of employment. In Trinidad and Tobago, and in the Caricom, we are not yet in a position where we are able to manage our resources on a sustainable basis. We are not yet in a position to protect our fisheries resources from rapacious units which come from all over the world seeking to exploit our fisheries resources. We need to put the management systems in place; we need to develop the institutional capacity to protect this very important resource in the islands of the Caribbean.

The activities of CFRAMP are co-ordinated by the Caricom Secretariat which reports to the Caricom Standing Committee administered by the Minister of Agriculture, Land and Marine Resources. The countries and territories participating in the project are as follows: Antigua and Barbuda, Barbados, Belize, Grenada Guyana, Jamaica, Montserrat, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines and Trinidad and Tobago.

This programme is expected to be implemented over an eight-year period and is designed to provide information on fishery resources abundance and availability for management purposes within Caricom. Management is the key to the protection and regeneration of our fisheries stock in the islands of the Caribbean. We would also expect, through CFRAMP, to define and establish a suitable regional fisheries management advisory mechanism to strengthen the fisheries management structure, improve management capabilities and technical expertise within Caricom through training and advisory assistance. Therefore, in order to achieve its objectives, the programme is divided into four major project activities: fishery management systems; training; resource assessment; and regional fisheries management mechanisms.

Mr. President, with regard to the resource assessment activities it was decided at the 12th meeting of the Standing Committee of Ministers responsible for Agriculture held in Dominica in 1989, that the project implementation units called the Resource Assessment Units (RAUs), would be based in three geographical zones. It was also decided that specific activities would be undertaken by the Resource Assessment Unit and in this case, shrimp and demersal fisheries research was identified for Trinidad and Tobago and Guyana's Resource Assessment Unit. The Resource Assessment Units would be located in such a way as to enable them to undertake the research. Trinidad and Tobago was, therefore, identified for the Guyana Shelf Zone. This Resource Assessment Unit is a component of the CFRAMP, which, in fact, is already established in Trinidad and Tobago.

The programme requires that a host country agreement be signed between the Resource Assessment Unit's host country and Caricom through the Caricom Secretariat in its capacity as the regional counterpart agency. In this regard, Trinidad and Tobago as one of the hosts, is expected to provide for the relevant privileges and immunities to be accorded to foreign consultants or experts employed in the project.

The agreement between Trinidad and Tobago and Caricom was signed on April 3, 1995 and the Resource Assessment Unit was established in Trinidad and

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Tobago in 1994 with the aim of ensuring that Trinidad and Tobago would benefit from its location. It is to be noted that the shrimp industry is a significant earner of foreign exchange in Trinidad and Tobago so the location of this particular Resource Assessment Unit here is particularly relevant to the management and development of our fishing stocks.

Trinidad and Tobago will also become the focal point of shrimp and ground fish resource assessment in the Caricom region, and project activities designed by the unit will contribute to the enhancing of the technical capacity of the fishery division in shrimp resource assessment.

The privileges and immunities are, in fact, outlined in the Order. I do not feel that it is necessary for me to go through them in any great detail. I do not think that there is any need for me to explain them. They are self-explanatory. They are a little more elaborate than we have been accustomed to when they are talking about the protection of the office and so forth, but these are easily understood from the Schedule and the Order itself. As I said before, the privileges and immunities are matters to which we are very much accustomed and I suggest that they are self-explanatory and are easy to understand. We have gone through them. We have just done one similar Order and I feel certain that we would get the support of hon. Senators on this particular matter.

Mr. President, I beg to move.

Question proposed.

Sen. Orville London: Mr. President, let me just share one specific concern and then make, maybe, two or three general comments.

I was a bit puzzled when the Minister said that these privileges and immunities are a little more elaborate than in the one just discussed. My question is, why?

Mr. Maraj: They are more elaborately expressed.

Sen. O. London: They are not more elaborate?

Mr. Maraj: No.

Sen. O. London: Well, I get the feeling that there is an adhocism about this thing that is a little disturbing. I really would like to get confirmation that we are not giving more than we should. You would have to excuse me if I rehash the point, but I am really concerned about that. I am concerned about the setting up of this Caricom Fisheries Resources Assessment and Management Programme's

Resource Assessment Unit. I suggest to the Minister, and the Government, that when they are looking at this whole question of fishing resources in the country, they should take a holistic approach to this particular problem.

3.20 p.m.

In Tobago at this time, there is a perception that tourism and fishing are rivals. That is creating a very serious problem and having a negative impact on the psyche of the fishermen. I am suggesting that if the Government continues to look at these matters in isolation—looking at fisheries development as distinct from tourism development—we are going to have some very serious problems. Most of us are aware of the situation now existing at Pigeon Point where there is growing animosity between the fishermen and the developers. Some of the fishermen are coming to the conclusion that they have been pushed out of the Crown Point area—and I am using their words—because of development.

They are now threatened in the Pigeon Point area because of development; they are threatened in the Store Bay area because of development; they are threatened in the Turtle Beach area because of development. In other words, there is a feeling among fishermen in Tobago that the focus of the Government, where industry is concerned, is not necessarily on fishing but on tourism. There is a need, despite all of this, to send very positive signals to these fishermen that they are, in fact, important.

I give the Minister the assurance that the members of the South-West Fishermen's Union have been talking to everybody. There was a meeting and Sen. Moore-Miggins, Sen. Dr. Mc Kenzie and myself were there and they can bear out the kind of anguish which these gentlemen expressed and the feeling of alienation—to use a once popular word—that they now feel because of what they perceive is the priority of the Government at this particular time.

I also suggest that the inputs of the Tobago House of Assembly be taken very seriously into consideration when efforts are made to finalize decisions. I am aware that over the last 10 months the Tobago House of Assembly has been considered to be almost a “bastard” child of the central government. It has almost been totally—and I am using the term again—and deliberately alienated. There is a feeling of frustration not only among the fishermen in Tobago, but also among the members of the Tobago House of Assembly who still have their self-respect, that they are not in effect given the opportunity to do the jobs for which they were elected.

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Although we have absolutely no problem with the setting up or the strengthening of this particular association, and although we have no problem with the granting of the privileges and immunities, as long as they are not excessive, we are suggesting that this is just the beginning. There is a need to ensure that at the end of the day this particular organization does, in fact, carry out the function for which it was set up and benefit the fishermen, to send a signal to them that they are, in fact, important to this particular Government.

Thank you very much, Mr. President.

Sen. Danny Montano: Mr. President, again, we have no particular problem with the content of the Motion as a whole, but it deals with fisheries. A comment of the Minister, and if I do not quote him accurately, this is certainly what I understood him to mean. He said something to this effect: we do not have the capability to protect our resources and, therefore, there is the need for agencies such as this to come into our shores to do research and so forth.

I take issue with the Minister on that score. I think we have an education-base here that is unparalleled in the region. Notwithstanding that, I do not intend to debate that point. The fact of the matter is the agency may probably be necessary but the work is necessary. The short point is we are not going to have any fish to assess if we do not manage the water; it relates to an earlier issue that was brought up in the Senate and which concerns the environment. I will repeat what I said, that is to say, there will be no fish to manage or to assess if we do not manage the water properly.

The issue here, before we can talk about counting fishes and protecting the resources, is that we have to protect the water in which the fishes are living. There are many areas of our shores where human beings really cannot swim because it is dangerous to human health. If it is dangerous to swim in those waters, then sure, the fishes that one takes out of those waters must be dangerous as well and it is on that we must focus. In that context, I take issue with the Minister that we do not have the capability to protect our resources. Perhaps, the Government does not exercise the political will to protect its resources but it is absolutely necessary that this be done.

The beaches of Tobago are in significant jeopardy as a result of pollution and, certainly, the waters on the Western Peninsula are equally in jeopardy. And, of course, it affects our fishing. The bulk of the fishes that are fed into the population on the northern end of the island comes from that area and, yet, much of the water

is unsafe even for swimming. That is what we have to focus. It is all good to invite, welcome and to facilitate regional institutions to come and to assess the resources but something must be done locally and we must have the political will.

Thank you very much, Sir.

Sen. Prof. Julian Kenny: Mr. President, perhaps, I can offer a little assistance with the concerns. The Caricom Fisheries Resources Assessment and Management Programme has been here for a while. It is a regional programme funded almost entirely by the Canadian Government. The core of its work is actually looking at the stocks of fishes and other species in the region, but the intention being to develop schemes for managing these stocks. For example, the flying fish is a very important resource in Tobago. We know that people from Barbados come and exploit exactly the same stocks in our waters. The Caricom Fisheries Resources Assessment and Management Programme is concerned when they talk about fisheries management, which is the actual management of the living stocks. In other words, if it is decided with the research that so many tonnes per year of flying fish ought to be harvested—it is based on scientific investigation—then there would have to be an arrangement between the governments on sharing the stocks. But I do not think that the Caricom Fisheries Resources Assessment and Management Programme is concerned with matters like management of pollution. It is really a regional programme through Caricom for studying the resources and devising means for managing these resources in the interest of the wider Caribbean.

Thank you, Mr. President.

The Minister of External Affairs (Hon. Ralph Maraj): Mr. President, I thank hon. Senators for their support and for their contribution, in particular, the contribution of Sen. Prof. Julian Kenny for it was one of the more sober statements made here this afternoon.

Let me make it clear that I did not intend to say that the privileges and immunities that we are granting to the Caricom Fisheries Resources Assessment and Management Programme are more elaborate than those to which we are accustomed. I am just making the observation that according to this Order it is more elaborately expressed. I assure my Friend, Sen. Orville London, that we are not giving away anything. In fact, in this age of multilateralism, when regional and international organizations proliferate for the purpose of deepening the multilateral process throughout the world, one will find branches of these organizations

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wanting to locate in one's country. In fact, it is also true to say that when these organizations come into one's country, it is a sign of how internationalized one's country is becoming. We must be prepared to grant these privileges and immunities and it is really a sign that Trinidad and Tobago is, indeed, going to become the major diplomatic centre in the region.

I also want to make it very clear that this Government intends to develop and promote the fishing industry in Trinidad and Tobago. We must be honest and accept that the fishing industry has not developed to the point where we would like it to develop. The truth of the matter is when one looks at the fishing industry in Trinidad and Tobago as a whole, one can say it is still in a very primitive stage indeed. For example, where is the fish processing industry? And that is what I am talking about when I say that we need to manage our resources. We need to know what we have and what our potential is. We need to develop the regenerative capacity in our fishing industry to replenish our stocks so that on a long-term and on a sustainable basis, we can develop the fishing industry in Trinidad and Tobago.

3.30 p.m.

That is the point I was making when I was saying that we are not in a position to protect our waters. Rapacious vessels are coming from all over the world exploiting our waters, raping our seabeds and depleting the stocks all around Trinidad and Tobago, and we are not in a position to protect them. We have never been in a position to protect our waters. We need to develop that. I make the point that this Government is intent on ensuring the protection and replenishment of our fishing resources as well as the development of the fishing industry of Trinidad and Tobago.

Caricom Fisheries Resources Assessment and Management Programme is a fledgling organization. It has a long way to go to become strong. It is an institution which would serve the long-term interests of the fishing industry in the Caribbean. We need to give the encouragement. The accepting and passing of this Order and the granting of the privileges and immunities to Caricom Fisheries Resources Assessment and Management Programme would serve that goal.

I make it quite clear to my Friend, Sen. Danny Montano, that when I spoke about our inability to protect our waters and fish resources, I was in no way challenging the education system of Trinidad and Tobago. Clearly, we have a capacity for analysis, we have the Caricom Fisheries Resources Assessment and Management Programme and the ability to determine how to do things, but we

have not yet developed either the will or the capacity to protect our resources in a physical way. That is the point I was making. I share his concern about the pollution of our waters. A lot of filth is being poured in the waters and that is a matter which is occupying the attention of Cabinet. I have no doubt that very soon plans would be emerging, if we are to ensure the growth of our tourism industry, to protect the environment, in particular the waters around Trinidad and Tobago. I make this point very clear to my Friends opposite. I thank everybody for their support and contributions to this debate.

Thank you.

Question put and agreed to.

Resolved:

That the Privileges and Immunities (Caricom Fisheries Resources Assessment Management Programme—Resource Assessment Unit) Order, 1996 be approved.

LAND ACQUISITION

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, I beg to move the following motion standing in my name:

That this Senate approve the decision of the President of the Republic of Trinidad and Tobago to acquire the lands described in the Appendix of the Order Paper for the public purpose specified.

For the benefit of Members of this Senate, the description of the lands and the purposes for which they were acquired are itemized in the Appendix of the Order Paper. I am aware that all Members of this Senate were provided with appendices. It should be noted that the procedure for acquisition of the parcels of land described in Appendix A was initiated in 1979. The parcel of land identified referred to lands located at Charlieville in the borough of Chaguanas in the county of Caroni comprising five parcels situated south of Sumaria Trace on the western side of the Uriah Butler Highway. This is being acquired for highway improvement.

Proceedings for the acquisition of this land under section 3 of the Land Acquisition Act were initiated on July 5, 1979 and authority to commence work under section 4 of the said Act was issued on July 31, 1979. The description of the land for highway improvement is as follows:

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- (1) 220.5 square metres more or less said to belong now or formerly to Zakir Mohammed;
- (2) 998.8 square metres more or less said to belong now or formerly to Zakir Mohammed;
- (3) 961.2 square metres more or less said to belong now or formerly to Boodoo Alladin and others;
- (4) 781.3 square metres more or less said to belong now or formerly to Boodoo Alladin and others;
- (5) 1133.3 square metres more or less said to belong now or formerly to Deonarine Sewdass.

The other parcels of land situated at Kelly Road, Piarco in the ward of Tacarigua, in the county of St. George were acquired for improvements to the Caroni River, Phase III. Proceedings for the acquisition of the two parcels of land were initiated on November 30, 1988. The notice according to section 3 was published following which the authority to commence work under section 4 of the Act was issued on June 27, 1989.

These acquisitions are in keeping with the authority of section 5 of the Land Acquisition Act, Chap. 58:01. The description of the lands for the improvement of the Caroni River, Phase III, are as follows:

- (1) 339 square metres said to belong now or formerly to Eddy Bachan;
- (2) 39609.9 square metres said to belong now or formerly to Frederick Siu Butt.

These lands appearing in the Appendix have been long in the process stage of acquisition. The time has come when Cabinet has approved the acquisition of these lands for highway improvement and the improvement of the Caroni River, Phase III.

With these few words, I beg to move.

Question proposed.

3.40 p.m.

Sen. Nafeesa Mohammed: Mr. President, having listened to the hon. Minister on the purposes for which these two parcels of land are being acquired, we

certainly have no difficulty with the Motion for acquisition of these parcels of land.

With regard to the parcel of land in Charlieville, we can see that this is indeed the continuation of our work. With regard to the acquisition of the parcel at Kelly Road, Piarco, as the hon. Minister mentioned, the land acquisition process had started some years ago and, indeed, any attempt to do any work to improve the situation with regard to the Caroni River is certainly welcome. We all know about the flooding problem that affects areas, particularly Kelly Village and St. Helena. Over the years this has been a very serious problem. It is heartening to see that these works are continuing and that some of the problems associated with the Caroni River can be alleviated.

We have no difficulty in supporting the Motion to acquire these parcels of land.

Sen. Dr. Eastlyn Mc Kenzie: Mr. President, I have had some communication with some villagers from Castara and the procedure for payment for lands acquired over a number of years seems to be not well known. They have brought a case where lands were acquired for cutting a road, probably in the 1960s, and they wanted to know whether, having now gone through the administration of these properties bringing them under the Real Property Ordinance, there was a time-limit within which they could no longer claim the money for the lands. How do they go about claiming for the properties acquired by Government for this road construction?

Another problem is that when people's lands are acquired, some of those lands are not yet under the names of the people who are now alive, because, especially in Tobago, many people's lands are still vested in the names of the dead people. Apart from the *Gazette*, which has limited circulation, there is no public exposure of the lands acquired and their location. So that, just as there are advertisements in the newspapers of letters of administration for properties of dead persons, persons should be able to see those properties which have been acquired by Government and their purpose and begin to put things in motion. I think we need to do something better by way of communication to advise these people.

They are saying that the lands were acquired since 1960. If they put a claim now, would they still be paid? Would they be paid according to current land value? We need some public education on that.

Sen. Danny Montano: Mr. President, I have, really, a series of questions for the hon. Minister. I did not get a clear understanding from his contribution of the purpose for which the lands will be used. We were told generally that it was for highway improvement, but I did not understand exactly what will be expanded or what will be built on them.

The Minister also omitted to inform us how much will be paid for these properties, how the values are arrived at, who valued them, when the lands will actually be brought into use and when the property owners will be paid. Acquisition and payment are two separate matters. The other question I ask is: Was provision made in the budget for these payments?

Lastly, I am aware that there are many sites which are earmarked for acquisition. If that is the case, how does the Government rank in priority which lands are to be acquired first? How is the order of priority arrived at? I would be grateful if, in his winding up, the Minister would address these questions.

Sen. Prof. John Spence: Mr. President, for the nearly 10 years that I have been in Parliament, every time a motion for land acquisition comes up, there is always a problem identified with the way the Government acts in this regard. Every now and again we get reports. I wonder if some time soon we can get a report from the hon. Minister on the present situation with the backlog of acquisitions.

I have here a letter from a gentleman from Tobago. I would not mention his name, but it is really, as he puts it, a cry of desperation. He says here that a section 5 notice is yet to be published on lands taken by the state since 1936, 1940 and 1977.

Dr. Mohammed: Long before I was born.

Sen. Prof. J. Spence: Not long before I was born, of course, but long before you were born. It is a problem. This actually is a copy of a letter to the hon. Minister. It would help to relieve our anxiety if we get some assurance that matters are moving a little better than in the past and, periodically, an update on what has occurred with respect to the backlog. I shall pass this letter across to the hon. Minister.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, I feel that I was born at the right time because I want to assure Sen. Prof. John Spence that this Government is dealing expeditiously with matters pertaining to lands acquired from as far back as 1928.

Cabinet has requested the Ministry of Agriculture, Land and Marine Resources to inform that institution of all the outstanding matters concerning parcels of land acquired over these number of years. The ministry is in the process of preparing such a document to be forwarded to Cabinet, hopefully, in the next two weeks. All the information required with respect to matters outstanding pertaining to land acquisition will be presented in that document. If that document receives Cabinet approval, then I expect that Cabinet would also sanction its publication if it sees it fit to have it published for public information.

3.50 p.m.

Sen. Montano raised the question with respect to the cost of these lands to be acquired as indicated in the Appendix. May I inform the goodly Senator that valuation after valuation was done prior to the request being made by the President to acquire these lands. With respect to the lands indicated in Appendix A(1), the total estimated cost of acquisition is \$110,000. In the case of the Caroni River Phase III project, a valuation conducted by the Director of Valuations indicates a price of \$165,000.

With respect to the questions raised by Sen. Dr. Eastlyn Mc Kenzie—I think the Senator would agree with me when I say that Sen. Prof. John Spence raised the same issue. May I inform Sen. Prof. Spence that I have already replied to the goodly Sen. Dr. Mc Kenzie concerning that matter, so he is fully apprised of what is happening. I hope that this simple reply would satisfy questions raised by both Senators Dr. Mc Kenzie and Prof. Spence.

With respect to the comment, even though very favourably made by Sen. Mohammed—I do not wish to be critical here, Mr. President—these matters have been outstanding over a long period of time. Sen. Mohammed mentioned the question of flooding and the alleviation and the ease which the works to be carried out—particularly, in Phase II of the Caroni River Basin—would bring to the people in those areas. The question that has always struck me, Mr. President, is why did the past governments not do things in a timely fashion to alleviate the problem of flooding in that particular area of Trinidad and Tobago?

It is amazing, Mr. President, with respect to that second parcel of land, that matter was initiated since November 30, 1988 and we are now in 1996, and there was a government which came into office in 1991. If that government had any social purpose, it would have taken the necessary action to ensure that the lands were acquired and the works adequately done in an appropriate time-frame, so that

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today we would no longer have to talk about floods in that area. Unfortunately, these things were not done.

With respect to the acquisition of the lands for the highway improvement, that, as well, was initiated way back in 1979. We are talking about 1979 and today we are in 1996, Mr. President. The past governments never took the initiative to acquire the lands as this Government is doing. This Government is one of social purpose and its objective is to look after our people. This is the purpose and the reason we are taking steps to acquire these lands.

Mr. President, I beg to move.

Question put and agreed to.

Resolved:

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

APPENDIX A

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The following parcels of land containing 5095.1 square metres more or less, situate south of Sumaria Trace, Charlieville in the Borough of Chaguanas, in the county of Caroni, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 19, 1995 executed under Survey Order Nos. 55, 56, 57/92 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Five (5) parcels of land containing together 5095.1 square metres more or less situate south of Sumaria Trace on the western side of the Uriah Butler Highway, Charlieville, in the Borough of Chaguanas, in the county of Caroni and comprised as follows:-</p> <p>(1) 220.5 square metres more or less said to belong now or formerly to Zakir Mohammed;</p>	<p>Highway Improvement</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(2) 998.8 square metres more or less said to belong now or formerly to Zakir Mohammed;</p> <p>(3) 961.2 square metres more or less said to belong now or formerly to Boodoo Alladin and others;</p> <p>(4) 781.3square metres more or less said to belong now or formerly to Boodoo Alladin and others;</p> <p>(5) 1133.3 square metres more or less said to belong now or formerly to Deonarine Sewdass.</p> <p>These parcels are more particularly shown coloured raw sienna on a plan filed in Book 1140, folio 183 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>2. The following parcels of land containing together 39948.9 square metres more or less, situate at Kelly Road, Piarco, in the ward of Tacarigua, in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 4, 1995 executed under Survey Order No. 155/90 and filed in his office.</p> <p style="text-align: center;"><u>THE SCHEDULE</u></p> <p>Two parcels of land comprising together 39948.9 square metres more or less situate off the Kelly Road, Piarco, east of Golden Grove Road, in the ward of Tacarigua, in the county of St. George and consisting of:</p> <p>(1) 339.0 square metres said to belong now or formerly to Eddy Bachan;</p>	<p style="text-align: center;">Improvements to Caroni River Phase III</p>

DESCRIPTION	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>2) 39609.9 square metres said to belong now or formerly to Frederick Siu Butt.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed as J.8. 89 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

LAND SURVEYORS BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, I beg to move,

That a Bill to provide for the registration of Land Surveyors, Trinidad and Tobago Land Surveyors and Land Surveying Graduates, for the regulation of the practice of surveying and for other connected matters, be read a second time.

Mr. President, this Bill seeks to repeal and replace the Land Surveyors Ordinance, No. 19 of 1952. That Ordinance provides simply for the training and licensing of licensed land surveyors and for the regulation of the practice of cadastral land surveying.

The purpose of this Bill, therefore, provides for the registration of Land Surveyors, Trinidad and Tobago Land Surveyors and Land Surveying Graduates, for the regulation of the practice of surveying. It also serves to provide for the training, registration and discipline of practitioners in all branches of land surveying, and matters incidental thereto.

Mr. President, you will be aware that due to the considerable technological and sociological advances that have occurred in the land surveying profession, there is need to change the existing legislation that has been governing the profession for the past 40 years. I will demonstrate this point for the benefit of the Members of the Senate.

Existing legislation, for example, does not cover the entire land surveying profession, it only deals with cadastral surveying. The cadastral surveying, that is the determination of boundaries, sizes and shapes of parcels, is just one branch in the field of land surveying. In Trinidad and Tobago today, we commonly require services of specialists in other land surveying disciplines and other specialized fields, inclusive of hydrographic surveying. That is, surveying in the marine environment which is of great importance in the circumstances of Trinidad and Tobago, since we are an archipelagic state—Prof. Julian Kenny could tell us more about that—with extensive submarine reserves of oil and natural gas.

The existing legislation, No 19 of 1952, does not really take cognizance of hydrographic surveying, Mr. President. One of the new inclusions in this Bill would be the surveyors who practise hydrographic surveying. As well, there is geodetic surveying. Geodesy deals with defining the size and shape of the earth and determination of positions upon it. Cadastral surveying is linked in a certain way to the geodetic networking which is a spatial framework whose points have been precisely determined on the surface of the earth.

There is as well, Mr. President, photogrammetry which deals with the science and art of taking accurate measurements from photographs. This type of surveying is procured by aerial photography or through remote sensing which collects the required images via satellites.

The Lands and Surveys Department of the Ministry of Agriculture, Land and Marine Resources is presently engaged in producing a new series of maps of Trinidad and Tobago with up-to-date information on new roads and similar major topographic features. Data for this new series were gathered through aerial photography carried out during the last several months. The interpretation of this data requires the skills of photogrammetrists.

Cartography is the making of maps and charts and is a matter of ongoing importance. Vessels which ply our marine pathways rely upon our charts when passing through our archipelagic waters. These charts which are developed out of this art of cartography must show true positions, not only of islets, rocks, reefs and channels, but also of petroleum installations afloat and on the sea wall.

4.00 p.m.

This Bill provides the framework for restructuring, as I have said, the Lands and Surveys Division of the Ministry of Agriculture, Land and Marine Resources by recognizing specialized areas in land surveying thus creating greater depths in

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career paths. Preparation and training of new entrants to the land surveying profession as indicated in clause 17 refers.

The existing legislation which is No. 19 of 1952 provides for a system of apprentice in cadastral surveying for high school graduates and similar persons followed by examinations and interviews by the governing board to test the knowledge of the candidate. Mr. President, due to the deficiencies of this system, there was considerable delay and frustration in executing development projects and completing transfers and other legal transactions in land. What has been happening over time, is that when the Town and Country Planning Division of the Ministry of Planning and Development is approached for outline planning permission, it must be supplied with certain pieces of information, one of which is generated out of several different types of surveying techniques.

Originally there was a system where cadastral maps had to be developed but working on the ground, the surveyors of the profession used the system in the past, and not being able to take advantage of the new technologies that were developed, for example photogrammetry, the survey operations took a very long time. We are bringing legislation now with the intention of reducing the time-frame within which these maps and charts can be developed. This is in an effort to speed up the process whereby matters can now be placed in the hands of the Town and Country Planning Division so that clients who are desirous of construction would now require a shorter time-frame within which to get the preparatory work necessary, that is the surveys done in order to get approval, be it outline planning permission or otherwise from the Town and Country Planning Division. This is why this new Bill takes into consideration all these new different branches and specialist fields within the framework of land surveying.

The Bill also provides for the registration of graduates of appropriate university programmes as land surveying graduates who, after a period of internship, can present themselves to the board for examination and full registration.

Mr. President, Ordinance No. 19 of 1952, does not take into account land surveying graduates. There are a large number of graduates coming out from our institutions without the required experience which would be acquired through some form of internship. Ordinance No. 19 of 1952, therefore, never took into consideration the plight of the land surveying graduates.

The present Bill incorporates within its framework, land surveying graduates, their period of internship whereby Trinidad and Tobago land surveyors and those

registered with the Land Surveying Authority would be required to facilitate land surveying graduates with that period of internship whereby they would then acquire the necessary experience which would qualify them for registration with the Board of Land Surveying Authority. This was never taken into consideration under the old Ordinance. We have now developed within the framework of this Bill the possibility of bringing within the fold of the land surveying profession, the land surveying graduates.

Mr. President, I would now like to turn to the Land Surveyor's Board which appears in Part II of the Ordinance and within Part II of the Bill there is provision for a Land Surveyors Board with modification to the composition of the board that will add a measure of transparency to its proceedings. The board will be charged with promoting and maintaining high standards of performance of professional education and conduct in Trinidad and Tobago. Ordinance No. 19 of 1952 never included within its framework the concept of the maintenance of standards and professional education and conduct within that framework. Within this new Bill, the maintenance of standards and professional and educational conduct have been included so that the institution known as the Land Surveyors of Trinidad and Tobago now has within the legal framework, guidelines to work within so that the professional integrity of the land surveyors can be maintained. This was not built into the framework of Ordinance No. 19 of 1952. The duties of the board will also include the monitoring of adherence to an investigating code of ethics which appears in Part VII of the Bill. Clauses 4 and 5 give further information on the board. The Board will be the principal regulatory body under this Bill.

I now turn to Part III of this Bill which speaks of the Director of Surveys and specifies the duties and functions of the Director of Surveys as the primary function of the Land Survey Board and the general regulation of the practice of land surveying. This new Bill outlines the specific duties of the Director of Surveys which were not comprehensively defined in Ordinance No. 19 of 1952.

One important highlight of this part is the provision for a new official seal for cadastral surveyors which was never present in the framework of the former Ordinance: to produce and maintain survey information which land surveyors, government, public or other officials need for carrying out developmental activities; provide for co-operation with local and international agencies; and the exchange of surveys, mapping and land information data. This falls within the purview of the Director of Surveys as appears in Part III of the present Bill.

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The Director of Surveys will also be the custodian of the survey register and approximate index of survey plans, so that any person who may wish to make a search or examine the survey register may do so and obtain copies of any survey contained therein by payment of a prescribed fee.

In the past, it was difficult for a client who had purchased a new parcel of land to be able to source any information with respect to sizes and parcels because of the present structure of the land registry. Under the new Bill, the secretary of the board will be responsible for the land register. There will be a register set up where all Trinidad and Tobago land surveyors and land surveying graduates should be registered within the framework of that register so that a client wishing to have a survey exercise done would be able to access that register, wherein which the client will now be able to select a *bona fide* land surveyor to carry out the function of the survey exercise which is necessary as perhaps a preamble to part of the requirements of the Town and Country Planning Division for the acquisition for the permission to construct.

Presently, the situation is such that clients contracted out surveying exercises by certain land surveyors, who, because they were not duly registered with an institution, were able to carry out the surveying exercise but were not able to make the document a legal one because they did not have the legal status to enable them to certify, legally, that the survey plans that were drawn up were *bona fide* plans.

4.10 p.m.

There have been incidents, Mr. President, where survey plans were submitted to the Town and Country Planning Division of the Ministry of Planning and Development and because they were not *bona fide* plans, permission requested from the Town and Country Planning Division had to be refused. A number of incidents like this have taken place, so much so that it has impacted in certain respects on the construction industry in Trinidad and Tobago.

This new piece of legislation takes into account the fact that there is need to have a register within which clients can source the names of corporations of *bona fide* land surveyors, who would have all the capabilities within a legal framework to prepare a survey plan which would be accepted by the Town and Country Planning Division for permission. Any person may wish to examine the survey register and obtain copies of any survey contained therein by payment of a prescribed fee, and by the same token, access a list of registered *bona fide* land surveying graduates, as well as Trinidad and Tobago land surveyors. The state will

have access to data generated by such surveys and set standards for the format in which digital data should be presented.

Mr. President, Part IV of the Bill shows the policy of this Government and that is, whatever legislation passes through this House our philosophy is that it must be for the benefit of the population at large. At present there is no registry housing a list of participating land surveyors. As I mentioned a short while ago, the system that would be set up within the framework of this Land Surveyors Bill is that a registry would be put in place so that the population at large, that is, clients who may require a service would now have a facility whereby they can access the necessary information as desired.

The Bill provides, therefore, for the establishment of a Register of Land Surveys and this will be of utmost benefit to the public. The Secretary of the Board would be the person responsible for keeping that register of all the land surveying graduates, the land surveyors and Trinidad and Tobago Land Surveyors. Taking this into consideration, Part IV of the Bill provides for the registration of all appropriately qualified land surveying practitioners and, as I said, this will be of benefit to the public at large.

Mr. President, this Bill also provides for the annual renewal of registration of all land surveyors. The requirement of such annual renewal of registration enables the governing board to adopt or endorse appropriate programmes of continuing professional development to ensure that, as an ongoing requirement of the right practice, practitioners would maintain their competence, and reference here is made to clause 18 of the Bill.

Part V of the Bill deals, specifically, with the powers and function of cadastral surveyors. Also, Mr. President, there is a specific clause in this section that provides for the preservation of notes of a deceased cadastral surveyor. In the past, what happened was that a parcel of land would be surveyed; notes would be made during the survey operations, and the individual surveyor who conducted that exercise may for one reason or other, become deceased. Thus five years hence, if a client wishes to acquire that parcel of land, there is no information to which that client, or the land surveyor who is contracted by that client to conduct a survey on that parcel of land can refer.

This new Bill, Mr. President, makes provision for the preservation of the notes of deceased cadastral surveyors, so that clients purchasing new parcels of land can have a repository by way of notes. The land surveyor selected to carry out this

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new survey programme for the client would be able to easily access the notes from the surveyor who did the original survey operations. This is intended, precisely, to speed up the process through which all the surveying exercises are done. Information and documentation can get from point A to point B, being the Town and Country Planning Division of the Ministry of Planning and Development, all in an effort to speed up the entire process whereby land is surveyed, and permission is requested by the Lands and Surveys Department. If the surveys are not properly done, Town and Country Planning will, more or less, refer the matter back to the client, so that, perhaps, requests can be made for the surveys to be re-done.

Mr. President, within the framework of this new Bill, with the kind of standards that are expected to be set within the profession, it is very unlikely that requests would be made by the Town and Country Planning Division to have different pieces of surveys re-done; and this will impact positively as far as expenditure to the client is concerned. We have taken all that into consideration. This is why I am able to say to this honourable Senate that the Bill is designed to benefit clients on the one hand and, on the other hand, it sets out the legal framework in which standards and professional integrity are maintained. It also provides a compensation package where breaches of contract have occurred, and I will come to that later.

Part V of the Bill, Mr. President, provides that, upon the death of a Trinidad and Tobago land surveyor, all his field notes, records and any fees must be delivered to the Director of Surveys for the benefit of the estate of the deceased for a period of five years. Upon expiry of this period they become the property of the state. So that, after five years, while these notes were lying within the purview of the Director of Surveys, they will become the property of the state. In any event, a client has recourse in some form or fashion to going back to the notes that were taken during the actual survey exercise for whatever parcel of land may be concerned.

Mr. President, the nature of cadastral surveying is that each new cadastral survey builds upon earlier surveys. This is why we have to take into consideration the notion of the notes of the surveyors, especially cadastral surveyors; so that we can have some degree of continuity. Again, this would reflect positively from the client's standpoint, in that having a parcel of land surveyed is a very costly exercise.

4.20 p.m.

Many delays occur if survey exercises are poorly or improperly done. Under Ordinance No. 19 of 1952 there is no recourse for the client in cases where poor surveys are done and there are deficiencies in the survey operations as practised by the people of that profession. This new Bill takes account of all of that.

Cadastral surveyors or Trinidad and Tobago land surveyors, as they are termed in the Bill, must frequently have recourse to data developed in the field by fellow professionals, hence the reason for the keeping of the notes. It is therefore vital that upon the death of any practitioner, his notes should continue to be available to the profession even where his practice is not taken over by some other practitioner. Where the professional practice of a deceased surveyor has not been taken over, this new Bill enables the board to see to the preservation of the deceased land surveyor's notes through the office of the Director of Surveys.

A certificate under the hand of a Trinidad and Tobago land surveyor upon any map or plan shall have the same force and effect as a declaration by that of a Trinidad and Tobago land surveyor. Reference is made here to clause 24 (1) and (2) of the Bill.

Part VI of the Bill allows for the registration of partnerships, associations and corporations and the issuance of a certificate of authorization to them to engage in the practice of land surveying. In Ordinance No. 19 of 1952, it was virtually impossible for a group of land surveyors to get together to form a corporation and to practise the profession of land surveying within the framework of a partnership, an association or a corporation. This new Bill has within its framework the possibility of land surveyors getting together in partnership, association or corporation to practise the profession of land surveying.

The Bill would permit the issuance of certificates of authorization, therefore, to professional partnerships and corporations that satisfy the requirements of clause 27 of the Bill. Those requirements are calculated to ensure that the interest of the client and the broader public interest in maintaining the integrity of the profession are not compromised. Reference here is made to clause 27 as well as clause 28.

Part VII deals *inter alia* with the establishment of the compensation fund which will provide relief to persons aggrieved by negligent or dishonest actions of land surveyors. Ordinance No 19 of 1952 does not have built within its framework some sort of compensation to the aggrieved client. This new Bill does precisely that. It has built within its framework an institution whereby a compensation fund

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would be developed which would serve the purpose of relief to aggrieved persons through the negligent or the dishonest actions of land surveyors.

It also provides for the establishment of a compulsory indemnity insurance scheme in which all persons engaged in any specific class of land surveying are required to participate. Ordinance No. 19 of 1952 does not have that built within its framework. This new Bill has taken cognizance of the fact that some sort of insurance was necessary so that a client who is aggrieved, for some reason or the other, either through dishonesty or otherwise, would at least have some sort of relief. This indemnity insurance scheme which is built within the framework of the new Bill provides some sort of relief for those aggrieved persons.

The main purpose of Part VIII of the Bill is where the public can receive rapid redress from a disciplinary committee. It speaks of a disciplinary committee which is now established outside the purview of the board. This committee would be established to facilitate the hearing and determination of disciplinary charges against persons registered under this Bill. The persons to be registered under this Bill would be land surveying graduates, land surveyors and Trinidad and Tobago land surveyors.

The disciplinary committee might also require the concerned surveyor to make good or to pay for the correction of any work found to be defective and to pay the whole or part of the expense of the investigation of any complaint where it has found that cause for disciplinary action exists. Clause 54 refers.

Part IX of the Bill provides for offences and penalties. Anyone who holds himself out to be a registered land surveyor of Trinidad and Tobago or purports to engage in the practice of surveying and commits an offence under this Bill is liable on summary conviction to a fine of \$10,000 and to six months imprisonment. The offences and penalties listed in Part IX of the Bill emphasize the role the public has played in assisting the land surveyors in the execution of their duties in accordance with the new legislation.

Part IX also speaks of a redefinition of offences and upgrading of penalties. It was felt that the penalties laid out in Ordinance No. 19 of 1952 were not sufficiently severe, in cases where survey marks have been defaced from cadastral, for example, or monuments pinpointing specific points on the surface have been removed. Because these penalties were not sufficiently severe, some unscrupulous land surveyors were prepared to shift these monuments as well as to deface cadastrals and may very well have been able to afford to pay the penalty because of

their limited severity and were able to get away with it. Now this Bill, in certain respects, would necessitate some sort of recovery as well as the enhanced severity of the penalties in an effort to dissuade the defacing of marks as well as the movement of any monuments by way of landmarks.

So that generally, the maximum permitted fines have been increased so as to remove any economic incentive to act in contravention of the law while accepting liability to pay a nominal fine as the cost of doing things in one's own way.

Notably, this is the case with penalties for contravention of provisions dealing with the making of unauthorized aerial surveys of Trinidad and Tobago. Flagrant or contumacious violation of statutory requirements could, upon conviction of certain offences, result in fines of up to \$100,000 and in forfeiture of aircraft and other costly equipment. Clause 55(2) and (4) refers to this aspect of the penalties.

Where aerial surveys done by aircraft are concerned, the Bill specifies very clearly what kind of permission has to be acquired and in what kind of time-frame this permission has to be given in order for photogrammetric surveys to be done by way of aircraft. One may argue that if you are going to impose a fine of \$100,000 in a case where violation has taken place from this part of the Bill, how are you going to impose that fine in cases where photogrammetry is practised using satellites? It is very difficult within the framework of this piece of legislation to even consider imposing a penalty where infringement occurs by way of photogrammetry by satellite. However, where photographs are taken from an aircraft, once there is violation or contravention in that the guidelines set out within the framework of the Bill *vis-a-vis* the required time-frames within which permission has to be acquired, your aerial photographs—once that is contravened—there is now within the framework of the Bill, the possibility of the seizing of the equipment, that is the aircraft as well as equipment used for photography, plus a fine of anywhere up to \$100,000 in addition to forfeiture.

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Part X of the Bill addresses appeals to the High Court against decisions of the board or the disciplinary committee. In the case where the disciplinary committee sits on a matter of an aggrieved client, this matter may be referred to the board. If clients are still not happy with the rulings of the board, within the framework of this Bill, they still have the liberty to some form of redress through appeals to the High Court. Ordinance No. 19 of 1952 does not include this facility to the client anywhere within the framework of that document.

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Part XI of the Bill provides for the funding of the administration of the Act from the appropriation of the Lands and Surveys Department. The benefits that can be derived from the introduction of this Bill in support of the national development, I humbly suggest, would far outweigh the cost of the administration.

Mr. President, in winding up my contribution, I would like to take the opportunity to inform this honourable Senate that reformation on the whole question of the profession of land surveying in Trinidad and Tobago was initiated as early as 1980; and in consultation with the various interest groups it took place over the period 1980 to late 1993. This period of time informed the preparation of a draft bill.

Although consultation did take place in respect of the drafting of the Bill, we as a Government felt that in the interest of good government, it was necessary for the Minister of Agriculture, Land and Marine Resources to hold further consultations with the Land surveyors Association. So on July 24 and 29, 1996 the Minister of Agriculture, Land and Marine Resources, as well as technocrats from that ministry, met with the Land Surveyors Association, the Chief Parliamentary Counsel and the Law Association of Trinidad and Tobago and several recommendations were made to amend the Bill. Some were accepted and some were not. The land surveyors were again given the opportunity to review the amendments to this Bill before it was laid in the Lower House.

Mr. President, in the other place some amendments were made to the Bill, and I assure this honourable Senate, that they will in no way affect the policy or intent of the Bill. The amendments were circulated to all Members of the Senate prior to the laying of this Bill. By way of conclusion, I would again outline the major benefits to the passage of this Bill. Firstly, it provides greater protection to the general public by having a register of land surveyors. Secondly, there are new measures for the proceedings and compensation fund. Thirdly, it provides that there will be a prescribed scale of fees payable for the survey of lands and preparation of plans and diagrams. Fourthly, any member of the public can obtain a copy of any survey plan. Fifthly, the recognition of the land surveying technology in Trinidad and Tobago due to technological and sociological developments that have taken place over a number of years, particularly, since 1952, as we are now moving into the 21st Century.

Mr. President, I beg to move.

Question proposed.

Mr. President: The Senate will now take the tea break and resume at 5.06 p.m.

4.36 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

[MR. VICE-PRESIDENT *in the Chair*]

Sen. Prof. John Spence: Mr. Vice-President, I have two very small points to make. I found the distinction between the land surveyor and the Trinidad and Tobago land surveyors to be somewhat difficult to interpret from the Bill. From the way the Bill was drafted, if one were a land surveyor and has experience in cadastral surveying but were not a citizen of Trinidad and Tobago, then one could not practise cadastral surveying. That seems to me to be a bit restrictive, given the fact that we are constantly saying that we are now in a global environment. I wondered why are we restricting non-nationals who may be trained in cadastral surveying from registering to carry out cadastral surveying.

The second point concerns clause 48 in which there is reference to the conduct of registered surveyors. It says where the land surveyor was registered by misinterpretation, or if he has been convicted of an offence, or if he has conducted himself unprofessionally, disciplinary action may be taken against him. Why only land surveyors? Why not the Trinidad and Tobago land surveyors? Sen. Daly has suggested to me the way the Bill might be worded, why not say just “a person registered under this Act”? These were the two main points that occurred to me in going through the Bill, otherwise, I have no difficulty with the provisions. It seems to be an improvement with respect to the registering and supervision generally, and regulation of the land surveying profession.

I ask that the hon. Minister address those two issues when he is winding up.

Thank you, Mr. Vice-President.

Sen. Nafeesa Mohammed: Mr. Vice-President, listening to the hon. Minister in the opening remarks of his presentation as he attempted to educate us about the different types of surveying that exist, it became very clear that a bill of this nature involves some technical matters. Notwithstanding that aspect of the Bill, I sat here this afternoon and I was really amazed at the closing remarks of the hon. Minister just before the tea break. I heard him state that despite the consultations that have been going on with respect to the Land Surveyors Bill, since the 1980s, the present Government saw it fit to further these consultations. I was really taken back at this

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statement. From my information I have been informed that this Bill was debated in the Lower House some time in the month of July, 1996. It is precisely because there was no consultation by the present Government with those persons who are going to be directly involved with this Bill that the debate on this Bill in the other place was adjourned to a subsequent date. I believe it continued in August.

In fact, I looked at the *Hansard* report, and may I just read some comments that came out of the debate in the other place. Mr. Colm Imbert made the point that it was strange that such a bill came to the Parliament to regulate a very important profession in Trinidad and Tobago and there was no consultation with the professional body, that is, the Institute of Land Surveyors. These comments were made on July 19, 1996. At the end of Mr. Imbert's contribution he specifically requested—

Sen. Mark: On a point of order. Mr. Vice-President, as I recall, it is not proper, according to the Standing Orders, for one to quote what took place, particularly during the same session of the sitting of the Parliament. I get the impression that the Senator is quoting extensively from a debate that took place recently. This session of Parliament has not been completed.

Sen. N. Mohammed: Mr. Vice-President, seeing that the hon. Leader of Government Business is pre-empting my contribution, I merely wanted to make the point that it is a wrong statement or a misrepresentation of the facts to state here today that this Bill emanated from consultations that the present Government sought to hold. It was because of the PNM's initiatives and urgings in the other place that, in fact, some consultations were subsequently held after the Bill was introduced in the other place. I think the hon. Minister in his winding up did, in fact, state specifically that on July 24 and 29, 1996 some kind of consultation took place. It is important for me to put this Bill in its correct perspective and for us to look at the genesis of it.

5.15 p.m.

As the Minister correctly pointed out, since the early 1980s discussions were taking place with regard to a bill of this nature. In fact, my information is that as early as 1985 there was a draft Land Surveyors Bill. However, because of circumstances which existed at that time, that Bill was referred for some comment.

I believe that it was before the 1990s a committee was appointed by the then NAR government of which many UNC members were then a part, with regard to reforming our land management system in Trinidad and Tobago, and specifically a

bill dealing with land surveyors. Those consultations continued. In the 1990s extensive consultations were held. In September, 1995 the then Cabinet agreed to have a bill of this nature drafted. The consultations were ongoing. It is clear that from late last year to the present, nothing significant has been done by this present administration. I am minded to believe that it is only because of the recent signing of the agricultural sector loan by this present administration that there is some kind of time-frame which has been introduced with respect to this Bill. It is really to give the impression that it was because of this Government's concern for the particular field that this Bill has been introduced.

At no time did this form any part of its policy framework prior to November, 1995. This administration is merely continuing work which was being carried out, not only by the People's National Movement, but also the NAR, the previous regimes of this country. This reveals that regardless of our political affiliations there is recognition in Trinidad and Tobago that there are some problems with our land management system. That is a reality. Past PNM administrations have recognized this problem and have attempted to deal with it. We welcome this particular Bill which is substantially work done by the People's National Movement.

The Minister omitted to indicate to the Senate that quite apart from the Bill which was originally introduced in the Lower House, several amendments have now been introduced in the Senate. These amendments would have come about as a result of the subsequent consultations held with that body of people who truly represent land surveyors in this country. I refer specifically to the Land Surveyors Association of Trinidad and Tobago which had complained about the lack of consultation. I have a document in which it expressed its concerns. A comment made in this document is that the Bill being presented to Parliament is not what it expected. It proceeded to refer to several clauses in the present Bill which it would have liked to see amended. These concerns were raised in the other place. As a result of subsequent consultations which we had, some amendments have been introduced in the Senate.

We agree with the hon. Minister's comments with regard to the benefits to be derived from a bill of this nature. It is an important piece of legislation which would improve the whole system of land surveying in the country. It would update the existing legislative framework which is outdated, as has been pointed out. Since the 1950s there was the Land Surveyors Ordinance. Several technological changes have taken place over the years and this Bill seeks to cater for some of

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these advances. It is a Bill which seeks to organize and regulate this very specialized body of people.

We have heard about benefits which would come to graduates from the University of the West Indies or those who can be trained for a period of internship and become licensed. It is a fact that over the years there has been a shortage of land surveyors in the country. That is a benefit which can come about as a result of this type of legislation. We have heard about the other aspects with respect to speeding up the process of obtaining maps and plans. A measure of this nature would certainly improve the availability of plans especially for legal practitioners. I am sure many would agree that with respect to those who practise conveyancing, a measure of this nature would certainly speed up the procedures involved when a deed has to be prepared and plans have to be obtained. It would cut costs as well. According to the provisions in this Bill, there would be a scale of fees which would certainly go some way in controlling exorbitant costs for having surveys done. It is an expensive procedure.

I have some documents which contain the views of the land surveyors. Some concerns were expressed with regard to the appointment of a disciplinary committee, I believe in clause 36 of the Bill. The concern has been expressed that it would be difficult to have people sit in as judges in matters which affect surveyors. A disciplinary committee is to be appointed that would hear and determine complaints which are brought before it. Provisions are made for a chairman who should be an attorney-at-law of at least 10 years' standing and five other members who should be land surveyors of whom, not fewer than two should be Trinidad and Tobago land surveyors nominated by the institute.

The concern there relates to the fact that there can be a situation where more members sitting on that disciplinary committee would be people outside the field of land surveying. The professional body has some difficulty with having matters which affect them adjudicated upon by people, the majority of whom come from outside the profession.

5.25 p.m.

[MR. PRESIDENT, *in the Chair*]

Mr. President, another concern is in relation to clause 30. When I read clause 30—and I read it in conjunction with the amendments—I am not too clear that the amendment is being proposed to clause 30. Can the hon. Minister in his winding up clarify the amendment on page 6 of the list of amendments from the other place?

With regard to clause 30, it says:

- “(i) Delete subclause (1) and renumber subclauses (2) and (3) as subclauses (1) and (2) respectively;”

The amendment goes on:

- “(ii) Delete subclause (1) as renumbered and substitute as follows:
 ‘(1) The Board shall cause to be established a team of professional indemnity insurance and such scheme shall be compulsory for all surveyors, who provide services in any specified class of surveying, to members of the public.’”

The confusing part, Mr. President, is in relation to (iii), which reads:

- “(iii) In subclause (2), insert the words ‘within eighteen months of the commencement of this Act’ immediately after the word ‘insurance’.”

To which subclause (2) is this amendment referring? Is it the new renumbered subclause (2), in which case I do not see the word “insurance” appearing there? Or is it really in relation to subclause (1) as renumbered? I became a bit confused in looking at the amendments there.

Another area of concern which has been expressed with regard to the provisions of this Bill is in relation to Part VII which deals with the establishment of a compulsory scheme of professional indemnity insurance. I think the consensus is that such protection is a welcome measure, but for land surveyors, especially the one who is just getting his practice off the ground, the cost of maintaining such an insurance scheme could indeed be very high. I believe that some estimates have been given in the range of \$10,000 per annum. As professionals, we all recognize the need for such insurance, but I suggest that some provision be made to have these insurance schemes made available at some more affordable cost. It will involve some kind of negotiation, I am sure.

Clause 31 goes on to deal with a compensation fund, but clause 32, says:

- “(1) The Board may make a grant from the Compensation Fund to relieve or mitigate loss sustained by any person in consequence of dishonesty or negligence...”

For those of us who are attorneys-at-law, in matters involving negligence, if liability has been established, when it comes to assessing damages, there are

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various guidelines for the courts of law and, indeed, an award of damages in a negligence case can be astronomical depending on the situation. It is a bit worrisome that there are provisions for a compensation fund where the funds are to come from specific sources—and surely that will be a very limited fund—yet they are saying that it will be possible in the event of some kind of negligence that mitigation can be provided from that fund. I suggest that the part of the clause which deals with negligence be deleted from the Bill altogether.

Quite apart from these areas of concern, I would just like to reiterate that we on this side support the intent and purpose of this Bill. It is indeed a welcome measure. We have been concerned with the whole system of land management in this country and we are aware of the fact that if one improves any of the agencies involved in the land management system, the entire system would be enhanced. I say this especially in the context of the policies which were being carried out by the previous PNM regime.

Some months ago I heard the Minister of Agriculture, Land and Marine Resources boasting about the land distribution policy of this new government as though it was some policy initiative of theirs. This was inherited from the previous regime and, indeed, a measure of this nature will assist in speeding up that land distribution programme.

We heard about it a few months ago just after the budget debate but suddenly it has become a silent issue. I have to ask the question: What really is happening with that whole land distribution programme? From my understanding, 2,000 acres of state lands are supposed to be distributed, and having signed the agricultural sector loan, this, I am sure, has now become a conditionality. We are waiting quite anxiously to learn of the progress that is being made. With respect to this Bill, Mr. President, it is our view that it will improve our land registration system. It will certainly assist, both with respect to public and private lands in the country. We welcome it and we support it.

With those few words, I thank you, Mr. President.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, may I take this opportunity on behalf of all Senators on the Government Benches, and all Senators in the Chamber, to express our heartfelt congratulations to Sen. Prof. Kenneth Ramchand, who was a recipient of

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the Chaconia Gold Medal, for his contribution in the field of literature, education and culture, on the occasion of the country's 34th anniversary of independence.

I also wish to serve notice that next Tuesday will be Private Members' Day and we would not be pre-empting it for public business nor seeking to do so. So, next week Tuesday we will focus on the Private Member's Motion on vagrancy and, if we have time, we would start Prof. Ramchand's Motion on textbooks.

I move that this Senate do now adjourn to Tuesday, September 24, 1996 at 1.30 p.m. sharp.

Mr. President: Hon. Senators, I, too, wish to add my congratulations to Sen. Prof. Ramchand on receipt of the national award and to endorse the sentiments conveyed to him by Sen. Wade Mark.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.35 p.m.