

Leave of Absence

Tuesday, October 21, 1997

SENATE

Tuesday, October 21, 1997

The Senate met at 1.31 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, leave of absence has been granted to Sen. Prof. John Spence for the period October 18, 1997 to November 8, 1997. Leave of absence has also been granted to Sen. Finbar Gangar for the period October 18, 1997 to November 1, 1997.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following communication from His Excellency the President of the Republic of Trinidad and Tobago:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON,
President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson
President.

To: MRS. NIRUPA OUDIT

WHEREAS Senator Professor John A. Spence is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NIRUPA OUDIT, to be temporarily a Member of the Senate, with effect from October 20, 1997 and continuing during the absence from Trinidad and Tobago of the said Senator Professor John A. Spence.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago at
the Office of the President, St. Ann's, this
20th day of October, 1997."

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Mr. President: Before we swear in the new Senator, I want to ask that we revert to this item later on in the proceedings as another Senator needs to be sworn in.

OATH OF ALLEGIANCE

Sen. Nirupa Oudit took and subscribed the Oath of Allegiance as required by law.

SUMMARY COURTS (AMDT.) (No. 2) BILL

Bill to amend the Summary Courts Act, Chap. 4:20, brought from the House of Representatives [*The Attorney General*]; read the first time.

DHARMA PRAKASH SABHA (INC'N.) BILL

Bill for the incorporation of the Dharma Prakash Sabha and matters incidental thereto, brought from the House of Representatives [*Parliamentary Secretary in the Ministry of Housing and Settlements*]; read the first time.

Motion made, That the next stage of Bills 1 and 2 be taken at the next sitting of the Senate. [*Hon. W. Mark*]

Question put and agreed to.

PAPERS LAID

1. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1991. [*The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]
2. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1992. [*Hon. W. Mark*]
3. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1993. [*Hon. W. Mark*]
4. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1994. [*Hon. W. Mark*]
5. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1995. [*Hon. W. Mark*]

6. Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the year ended December 31, 1996. [*Hon. W. Mark*]
7. Report of the Commission of Enquiry into Allegations of Corruption Against Justices of the Peace. [*Hon. W. Mark*]

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper:

**Teak Logs
(Exportation)**

22. (a) Could the hon. Minister of Agriculture, Land and Marine Resources inform the Senate whether teak logs produced on state-owned teak plantations are being exported from Trinidad and Tobago by Tanteak or any other exporter?
- (b) If the answer is in the affirmative could the hon. Minister of Agriculture, Land and Marine Resources inform the Senate of:
 - (i) the quantities and F.O.B. values of logs being exported;
 - (ii) the destination of the logs and;
 - (iii) the nature of the contractual arrangements with purchasers of teak logs?
- (c) Could the hon. Minister of Agriculture, Land and Marine Resources also inform the Senate of any plans or proposals to utilize locally produced teak to maximize value of the resource? [*Sen. Prof. J. Kenny*]

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I wish to move that question No. 22 be deferred for a period of two weeks, as we have already informed the honourable Senators.

Question, by leave, deferred.

1.40 p.m.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, under Private Business we have a Bill entitled an

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Act for the Incorporation of the Quarry Superstars Sports and Cultural Club and for matters incidental thereto.

I beg to move that we take this particular matter before we go on to Public Business.

Agreed to.

**QUARRY SUPERSTARS SPORTS AND
CULTURAL CLUB (INC'N.) BILL**

Order for second reading read.

Sen. Nizam Baksh: Mr. President, I beg to move,

That a Bill for the incorporation of the Quarry Superstars Sports and Cultural Club and for matters incidental thereto, be now read a second time.

A Special Select Committee of the House of Representatives was appointed to consider and report on the Bill. The committee's report was adopted by the House and the Bill was passed. I beg to move that the Bill be read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 9 ordered to stand part of the Bill.

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.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I want to revert to the appointment of a Senator.

I have received the following communication from His Excellency the President of the Republic of Trinidad and Tobago:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON,
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson

President.

Senator's Appointment

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TO: MR. DENNIS NANCOO

WHEREAS Senator Finbar K. Gangar is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DENNIS NANCOO, to be temporarily a member of the Senate, with effect from 21st October, 1997 and continuing during the absence from Trinidad and Tobago of the said Senator Finbar K. Gangar.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 21st day of October, 1997."

OATH OF ALLEGIANCE

Senator Dennis Nancoo took and subscribed the Oath of Allegiance as required by law.

1.50 p.m.

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD BILL

[Second Day]

Order read for resuming adjourned debate on question [October 14, 1977]:

That the Bill be now read a second time.

Question again proposed.

Sen. Cynthia Alfred: Mr. President, I thank you for the opportunity of being able to make a contribution on this Bill, if only to underscore the importance of consultation before making decisions that could adversely affect the majority of persons. I make reference here to an incident which occurred in Tobago last week.

As everyone would have known, World Food Day was supposed to be celebrated last week and the Tobago House of Assembly made arrangements to have such a celebration held on Wednesday and Thursday of last week. This is an occasion where, not only farmers, but the general Tobago population look forward to the opportunity to showcase their livestock as well as their agricultural produce and so forth.

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Mr. President, very shortly before this event was to come off, the decision was taken to cancel World Food Day or cancel the exhibition and so forth that would have taken place, ostensibly because there would have been a visit by a head of state. Let me make it very clear that we were all happy, and always are and always shall be to have visits by heads of states; that is not at all in question. What is in question, is why that particular event, that is, the cancellation of the World Food Day programme, had to take place in the first place? It was said, Mr. President, that the venue that would have been used for the exhibition—

Sen. Mark: That is irrelevant.

Sen. C. Alfred: Mr. President, the Bill under discussion is “An Act to establish the Livestock and Livestock Products Board and for matters incidental thereto.” I would not have been doing justice to my position if I did not make this contribution. So to continue, what we observe here is not so much the fact that the event had been cancelled but the fact that there should have been greater consultation by the powers that be to ensure that the exhibition would have taken place as well as the visit by the head of state. That underscores the whole point when it comes to the livestock Bill because the intention is to establish a particular board to see about livestock and so forth. But what we are saying is that you do not only need a board to see about livestock, you do not want to isolate areas in the agricultural sector. Rather, one would want to bring not only bills but some sort of agricultural policy that would encompass all the areas. So that if there were consultation among the Assembly, the farmers and all the players in the act, Mr. President, I assure you that there would not have been any need for the cancellation.

We are saying to the Minister that this particular Bill, coming as it is in isolation, not taking into consideration other aspects of agriculture, is something that has happened time and time again and if we continue to go down the road of just taking out bits of legislation for a particular purpose without looking at the total, the Government will only continue to bring matters in a sort of *ad hoc* fashion. This, in the final analysis, does nothing good for the community that the Government is supposed to serve but rather to camouflage, perhaps, something obviously that might be hidden.

Mr. President, many reports have come to me, as someone who has the opportunity to say something here in the Parliament, and I would have done a disservice to those persons who approached me if I did not broach the subject. I would like to end by saying that democracy is supposed to be government of the

people, by the people and for the people. It would seem that the 'for the people' part is abused, whereas the 'government by the people' part, if that were put into operation then the farmers and other persons would have been consulted and there would not have been the fiasco that occurred.

If the amendments that have been proposed by this side are adhered to we would support the Bill. If not, we would only consider it another move to frustrate the population of this country by bringing *ad hoc* legislation which really does not have the significance and importance that it is supposed to have where the people of this country are concerned.

I thank you, Mr. President. [*Desk thumping*]

Sen. Rev. Daniel Teelucksingh: Mr. President, I rise to support the Bill but would like to share with the hon. Minister two concerns. Firstly, a very disgusting feature of the livestock industry in Trinidad and Tobago which needs immediate attention, and which is my first concern, is that there are certain communities in Trinidad, for example the Freeport/Arena area, the Longdenville and Wallerfield areas with their massive poultry and pig farms where residents suffer and they complained for several years about offensive stench and polluted water courses and there has been very little or no redress. The livestock industry has been a health hazard in so many areas. The industry seems to be in its most primitive stage and it has been there for the longest while. Also, on this point about the disgusting feature of the livestock industry, I want to again point out to the hon. Minister that the industry is being an environmental nuisance. There has been irresponsible dumping of farm waste.

It is a very common thing in Trinidad and Tobago, especially along the minor roads which are all busy roads. In fact, occasionally one would see some of this stuff being dumped in bags along the highways and the poultry subsector is the chief offender.

2.00 p.m.

I would like to ask the hon. Minister when he is responding, where in the Bill is the assurance that things will be better? Do you see this business of WASA digging up; the Ministry of Works and Transport surfacing; WASA digging up again and somebody is to be blamed? The livestock sector is going to tell us now, "We are not to be blamed; it is the Ministry of Health." It is the same scenario, that you pass the buck.

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We see the livestock farmers polluting our courses, dumping everywhere and anywhere—for decades this has been going on. I hope I do not hear today that this Bill is saying that we are going to make representation to other bodies, like the Ministry of Health. I do not think we are going to buy that. I really will not blame the Ministry of Health. The livestock industry is so disorganized that even dumping places have not been provided for those involved in the industry. *[Interruption]* Well, if they are, something is wrong. I am glad the Minister is saying they are provided. I still see signs that waste is being dumped all along the roadside.

My second concern has to do with that very interesting clause 4(c), which makes provisions for a representative of the Agricultural Development Bank to be on the Livestock and Livestock Products Board. I know previous speakers have made reference to this. I am very interested in that. I am asking, what is the objective? Is this to be more than token representation? Is this an indication of a greater commitment by the ADB as a useful facilitator to the industry? Will some of the real financial needs of the industry be addressed by the bank? This is a good provision in the Bill, if the ADB really wants to appreciate certain needs of the livestock farmers. The bank was created, I understand, primarily, to facilitate the agricultural sector.

Recent concerns on the functioning of the ADB point to the need for an appraisal of its place within the agricultural context. When we consider the enormous accumulated debts on the bank's bad-pay list, those non-performing loans—and I refer to a press report in the *Trinidad Guardian*, of October 16, 1997, which quotes a former Chief Executive Officer of the bank saying that the non-performing loan portfolio was valued at \$230 million. It is staggering and unbelievable, I think! Well, so far nobody has challenged or corrected that.

I am constrained to add: What a very sad commentary on the way agriculture was disadvantaged over the years, since those funds were not returned and recycled within the sector. We are beginning to understand now, why the livestock and food crop subsectors of agriculture have been suffering. This is as good a time as any other for us to ask—as I think Prof. Spence did, very briefly—has the ADB been successful as an institution whose *raison d'être* is the development of the agricultural sector? Has it served its purpose?

I want to ask this, as I am certain many people will be asking: Who really benefited from millions of dollars of state funds poured into the bank? Were they the real genuine farmers who are the tillers of the soil, the keepers of livestock, those targeted in the Bill before us, or sun-burnt fishermen? Or were the

beneficiaries inclusive of privateers, speculators, soldiers of fortune, mercenaries, in a sense, who creamed off millions and remained indebted to the bank? The bank has been plundered.

Would these beneficiaries, whose obligations are there, possibly not written off, remain forever indebted and for some strange reason, protected from Taurus? But it is not so for the small livestock farmers whose interest this Bill seems to put in the fore today.

Is it true that a debtor owed the ADB \$4.2 million and the bank settled for a mere \$1.5 million? Or another had his \$2 million loan quietly settled for a mere \$400,000? Or another borrowed \$5 million and it is wishful thinking that he will see the face of Taurus? You talk about “different strokes for different folks” and you are telling us, keep it confidential? That is morality gone crazy!

The haunting question is: How did the ADB really assist the genuine farmers of this nation? This is a question I want to leave with the hon. Minister for his reply. I understand that the very ADB is funded by the Inter-American Development Bank. I refer this question to the hon. Minister. Who is the guarantor of the funds coming in from the IADB? Is it the people of Trinidad and Tobago, the Government? Are we back to square one? If the Government, that is the people of Trinidad and Tobago, is the guarantor, can the principle of confidentiality be a sort of carpet to conceal irresponsibility, mismanagement or even corruption?

I close by saying that we need a proper assessment. We need a re-definition of the role and function of the ADB *vis-à-vis* the agricultural sector, with a view to greater accountability and a closer monitoring of its operations. That enquiry is long overdue into those non-performing loans, and as I said before, a re-appraisal of the place of the bank within the nation’s agricultural sector.

I thank you very kindly, Mr. President.

Sen. Philip Marshall: Mr. President, I rise to support the Bill, but with great words of caution. This is in line with those of many of the previous speakers. As one looks through the functions of the board in clause 6, especially with reference to the following paragraphs:

“ The functions of the Board are:

- (c) to collect, store and disseminate data and information on the activities of the livestock industry;

- (d) to monitor problems affecting production and marketing with a view to making appropriate representation to the relevant authorities.”

I would like to ensure that we do not establish functions for this board and do not equip the board with the relevant resources in terms of people, systems and other access to knowledge and advice that are needed. If we were to do this properly, I am sure that the hon. Minister would realize that for such an organization to perform according to expectations, you are talking about a major budget allocation and expenditure.

2.10 p.m.

I would certainly like the Minister, in his reply, to assure us that the true cost of this entity has been thoroughly thought through. This board would require with its many people and representatives, a significant executive whose target performance and expectations should be established in advance and properly measured.

I would like the Minister to tell us how he would indicate whether the executive of this board and its members have succeeded in the expected responsibilities of the functions laid out here. I believe we have to begin when we, as it were, bring new organizations into the world, and that there are careful and explicit indicators of performance prior to their establishment. If we do not do that, it is going to be a further waste of taxpayers' money.

Mr. President, I am not convinced that the true cost, regardless of how worthwhile the cause—I do not think that the true cost of running this organization has really been researched and surveyed. It is better that we postpone its formation, the operational phasing or commissioning of this organization until such time as that is done, and the clear expectations and monetary sums are set aside. So that when the board functions, it functions properly and it does not have a dissipation of resources and a report to the various committees that says that certain things were in place, moneys had to be spent but a year later, the moneys are spent, but nothing has been achieved because adequate resources were not available.

Mr. President, with that short comment, I thank you.

Sen. Nizam Baksh: Mr. President, my remarks to this honourable Senate will be very brief. This is a Bill to establish the Livestock and Livestock Products Board. I propose to look at it in three parts. Firstly, I will explore the intent and purpose of the Bill; secondly, I will review some of the areas on which the

impact of the Bill has its focus; and finally, I will address some of the issues raised by hon. Senators.

Mr. President, the Bill embodies in very precise terms provisions to establish a Livestock and Livestock Products Board which is designed to address the deficiencies which have plagued the industry over the years. The livestock and livestock products are comprised of basic nutritional elements included in the diet of most of our citizens regardless of the levels of affluence or impoverishment. Yet, like most developing countries, we have not established efficient and effective mechanisms for the establishment of a viable livestock industry. Although we are blessed with adequate resources to make ourselves self-sufficient in a number of livestock areas, we continue to depend on foreign imported livestock products.

The external reliance has not only impacted adversely on the local livestock industry but, as a matter of fact, it has weakened and somewhat demoralized those who rely on the industry for a livelihood.

We are sure that the establishment of this board is intended to coordinate and lend support to those who are involved in the industry. The board is intended to mobilize the different livestock interests headlong, and it would lead towards the path of self-sustained growth. The board is an instrument of guarantee for the long-term viability of this industry.

Mr. President, a day will hardly pass without the print as well as the electronic media making references to globalization of trade. We constantly hear phrases such as: "in order to survive in the global environment, we must be a competitive player." We are advised, moreover, to think local and act global. Have we given any thought to the implications of the challenges of the globalization concept? Have we as a nation any notion of what challenges we face in our efforts to enter the globalization bandwagon, or do we understand what is meant by the term globalization of trade? In layman's terms it means that the globe is now a market in which everybody can participate. So that we must take advantage of this situation. This novelty situation has not only come about because of advances in technology, viz the computer and internet, or development in air and surface transport, it is a necessary evil. It is described as trade liberalization.

I say necessary evil because even though it presents certain destructive elements we need its philosophies, standards and specifications to shape and develop our own industries.

Mr. President: Hon. Senator, I hope you are not reading your whole contribution. You are allowed to make generous references from your notes but not the wholesale reading of your contribution.

Sen. N. Baksh: Mr. President, I take your hint. We have seen that the tariff and control that some small countries employ are dismantled when one has to participate in the global trade. It is necessary for us to take note of what is happening around us if we are to participate in international trade.

I now take the opportunity to look at some of the functions of this livestock board. It is wide and it is going to be all-inclusive. It is going to perform a data collecting and dissemination role, as well as communication with stakeholders in the industry. It is research and development and it is often referred to as the RND function. These functions are very crucial and relevant to the industry today. If we fail to take part at this time, while we are late, we are going to lose out in the long run. This board is certainly going to collate and provide this data base for all the participants in this industry, and there are several of them. It is going to be very important, it is going to provide some guarantee in this regard.

I would like to respond to some of the comments and observations made by Senators. Some of us seem to believe that the board would usurp and duplicate some of the functions of the planning division of the ministry and that there might be crosses in their actions.

I see the board as a pipeline to feed information to the planning division of this ministry. Others see difficulty in the size of the board. One has to take into consideration that there are a number of players in this particular industry. If we are to only include some of them and to leave out others, then certainly we are putting those who are left out at a disadvantage. We are seeing it necessary to incorporate all these important players in the industry so that they would be a team and work towards the building of this industry and participate in the globalization which is presenting itself.

Sen. Mohammed: Mr. President, I would like to know what would be the criteria for the appointment of those persons from the various groups that this Bill is hoping to have included in a board?

Sen. N. Baksh: I am sure the Minister in his reply would be in the best position to answer the question. I am dealing with the composition of the board.

Mr. President, while we are contemplating the composition and size of the board, we see that it is necessary to involve all the players in this situation. As I

said earlier, if one leaves out any they would be at a greater disadvantage in the industry. If we are to prepare ourselves to survive, we must include all stakeholders in the Livestock and Livestock Products Board. I thank you.

2.20 p.m.

Sen. Pennelope Beckles: Mr. President, I rise to make a short contribution on the Livestock and Livestock Products Board Bill. When the last Senator spoke about one of the functions of the board being that of feeding information to the planning industry, I became concerned. I link that statement to that of Sen. Rev. Teelucksingh in relation to this whole issue of confidentiality. He also referred to clause 4(1)(c) which mentions that one should represent the Agricultural Development Bank. As he spoke of confidentiality, I thought about certain events which have occurred over the last few weeks. I link the feeding of information to a person from the Agricultural Development Bank and the fact that over the last few weeks there have been statements relating to persons who have been unable to defend themselves, based on persons using parliamentary privilege to read statements about persons' accounts.

I read the *Daily Express* dated October 21, 1997 where Mr. Peter July of the Royal Bank said that it is time for the Minister of Finance and Minister of Tourism to make a statement about confidentiality where persons' accounts are concerned in the financial industry of Trinidad and Tobago. As we are debating this Bill, we see that the Agricultural Development Bank would have a representative on this board. We know about the confusion which has recently taken place, caused by the Minister of Agriculture, Land and Marine Resources who has abused his ministerial portfolio, by using the Parliament to talk about the accounts of persons in the Agricultural Development Bank.

The Chairman of the board stated subsequently that on the request of the Minister, files were given to him. We are not sure whether this Minister of Agriculture, Land and Marine Resources would continue to abuse his authority and request confidential information as it relates to persons and their accounts at the Agricultural Development Bank and other sectors. This is a serious cause for concern. It was a sad day in this country. I think it was disgraceful and a shameful act by the Minister of Agriculture, Land and Marine Resources.

Is he setting up this board to seek a back door method of finding information about certain persons; and would he continue to abuse his authority and not be

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brave enough to go out of Parliament to say whether that information is true or not? Can the Minister justify to this Parliament and the people that this board is necessary? He has not convinced us that this would benefit the farmers in the country and he has not said what it would cost the taxpayers. He has not justified if this board would truly improve the difficult situations in which the livestock farmers find themselves. Last week it was announced on the television that chicken was being sold at \$7.00 per pound. If that is the price for chicken in October, I would not imagine the price in December and by extension, the price of pork, lamb and other livestock items.

In his winding up, would the Minister tell us if there would be improvement in the livestock industry as it relates to these matters; or would he make statements that he cannot back up? The previous Senator spoke about the coordination among several ministries. Are they saying that coordination does not exist at present and that this board would ensure coordination?

When I filed the question on consultants we learnt that the Ministry of Agriculture, Land and Marine Resources was provided with consultants. I imagine that the intention was to improve the ministry. Was this a recommendation from one of those consultants who is being well paid, or is it that the consultant could not advise the Minister of the different mechanisms which could have been implemented to ensure that agriculture reaches where it should in this country so that we can be comfortable?

Having regard to the track record of this Minister of Agriculture, Land and Marine Resources over the last few weeks, it is very difficult to support this piece of legislation. He has not demonstrated that he is a person we can trust and one who recognizes the importance of confidentiality in the fiduciary relationship between a client and a bank. He comes to set up another board under his supervision to give him the authority and power to abuse and misuse information which comes to him under the disguise of parliamentary privilege. We have difficulty in supporting the Minister of Agriculture, Land and Marine Resources as it relates to this piece of legislation.

Thank you.

Sen. Nathaniel Moore: Mr. President, I did not intend to intervene in this debate but because of an earlier contribution, I had to do so to make some reparations. I refer to the contribution which dealt with the cancellation of the celebration of World Food Day in Tobago. I did not think it was relevant in this

particular debate. As the observations were made, I thought I would give some explanation.

2.30 p.m.

First of all, the Minister should be commended for making an attempt at consultation when people are trying to accuse him of non-consultation. The very setting up of the board is an attempt to get the views of the widest cross-section of the community interested in agriculture, so as to promote agriculture in the country. I do not see how we can be against a step like this. I commend the Bill as being quite praiseworthy.

In relation to the cancellation of World Food Day celebrations in Tobago, it was not because of the lack of consultation that the exhibition was cancelled: it is quite the opposite. It is because of the super-abundance of consultation. In the planning, the Farmers' Association, the Tobago District Agricultural Association, the Agricultural Division of the Tobago House of Assembly and the Agricultural Development Bank were the organizations mainly responsible. They planned for a very long time and the venue, which is the main point of conflict, was secured very many months ahead of time. After several venues were looked at, that one emerged as the most appropriate, with the space for the farmers to display their produce by sections, and so it was secured.

We knew about the visit of the President of Botswana, but in Tobago, even though there is a visit to the country of Trinidad and Tobago, visits would normally be about one day. In the original planning, the particular day is not always known and so, although we knew about the visit, we did not know the actual date until a few days before the visit when persons in the secretariat discovered that the venue was booked for the agricultural exhibition. This venue is also used for cultural programmes such as the one planned for the President.

People asked why they did not choose a different venue. I myself asked the question. However, where the visits of important persons are concerned, there are certain security arrangements which must be made which we, as laymen, do not know. Some of these we are told about and some we cannot and will not be told about. It was therefore decided that that was the best venue for the cultural programme and we cannot gainsay the importance of the visit of a head of state. These things take precedence over many other things. It is not that we do not recognize the value and importance of the farmers and the exhibition.

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I must quickly say that when it was discovered that the same venue had to be shared between both events, plans were made. I was sitting in on the planning and the conclusion was that both events would take place. However, because there was the idea of accommodating animals and so forth, people were worried about the smell. Furthermore, World Food Day was to have been celebrated on the Wednesday and Thursday and the visit was on Friday. The plan was that by the end of Thursday everything would be cleaned up and ready for the cultural programme for the visit of the President. The plan went back to the farmers, some did not agree and there was misunderstanding. Tobago is a small community. Some people went about saying that the celebrations were cancelled and there was mixed reaction to the news. Some people stopped preparing.

Eventually, when the Secretary for Agriculture assessed the whole situation, he found that it did not make sense to continue with the exhibition because of reaction from the farmers and others involved. The celebrations were then postponed. I do not know what eventually will be the result of it, but where the dates are concerned, they do not hold anymore. There will, however, be some compensatory activity for the farmers and we are hoping that this will come off smoothly.

We cannot blame the Department of Agriculture for not consulting. They consulted too much and perhaps if they had had their way, both events would have taken place and maybe some of the farmers would have been unhappy about it. Yielding to the wishes of the farmers led to the cancellation of the event.

I am happy to have cleared the air on this. I hope that with the amendments made to the original presentation, Senators would find this Bill acceptable and useful and would support it. I thank you.

Mr. President: Hon. Senators, before calling on the hon. Minister to respond, I would like to make a short statement. Having regard to what the last Senator said, I would like to point out that the relevance or irrelevance of a contribution is determined by the Chair. I do allow Senators a certain latitude in this Senate, but I gather that it is not fully appreciated. I would be happy to oblige Senators by stopping them immediately I suspect they are moving into any irrelevant area.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, in responding to the several concerns expressed by the other side, I would first deal with the sentiments expressed by Sen. Nafeesa Mohammed.

If my memory serves me right, the hon. Senator challenged the capability of this Minister. Having done so, I will point out to the hon. Senator what the agricultural sector has achieved since this Government came into office and compare that to the achievements of the former government.

2.40 p.m.

To begin, I would like to let the hon. Senator know that in 1996, the agricultural sector contributed over \$700 million, based on current prices, to agricultural GDP. In addition, in 1995, the sector experienced negative growth of 4.7 per cent; in 1996, however, the sector demonstrated positive growth of 7 per cent. If we are to go back further, in 1994, the sector experienced negative growth of over 10 per cent. Look at what happened in 1996 under this Government and, furthermore, in the first quarter of 1997. According to the *Quarterly Report of the Central Bank*, the sector grew by 14.7 per cent. Was the PNM responsible for that? Were the PNM's policies responsible for this kind of growth in the sector, or was it this present Government and this Minister? Let the Senator tell us. It is very clear she does not know what she is talking about. She came to this Senate with outdated statistics.

Sen. Mohammed: On a point of order, Mr. President. In accordance with Standing Order 34, the hon. Minister has made an allegation against me, that I did not know what I was talking about, and just to clarify for the sake of the record, I would respectfully ask the Minister to withdraw that statement. In any event, I would like to state that with respect to the point he is making about what the PNM had done, I wish to remind hon. Senators that in 1996 during the first budget debate in this Chamber, the Minister stood here, and the *Hansard* record will show that all the policies he was regurgitating were the PNM's policies on agriculture, and therefore, we had laid a foundation.

Mr. President: Get on with the debate, please, and stop the semantics.

Dr. The Hon. R. Mohammed: Mr. President, I did not hear your last comment, will you repeat it?

Mr. President: Get on with the debate, please.

Dr. The Hon. R. Mohammed: Mr. President, when one looks at the figures, one sees the increases in output from the agricultural sector during the year 1996. To cite a few examples, in the case of cocoa there was a 30 per cent increase

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over 1995; citrus, 13 per cent increase; milk, 8 per cent and the hon. Senator went on and used outdated information concerning the dairy subsector in her contribution.

As far as milk is concerned, my information is that we have already produced one million kilogrammes of milk in excess of the total production for 1996. In 1997, vegetables, 4 per cent; broilers, 3 per cent; and pork 3 per cent. The hon. Senator continues to talk about PNM policies, but she has to understand that when a new government takes office, one does not just stop like a land vehicle and put in reverse gear, it is like an aeroplane, one has to make a big turn and that is what we are doing, we are making a big turn, and the results are here to show. If one looks at the economic indicators that are coming out from the sector and various subsectors, it is very, very clear that Sen. Mohammed misinformed this honourable Senate and it is shameful, it is absolutely shameful.

I am not going to give way, Mr. President, I am sorry, but I am not going to give way.

Mr. President: When I am on my feet, everybody must give way. [*Desk thumping*]. Senator, you rose on a point of order, please refer to the point of order.

Sen. Mohammed: Mr. President, I am referring again to Standing Order 34. The hon. Minister has made certain allegations saying that I have misinformed this Chamber and he has absolutely no evidence to prove it, and I wish he will withdraw that statement. He is imputing improper motives as well to me, Mr. President. I am not a liar.

Mr. President: Would you indicate the areas where he has misquoted you so that I can have him clarify or withdraw?

Sen. Mohammed: The hon. Minister did not specify, but he said that I have misinformed the Senate and that suggests that I have lied to this Senate and, Mr. President, I take great umbrage to that statement. If anything, the Minister would know about lying in Parliament, not me.

Mr. President: Minister, would you clarify this question of misinformation?

Dr. The Hon. R. Mohammed: Mr. President, I do not understand what the good lady's problem is. I am just using the economic indicators as published.

Mr. President: We are really not behaving as an honourable Senate ought to. Let us conduct this debate in an orderly manner with some decorum, please, and if statements have been made that need to be retracted, Members ought to do the honourable thing. If, however, the Member who states that she has been misquoted can in fact adduce evidence of the misquotation, then the Member speaking will be obliged to withdraw. In the absence of being able to quote the misquotation, then there is no requirement for the person who is speaking to withdraw.

Dr. The Hon. R. Mohammed: May I continue, Mr. President? When this Government came into office, one of the objectives that was defined for the agricultural sector was the creation of employment, and when one looked at the employment figures coming out of the sector we observed that for the second quarter of 1997, the sector employed over 51,000 persons. This represented 5,900 or 11 per cent more persons employed in the sector than the corresponding period for 1996.

Where food imports were concerned—and this goes back to the questioning of the capabilities of this Minister and, by extension, this Government to manage the agricultural sector—the statistics indicate very clearly that during the first quarter of 1997, there was a decline in the food import bill of 3.25 per cent when compared to total imports for the corresponding period in 1996. I dare say, it has been a very long time we have not experienced a decline in our food import bill and that is one of the philosophies of this Government.

The indicators are there. I am not talking off the top of my head, it is there for all to see. So when the hon. Senator makes a statement to the effect that the capabilities of the Minister are questionable, I will refer her to the Quarterly Reports of the Central Bank and the Central Statistical Office before she comes to this Senate and makes the kind of statements which she made during her contribution.

2.50 p.m.

Mr. President, for the first half of 1997, where food and live animal exports were concerned, we have observed that there is an increase of 27 per cent compared to the corresponding period in 1996. Twenty seven per cent! Mr. President, \$449 million for the first half of 1996 compared to \$572 million in food and live animal exports in 1997 is an increase of 27 per cent. How dare this hon. Senator come to this Senate and question the capabilities of this Minister and, by

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extension, this Government to manage the agricultural sector? Where has she been? Does the hon. Senator live in Trinidad and Tobago? Does she read at all?

The hon. Senator spoke about and questioned the National Agricultural Marketing and Development Corporation (NAMDEVCO). I want to let the Senator know that on March 1, 1997, this Government and this Minister of Agriculture, Land and Marine Resources who is responsible for agriculture, made an effort to re-start the Debe/Penal Wholesale Market which is controlled by NAMDEVCO. *[Interruption]* I will tell you now! Be quiet, listen and you will learn! *[Interruption]* The Debe/Penal Wholesale Market sat there like a white elephant during the period of the last regime.

Mr. President, from 1991 to October, 1995 nothing was done with respect to the Debe/Penal Wholesale Market. The institution was headquartered in Aranguez, facilities were constructed and left there since 1984, waiting for the management of NAMDEVCO to occupy those premises. It is this Government and this Minister who took the initiative to put the management of NAMDEVCO where it rightly belongs.

Mr. President, to this time we are still paying a loan which was acquired to construct that institution. When I requested the former board to move from Aranguez to Debe/Penal, I was told: "We are not going down there, we want office space in Grand Bazaar." Mr. President, they wanted office space in Grand Bazaar at the taxpayers' expense! This Minister took the initiative to have them moved to the Debe/Penal Wholesale Market where they rightly belong. As of March 1, 1997, every night of the week there is—and my information tells me that between 300 to 400 wholesale vendors presently use that market.

In today's *Daily Express* there is an article on the NAMDEVCO market. I went there and saw for myself, and I wish that the hon. Senator would have done the same. I invite her to go down to the market on a Thursday night. I do not know if the hon. Senator knows what the inside of a market looks like! *[Desk thumping]*

Sen. Mohammed: Mr. President, on a point of order—

Dr. The Hon. R. Mohammed: I am standing, Mr. President.

Sen. Mohammed: Mr. President, I withdraw the point, let the Minister continue. *[Laughter]*

Dr. The Hon. R. Mohammed: Mr. President, you know when you provoke a "jep" nest what happens?

I now move to hon. Sen. "Penny Lope" Beckles' comments.

Sen. Beckles: Could you please pronounce my name properly?

Dr. The Hon. R. Mohammed: Penelope Beckles, I stand corrected. [*Desk thumping*] I humbly apologize for mispronouncing your name, hon. Senator.

Mr. President, I would like to let the hon. Senator know that whatever is done in darkness shall always come to light. [*Desk thumping*] This is especially so around this time of the year when it is the festival of lights. The hon. Senator made reference to files but if she had read the continuing correspondence from the day the newspaper carried the headline, "Files given to Reeza," she would have understood that a correction was made by the newspaper. The newspaper misquoted what the Chairman of the Agricultural Development Bank said, and it was corrected. At no time during the entire incident were any files given to the minister.

In my capacity as the line minister responsible for the Agricultural Development Bank, certain matters were drawn to my attention and I subsequently asked the chairman of the board for a report. No personal clientele files were given to the minister! That was corrected in the newspaper! [*Desk thumping*] If one looks at today's newspaper, one will observe a correction by Mr. Martin Joseph on the issue of Dr. Rowley walking out of the PNM's General Council meeting. He criticized the same media which misquoted the statement made by the Chairman of the Agricultural Development Bank. So let me tell the hon. Senator again, that whatever is done in darkness would come to light, and it will come to light very soon.

We have heard much about the functions of the Livestock and Livestock Products Board. As indicated in clause 6 of the Bill, there are 10 objectives outlined in the Bill. In my presentation of the Bill what, I think, was not quite understood—perhaps I did not get it across clearly, and I blame myself for this—is the way the board is to be structured and the reason for putting this board together. In order to enhance the efficiency, productivity and the organization within the livestock subsector, the board is designed mainly to complement and strengthen the resource base of the Ministry of Agriculture, Land and Marine Resources, and all those institutions affiliated to this ministry, through the operationalization of the 10 functions outlined in clause 6 of the Bill.

With your permission, Sir, I would like to go through the 10 functions of the board in an effort to demonstrate why the functions, as outlined in the Bill, were so developed and, at the same time, to show why they would not be in contradiction

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with the functions of the different divisions of the ministry as well as those institutions affiliated with the ministry.

3.00 p.m.

I would like to go back to NAMDEVCO. One of the statements made by Sen. Mohammed was that NAMDEVCO is an institution which can perform the role of the board as outlined in the Bill. I would like to point out, Mr. President, that NAMDEVCO as it is presently structured—and as is presently governed by the Act—deals mainly with vegetables and the food crop subsector. It deals very little with livestock and the livestock subsector.

What can happen and, what will happen as a nature of the functions of the board outlined in the Bill, is that whereas NAMDEVCO is designed for a particular purpose, and whereas, at present, there is no one institution which has the responsibility for looking after that particular subsector—and in particular, as indicated by Prof. Ramchand—when we take that part of our food import bill which goes towards the importation of livestock and livestock products, it is significant. We feel that the time has come to put in place an institution which will supplement the functions of the different divisions of the Ministry of Agriculture, Land and Marine Resources and the institutions affiliated to that ministry, to focus specifically on the livestock subsector.

One of the things Sen. Beckles mentioned is that chicken is \$7 per pound. Why is that so? This is because of the high price of grain on the international market. That is why this Government, and this Minister, has taken the initiative to launch a corn-growing programme in Trinidad and Tobago. Firstly, in an effort to reduce our expenditure on imported grain by way of corn, and secondly, to satisfy the requirements of the livestock subsector for its grain requirements. It will be good to produce our own corn here, Mr. President, as we spend, annually, over \$200 million on corn imports. I understand that the former regime started a similar programme, but what became of it? Let us ask ourselves that question.

I am informed by the farmers in Toco/Manzanilla that they spent their money to do their land preparation and they were given corn seeds which never grew. That was done under the former Minister of Agriculture, Land and Marine Resources. It will not happen this time, because we have started off, firstly, by checking the germination of the corn seeds which we got from Brazil, and there is an 80 to 90 per cent germination of those seeds. Secondly, we started off in a small way, by way of a pilot project. Why have we targeted the dairy farmers? We have done so for a particular reason.

Feed cost is a serious problem to the livestock farmers of this country. In the poultry subsector, 60 per cent of the cost of production is feed cost. In the milk industry, almost 70 per cent of the cost of production is feed cost, but the dairy farmers have been targeted in the pilot phase of this corn-growing programme. They will grow the corn over a 120—160 day period. After harvesting the corn, they can now take advantage of the corn stovers as a source of feed for their dairy animals. This, in effect, will reduce the cost of milk production. That is why the dairy subsector has been targeted first.

Why did we go to Brazil for corn? We took the initiative to bring into this country self-pollinating corn as opposed to hybridized corn. Why do we need self-pollinating corn as opposed to the other? If the former regime had checked, it would have known that after two generations of seed production, hybridized corn seeds are no longer viable and they will not germinate. Every two years, one would have had to go abroad to bring corn seeds to continue production, however, in this case, under this Government and this Minister of Agriculture, Land and Marine Resources, having brought in that original stock of self-pollinating corn, there will be no need to go back and import seeds for production, because the corn seeds will be self-perpetuating. That is called foresight. I am advised by my colleagues that it is also called forward planning which never existed in the former regime.

Mr. President, clause 6(a), administration of support programmes for the livestock subsector, pertains particularly to the dairy subsector. To use an example, I would like to speak to the milk subsidy programme. This was formally administered by the major milk purchaser in this country, but you see, it is only the farmers who supplied milk to that institution who were beneficiaries of the subsidy. In fairness to all the stakeholders in the dairy subsector, we feel, as a government, that all of them should be beneficiaries of the subsidy. One of functions of the Livestock and Livestock Products Board, therefore, would be to administer that subsidy so that it will be extended to all dairy cattle farmers supplying milk to all processing establishments. By way of example, there is Willie's Ice Cream Limited. They purchase large quantities of fresh milk. Another example is Ramsaran milk.

Inclusive of the institution which purchases milk from over 600 dairy farmers presently, all those small dairy farmers who are not able to supply milk to the major institutions purchasing milk would now be able to benefit from the milk subsidy provided by the Government. So, the Livestock and Livestock Products Board will be supplementary in administering the subsidy programme for milk. It will deal with other subsidies pertaining to the livestock subsector, not only the milk subsector.

3.10 p.m.

Secondly, the promotion and guidance of the establishment of co-operatives. One may say, "Listen, we have a Ministry of Labour and Co-operatives." That is correct, but I made it clear from the outset that presently there is no specific institution to look after the interests of the livestock subsector in this country. Therefore, it would not be difficult for a Livestock and Livestock Products Board which—incidentally, and as a consequence of the comments made by the other side as far as the constitution of the board is concerned, we have made certain amendments which I am sure every Senator has a copy before him or her. We are making every effort to involve the private sector this time around.

If one goes back to the *Hansard* one will see that Sen. Mohammed, when she looked at the composition of the board, the first thing that jumped out of her mouth was 'jobs for the boys'. We have proposed amendments to ensure that there is greater participation from the private sector, because, it is the stakeholders in the subsector who have identified their own needs. We have the poultry, pig, dairy and small ruminants subsectors. Those are the ones who know what their needs are. It is by restructuring the board as a consequence of the comments and advice given by the opposite side, that we have taken the opportunity to restructure that board, to ensure that we have even greater participation from the private sector.

Sen. Mohammed: On a point of clarification. Hon. Minister, in looking at the Bill in its present form, and in light of the proposed amendments that you have now circulated, can you indicate to us what would be the criteria that would be used for the selection of those persons from the various subsectors that you are talking about in terms of their being selected to serve on the board? Where in this Bill does it tell you how these people are going to be selected and, certainly, we would like to get an idea of the time-frame within which this board would become operational and furthermore, where the officers of the board will be located, whether it is at the Grand Bazaar or wherever?

Dr. The Hon. R. Mohammed: Mr. President, the intention here is for the respective organizations, the respective subsectors, to nominate a representative to be on that board. That is the intention. So that in the dairy subsector, the dairy association and the dairy co-operative will nominate a member to represent them on this board. Likewise, the poultry, pork and the small ruminants subsectors, so that Government will have no say in who is going to be selected. The relevant subsectors will select their nominees to be on this board, that is the way it is intended to work. So that there is a process of selection which will be done by the

stakeholders in the subsector. When we hear comments coming from the hon. Senator like, 'by the Minister' and 'jobs for the boys', it shows the lack of thinking and capability on the part of the Senator. That is what it demonstrates. I am amazed, I always thought highly of the goodly Senator.

Sen. Mohammed: I refer specifically to Standing Order 35, rules Nos. 4 and 5 which say:

- "4. It shall be out of order to use offensive or insulting language about Members of either Chamber.
5. No Senator shall impute improper motives to any Member of either Chamber."

Throughout this afternoon's session this hon. Minister has been doing that to me.

Mr. President: During the course of this debate there have been a number of imputations from both sides. I will ask the hon. Minister to proceed with the debate without imputations that may be interpreted as improper.

Dr. The Hon. R. Mohammed: Thank you, Mr. President. I will be so advised.

Sen. Dr. Mc Kenzie: May I just ask the hon. Minister, in light of what he just said, whether he would not consider phrasing the other representations as he did the one for the Tobago House of Assembly. It was specific in 4(b);

"One shall be nominated by the Tobago House of Assembly."

So as to clear up all the sorts of doubts and fears, whether you could phrase the others, "One shall be nominated by the dairy subsector" and so forth. Let us behave like big people and cut out all this. I think it would do us well if we consider that.

Dr. The Hon. R. Mohammed: Mr. President, I fully appreciate and welcome the suggestion made by Sen. Dr. Mc Kenzie. Even though this was my initial intention—I expect that we could deal with this matter at committee stage—but yet I fully agree with the sentiments expressed by Sen. Dr. Mc Kenzie and we shall so do at the committee stage.

Mr. President, with regard to the promotion and guidance of the establishment of co-operatives. The Livestock and Livestock Products Board, being constituted of members of the subsector or the stakeholders in the various subsectors, the

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Ministry of Labour and Co-operatives, in an effort to develop these co-operatives, must be informed by the stakeholders in the subsector. The Livestock and Livestock Products Board is expected to perform such a function—provide the information necessary—because, as I said earlier on, it is the stakeholders in the subsectors who have identified their needs, they know their needs better than we do.

We, as a Government, have always given the opportunity to the stakeholders irrespective of what sector they come from, to inform us of their needs, because my understanding of government is that we are to provide the enabling environment and that enabling environment must be informed by certain things. We are providing an enabling environment for the private sector. The board is going to be constituted from the private sector. They will identify their needs, they would let us know and, by extension, we would take the necessary steps to ensure that the way the co-operatives would now be structured would be informed and advised coming out of the relevant subsectors.

Mr. President, item 3, the collection, storage and dissemination of data and information in the livestock subsector. The intended role of the Livestock and Livestock Products Board is to complement that capability of the ministry. As I said earlier on, there is no one particular institution charged with the responsibility of looking after the livestock subsector. So that the board will be charged with the responsibility of acquiring the information from the stakeholders in the subsectors, again coming from the private sector, so that the information, the database that is going to be developed or that would be required to be developed, in an effort to allow Government to make the relevant and appropriate policies, would be coming from the stakeholders themselves through the aegis of that board.

3.20 p.m.

With respect to the monitoring of problems affecting production and marketing, one of the Senators on the opposite side spoke about the Animal Production and Health Unit in the Ministry of Agriculture, Land and Marine Resources. This unit is not charged with the responsibility of actual production *per se*, but is there to conduct research. That research and the nature of it would be identified by the stakeholders in the subsector, from the private sector. The animal health component of that division deals mainly with the control of zoo sanitary diseases. A livestock product board cannot be charged with that responsibility. There must be regulations as far as diseases are concerned and the animal health component of that animal production health division of the Ministry is charged with that responsibility.

Therefore, the Livestock Board representing the stakeholders in the subsector would now be able to inform the Animal Production and Health Division of the Ministry as to what is happening there so that they will be able to take the necessary actions. Again, the role would be complementary. The point I am making is that the board is not designed to replace certain institutions of the ministry.

Concerning the provision of a forum for communication among farmers, there is no particular institution that represents the livestock subsector. One may argue that there is the extension division of the ministry but, Mr. President, while you may have extension officers, we must understand that, of the several we have within the framework of the ministry, less than one per cent of those are trained as livestock extensionists. The majority of them are trained in extension in the crop sciences; arable agriculture as opposed to livestock. This board would be supplementary again to the deficiencies which presently prevail within the framework of the Ministry.

Looking at the maintenance of a register of livestock producers and processors, no particular institution is in place to perform that role. The role of the Livestock and Livestock Products Board will complement the farmers' registration programme of the ministry and, therefore, provide a fillip for its livestock database which is deficient—again complementary—advising and influencing policy makers in the best interest of the livestock industry. One must be informed by the stakeholders of the needs of the subsector. The modality would therefore be, as far as the livestock sector is concerned, for transmitting that information.

The Livestock and Livestock Products Board would function for the needs of the stakeholders in the subsector. Presently, there is no institution specific for that purpose. We have very few livestock extensionists. It is only recently that a few graduates came out of the University of the West Indies specializing in livestock production.

Concerning the identification of research, development and training needs, the stakeholders in the subsector know their needs and can identify the kind of research to be done to find solutions to their problems. We have institutions within the ministry with the capabilities to do the research, but the Livestock and Livestock Products Board is not designed to do this as far as actual scientific research is concerned, as for example, evaluating the nutritional content of a particular feed. [*Interruption*]

Mr. President: Sen. Mohammed, please.

Hon. Senator: Suspend her!

Dr. The Hon. R. Mohammed: I do not think that we should suspend the good lady.

We have a serious problem with regard to the establishment of auction yards as far as the marketing of livestock and livestock products is concerned. Sen. Rev. Teelucksingh put it very nicely. He said that the subsector is still—

Mr. President: The speaking time of the hon. Minister has expired.

Motion made, That the hon. Minister's speaking time be extended by 15 minutes. (*Sen. N. Mohammed*)

Question put and agreed to. [*Desk thumping*]

Dr. The Hon. R. Mohammed: Mr. President, I wish to thank the hon. Senator for moving that my speaking time be extended. It is a very clear demonstration of where we are going and that is towards a total quality nation. [*Laughter*]

Sen. Rev. Teelucksingh said very clearly that the subsector is at a very primitive stage. The ministry has always had the different divisions but what has been done with respect to the livestock sector? Nothing! The time has come for us to put in place an institution specifically to look after the interests of the livestock producers of this country. When he spoke about the practice of dumping poultry offal on the highways and byways and the stench emanating from the pig and poultry producing institutions, he then went on to say, "I do not expect you to pass the buck." Sir, we will not be passing the buck because the Bill speaks of "matters incidental thereto" and it is under that section of the Bill that we intend to look into these matters.

Yes, we have an institution within the framework of the Ministry of Health charged with the responsibility, under legislation, to look after these matters. The Livestock and Livestock Products Board will be one such institution which will be able to assist that division within the Ministry of Health in certain respects to police and control the wanton dumping of poultry and poultry offal and the stench coming from the pig units.

In addition to this, the board, by way of identifying the nature of research that has to be done as a function of the needs of the stakeholders in the subsector, and because of the work that has been started or is on-going at the sugarcane feed

centre, we have identified the need for the development of co-operatives within the entire agriculture sector where production is impacting on the environment as far as offal and excretory materials are concerned. The sugarcane feed centre has already piloted and is in the process of developing a system that will be producing bio-gas.

It is the intention, through this livestock board having representation from the private sector as identified from the respective institutions, associations and what have you, to put in place systems which would generate bio-gas and at the same time take care of excess waste. This would be one of the functions of this board.

I was speaking about the establishment of auction yards and the problem with marketing in the livestock subsector. The Board would be charged with the responsibility of establishing such auction yards and this, believe it or not, may very well impact on the spate of praedial larceny as far as cattle, sheep and goats are concerned. It will be required to develop an identification system so that the person bringing animals to the auction yard would have to verify and state where the animals came from. Thus, the perpetrators of praedial larceny—the ruminant sector, in the main, cattle, sheep and goats—would be required to say where these animals come from. It is hoped that this is one of the ways to be able to better control, through a numbering system and an identification system, the spate of praedial larceny in the ruminant sector and, of course, the setting of quality standards for the sale of livestock and livestock products. We have no institution presently dealing with matters of that nature.

3.30 p.m..

Sen. Baksh made mention of the global changes and the requirements for standards. If we need to sell our products in foreign markets we have to maintain certain standards. The Livestock and Livestock Products Board would be required to perform that function.

I know I am coming to the end of my speaking time, Mr. President, but I just want to touch on the finances of this project; a concern expressed by the hon. Senators opposite. We have already taken the necessary measures under the recurrent expenditure component of the Ministry of Agriculture, Land and Marine Resources for 1998 to ask for a provision of \$1 million so that this board can be financed through that fund. We can compare the cost of other such institutions, and if we look at the Agricultural Society which presently costs the Government over \$252,000 per year; NAMDEVCO, over \$8 million a year; the Cocoa and Coffee

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Industry Board, over \$1 million per year; the Zoological Society, over \$2 million per year. Now, if we project our minds and we look at the benefits to be derived from the establishment of such a board in the short, medium and long term, and the kind of revenue that will be generated, it is anticipated that an expenditure of \$1 million per year, even though it will be coming from state funds, is going to benefit the private sector and the stakeholders in the subsector anyway up to 10 times that amount. This is simply putting in place the enabling environment to allow the sector to move forward, to prosper, and to increase the efficiency of our production system.

Mr. President, I have listened to the arguments put forward, both by the Opposition Senators and the Independent Senators, with respect to the composition of the board and we are willing to go along with the recommendations of the Opposition Senators and the Independent Senators. At the committee stage we will do what is necessary to ensure that the board is represented by the private sector. I feel that there is great need for a Livestock and Livestock Products Board if only to put in place an institution which would supplement and complement those institutions presently existing within the framework of the Ministry of Agriculture, Land and Marine Resources and those institutions affiliated to that ministry. Mr. President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Dr. Mohammed: Mr. Chairman, this is where we need to make certain amendments as recommended by Sen. Dr. Mc Kenzie. I beg to move that:

- “(a) one shall represent the Ministry responsible for Agriculture;
- (b) one shall be nominated by the Tobago House of Assembly;
- (c) one shall represent the meat-processing sub-sector;
- (d) one shall represent the small ruminants sub-sector;
- (e) one shall represent the dairy sub-sector;

- (f) one shall represent the pork sub-sector;
- (g) one shall represent the poultry sub-sector.”

Why can we not do that? Mr. Chairman, could we defer clause 4 and go on to clause 5?

3.40 p.m.

Sen. Beckles: I wanted to ask something else, outside of the changes of nominee to, whatever it is; could you just indicate why you have reduced the board from 11 to 7? What is the rationale for that?

Dr. Mohammed: The concern was expressed during the course of the debate that when you have an extremely large number of persons, it is oftentimes difficult to agree on certain matters.

Sen. Beckles: The persons whom you have removed, are they from the university?

Dr. Mohammed: The public sector. We are looking towards a board comprised mainly of people from the private sector.

Sen. Beckles: Yes, but they have very little or no technical assistance.

Dr. Mohammed: This is why it has to be complementary to the Ministry of Agriculture, Land and Marine Resources which will have some technical expertise.

Mr. Chairman: I think we can move on to other clauses and defer consideration of clause 4.

Clause 4, by leave, deferred.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Dr. Mohammed: Mr. Chairman, I propose an amendment to clause 5 which reads as follows:

“(6) Delete the word, six, and substitute the word, four.”

Sen. Beckles: Mr. Chairman, may I crave your indulgence? Clause 5(1) states: “The Board shall meet once every month...” Should that not be “at least once every month?”

Dr. Mohammed: I have no problem with that, Mr. Chairman.

Mr. Chairman: We have an amendment to clause 5(1) which reads as follows:

“In subclause (1), add the words ‘at least’ between the words ‘meet’ and ‘once’.

Question, on amendment, (Sen. Beckles) put and agreed to.

Mr. Chairman: Do we have any other contributions to clause 5(6)?

Dr. Mohammed: Mr. Chairman, a suggestion has just been made here, rather than amend it from six to four, we should go from six to three.

It should read:

“(6) Delete the word, six, and substitute the word, three.”

Question put and agreed to.

Sen. Dr. Mc Kenzie: Mr. Chairman, I was wondering whether “Corporation” in line three of clause 5(8) refers to “Corporation” that you would be deleting in clause 4(d). I do not know whether I am right.

Mr. Maharaj: You are correct. It should be “board”.

Mr. Chairman: There is an amendment to clause 5(8) by Sen. Dr. Mc Kenzie which reads as follows:

“In subclause (8), substitute the word ‘Board’ for the word ‘Corporation’”.

Question, on amendment, (Sen. Dr. Mc Kenzie) put and agreed to.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

3.50 p.m.

Clauses 6 to 11 ordered to stand part of the Bill.

Clause 4 recommitted.

Mr. Maharaj: Mr. Chairman, may I explain what we are suggesting in respect of the draft which is before us. In respect of clause 4(1)(c), (d), (e) (f) and (g) we wish to insert the following words “after the Minister consults with the sub-sector.” at the end of each subclause.

Mr. Chairman, I beg to move an amendment to clause 4 as follows:

- “(c) one shall represent the meat-process sub-sector after the Minister consults with the sub-sector.
- (d) one shall represent the small ruminants sub-sector after the Minister consults with the sub-sector.
- (e) one shall represent the dairy sub-sector after the Minister consults with the sub-sector.
- (f) one shall represent the pork sub-sector after the Minister consults with the sub-sector.
- (g) one shall represent the poultry sub-sector after the Minister consults with the sub-sector.”

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Sen. Rev. Teelucksingh: Mr. Chairman, why, in the first place, was there a representative of the Agricultural Development Bank on the board and now there is an agreement to withdraw that?

Dr. Mohammed: After listening to all the comments which were made with respect to the structuring of the board, it was agreed that we would ensure that the board comprised, in the main, of members from the private sector who would now be the true representatives of the stakeholders in each respective subsector.

Sen. Rev. Teelucksingh: How would one explain the continuing interest of the Agricultural Development Bank in the working of the livestock sector?

Dr. Mohammed: The Agricultural Development Bank is so designed with a mandate to provide credit facilities to those who need credit facilities for whatever enterprise in the agricultural sector. Be it in arable agriculture or livestock agriculture.

Mr. Maharaj: Mr. Chairman, just for the records, in clause 9(2), line 1, should read: “the accounts of the board shall be audited by the auditors ” It is a typographical error.

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

Senate resumed.

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

4.00 p.m.

LIMITATION OF CERTAIN ACTIONS BILL

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. President, I beg to move,

That a Bill to make provisions for the limitation of time for bringing certain actions be now read a second time.

The provisions of this Bill are, in substance, parts of the Limitation Act, 1981. It was passed in Parliament but was not proclaimed by the governments over the years. This Bill deals with limitation periods for actions relating to personal matters. The Limitation Act dealt with land and non land matters. It was drafted in relation to the policy which existed at the time. Having regard to the reforms which would take place with respect to land matters and the Land Registry, it was not practical for that Act to be proclaimed in its present form. In light of that fact, since 1981, it was recognized that this area of the law had to be redressed. Although the option was considered as to whether we should proclaim part of the legislation, we were met with the possibility that it might be unlawful to do so and we did not want to take that risk. It was decided to extract from the legislation and add a few clauses with regard to what has happened since then, to bring the policy of the legislation in a different form to Parliament.

I would be failing in my duty if I did not say that it is an unsatisfactory state of affairs for laws to be passed in the Parliament of Trinidad and Tobago and not be implemented. Be that as it may, the fact of the matter is that this has happened and we are dealing with some of that policy today. The Limitation Act, 1981 is one of 21 pieces of legislation on the statute books for many years, but which was ineffective in law. When this administration took office in 1995, it decided that these matters should be dealt with. A committee was appointed, an examination of these laws was made and a report was obtained. From then to now most of the laws have been proclaimed; some have not been and others have been repealed. One Bill will be amended and a few are still in the process of being considered as to what should be done with them.

The purpose of the Limitation Act was to consolidate and revise the law relating to the limitation of actions. In respect of the part of the Act dealing with land law matters, a reform programme is being studied by the Government in

conjunction with the International Development Bank. It is expected that by the middle or end of 1998, there would be new legislation to deal with land law and real property matters.

In relation to the land law matters, it is my duty to inform this Senate that those pieces of legislation were enacted at a time when the economic circumstances of the country were different. The policies which were accepted at that time were based on the ability of the country to effect those reforms. The study to enact those pieces of legislation had started about 10 years earlier. It was found that after the 1980s, the country could not have supported those land law reforms. In that context, from then to now there have been discussions, studies and proposals as to what should be done.

We have taken the bold step. Reform would take place where there would be a strengthening of the key land information management institutions, such as the Registrar General's Office and the Lands and Surveys Department. This Bill is a repetition of what has already been considered by Parliament in respect of non land law matters. At the time both Houses of Parliament considered it important and necessary for the peace, order and good government of the country to pass laws to reform the limitation period.

This Bill extends a one-year limitation period which now exists in respect of actions against the state which in tort or contract must be filed within one year. If there is an accident and the driver of the vehicle is employed by the state or public authority and the driver is wrong, if a person is injured or dies and the injured person or the person on behalf of the dead person does not file within one year, the action would be statute barred and the action cannot be filed. The person would be driven from the judgment seat because one year has passed and the action would not get off the ground.

This Bill extends that period from one year to four years. Why four years? Under the present law if one has to file a similar action against a private individual the time period is four years. It is an attempt to bring claims against the state and claims against private individuals on an equal footing. There is no basis why the state should enjoy a greater advantage over individuals.

The Schedule of the Bill repeals the Public Authorities Protection Act and the Limitation of Personal Actions Ordinance. Although in respect of most personal actions the limitation period was four years under section 5 of the Limitation of Personal Actions Ordinance, in the existing law a limitation of four years was

prescribed for all actions founded in contract and tort except for assault, wounding, libel and slander, for which the period provided was two years. So, if a person wanted to file an action for assault, wounding, libel or slander, the action would have been two years. We are repealing that and extending it to four years.

4.10 p.m.

The Bill also gives the court the power to extend that four-year period depending on the circumstances. One of the circumstances is mentioned in clause 2(2) of the Bill, which states:

“(2) Periods of limitation prescribed by this Act, shall be subject to the provisions for extension or postponement of such periods in the case of disability, acknowledgment, part payment, fraud, concealment or mistake.”

If one turns to clause 9 of the Bill, there is a general discretion for the court to extend the period of time, but there will also be, in clause 11, with respect to disability:

“(1) Where on the date when any right of action of which a period of limitation is prescribed by this Act accrues, the person to whom it accrues is under a disability, the action may be brought at any time before the expiry of four years from the date when the person ceased to be under a disability or died, whichever first occurred, notwithstanding that the period of limitation has expired.”

Disability has been defined in the amendments as follows:

“A person shall be treated as under a disability while he is an infant; is suffering from a mental disorder; receiving treatment as an in-patient in any mental hospital within the meaning of the Mental Health Act, without being liable to be detained in the said hospital; or mentally ill within the meaning of the said Mental Health Act.”

So, conceptually, if a person is disabled, the four years will not run from the time he is disabled, but after that period, when he has ceased to be disabled.

The clause also mentioned acknowledgement or part payment. There is a principle at common law that the action is given a new life because of an acknowledgement or part payment of a debt and clause 12 has, to some extent, enunciated this principle.

Clause 13 defines what part payment is, and clause 14 deals with the postponement of limitation in cases where there is fraud, mistake or concealment. It states:

- “(1) Subject to subsection (3), where in the case of any action for which a period of limitation is prescribed by this Act, either—
- (a) the action is based upon the fraud of the defendant;
 - (b) any fact relevant to the plaintiff’s right of action was deliberately concealed from him by the defendant; or
 - (c) the action is for relief from the consequences of a mistake,
- the period of limitation shall not begin to run until the plaintiff has discovered the fraud, concealment or mistake (as the case may be) or could with reasonable diligence have discovered it.”

So, where there is fraud, concealment or mistake, the time runs from the time the plaintiff discovers it.

I go back to clause 5, which is the clause which deals with personal injuries and the common law actions. It states that it shall be brought within four years. However, there would be cases where the plaintiff would not have been aware of the accrual of the cause of action. The Bill also gives the right to bring the action within four years from the time that the person received knowledge of the accrual of the action.

Mr. President, clauses 5 and 6, therefore, state that in dealing with both common law personal injuries action, and actions under the Compensation for Injuries Act, there is an additional relief in that the four years can run either from the date of the injury or from the date on which the person first acquired knowledge of the accrual of the cause of action. So there is a situation of reform at all levels. It is not as rigid as it used to be so that justice can be delivered to people who have been wronged but who, for one reason or another, were either not aware of it and when they did become aware, the action was statute barred or they were disabled. The time, therefore, would run from the time that disability ceases or, for other reasons, the court would have the power of discretion, depending on the circumstances, to grant an extension of time.

Under the Compensation for Injuries Act, which is an Act under which dependants of a person who is injured and who dies from these injuries—

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dependants who lost the value of the person's resources and ability to work—can file an action against the defendant to recover that amount. For the purposes of explaining to lay people—I know lawyers would understand—I would explain it in this way. If Mr. “A” is a welder who is 25 years old and he is injured whilst working and he is so incapacitated that he has sustained a loss as a result of injury, and the persons dependent upon him have also sustained a loss because he cannot work again, then he and his dependants can file an action for damages to which he is entitled. If he dies, then the persons dependent upon him can also file an action for damages. There is a formula which the court uses to work out these amounts.

What happens under existing law is that if the person's injury causes a disease there could be an argument about whether that disease was too remote from the injury and the question of the tortfeasor taking the risk or foreseeing that kind of damage. There were therefore many arguments in the court as to whether a disease which sets in as a result of injury could be claimed as part of the compensation. It may be that the disease could even result in the death of the person. We have made it quite clear that personal injury includes any disease and any impairment of a person's physical or mental condition and injury and cognate expression shall be construed. So this Bill widens the liability of defendants in that, if the injury causes the person to get a disease then, obviously, the person can now claim. Before, it might have been uncertain as to whether one would be compensated for that.

4.20 p.m.

Mr. President, one of the most radical reforms in the Bill can be found in clause 9. It is considered to be a radical reform although it should have been effected in 1981. The 1981 Act which was passed in the Parliament was patterned along the United Kingdom legislation of 1939 and several Commonwealth countries have followed the United Kingdom in reforming their limitation legislation along the same line.

As a matter of fact, a short list of those which have done so are Victoria; Queensland; Tasmania; New Zealand and Ontario. Even nearer home, the law in St. Vincent and the Grenadines was reformed in 1988 to reflect the provisions of the 1939 Act. Since 1988, the people of St. Vincent and the Grenadines had the benefit of having reformed laws dealing with limitation period and they have a similar clause 9 which gives the court a discretion that after it considers certain

factors, it may determine whether it should extend a period of limitation. Clause 9(1) says:

"Where it appears to the court that it would be inequitable to allow an action to proceed having regard to the degree to which—

- (a) the provisions of section 5 or 6 prejudice the plaintiff or any person whom he represents; and
- (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents, the court may direct that those provisions shall not apply to the action or to any specified cause of action to which the action relates. "

So that even without prejudice to these matters, the court will be given a discretion to direct that those provisions shall not apply.

Clause 9(3) says:

"In acting under this section the court shall have regard to all the circumstances of the case and in particular to—

- (a) the length of, and the reasons for, the delay on the part of the plaintiff;
- (b) the extent to which, having regard to the delay, the evidence adduced or likely to be adduced by the plaintiff or the defendant is or is likely to be less cogent than if the action had been brought within the time allowed by section 8 or, as the case may be, section 9;
- (c) the conduct of the defendant after the cause of action arose, including the extent to which he responded to requests reasonably made by the plaintiff for information or inspection for the purpose of ascertaining facts which were or might be relevant to the plaintiff's cause of action against the defendant;
- (d) the duration of any disability of the plaintiff arising after the date of the accrual of the cause of action; or
- (e) the extent to which the plaintiff acted promptly and reasonably once he knew whether or not the defendant's act or omission to which the injury was attributable, might be capable at that time of giving rise to an action for damages;
- (f) the steps, if any, taken by the plaintiff to obtain medical, legal or other expert advice and the nature of any such advice he may have received."

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Mr. President, in this section, assuming that a person should have filed an action within four years, but for some reason or the other—he may have been under harsh circumstances like poverty, or he may have been trying to get information and did not get it—whatever the reasons are, it gives an opportunity for that person to go to the court and for the court to balance and weigh all the factors and determine whether it would be inequitable to deny the person the right to proceed with his action. So it gives the court a discretion.

It may be argued that this is unfair because it means that a tortfeasor would not know whether he would be sued and, therefore, he cannot make arrangements for his liability and he cannot plan in advance, but the law had to strike a balance and it gives an opportunity for the defendant to go to the court and advance whatever reason he or she has in order to get the court to say that the time should not be extended.

Other countries had to grapple with this, the United Kingdom did so and as a matter of fact, it created a great stir when that amendment was introduced for the first time in the 1960s. Perhaps the best way to describe the need for having this discretion is by what one of the judges said, and I would like to commend it to this honourable Chamber. It comes from the Limitation Act of 1980 and I am reading from the Halsbury's Laws of England, it is at clause 33 which we have reproduced and it says:

"This section, which is derived from s. 1 (2D) of L.A. 1975 has spawned as much case law as any other, more politically contentious statute, in the last five years. Comments have been made on the origin and inception of this section elsewhere...from which it will be clear that different courts have reached very different conclusions on the parliamentary intention in introducing the discretion to 'disapply' the time limits now contained in ss. 11 and 12 of this Act."

That is the 1980 Act, bearing in mind that the 1939 Act has now been amended and was reproduced in the 1980 Act. These are the words of Lord Justice Ormrod in the case of *Firman v. Ellis* [1978] 3 W.L.R.

"Parliament has now decided that uncertain justice is preferable to certain injustice or, in other words, that certainty can be bought at too high a price."

Those who argue, or those who think that having this uncertainty can produce injustice, I would recommend that we consider the words of Lord Justice Ormrod which I think are alive and meaningful as they were then as they are today.

Mr. President, this section therefore recognizes that in our society there would be persons who would have claims against defendants and, for one reason or the other, were unable to file action and it therefore gives the court that discretion. Obviously, if a defendant is dissatisfied, he would be able to go to the Court of Appeal or the Privy Council. So it is not taking away anyone's rights, it is giving an opportunity to persons who have been driven from the judgment seat by strict time-limits to get some access to justice.

I read an article which said that different countries have looked at time-limits in different ways, but I think it will be correct to say that at common law there were no time-limits and one could have filed an action at any time. What happened is that the doctrine of equity came into play and one would recall in legal history that the equitable doctrines would say that if one delayed too long one could be denied entitlement to redress.

4.30 p.m.

There is the principle that if delays were too long it could be an abuse of process. It then became the duty and function of Parliament to intervene and, therefore, Parliament had to find a way. One of the policy considerations in determining statutes of limitation, obviously, was that some time-frame with formula must be put for people who commit wrongs, who believe they have committed or feel they may be liable for civil wrongs, to know at what time they could close the book. On the other hand, one had to encourage plaintiffs; persons who were injured, to prosecute their claims as quickly as possible.

Over the years that is what the legislation in the common law countries, civilized countries have tried to come up with. In some countries the time limit is more than four years. For example, in England the time limit now is not four years but six years for contracts and tort. So that we are still operating on the basis of the four-year period. It may be that in two or three years' time we will look at this legislation again and say it should not be four years, it should be six or eight years. In some countries it is 12 years.

Mr. President, I have here extracts from a Discussion Paper No. 86 of 1992, issued by the Law Reform Commission of Western Australia, on the subject 'Limitation and Notice of Actions.' I quote from paragraph 2.38:

“Other legal systems, whether they are part of the common law legal family or belong to some other legal tradition, adopt a variety of solutions to the problem of limitation of actions.”

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Mr. President, I have just noticed the time and I think this may be an appropriate time to break. I will have to continue after the break or on another occasion, depending on the order of the Senate.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, October 28, 1997, at 1.30 p.m.

I have already discussed with the Leader of the Independent Benches and I have to discuss it with the Leader of the Opposition that we should like to proceed with Government Business next week although it is Private Members' Day. We want to serve notice, once there is agreement, that we are going to continue our debate on this particular matter. We will then proceed to deal with the Summary Courts (Amdt.) Bill and then to the Venture Capital Bill.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.34 p.m.