

Election of Acting President

Monday, October 14, 1996

SENATE

Monday, October 14, 1996

The Senate met at 1.36 p.m.

ELECTION OF ACTING PRESIDENT

Clerk of the Senate: Hon. Members, the President of the Senate, Sen. the Hon. Ganace Ramdial is now Acting President of the Republic of Trinidad and Tobago. The Vice-President of the Senate, Sen. Philip Hamel-Smith, has been granted leave of absence. Therefore, in accordance with Standing Order 5, I now ask Members to nominate a Senator who is not a Minister or Parliamentary Secretary to be elected Acting President for today's sitting.

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Madam Clerk, I beg to nominate Sen. Deborah Moore-Miggins.

Seconded by Sen. O. London.

Clerk of the Senate: Are there any other nominations? There being no other nominations, I now declare Sen. Deborah Moore-Miggins the Acting President of the Senate for today's sitting. [*Desk thumping*] I now call on Sen. Deborah Moore-Miggins to take the Chair.

PRAYERS

[MADAM ACTING PRESIDENT *in the Chair*]

Madam Acting President: Hon. Members, let me thank you most sincerely for your nomination for me to sit as the Acting President. I do anticipate the usual co-operation with the President and your support.

I thank you once again.

LEAVE OF ABSENCE

Madam Acting President: Hon. Senators, leave has been granted to Sen. the Hon. Wade Mark, Sen. Diana Mahabir-Wyatt and Sen. Nizam Baksh to be absent from today's sitting. Leave has also been granted to Sen. Philip Hamel-Smith to be absent from the Senate during the period October 8 to October 24, 1996 and to Sen. Prof. Kenneth Ramchand during the period October 13 to October 17, 1996.

SENATORS' APPOINTMENT

Madam Acting President: His Excellency the President has appointed Mr. Dennis Nanchoo to be a temporary Senator with effect from October 14, 1996 and

Senators' Appointment
[MADAM ACTING PRESIDENT]

Monday, October 14, 1996

continuing during the period that Sen. the Hon. Ganace Ramdial would be acting as President of the Republic.

His Excellency the President has also appointed Dr. Edmund Chamely to be a temporary Senator with effect from October 14, 1996 and continuing during the absence from Trinidad and Tobago of Sen. Prof. Kenneth Ramchand.

Hon. Members, I have been advised that His Excellency the Acting President has appointed Mr. Vincent Cabrera a temporary Senator with effect from October 14, 1996 and continuing during the absence from Trinidad and Tobago of Sen. The Hon. Wade Mark.

His Excellency the Acting President has also appointed Dr. John Bharath a temporary Senator with effect from October 14, 1996 and continuing during the absence from Trinidad and Tobago of Sen. Philip Hamel-Smith.

I have also been advised that His Excellency the Acting President has appointed Mr. Carlton Callender a temporary Senator with effect from October 14, 1996 and continuing during the absence from Trinidad and Tobago of Sen. Nizam Baksh.

I have been advised that Dr. John Bharath is not here so we will defer swearing in of Dr. Bharath to a later time.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Dennis Nancoo, Vincent Cabrera, Carlton Callender, Dr. Edmund Chamely.

1.45 p.m.

VALIDATION OF THE SIXTH REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION (TOBAGO) BILL

Bill to validate the sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago, brought from the House of Representatives [*The Minister of Local Government*]; read the first time.

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

Question put and agreed to.

ORAL ANSWER TO QUESTION

**Loan Conditionalities
(Legislation)**

11. Sen. Martin Daly asked the Minister of Public Administration and Information:

- (a) Would the hon. Minister 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?

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Madam Acting President, yes, the passage of certain pieces of legislation were conditionalities of a loan.

These were the Trade Marks (Amdt.) Bill, 1996, the Customs (Amdt.) Bill, 1996, the Land Surveyors Bill, 1996 and the Patents Bill, 1996.

The loan to which these pieces of legislation relate is the investment sector loan which was entered into in 1993 by the Government of Trinidad and Tobago and the Inter-American Development Bank.

Sen. Daly: A supplemental question, please, Madam Acting President. Would the Minister say whether the loan entered into in 1993 had fixed original deadlines, and if so, what were the original deadlines?

Hon. B. Kuei Tung: Madam Acting President, there were original deadlines which had expired. I do not know the exact date but I could provide the hon. Senator with this information at a later stage if he wishes. I could provide the original date, the date to which it was extended, and I think there may have even been another deadline that has passed recently in September, 1996. So I can provide those details to the hon. Senator.

ARRANGEMENT OF BUSINESS

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Madam Acting President, I beg to move that the Senate now deal

Arrangement of Business
[SEN. THE HON. B. KUEI TUNG]

Monday, October 14, 1996

with Bill No. 1 on the Second Supplemental Order Paper; then Motion No. 2 and thereafter the House of Representatives amendments to the Customs (Amdt.) Bill.

Agreed to.

**VALIDATION OF THE SIXTH REPORT OF THE ELECTIONS AND
BOUNDARIES COMMISSION (TOBAGO) BILL**

The Minister of Local Government (Hon. Dhanraj Singh): Madam Acting President, I beg to move,

That a Bill to validate the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago, be now read a second time.

This Bill seeks to validate the late submission of the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago by deeming the said Report to have been submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50.

Subsection (1) of section 4 of the Elections and Boundaries Commission (Local Government) Act, stipulates that the Elections and Boundaries Commission (hereinafter referred to as the Commission) shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be divided and shall submit to the Minister reports thereon.

Furthermore, subsection (2) of the said section 4 provides that reports under subsection (1) shall be submitted by the Commission, *inter alia*, not less than two nor more than three years from the date of the submission of its last report.

However, the Sixth Report of the Commission on the boundaries of the electoral districts in the electoral area of Tobago was submitted to the Minister on August 6, 1996, that is to say, more than three (3) years from the date of the submission of the Commission's last report.

It is therefore expedient that the submission out of time of the Sixth Report of the Commission be validated for the purposes of the forthcoming election to the Tobago House of Assembly, which becomes due on the expiry of the current term of office of members on December 6, 1996.

1.55 p.m.

It is instructive to note that a similar situation occurred in 1992 when the Commission's report was submitted late for the purpose of those elections.

Madam Acting President, the Commission has indicated that the late submission of its 1996 report was largely due to the legal caveat and the associated administrative inconvenience posed by section 4(2)(b) of the Elections and Boundaries Local Government Act, Chap. 25:50 in respect of the Tobago House of Assembly elections.

Section 4(2)(b) of the Act prescribes that the Commission's report must be submitted not less than two or more than three years from the date of submission of the Commission's last report. However, the provisions of section 20 of the Tobago House of Assembly Act make its obligatory for the election of assemblymen thereto, to take place every four, and not every three years. Consequently, the common practice or custom has been, not only to submit separate reports in respect of Tobago, but for the convenience of all parties to submit the Commission's review of the number of boundaries of electoral districts in the electoral area of Tobago as close as possible to the due date of submission.

This Government being responsible, sensitive and responsive, understands and appreciates the reasons given by the Commission for the late submission of the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago. I therefore urge all Members of this Senate to show similar understanding and appreciation. It is instructive to note that the Bill was unanimously supported in the Lower House.

Finally, I wish to reiterate that the prime objective of the Bill is to validate the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago.

I beg to move.

Question proposed.

Sen. Orville London: Madam Acting President, we have no problem with the statement read by the Minister, but I just want to throw out a couple of general comments.

I would suggest that we look at this situation in a more general way. The idea of having elections is to provide for better governance, and especially in the case of small communities like Tobago, more effective representation.

One of the problems which most Tobagonians have had with the way in which the boundaries are allocated in Tobago, is that the focus has been on the arithmetic and the geography rather than on the sociology of the situation. I am suggesting,

Validation of EBC (Tobago) Bill
[SEN. LONDON]

Monday, October 14, 1996

although it cannot be done at this time, that maybe we should take a more innovative approach to the Tobago situation. Maybe, as we are going into a new relationship between Trinidad and Tobago we might have lost an opportunity to go as they say, the “whole hog” and to look at this question of representation from another perspective.

I will use my own experience to illustrate what I m talking about. I was born in a village called Parlatuvier. Everybody from Parlatuvier knows that the natural community is made up of Parlatuvier, Castara, Moriah, L’Anse Fourmi and Bloody Bay. I get the impression that what happened when the initial division was done, is that one took a map of Tobago, drew a line down the middle and then drew six lines across and then adjustments were made. No effort was made to see where the natural communities in Tobago were. For example, one finds that L’Anse Fourmi and Bloody Bay are linked with Charlotteville and Speyside. I then lived in a place called Whim; a natural community, linked with Mount Grace and Union. But, Whim is placed with Black Rock. Black Rock is a fishing village with very close affinity with Plymouth.

Madam Acting President, I am suggesting that between this election and the other election that we look at this situation very carefully. I know that the Elections and Boundaries Commission feels more comfortable dealing with numbers because once one gets into the sociology of the situation, one introduces some subjectivity. And once you introduce some subjectivity then of course, manipulation and underhand deals can take place.

I believe the situation is critical enough for us to set up the proper structures and systems and that we should involve the right people. We in Trinidad and Tobago are very fortunate that the integrity of the Elections and Boundaries Commission has never come into disrepute. Consequently, we can put a bit more pressure on them, not only to focus on the arithmetic, but to go one step further. Too often in the past, the focus where Tobago is concerned has been on the relationship between the entity called the Tobago House of Assembly and the entity called the Central Government. There has been very little focus on the relationship between the Tobago House of Assembly and the people of Tobago and the responsibilities of the Tobago House of Assembly to provide effective governance, and effective, efficient representation to the people of Tobago.

Consequently, if one continues dealing with the arithmetic, one is going to have representatives who do not have that kind of relationship with the

Community; one representative representing one side of the road and another representing another side, joining together villages and communities that have very little in common.

We have absolutely no problem with the arithmetic of the situation. We recognize at this time nothing can be done to deal with my concern, but I am throwing it out as something that the Government, the Opposition and the Tobago House of Assembly can look at very seriously and maybe, by the time there is the next Tobago House of Assembly Elections in the year 2,000, the Elections and Boundaries Commission will come up with some divisions that are more representative of the communities in Tobago and, therefore, will ensure that there is better governance.

Thank you very much.

The Minister of Local Government (Hon. Dhanraj Singh): Madam Acting President, I have noted the concerns of the hon. Senator and I just wish to state that this Government will tread very carefully when it comes to tinkering with the operations of the Elections and Boundaries Commission. At this time, we would prefer to go with the arithmetic system because of the natural safeguards that it provides.

2.05 p.m.

In dividing the areas in Tobago one has to take into consideration the electoral districts and the number of persons who reside there. At all times the Elections and Boundaries Commission tries to maintain a certain amount of equity in those electoral districts. If one should introduce the social consideration in determining the size of a district, there may be situations where certain districts would be larger than others. That itself poses many problems. At this point in time, the use of the electoral districts, as prescribed by the Elections and Boundaries Commission, is the safest way to go.

With regard to the relationship between the Tobago House of Assembly and the people of Tobago, we hope that the new constitutional arrangement being proposed would assist in that way.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Validation of EBC (Tobago) Bill
[HON. D. SINGH]

Monday, October 14, 1996

Bill committed to a committee of the whole Senate.

Senate in committee.

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

The Preamble ordered to stand part of the Bill.

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

Senate resumed.

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

LAND ACQUISITION

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

Be it resolved

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

The parcels of land as identified in the Appendix are located in the ward of La Brea in the county of St. Patrick, comprising 12 parcels situated at Point Fortin, said to belong now or formerly to Petrotrin which are being acquired for the construction of the Atlantic liquefied natural gas plant.

For the benefit of Members of the Senate, the description of the land to be acquired is identified by the respective numbers on the circulated cadastral sheets with parcels 1—4 appearing on sheet A, and parcels 5—12 on sheets B—I respectively. The purpose for which these lands are being acquired is the construction of an Atlantic liquefied natural gas plant. These acquisitions are in keeping with section 5(3) of the Land Acquisition Act, No. 28 of 1994.

The Government of the Republic of Trinidad and Tobago, on June 20, 1996, by Cabinet Minute No. 1586, authorized the Minister of Energy and Energy Industries to sign agreements on behalf of the Government of Trinidad and Tobago with the Atlantic Liquefied Natural Gas Company of Trinidad and Tobago. Under Article 6(1) of the LNG Project agreement, the Government agreed to the acquisition of 43.7769 hectares (109.443 acres) for the construction of the Atlantic LNG plant at Point Fortin at a cost of TT \$498,342 per acre.

The 43.7769 hectares to be acquired are bounded on the west by the Gulf of Paria, on the east by the old Guapo Cap-de-Ville Road, Point Ligoure Road and the intersections of St. Martin and Millette Streets. This compulsory acquisition is at the request of the Minister of Energy and Energy Industries who is in agreement with all aspects of the acquisition, as he would explain during his contribution to this Motion.

The cost of these acquisitions would be met from the US \$9 million (TT \$54.54 million) agreed to by the Government of Trinidad and Tobago and the Atlantic Energy Company under Article 6 of the LNG Project agreement.

I beg to move.

Question proposed.

2.15 p.m.

Sen. Nafeesa Mohammed: Madam Acting President, let me take this opportunity to congratulate you on your elevation in this honourable Senate today. In these times we are witnessing history being created in Trinidad and Tobago when women are certainly being elevated to very high positions.

Madam Acting President, it is with some concern, however, that I stand here to take part in the debate on this Motion. On Friday afternoon I received a message that there was a call from the Parliament indicating that at today's sitting of the Senate there would be a motion before us for acquisition of land. It was on Saturday morning when I read the newspaper that I got some insight into what this motion was about—the acquisition of lands in Point Fortin for the construction of this plant. But it was only this afternoon, upon our arrival here, that we were able to look at the Supplemental Order Paper which sets out a description of the parcels of land to be acquired, and a short while ago the hon. Minister of Agriculture, Land and Marine Resources did give some idea of the boundaries of the parcels of land to be acquired.

My concern, Madam Acting President, is with the haste with which this Motion is being rushed through Parliament. I read with great surprise in the newspaper on Saturday that the Motion had to be passed in the Senate on Monday. We have not heard a word from the hon. Minister on the urgency for this measure to be passed here today and I certainly think it is a case of taking this honourable Senate for granted in expecting that measures like these would be rushed through the Parliament.

Land Acquisition
[SEN. MOHAMMED]

Monday, October 14, 1996

I have some serious concern with this approach. After all, we are dealing with a very important decision that has apparently been taken. We have heard mention made of an LNG agreement. What is this agreement? This is a Government of transparency and consultancy. Will we be provided with copies of it so that we will know what Article 6(1) states? I think we are operating here at a great disadvantage to be presented with this Motion minutes before the sitting of the Senate, not having any information. Sure, there are some maps attached to the Motion, but is this sufficient to enable us to make a reasonable contribution in the absence of information pertaining to these parcels of land?

Yes, we have plans. But how do we know what lies on these parcels of lands. On the Supplemental Order Paper we are told that the lands are said to belong to Petrotrin, but are we dealing with lands alone? We have not been told whether there are buildings on these lands. We have not been given information on what rights exist over the lands. It is known that, especially in the southland, many parcels of land have mineral rights and so forth. We have not been provided with any type of information, and I think this is a gross injustice to us in this Senate here this afternoon.

We are told, as well, that these lands have been acquired for a public purpose. What is the public purpose? We are talking and dealing here with a private agreement. I have been informed that on these lands there is the Point Fortin Refinery. What is the position with regard to this refinery? What kind of compensation will be paid for what lies on and below these parcels of land?

In the absence of information I really must express our deepest concerns with the roughshod manner in which the Government, the so-called Government of transparency, is attempting to have this Motion passed in this Senate this afternoon.

I thank you.

OATH OF ALLEGIANCE

Sen. Dr. John Bharath took and subscribed the Oath of Allegiance as required by law.

LAND ACQUISITION

Sen. Danny Montano: Madam Acting President, allow me to share the sentiments of my colleague on your appointment. *C'est un beau geste*, indeed!

With regard to the matter before us, it is a little disappointing to hear the Minister come to this Senate and read almost verbatim the statement he made in another place making only two changes: one to refer to the maps in front of us; and two to translate the 43.77 hectares into approximately 109 acres.

We are grateful for that little piece of information, but we would have thought that coming from the Government of national unity, freedom of information and transparency, that the hon. Minister would have had a discussion with his colleague in the Ministry of Energy and would at least have brought some more information for us.

2.25 p.m.

What we have here, Acting Madam President, is the fact that the Minister is going to acquire a piece of land, according to some agreement to which he referred, for which we have no particular information and we are expected to say, "Yes, Sir, let us go with it."

In principle, of course, we on this side have no special difficulty, but the absence of information is certainly a cause for concern. Why not provide us with some elementary information such as: Why is it that the Government has to acquire a piece of land that is owned by a state-owned enterprise and then transfer it to a private company? Why can the company simply not sell it to Atlantic LNG? Why does it have to come through this rather roundabout route? Does Petrotrin actually get paid the TT \$55 million? Does this fall entirely into the coffers of the Government? How are the proceeds supposed to be handled?

What was the basis of the valuation? Was the valuation done merely as a piece of real estate? Looking at the cadastral map, I have no idea what fixtures, if any, are sitting on the properties. I do not know if there are already buildings, warehouses, an oil refinery or whatever. I have no idea what is on these properties. I do not know if those assets are also being acquired and transferred to the private investor; we have no information on that at all. We are just supposed to divine this from out of nowhere. And, of course, the Minister does not seem to want to talk to his partner in the Cabinet, so we do not get the information, we have to stand here like little boys and ask the questions.

Madam Acting President, why do we have to ask the questions in the first place? Why can the Minister not come here and make the statement; clean and simple? This is not right. This does not sound clean. When they do not come with

Land Acquisition
[SEN. MONTANO]

Monday, October 14, 1996

an open hand and give us the information then we would have to stand here and ask questions. Come with the information and be open!

There is another issue that I have some difficulty with, Madam Acting President. I see that this is for 106 acres of land. Now that is an awfully large piece of land. I know that the rest of us on this side have no idea how much land it takes to put down an LNG Plant. We do not know if it is one acre or 1000 acres. All we know is that 109 acres are being acquired with the intention of it being ultimately transferred to a private investor who intends to put down an LNG Plant.

The point I am coming to is simply this: we have a situation, unfortunately, where our dollar is suffering from a certain apparent inherent weakness; it has now hit TT \$6.09 per US dollar and is likely to go even further. My questions are: Is this 109 acres being sold at a price that is now fixed at US \$9 million; and is the parcel of land sufficient to hold four LNG plants? Are they buying sufficient land to put down four plants, when all they need is sufficient land to put down one? In other words, are we getting the best deal? Do we have the best deal here? Or, in fact, do they only need 25 acres and we could give it to them at \$493,000 an acre or whatever, and then as they need it, sell them what they need?

Madam Acting President, all the information we have here is 109 acres at a cost of TT \$55 million. Is that a good price? We have no information. The Minister, after receiving a few taps in another place, comes here and begs for the same thing. It is amazing; it is absolutely astounding, that he would come here, after just two days, and provide absolutely no information at all.

I would take my chair with these questions and invite the Minister or anybody else on that side to provide us, gently and politely, with the information that we deserve.

Thank you.

Sen. Prof. John Spence: May I, first of all, thank the Minister for giving way. My contribution would be very short.

Madam Acting Chairman, may I congratulate you on your being elected to preside at this meeting.

My concern is with the ownership of land. I notice that in the papers it suggests that the land may be—it is not definite—owned by Petrotrin. My understanding is that when Petrotrin was set up, land owned by Trintopec and Texaco were not vested in Petrotrin. I think this is an extremely important issue

because the possibility exists that in the future—indeed it existed then when that change was made—there may be sole shares to foreign investors in Petrotrin. If that is so, it means that ownership of the land—Trintopec and Texaco own considerable acreages of land formerly, or, at least, I assume that they still do, if the company still exists. The reason for not transferring the land assets—I remember taking this up with the then Minister of Energy and Energy Industries, Sen. The Hon. Barry Barnes—to Petrotrin was so that if one were divesting any part of Petrotrin, one was not, in fact, divesting in the land.

The same thing applies to Caroni (1975) Limited—I remember speaking about it at the time—if the Government had any thought of selling shares in Caroni (1975) Limited. Every now and again this is mooted, in my opinion, before that is done the land should be vested in the state and then leased to Caroni (1975) Limited, so that when the shares are sold we are not alienating the land. It took us a long time and a great deal of trouble to re-acquire that land which Caroni (1975) Limited now owns, which, of course, now belongs to foreign interests. I would hate that in 1996 we are going to do anything which will alienate large acreages of land that are now owned by the state; the people of Trinidad and Tobago, through the back door, by selling shares in the company.

My concern is the fact that it is stated here that the land belongs to Petrotrin and it would seem to imply that the land formerly owned by Trintopec and Texaco may have been vested in Petrotrin.

Thank you, very much.

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Madam Acting President, let me join the other speakers thus far, in this debate, to congratulate you on your ascension to the particular office which you now hold *albeit* temporary.

Once again, I make one of my rare interventions in the debate—some people say, all too rare. However, it is unfortunate that in this instance I am not feeling very well. I am quite spaced-out with medication but I thought it very important that I put in an appearance today to deal with some of the issues surrounding the acquisition of this particular piece of land.

I was quite shocked, like Sen. Nafeesa Mohammed, when I looked at the daily newspapers on Saturday morning and I saw the type of comments being made during the debate in the other place. The *Sunday Express* of October 6, 1996, states quite clearly:

“More in the mortar than the pestle.”

Land Acquisition
[SEN. THE HON. F. GANGAR]

Monday, October 14, 1996

It also goes on to quote quite liberally from the contribution of Mr. Bereaux, Member of Parliament for La Brea where he stated:

“Bereaux suspected the Minister of Energy, present at the previous sitting of the House, had absented himself this time to avoid being probed on this agreement.”

2.35 p.m.

Sen. London: On a point of order. Acting Madam President, I was of the opinion that one cannot quote extensively from sittings in the Lower House in the same session.

Hon. F. Gangar: If I may continue Madam Acting President. I will do my utmost this afternoon not only to support my ministerial colleague in piloting this Motion with respect to acquisition of land for the Atlantic LNG Plant in Point Fortin, but also to deal with some of the comments of Mr. Bereaux which have been repeated, unfortunately, by two of his senatorial colleagues. I am sorry he is not here today to take the brunt of the assault which is now going to unfold. *[Laughter]*

Madam Acting President, when one decides to take on the Minister of Energy in a debate and quote facts, then obviously one's facts have to be correct otherwise one would be humiliated and slaughtered. You would recall, Madam Acting President, during my contribution to the debate on the Finance Bill, I read the letter of agreement between Atlantic LNG and the Government of Trinidad and Tobago which states under Item VI—the records of the proceedings of *Hansard* in this Senate will indicate such. It says:

“GORTT will compulsorily acquire the required site at Point Fortin as described in Exhibit “A”, sell the site to Atlantic with clean legal title and grant a seabed lease to Atlantic of the area where the harbour is to be located...for a total consideration of US \$9,000,000. GORTT will ensure that Atlantic will have timely access to the site (in accordance with the schedule agreed to with Petrotrin by May 3, 1996) to begin construction activities. The Trinmar wells need not be abandoned until January 1, 1999.”

So when people come to this Senate and repeat the same remarks made in the other place, that they knew nothing of this particular agreement, I question their motives. What are their motives? Is it to deliberately mislead the Senate? Or, is it that their memories are very convenient?

Let us go back to why we need to move the plant from La Brea to Point Fortin. Madam Acting President, the entire country knows, from the smallest school child to the oldest citizen, why we have to move this particular plant from La Brea to Point Fortin. I have consistently maintained that it is because of the incompetence of the PNM Government. *[Laughter]*

Sen. Teelucksingh has a question to be answered which is due tomorrow, unfortunately, which I will answer at the appropriate time, but also sooner or later the country will know the full result of the investigation. At this point in time I will tell you that the report has been completed; the report itself is more than 1,000 pages; the bibliography and the appendices are about 20 volumes; the executive summary itself is 25 pages. But the Minister has to be convinced or assured as to what will be the legal ramifications associated with this particular document.

I did not come here this afternoon to talk about the failure of the La Brea Industrial Estate. We will all know that just now. I am talking about people using hypocrisy to come to this honourable Senate and say they do not know the urgency for the Government to compulsorily acquire this particular site. I will answer Sen. Montano and Sen. Prof. Spence. There is no question of the Atlantic LNG buying this site from Petrotrin. They require it under the agreement as a governmental transaction and that is the way the agreement between Atlantic LNG and the Government has been worded.

We spoke about Article 6.1. As far as I am concerned the entire Atlantic LNG agreement is available for anyone who wants to see it. I have five copies here of Article 6.1 so if Sen. Montano or Sen. Nafeesa Mohammed, or anyone wants it, they can have it. There is no implication of secrecy. It is a falsehood for them to suggest that a Government which is committed to transparency and freedom of information comes here deliberately hiding information. I want to assure you that nothing which has been done so far by this Ministry in the energy sector with respect to investment, with respect to execution agreements is being hidden from any particular individual or source. The information is readily available. I had previously promised to bring an executive summary of the relevant agreements to this honourable Senate. Unfortunately, there are six agreements and we certainly do not have the time at this point to summarize these agreements and bring them here. I am now contemplating the idea of bringing them here and allowing everybody to see what this particular Government has agreed to.

As I said, based on what we signed on April 26, it is very clear what this Government had agreed to. I am quoting from a letter of Atlantic LNG to the Minister of Energy. This is some interesting information. It states:

Land Acquisition
[SEN. THE HON. F. GANGAR]

Monday, October 14, 1996

“We wish to indicate that Atlantic would be prepared to offer the sum of US \$7.5 million for indefeasible title to the following assets described by reference to the descriptive names which have been used to date in our negotiations with Petrotrin and the Government.”

It goes on:

- “1. Acquisition of the fee simple in the reclaimed land including a prohibition against the placing of surface installations thereon in the exercise of mining rights...owned partly by Petrotrin and partly by the State including an area on which there are 5 well sites operated by Trinmar Limited...
2. Acquisition of the fee simple in the Refinery Area together with all buildings as represented to Petrotrin by Atlantic in previous negotiations including a prohibition against the placing of surface installations thereon in the exercise of mining rights...
3. Acquisition of the fee simple in the Dump Site including a prohibition against the placing of surface installations thereon in the exercise of mining rights...
4. Acquisition of rights of way to the Sites (from the State and Petrotrin):
5. Acquisition from the State of a seabed lease for the area to be occupied by the Atlantic harbour...
6. Acquisition of an interest in a seabed lease of the Common Port and channel...
7. Acquisition from the State of a seabed lease for the area to be occupied by the Construction Dock.”

So, when people come to this honourable Senate and say that there is information to be hidden, I want to know which information they are talking about. It is interesting. I want to give this honourable Senate a little story of how the negotiations for this particular piece of land evolved and the appurtenances associated with it. This Minister of Energy and Energy Industries directs the negotiations for every energy project in this country.

2.45 p.m.

Atlantic LNG’s first offer was US \$5.8 million which the chairman of Petrotrin had reported to me that the management agreed was an excellent one. It certainly

was not good enough for me because I am very familiar with these things. As I have just read to you from the particular letter, Atlantic LNG made an unsolicited offer of US 7.5 million which was still not acceptable to me. Late one night the negotiations had broken down and I left my home in south Trinidad and returned to the Hilton Hotel at 1.30 a.m. and I promptly told Atlantic LNG if they did not agree to a particular figure I was quite prepared to break off the negotiations.

So when people come to this Senate and impute improper motives to this particular Government, I wish to state that perhaps they are accustomed to dealing in a manner which cannot be supported by transparency. Not because they are accustomed to dealing with matters in a particular way, they expect this Government to deal the same way. [*Desk thumping*] It is said that everyone has his price, I want to make it clear, on the record of this honourable Senate, that this Minister of Energy does not have a price. [*Desk thumping*]

When I read in one of the newspapers the comments which have been made in the other place, I am quite amazed, because while these negotiations were going on, the Member for La Brea was Divisional Manager, Legal Services in Petrotrin and reporting to the Minister were Petrotrin's personnel: Narine Ramtahal, Project Manager, Janice Koylass-Abraham, lawyer and Rosanna Hospedales. They all reported functionally to the Member and he is quoted in the *Hansard* record as claiming that he did not know what was going on. I will suggest to you all that you make a recount of the votes yesterday because it is a question of honesty coming into play here. [*Laughter*] The offer of US \$5.8 million came from Petrotrin's management to the board and the Member is a part of Petrotrin's management, but the problem with him is that he was never on the job for the three years from 1993—1996.

Sen. London: On a point of order, Madam Acting President, I was under the impression that we are not supposed to impute improper motives to any Member of the Parliament.

Madam Acting President: I certainly did not read the hon. Member as imputing improper motives.

Hon. F. Gangar: Madam Acting President, I have no intentions of imputing any improper motives to anyone either in or outside this Senate. I am just stating the facts as they are. The Leader of the Opposition Business in the Senate should understand the difference between imputing improper motives and stating what are the facts. This is not hearsay, it is direct evidence.

Land Acquisition
[SEN. THE HON. F. GANGAR]

Monday, October 14, 1996

The Member for La Brea is saying that US \$9 million cannot be proper compensation for this land. I have been doing this kind of work for 27 years and I know what I am talking about.

Sen. Montano: Madam Acting President, the hon. Member is not here to—

Madam Acting President: Senator, I do not think that the hon. Member has given way.

[Sen. Montano takes his seat]

Hon. F. Gangar: So when we deal with the contributions of the two Senators today, the first comment made by the lady Senator, Sen. Nafeesa Mohammed, was the haste of putting through the particular Bill.

Madam Acting President, I would like to give an example of a proper schedule which this Government, together with our state company Petrotrin, has committed to Atlantic LNG in order to proceed with this particular project which is governed by a project agreement which has certain onerous liabilities and obligations on the state of Trinidad and Tobago.

Reclaimed land by May 6, 1996—the company shall be put in possession of the reclaimed land including access to the shoreline for the construction of the company's construction, subject to the following provisions.

Refinery area A—by September 30, 1996 the company shall be put in possession of refinery area A.

That deadline has already passed, Madam Acting President.

Refinery area B—shops. By December 1, 1996 the company shall be put in possession of refinery area B.

Refinery area C—hydrotreated and bitumen blowdown. By January 1, 1998, the company shall be put in possession of refinery area C.

Refinery area D—office and warehouse. By June 1, 1996, the company shall be put in possession of the refinery office and car park.

Already there are deadlines which we as a Government and Petrotrin have not yet fulfilled and some of the deadline dates have passed. That clearly indicates what is the real reason for the urgency associated with this particular Motion. What makes it more difficult is the fact that this is a disaster which has been created by all of them there and the party with which they have been associated.

This US \$9 million goes directly to Petrotrin, and the assets of both refineries have been invested with Petrotrin, and to answer Sen. Spence's question, the residential areas, the clubs, dairy farms and most of the real estate are now vested individually with Trintoc and Trintopec. So the refineries *per se* are with Petrotrin.

To answer another question raised by Sen. Montano of the price being paid. I just did some rough calculations and the price paid is around \$540,000 per acre. At present we are negotiating between Caroni and Plipdeco for similar type land at Point Lisas and the figure that is being talked about is around \$40,000 and \$75,000. So one can understand how this Government actively pursues the interest of this country, and to come here and listen to the kind of nonsense that is being perpetrated is very difficult to understand. It is part of a campaign of misinformation. What has been demonstrated in both places, is a complete lack of appreciation as to what is required in this particular project—*[Interruption]* You had your say already, be quiet. *[Laughter]*

Madam Acting President, I have summarized very briefly what is the particular position on this Motion and because of the wider publicity it has received elsewhere, I think some explanation and clarification were absolutely necessary in order to abate the campaign of misinformation which some of us seem hell bent on spreading.

Thank you very much.

2.55 p.m.

Sen. Martin Daly: Madam Acting President, may I join with those who have spoken before me in congratulating you on your appointment to preside over us today.

This debate on the acquisition of these lands, Madam Acting President, has turned our focus, once more, on the question of accountability for commercial transactions entered into by the Government of Trinidad and Tobago. I think we owe a debt of gratitude to the Minister for coming here today, if he is not well, in order to remind us that, in a break with the traditions that have obtained since I have been in the Senate, at a date very proximate to the conclusion of the negotiations in relation to this project, he came if I am not mistaken to this House—he certainly made a statement in Parliament—and gave us a report about

Land Acquisition
[SEN. DALY]

Monday, October 14, 1996

the conclusion of those negotiations. So that I support the Motion for the acquisition of this land.

I am not, on this occasion, disturbed by the urgency, Madam, because the Minister has disclosed, by reading from the contractual documentation, the deadlines which are imposed on the Government of Trinidad and Tobago by the agreement. I only want to make a short contribution to this debate because, as Members know, I have made something of a habit of dealing with this question of accountability for public assets and commercial transactions being entered into by the Government of Trinidad and Tobago.

I do not think on this occasion I can support criticism of the way in which this transaction has been handled, not only because, as I have sought to do, Madam, to remind Members that the Minister made a statement on a date proximate to the conclusion of these negotiations, but because this Minister has reminded us, again, today that he conceives of his portfolio as being the person who is accountable for the transactions that are conducted on behalf of the Government of Trinidad and Tobago. I said on a previous occasion, and I want to repeat it today: that to me is constitutionally correct and as it should be; and I am pleased. I make this contribution only to repeat my pleasure at the fact that the Minister of Energy is holding himself, in his office, of course, personally accountable for negotiations that take place. I had said on a previous occasion, Madam, that not only was I pleased about this, but I hope it is an example that would be followed by his colleagues in Government. On a previous occasion I spoke about the need for us to regain some control over BWIA, and I am pleased to see that there are other Ministers in this Government who plan to intervene personally, but by way of their office, into the question of these divestments and the commercial transactions that are done by the Government of Trinidad and Tobago.

On this occasion, Madam, I support this Motion and I commend to my colleagues the fact that the Minister has, again, made himself personally accountable for the negotiations. We have had great difficulties in the past with these divestments where we cannot say, one way or the other, whether the Government has carried out a commercial-sensible transaction because we have lacked information. What is worse, Madam, is that on the occasions on which I and other colleagues have complained about these divestments, we have not been able to sit, or debate, face to face the transactions with those ultimately

responsible. They have been carried out by persons who have been given large amounts of delegated authority and still are not responsible to the Houses of Parliament. It is only, Madam, in order to repeat my sentiments on this important question of the divestment of public assets and on the accountability of Government for commercial transactions that I make this short contribution to this debate, and to commend the Government for this new approach where the Ministers of Government, the persons who are entrusted with the assets of the people of Trinidad and Tobago will come to the Parliament, as this Minister has done, as we see other Ministers striving to do in relation to BWIA, and defend the transactions that have been entered into.

I must, however, say to the Minister that I hope—it is perhaps a somewhat incautious statement, no doubt, because of the medication to which he referred—that he would tell us that he has not had time to carry out his promise to make the summaries of the transactions available. I put that down to his being somewhat under the weather, because he knows that I would not be able to maintain my commendations of this approach, if Parliament is not shown the proper respect and given a summary of these transactions. So I would ask the Minister, or his colleague, that as soon as time permits, he would have these summaries done. Failing which, however voluminous the documentation, let us at least have one copy in the library so that persons who can do the necessary research can look into the transaction.

I understand the circumstances, but I would ask you always to remember that we must have copies of this documentation as soon as possible.

Thank you, Madam. [*Desk thumping*]

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Madam Acting President, I will not debate this any further. I think the questions have been answered, so 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

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>The parcels of land comprising together 43.7769 hectares situate at Point Fortin in the ward of La Brea in the county of St. Patrick described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated September 10, 1996 executed under Survey Order No. 96 and filed in the Lands and Surveys Division.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The land is more particularly shown coloured raw sienna on Survey Plans filed as JB:149 and in Book 1140 folios 193 to 200 in the vault of the Lands and Surveys Department, Red House, Port of Spain</p>	<p>Construction of the Atlantic Natural Gas Plant</p>

3.05 p.m.

CUSTOMS (AMDT.) BILL

House Amendments

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Madam Acting. President, I beg to move, the following Motion standing in my name:

Be it Resolved that the House of Representatives amendments to the Customs (Amdt.) Bill, 1996 be now considered.

Question proposed.

Question put and agreed to.

Clause 6—proposed subsection 4(a) and (b)

House amendment read as follows:

Delete the word "three" and substitute the word "six" in each case.

Sen. Kuei Tung: Madam Acting President, I beg to move that the Senate doth agree with the House in the said amendment.

Question proposed.

Question put and agreed to.

Clause 8—proposed section 37(2)

House amendment read as follows:

Delete the word "entered." occurring at the end of this subsection and substitute the following:

"entered, unless the full duties payable on the grounds are paid."

Sen. Kuei Tung: Madam Acting President, I beg to move that the Senate doth agree with the House in the said amendment.

Question proposed.

Question put and agreed to.

Clause 11—proposed section 87A(5)

House amendment read as follows:

In the third line from the end, delete the word "three" and substitute the word "six".

Sen. Kuei Tung: Madam Acting President, I beg to move that the Senate doth agree with the House in the said amendment.

Question proposed.

Question put and agreed to.

Motion made and question proposed, That the Senate do now adjourn to Tuesday, October 22, 1996 at 1.30 p.m. [Hon. B. Kuei Tung]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 3.08 p.m.