

*Leave of Absence**Tuesday, August 15, 2000***SENATE***Tuesday, August 15, 2000*

The Senate met at 10.31 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Members, leave of absence from sittings of the Senate has been granted to Sen. Philip Hamel-Smith for the period 14—17 August; and to Sen. Nizam Baksh for the period 9—25 August.

SENATORS' APPOINTMENT

Mr. President: 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, T.C., O.C.C.,
S.C., President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson
President.

TO: MR. VINCENT CABRERA

WHEREAS Senator Philip Hamel-Smith 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, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 15th August, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Philip Hamel-Smith.

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 10th day of August, 2000.”

Senators' Appointment

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

\s\ Arthur N. R. Robinson
President.

TO: MR. DAVE COWIE

WHEREAS Senator Nizam Baksh 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, DAVE COWIE, to be temporarily a member of the Senate, with effect from 15th August, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Nizam Baksh.

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 14th day of August, 2000.”

OATH OF ALLEGIANCE

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

Vincent Cabrera, Dave Cowie.

REPRESENTATION OF THE PEOPLE (AMDT.) BILL

Bill to amend the Representation of the People Act, Chap. 2:01, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

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

Question put and agreed to.

SOCIALLY DISPLACED PERSONS BILL

Bill to amend the Socially Displaced Persons Bill, brought from the House of Representatives [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs*]; read the first time.

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

Question put and agreed to.

TOURISM DEVELOPMENT (MISCELLANEOUS PROVISIONS) BILL

Bill to amend various Acts, brought from the House of Representatives [*The Minister of Tourism*]; read the first time.

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

Question put and agreed to.

FRIENDS OF MR. BISWAS (INC'N) BILL**Presentation**

Sen. Prof. John Spence: Mr. President, I beg to present the following report:

Report of the Special Select Committee appointed to consider and report on a private bill for the incorporation of the Friends of Mr. Biswas and for matters incidental thereto.

ORAL ANSWER TO QUESTION**Toco Bay Port
(Details)**

- 16. Sen. Prof. Julian Kenny** asked the Minister of Works and Transport:
- A. Could the hon. Minister of Works and Transport state whether outline or final planning approval has been given for the establishment of a port at Toco Bay.
 - B. If the answer is in the affirmative could the hon. Minister inform the Senate of:
 - (i) the total area of land being acquired for this purpose and its market value;
 - (ii) the total area of sea bottom being reclaimed;

Oral Answer to Question

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The Environmental Impact Statement was submitted on June 28, 2000 to the Town and Country Planning Division of the Ministry of Housing and Settlements for review. Thank you.

Sen. Prof. Kenny: Thank you, Mr. President. I would ask just a supplemental question. It is actually in the main body of the question. Did the Environmental Management Authority review the EIS?

Sen. The Hon. S. Baksh: Mr. President, the Environmental Impact Statement was submitted on June 28 to the Town and Country Planning Division of the Ministry of Housing and Settlements, so it was not submitted to the Environmental Management Authority.

Sen. Prof. Kenny: Thank you, Mr. President. I have just two further brief supplemental questions concerning the acquisition of land—we know that there is a notice and so on. Is it normal to undertake the acquisition of land before a final decision is made for a development? Secondly, is it constitutionally sound to acquire private property to be handed over to other private interests for commercial purposes?

Sen. The Hon. S. Baksh: Mr. President, I would be most willing to have those questions answered in writing. I do not have those answers at this time.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I seek leave of the Senate to deal with Motion No. 4 under “Private Business” on the Supplemental Order Paper and thereafter we shall proceed to Motions Nos. 4 and 5 under “Public Business” before proceeding to “Bills Second Reading”.

Agreed to.

FRIENDS OF MR. BISWAS (INC’N) BILL Adoption

Sen. Prof. John Spence: Mr. President, I beg to move that this House adopt the report of the Special Select Committee of the Senate appointed to consider and report on a private bill for the incorporation of the Friends of Mr. Biswas and for matters incidental thereto.

Sen. Winston John: Mr. President, I beg to second the Motion.

Sen. Prof. Spence: Mr. President, I think it should be noted from the report that we have supported the incorporation of this body by Act of Parliament. It is a small organization at the moment comprising just a few dedicated persons but we hope that by incorporation, this group will expand to include a larger number of persons who might be concerned with this particular activity.

Question proposed.

Sen. Prof. Julian Kenny: Mr. President, I have just a brief comment. The Biswas House is only a small part of our built heritage and our literary heritage. I take this opportunity to congratulate the Government on establishing the National Trust of Trinidad and Tobago, which got its letter of appointment yesterday. Thank you. [*Desk thumping*]

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time.

Bill accordingly read the third time and passed.

JOINT SELECT COMMITTEE REPORT

Children (Amdt.) Bill

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I beg to move the following Motion standing in my name.

Whereas on Friday January 14, 2000 this House appointed six members to serve with an equal number from the Senate on a Joint Select Committee which was established to consider and report on the Children's Authority Bill, 1999, and others;

And whereas the Joint Select Committee has not yet completed its deliberations on these Bills;

And whereas the time for the submission of the report of that Joint Select Committee has expired;

Be it resolved that this House extend the time limit for the submission of the report of the Joint Select Committee to September 18, 2000.

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Mr. President, this is a very simple but very relevant and necessary Motion and, as is stated in the resolution, we are seeking to have an extension of the time limit for the submission of the report, which is most important to this Senate and the people of this country, to September 18. Essentially that is the purpose of this Motion and I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That this House extend the time limit for the submission of the report of the Joint Select Committee to September 18, 2000.

**COMMUNITY MEDIATION (AMDT.) BILL
House of Representatives Amendments**

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

That the House of Representatives amendments to the Community Mediation (Amdt.) Bill, 2000 listed in the appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 5.

House of Representatives amendment read as follows:

In the new subsection 14(5) to be inserted, delete the word “application” and insert the word “matter”.

In the new subsection 16(1)(d) to be inserted, delete the words “suitable for” and insert the words “amenable to”.

Sen. The Hon. W. Mark: Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Mr. President, in subclause 14(5) of the Community Mediation (Amdt.) Bill we are seeking a simple amendment. If you look at 14(5) it says:

“The Court may proceed with the hearing of the application where—”

Then the relevant section is:

“(b) his application for mediation is refused.”

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We are deleting the word “application” and inserting the word “matter”. So it will now read:

“The Court may proceed with the hearing of the application where—
(b) his matter for mediation is refused.”

So it is a very simple and straightforward amendment.

Clause 16(1) reads:

“The Court shall not approve an application for mediation unless—”

Then the relevant section is 16(1)(d) and the original says:

“the Court is satisfied that the parties are suitable for mediation.”

We are now deleting the words “suitable for” and inserting the words “amenable to”. So it is now going to read:

“the Court is satisfied that the parties are amenable to mediation.”

Mr. President, I beg to move.

Question proposed.

Question put and agreed to.

**CITIZENSHIP OF THE REPUBLIC OF
TRINIDAD AND TOBAGO (AMDT.) BILL**

Order for second reading read.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I beg to move,

That a Bill to amend the Citizenship of the Republic of Trinidad and Tobago Act, Chap. 1:50 be read a second time.

The intent of this Bill, Mr. President, is to amend the Citizenship of the Republic of Trinidad and Tobago Act to remove the anomaly that exists with regard to dual citizenship. I propose to trace the amendments that have occurred over the years, which would bring us to the present time, and indicate the purpose of this amendment to simplify the issue of holding of dual citizenship by citizens of Trinidad and Tobago.

Under the Citizenship of the Republic of Trinidad and Tobago Act, Chap. 1:50, Trinidad and Tobago citizens were prohibited from holding dual nationalities. The original section 11(1) states:

“A citizen of Trinidad and Tobago shall cease to be such a citizen if he acquires the citizenship of another country by voluntary act other than marriage.”

This meant simply that only those persons acquiring citizenship by marriage were permitted to have this dual status. Further, section 11(2) states:

“A citizen of Trinidad and Tobago by birth or descent who ceases to be a citizen by reason of the voluntary acquisition of citizenship of another country shall reacquire citizenship of Trinidad and Tobago if he renounces his citizenship of the other country and registers the prescribed declaration of his intention concerning residence and employment.”

What this meant, Mr. President, is that while the citizen, having migrated, sought to acquire citizenship of another country, in so doing that person would then be required at the time to renounce the citizenship he has of Trinidad and Tobago.

This was addressed by an amendment in Act 25 of 1978 where section 11(2) was repealed and replaced as follows:

“The Minister may cause a person who ceased to be a citizen of Trinidad and Tobago by birth or descent by reason of the voluntary acquisition of the citizenship of another country, to be granted a certificate of citizenship where that person makes the prescribed application, satisfies the Minister—

- (a) that he is of good character;
- (b) that he has adequate knowledge of the English Language and of the duties of a citizen of Trinidad and Tobago,

renounces the citizenship of that other country and takes the oath of allegiance.”

In fact, what happened here is that this Act permitted dual citizenship but it meant that only such persons who, by birth or descent, acquired citizenship of another country on application could seek to be granted a certificate of citizenship where he makes the appropriate application. However, you can see at this stage, Mr. President, that we are dealing only—[*Interruption*]

Sen. Prof. Spence: Mr. President, I am not certain that the hon. Minister is correct in his assessment of that dual citizenship possibility. If he goes back to the first provision he read, he would note that it talks about if the second citizenship

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was acquired through voluntary action on the part of the individual. Now, there are living in Trinidad and Tobago many persons who acquired citizenship of another country without voluntary action. These were people who had been born in Guyana, Jamaica, Barbados or St. Vincent and, when those countries became independent after Trinidad and Tobago, they automatically gave citizenship to everyone who was born in those countries. So those persons living in Trinidad and Tobago and who had become citizens of Trinidad and Tobago, they acquired that citizenship without voluntary action on their part and therefore they were entitled to dual citizenship.

11.00 a.m.

It is not correct to say that the only formal dual citizenship was by reacquisition of citizenship after one had given it up.

Sen. Brig. The Hon. J. Theodore: Mr. President, what I am dealing with here is a citizen of Trinidad and Tobago by birth or by descent who voluntarily acquires citizenship of another country. That is the class of person we are addressing. Such a person can reacquire Trinidad and Tobago citizenship on application. If it is the hon. Senator is suggesting that somebody who may have been born in Guyana and got citizenship of Trinidad and Tobago and was also a citizen of Guyana does not fall into this, I agree, but I am not talking about those people.

Sen. Prof. Spence: I was merely correcting a statement you made that this was the only means of having dual citizenship, and I was pointing out to you that it was not. I realize what you are trying to do, but I was just trying to correct that impression you had given.

Sen. Brig. The Hon. J. Theodore: I thank the Senator for his contribution. Mr. President, I am dealing with the amendment made in 1978 which attempted to improve these regulations governing dual citizenship, and what this did was to ensure that the residents, citizens by birth or descent, can be granted certificates of citizenship on application. This only dealt partly with the restructuring that had been imposed by the original Act. In 1988, a further amendment to section 11(1) was moved, and what this sought to do was to remove the prohibition on dual nationality with regard to citizens by birth or descent.

Section 11(1) now states:

“A citizen of Trinidad and Tobago shall cease to be such a citizen if he acquires the citizenship of another country by voluntary act other than marriage.”

This is as it is stated in the law. Section 11(2) goes on to state:

“The Minister may cause a person who ceased to be a citizen of Trinidad and Tobago by birth or descent by reason of the voluntary acquisition of citizenship of another country...”

In so doing, what this section sought to do—I will read the changes in the Act. In addition, the following subsections were added: there is 11(2A) which states:

“A person who, being a former citizen of Trinidad and Tobago by birth or by descent, having voluntarily acquired the citizenship of another country or having renounced citizenship of Trinidad and Tobago in order to acquire citizenship of another country may, on the coming into force of this Act, make an application to the Minister on the prescribed form to have citizenship of Trinidad and Tobago restored.

Clause 11(2B) goes on to state:

“The Minister shall by the issuance of a certificate of restoration of citizenship restore citizenship to a person who makes an application under subsection (2A) where such a person satisfies him that he—

- (a) is not a habitual criminal within the meaning of section 7(3) of the Immigration Act; and
- (b) does not fall within the prohibited classes described in section 8(1)b, (d)—(o), and (q) of the Immigration Act.

The amendments go on further, Mr. President. Clause 11(2C) goes on to state:

“Where an applicant falls within any of the classes referred to in paragraph (2B) (b), the Minister may, in his discretion determine whether citizenship should be restored to the applicant.

And subsection 2(D) says:

“A citizen of Trinidad and Tobago by birth or by descent who acquires citizenship of another country shall not lose his citizenship by reason only of such acquisition.”

This amendment, therefore, Mr. President, sought to remove this requirement to give up the citizenship of Trinidad and Tobago by citizens who were citizens by birth or by descent and then seek to reapply. This did not deal with all the classes of people who become citizens of Trinidad and Tobago. There are, of course, people who are citizens of Trinidad and Tobago neither

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by birth or descent, but by naturalization or registration. This amendment failed to address that, but restricted the amendment to deal only with citizens by birth and descent. What we are seeking to do here, Mr. President, is to address those other people who are also bona fide citizens of Trinidad and Tobago.

There are other areas according to the Act which, as we can see, also deal with sections 7(2), 8(3), 11(2)(c) and inserting a new subsection 2(d). I will just go briefly into what these sections entail to explain why the amendment is required.

Section 7(1) makes provision for Commonwealth citizens, citizens of the Republic of Ireland and British protected persons to apply to be registered as citizens of Trinidad and Tobago. Section 7(1) states:

“Subject to this section, the Minister may cause any person of full age and capacity to whom this section applies to be registered as a citizen of Trinidad and Tobago, if that person makes the prescribed application for registration to the Minister and satisfies the Minister

- (a) that he is of good character;
- (b) that he has an adequate knowledge of the English language and of the duties of a citizen of Trinidad and Tobago;
- (c) that he has either resided in Trinidad and Tobago or has been in the service of the Government, or has had partly such residence and partly such service, throughout the period of five years, or shorter period, (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept, immediately preceding the date of his application.”

However, Mr. President, 7(2) states:

“A person to whom this section applies shall not be registered under this section unless he first renounces any other citizenship that he may possess and takes the oath of allegiance.”

A glance at the Bill we are looking at today would see this dealt with at clause 2(a), where we are seeking to delete the words “first renounces any other citizenship that he may possess...”

The other section we are addressing here is section 8(3). Furthermore, Mr. President, there are persons who would have renounced their citizenship to become citizens of Trinidad and Tobago and, subsequently acquired another citizenship. Then they are in turn deprived of their Trinidad and Tobago citizenship.

For instance, the person may originally give up the citizenship of country A and become a citizen of Trinidad and Tobago, but circumstances take that person to country B where he acquires citizenship of that country. Under the amendment passed in 1988, the person would then be required to still give up the citizenship of Trinidad and Tobago because, in effect, they would be holding citizenship of another country. This is the sort of discrimination that exists in the Citizenship Act between the entitlement to hold dual citizenship only by birth or descent as against Trinidad and Tobago citizens who were made citizens by naturalization or registration. This is what remained the anomaly in the Act that we are seeking to address today.

Prior to July 1988 when this amendment was passed, or the effective date of the amendment, and in accordance with section 11(2) of the Citizenship of the Republic of Trinidad and Tobago Act, 1976, a former Trinidad and Tobago citizen by birth or descent who reacquired Trinidad and Tobago citizenship by application under 11(2), was granted citizenship of Trinidad and Tobago after renouncing the other citizenship and the reacquisition was, therefore, effective from the date of such grant and not from the date of loss.

This means, Mr. President, that there were further limitations that a person who acquired citizenship of another country and subsequently lost citizenship of Trinidad and Tobago, when reapplying, the reacquisition of the Trinidad and Tobago citizenship was dated from the date that the citizenship was granted. So, there was a gap between the date it was lost and the date it was reclaimed. Again, in this Bill, Mr. President, we are seeking to deal with that anomaly which will then give the former citizen restoration of citizenship from the date on which he lost it in the first place.

Section 11(2) stated that the person shall reacquire citizenship of Trinidad and Tobago if he renounces his citizenship of the other country and registers the prescribed declaration of his intention. The children are involved as well, because any child who was born outside of Trinidad and Tobago during the period that this citizen held nationality of another country did not acquire citizenship by descent, unlike the children of those nationals whose citizenship was restored to them by virtue of the (Amdt.) Act of 1988.

Some people who, because of the Act of 1988—these are the “by birth or descent”—their children, even if they were residents abroad, because of the effective date, their children who might have been born in another country while their parents were citizens of that other country, by descent, would be citizens of Trinidad and Tobago. Then, we found the position now that when the parents

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come back, they have to apply. The application for the restoration of citizenship, from what I have observed, is quite as tedious as applying for citizenship in the first case. This, again, will seek to remove this lengthy bureaucratic process and the arrangement would be that once the person can establish his Trinidad and Tobago nationality, the citizenship will be restored and a lot of the time wasted will be removed.

The amendment to the Citizenship Act which we are looking at today seeks to extend the period of restoration to Independence, August 31, 1992. So, for the entire period any citizen—be it by birth, descent, registration or naturalization—will be permitted to retain both citizenships, and those who have lost their Trinidad and Tobago citizenship can have it restored on application and still retain the citizenship they gained while resident abroad.

11.15 a.m.

We are trying to remove this criteria whereby to get Trinidad and Tobago citizenship, you must surrender the one you have acquired or, *vice versa*, or if you are a citizen of Trinidad and Tobago and you acquire citizenship abroad, that you must give up the Trinidad and Tobago citizenship.

What else is significant here, Mr. President—

Mr. President: Hon. Minister, Sen. Prof. Ramchand.

Sen. Prof. Ramchand: Mr. President, I wonder if the hon. Minister could clarify a point for me? Some foreign countries require when you are acquiring their citizenship that you renounce your own, then they pass on that renunciation to the country whose citizenship you have renounced.

Sen. Brig. The Hon. J. Theodore: That may be so and Trinidad and Tobago also seemed to have followed that pattern, but what we are seeking to do here is to come more in line with what is taking place in the Commonwealth and certainly within the Caribbean. Again, on a reciprocal basis, do not forget we did not permit dual citizenship, so another country would be within its rights to say to us, since you are acquiring our citizenship, you will have to give up yours because we would say to them, should you become a citizen of Trinidad and Tobago, you must give up your citizenship. This is a step in the right direction where, as far as diplomacy goes, dialogue and reciprocal arrangements would be put in place.

Mr. President, in an effort to rectify these anomalies, what we are seeking to do here today is to amend section 7(2) which addresses the Commonwealth citizens, the citizens of the Republic of Ireland and British Protected Persons. It should be amended:

“...by deleting the words ‘first renounces any other citizenship that he may possess and’,”

Such a person can retain his or her citizenship and still become a citizen of Trinidad and Tobago.

Section 8(3), at clause 2(b) of the Bill addresses registration of minor children, again:

“...by deleting the words ‘renounced the citizenship of any other country which he possesses and’”

Section 11(2) which is at clause 2(c) deals with the procedure for the acquisition of dual citizenship:

“...by deleting paragraph (c) of section 11(2);”

Which states in part, “renounced the citizenship of any other country”.

In fact, at this time, there are a number of people who are resident in Trinidad and Tobago who do continue to retain their citizenship and when they have applied to become citizens of Trinidad and Tobago—some of them may have been here for years, have businesses and families here—they are told, “Before we can consider your application, you must show proof that you have given up the “Okay. Fine. I will remain a resident. I do not want to be a citizen anymore until such time that you can accommodate my original nationality or the nationality that I held before coming here.”

We are looking at inserting a new subsection (2E) after subsection (2D) which deals with extending the time period so that:

“A person who between 31st August, 1962 and 29th July, 1988, voluntarily acquired the citizenship...”

Mr. President: Minister, someone is on their feet.

Sen. Job: Thank you, Mr. President. Could the hon. Minister please explain to me section 12(3) that is due to be amended?

Sen. Brig. The Hon. J. Theodore: What is the subject matter there? Exactly what is your concern?

Sen. Job: Section 12(3) says:

“An alien shall not be granted a certificate under this section unless he first renounces the citizenship of any other country which he may possess and takes the oath of allegiance.”

Mr. President: Sen. Job, I do not know whether the Minister has raised that as yet. If he has not, he should be permitted to make his presentation and when you are making your contribution, you may pose a question, or when he is responding to all the questions, you may ask him then.

Sen. Job: Thank you, Sir.

Sen. Brig. The Hon. J. Theodore: Thank you, Mr. President.

I was dealing with the time factor, where we are seeking to extend the time to August 31, 1962, which is the date of our Independence and bridge the gap between that time and July 29, 1988, when the last amendment was promulgated. That would allow the citizens of another country who have become citizens of Trinidad and Tobago other than by marriage:

“...and ceased to be a citizen of Trinidad and Tobago and was subsequently granted a certificate of citizenship under section 11(2) of the Act prior to July 29th, 1988 is deemed to have re-acquired citizenship of Trinidad and Tobago on the date he ceased to be a citizen of Trinidad and Tobago;”

And no longer the date on which the citizenship was granted.

Section 12(3) which deals with the procedure of citizenship by naturalization should be amended:

“...by deleting the words ‘first renounces the citizenship of any other country which he may possess and’;”

Now, in the Act, the term “alien” refers to people other than citizens of the Commonwealth and it is really a classification, because naturalization can be acquired by a Commonwealth citizen whereas somebody other than a citizen of the Commonwealth identified as an alien must be registered, but they both become citizens. It is just a different process that is followed. So the term “alien” does not in any way debar the person from coming here and becoming a resident or applying for citizenship. It simply identifies the procedure to be followed but

all the steps are virtually the same. It is like referring to your foreign representative as an Ambassador in non-Commonwealth countries and as a High Commissioner in Commonwealth countries. It is purely language.

That is what section 12(3) deals with, so that person will not be required to renounce the citizenship of any other country which he may possess.

In the Bill at clause 2(f), we seek to repeal section 15 which deals with the deprivation of citizenship on the exercise of certain rights in other countries for failure to renounce other citizenship. This, again, removes any restriction on what is required of somebody to become a citizen of another country being used against that person and being told that since you are going to become a citizen of that country and these are the conditions, you would have to cease to be a citizen here. In other words, there are no conditions attached to a citizen of Trinidad and Tobago acquiring citizenship of another country. That, in effect, is what the amendment seeks to do.

These amendments will rectify any discrimination currently experienced by persons who acquired Trinidad and Tobago citizenship by registration and naturalization. These are the two categories. These amendments will also bring our Citizenship Act on par with our other Commonwealth countries. It is, therefore, submitted that the Citizenship of the Republic of Trinidad and Tobago Act should be amended and, Mr. President, I beg to move—

Sen. Yuille-Williams: Thank you, Mr. President. Sorry, Minister. It seems to me that it is the intention to give full life to Act No. 21 of 1988 by this. I want to ask: What is the effect, at all, of section 48(1)(a) of the Constitution and I will just read that for you. It says here:

“No person shall be qualified to be elected as a member of the House of Representatives who:

- (a) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily, or is under a declaration of allegiance to such a country;”

Probably the Minister could look at it now or in his winding up, but I would want to know, since this has given full effect to the Citizenship of the Republic of Trinidad and Tobago Act, No. 1 of 1950, which is dual citizenship. What effect does that have on this section of the Constitution, 48(1)(a)?

Sen. Brig. The Hon. J. Theodore: I thank the hon. Senator for her question but we must appreciate that is what the amendment of 1988 did because the 1988 amendment said that:

“Any citizen of Trinidad and Tobago by birth or by descent...”

can hold citizenship of another country.

We are simply broadening the scope. We are not here creating any new arrangements that will interfere with the Constitution. I can only assume that if it was acceptable 12 years ago that it is equally acceptable at this time, because we are basing our amendments on an amendment that has already been accepted by the House and that has been in practice for the last 12 years. This is nothing new that we are doing here.

So, the Trinidadian who lived in Canada and acquired Canadian citizenship and returned to Trinidad a few years ago, certainly is still a citizen of Trinidad and Tobago and maybe we could let the legal eagles look at the Constitution but I certainly am not of the opinion that what is taking place here, in any way, deviates from the intent of the Act and the amendment that was passed in July of 1988.

Sen. Yuille-Williams: I am not quite sure that I agree for us to have the legal luminaries. I would just ask, Mr. President, that in particular, we look at this which says:

“No person shall be qualified...”

I do not know if, when this amendment was being made, it was looked at in line with the Constitution and, probably, before the end of debate, we could look at that because this has been questioned and with this amendment now, I think it might have some effect to deem this redundant or whatever it is. So if we could look at it, I will appreciate that.

Sen. Brig. The Hon. J. Theodore: Mr. President, I am not sure that it is left for me to look at it because if we look at the amendment of the Act in 1988, which at section 11(1) states:

“ A citizen of Trinidad and Tobago by birth or by descent, who acquires citizenship of another country shall not lose his citizenship by reason only of such acquisition.”

That is very clear. What we are saying here today is that not only citizens by birth and by descent will be offered this privilege, but our other citizens who have become so by registration or naturalization. What we are saying is a citizen is a

citizen is a citizen and the amendments will apply to all citizens of Trinidad and Tobago. So, to say now that this somehow contravenes the terms of the Constitution, I think we would need to go back to 1988 to see if it did then and if it did not then, I do not see how it should now.

Mr. President, as you can see, it is the intention to simply have a more equitable law to remove many of the hazards that faced citizens of Trinidad and Tobago who became citizens by naturalization or by registration who have lived abroad and are seeking to return to Trinidad and Tobago or in any way exercise the rights and privileges of being citizens of Trinidad and Tobago.

Mr. Speaker, I beg to move.

11.30 a.m.

Sen. Nafeesa Mohammed: Mr. President, I am very grateful for the opportunity to make a contribution on this particular Bill before us this morning, and it certainly will be a very short contribution.

This issue of citizenship of the Republic of Trinidad and Tobago is an area of law and, if I may use the word, interpretation as well, that has many complications in it; it is not a very straightforward area. A while ago my colleague, Sen. Yuille-Williams, raised a particular concern or sought some clarification on an aspect of this Bill and the provision in the Constitution that deals with the qualification of an individual to be elected as a member of the House of Representatives. I think it is a very valid question.

Certainly, we would like to think that by the time this debate is completed here, the hon. Minister, who would have the benefit of legal expertise available to him very easily, would be able to provide us with that kind of clarification. If it is we are seeking to amend the Citizenship of Trinidad and Tobago Act, which is contained in Chap. 1:50 of the laws of Trinidad and Tobago, then this is a matter that certainly has an impact as well, or would have a link with the provisions of our Constitution.

In our Constitution there are, in fact, specific provisions that deal with citizenship matters. In fact, it sets out the qualifications for being a citizen of the Republic of Trinidad and Tobago. Concerning this qualification to be elected as a member of the House of Representatives, there is specific provision in section 48 (1) of the Constitution which states:

“No person shall be qualified to be elected as a member of the House of Representatives who—

- (a) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily, or is under a declaration of allegiance to such a country;”

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The relevance of this is that in the amendment we are looking at today, the facts are that over the years since the enactment of our Constitution and the Act dealing with citizenship in Trinidad and Tobago, there have been some amendments. We are aware of the fact that in 1988, I believe it was, this Act was significantly amended when the whole concept of dual nationality was allowed for the first time in our country.

Whilst this principle of dual nationality since then would have enabled a citizen of Trinidad and Tobago to retain his citizenship while at the same time holding citizenship of another country, we are very mindful of the fact that there was, in fact, a loophole—if we may use the expression—in the sense that the reverse did not exist. A non-national residing in Trinidad and Tobago did not have that same right whereby they could have acquired our citizenship while at the same time retaining their citizenship. I gather from the tenor of the Bill that is before us this morning, that this seems to be the intent and purpose of this proposed amendment, which is to remedy that anomaly that has existed in the law over time.

It is an amendment that on the face of it appears to be harmless, and, certainly, we on this side would like to support it. Certainly, we would like to get a little more clarification, as my colleague, Sen. Yuille-Williams, had posed the question. *[Interruption]*

Sen. Brig. Theodore: I thank the hon. Senator for giving way, but if we look at section 41 of the Constitution and read it as it is stated:

“Subject to section 42, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he is a citizen of Trinidad and Tobago of the age of twenty-five years or upwards.”

Is this the section?

Hon. Senators: No, section 48(1).

Sen. Brig. Theodore: What I suggest this means is that having become a citizen of another country, one is no longer a citizen of Trinidad and Tobago. What seems to be the intent here is that you cannot be considered unless you are a citizen of Trinidad and Tobago. If somebody goes to Canada and becomes a citizen of Canada and loses their citizenship, they cannot come here as an American or somebody from France and say, “Well I was born here, I want to be a member of Parliament.” They need to be a citizen.

What we are affording here is that the person is a citizen, but it does not say that you can be a citizen of Trinidad and Tobago only. What it says is “citizen”; perhaps it should say “citizen as well”

Sen. N. Mohammed: This is why I think the question was asked, because, perhaps, it could have been an oversight or it was assumed when the Act was being amended in 1988 that maybe it needed to be spelt out in terms of the Constitution itself. Having abolished that restriction on dual nationality it means that you can be a citizen of Trinidad and Tobago, a citizen of another country and still be qualified to contest the elections. Maybe it is something that needs to be spelt out in terms of our Constitution.

One of the suggestions I would like to make concerns this question of citizenship or the qualification to be a citizen and what have you. We know that the legislation is a bit technical, and in 1988 I believe at that time a special select committee of the Parliament was, in fact, appointed to look at the proposed amendments then. While they came up with an amendment to allow dual nationality with respect to our citizens here in Trinidad and Tobago, it would seem that they were a bit hesitant to go further to permit the reverse whereby a non-national could have gotten citizenship for here. That issue was just left in abeyance, and this is what we are rectifying here.

It would have been so much better if in coming with an amendment like this, we could have looked at the situation in a very holistic way and, perhaps, see if we could have clarified some of the other issues, as in this case, the question that has been raised by Sen. Yuille-Williams. It may be, as I mentioned, Mr. President, that, perhaps, in the Constitution it needs to be spelt out. It boils down to a question of interpretation, and the question is whether this section 48(1)(a) of the Constitution will be interpreted in light of the 1988 amendment to the Act. It is something that I feel is an anomaly which will continue to exist unless we seek to redress it.

Other than that, I think the intent behind the attempt that is being made here is good. It is a sort of—I would not want to use the word discrimination, but, certainly, there is some kind of inequity existing in the current system. If we are trying to correct that mistake, we on this side would have no difficulties in terms of supporting it.

What I would have liked to find out from the hon. Minister, however, before I take my seat, is if he has any idea of the number of persons who could be, in fact, affected by the current anomaly that exists. I have seen that in 1988 when the

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whole concept of dual nationality was being introduced, some kinds of statistics were, in fact, provided whereby it was estimated that over 100,000 nationals of Trinidad and Tobago were living abroad. From then to now I am sure it would have increased, but we had so many persons who were, in fact, living abroad, and this was the figure that was provided as the basis for amending the law to introduce the concept of dual nationality.

We appreciate the fact that if you are a citizen of Trinidad and Tobago and you are living abroad—we know the kinds of skills, talents and capabilities of our people that have now been taken abroad. So many of our citizens have settled and are living abroad over the years, making a contribution in that particular society. In 1988 there was an attempt to allow these people to get that citizenship of the other country they are living in whilst at the same time retaining our citizenship. So we have no quarrel with that whole concept of dual citizenship.

It is just a question of trying to rectify this anomaly now. I am simply asking if the hon. Minister has any data whereby he can give us an idea as to how many people might, in fact, be affected by this situation.

Mr. President, I thank you.

Sen. Prof. John Spence: Mr. President, I am entirely in support of the intent of this Bill. Indeed, *Hansard* would show that in 1988 when the original amendment was introduced, I said to the hon. Minister who was introducing it at the time, “This Bill discriminates against yourself and myself,” because he too had been a citizen in Trinidad and Tobago by registration, like myself, and, therefore, it was discriminatory. It meant only those people who had been born here would be allowed to acquire this dual citizenship as had been set out in the Bill; so I am entirely in support of the Bill. Indeed, if members of Government would listen to Independent Senators a bit more frequently, perhaps, some of these mistakes would not be made. [*Laughter*]

Mr. President, however, I must say I am inclined to support the view taken by Members of the Opposition, that the question of membership of the Senate or membership of the House of Representatives has not been addressed. I do not think there is any doubt that persons who have citizenship of another country which they acquired voluntarily, not involuntarily, would not be able to be members of the House of Representatives or members of the Senate, because it says in section 42(2) of the Act.

“No person shall be qualified to be appointed as a Senator who—

- (a) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily or is under a declaration of allegiance to such a country.”

I think that is quite clear. If it is, indeed, the case that we want to allow citizens who have dual nationality to become members of the House of Representatives or members of the Senate, then we should address that issue. I hope the hon. Minister will take it back to his legal advisors to address.

I apologized for interrupting him earlier on, but I was just trying to make the point that the worse circumstances still are those in which there could be dual citizenship other than what was set out in these amendments, because the original provision said that the citizenship of another country had to be acquired voluntarily.

I was explaining earlier on what happened in the case of citizens of say Barbados, St. Vincent and Guyana. They became independent after Trinidad and Tobago, so if you were in Trinidad and Tobago at a certain time and registered as a citizen, but you had been born in Barbados, and Barbados suddenly became independent and said that all Barbadians are citizens, you acquired Barbados citizenship through no action of your own part. In fact, you could not avoid it; there was no way of not having it. I remember the time, it was quite an issue in Trinidad and Tobago, because there were thousands of such people who were Trinidad and Tobago citizens at the time and would have been affected. I just wanted to make the point that this was not the only method of having dual citizenship.

Of course, that is recognized here in the Constitution as well, because it does say “become such a citizen voluntarily”, so it means that people who had acquired their citizenship through—for example, if a son or daughter of a Trinidadian was born in another country, like the United Kingdom or Canada, they acquire the citizenship of that country because they were born there. As a baby you have no control over where you are born, so they acquired that citizenship through no voluntary action on their own part, and they could have dual citizenship, as many of them do.

Mr. President, I am quite in support of this Bill, and I think we should look at the constitutional issue with respect to membership of the House of Representatives and the Senate.

11.45 a.m.

Sen. Prof. Kenneth Ramchand: Mr. President, I have one or two concerns and I know this is not a debate about the Aliens Land Holding Act, but I really would like to know what is the relationship between this Bill and that Act;...or if any thought has been given to the possibility now seems to exist for a foreign

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Businessman who comes here and acquires citizenship the right to purchase extensive bits of land as if he were a citizen. Would we not want to make a distinction between aliens who live here for a number of years and wish to acquire a piece of land and wish to be citizens and give them the right to buy a piece of land to build their house and those aliens who come here as a business speculation and want to take out, acquire or purchase citizenship in order to get some kind of economic advantage? I want to know if any thought has been given to that.

While I am on that, let me say that I know of a person—it is not good to say “I,” in the House—who was married to an alien and that alien took about six years to acquire citizenship of Trinidad and Tobago. I want to know if any thought has been given to making it almost automatic that anybody married to a citizen of Trinidad and Tobago becomes a citizen of Trinidad and Tobago by virtue of that marriage. If we are doing that, are we remembering that we have moved into that league? We seem to think it is only in the larger countries that people go to marry natives in order to get citizenship. Trinidad and Tobago is in the league that people are willing to come here and marry a native in order to get citizenship of Trinidad and Tobago. Are we aware of that and are we thinking of that in our legislation?

I hope the Minister could give me some explanations on these two points.

Thank you.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I thank the Senators who have made contributions and I always avoid saying that any amendment is a simple amendment because it turns out there are many things that one could find that could create problems.

On the issue of the Constitution, the important thing is that while the Constitution may need to be looked at to see from its interpretation if somebody who is a citizen of Trinidad and Tobago is eligible as opposed to somebody who is not a citizen of Trinidad and Tobago. Nowhere does it say specifically that with dual nationality you cannot be still a citizen of Trinidad and Tobago and a citizen of another country. What the Constitution does not say is that you must be a citizen of Trinidad and Tobago only.

From what I read no person shall be qualified to be elected as a Member of the House of Representatives who is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily or is under a declaration of allegiance. In other words, you were not born there, but you deliberately left Trinidad and Tobago and became a citizen of another place which could be

presumed that you are no longer a citizen of Trinidad and Tobago having made your home elsewhere.

On the other hand, if that person were to return and become a citizen of Trinidad and Tobago once more, surely the fact that he had lived abroad and became a citizen elsewhere does not disqualify him because he is a citizen of Trinidad and Tobago. I am simply making this point to show how the interpretation could be applied from different quarters and the solution will have to come from the drafters and there are persons in the Attorney General's office looking at it, but this is not something that we can address at this time.

However, I get the general impression that the hon. Senators are in support of the amendment and have raised certain points of concern which I can give the assurance we will deal with and it will come up at another time because it could have the effect of causing the amendments not to work if somebody decides to read the Constitution literally word for word. I never got the impression that attorneys did that, there was always the interpretation. So there are always two sides to every argument so I certainly would not get caught up in this particular argument.

Sen. Prof. Ramchand mentioned the Aliens Land Holding Act. There were fairly severe restrictions which were freed up and opened up maybe two administrations ago, and we are all aware that concerns have been expressed particularly from Tobago, but I am not in a position to say if anything is being done or what is being done, but there have been concerns dealing with the ease with which land could be purchased. If one looks at other metropolitan countries, one finds that foreigners can own land in the United States of America and Britain.

Sen. Prof. Ramchand: Mr. President, I know it is not a debate but just for a factual clarification, I have heard this comparison made very often, but I would think that when a citizen of Trinidad and Tobago goes to buy land in America or England, he is not going there with American dollars or pounds or francs and getting an advantage over other natives and making a run on the land as it were, so I think the reciprocity argument does not seem to work.

Sen. Brig. The Hon. J. Theodore: Mr. President, it is a matter of the economics and the value of your money and so forth. This is purely an economic situation and with a free market economy one has to be careful how much

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restriction one puts on investments and purchases, but I cannot say with certainty what is being done to address it except to say that concerns have been expressed like Sen. Prof. Ramchand's

I thank Sen. Prof. Spence for his contribution pointing out that for some time now he saw this discrepancy between people who became nationals and it is important that we recognize that we cannot have two classes of citizens. We cannot have those who are born here having more privileges than those who come and decide by choice to make Trinidad and Tobago their home.

We should be flattered that people would be attracted to our country. As somebody said, you cannot determine where you are born and you really cannot want to become a citizen; it happens. Now that is per chance, but when you are grown and can make a decision and you select a country where you wish to spend the rest of your life, it is something that should be seriously considered and those people cannot be legislated against because they came here and they are not born in Trinidad and Tobago. I have heard it said about a country that in order to rise to the top jobs you have to be born—not just a citizen, but a citizen by birth—which could be disadvantageous because we are losing a lot of talent that is available.

Sen. Mahabir-Wyatt: Mr. President, I do not want to carry this on too much longer, but when the Minister says citizen by birth, does this mean matrilineal descent as well as patrilineal descent?

Sen. Brig. The Hon. J. Theodore: Yes, Mr. President, this is so. It was one parent only, but my information since I have been dealing with immigration is that the line of descent can be through either parent. We have had cases like that where single female parents have come back and the children have been accepted as citizens by descent. This is all part of the amendments to keep in touch with the developments that are taking place in the world and I am prepared to take it to the office of the Attorney General with respect to the observations made with regard to the interpretation of the Constitution and to ensure that these amendments are in keeping with the Constitution.

I am very pleased to see that we are getting the support and I look forward to the committee stage if it is necessary for Senators to bring any amendments to our attention.

Mr. President, I beg to move.

Question proposed.

Question put and agreed to.

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Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

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

Senate resumed.

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

12.00 noon

MINERALS (NO. 2) BILL

[Second Day]

Order read for resuming adjourned debate on question [July 04, 2000]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: I should point out that proposed amendments have been circulated and Senators who have spoken before will be entitled to speak on the proposed amendments.

Sen. Mahadeo Jagmohan: Mr. President and hon. Senators, I am indeed pleased to have an opportunity to speak on this Bill before the Senate, the Minerals (No. 2) Bill. First of all, Sir, we do not have any fundamental objections to the Bill in the sense that we are not objecting to the intent of the Bill. What we observe is that the intention of this Bill is to regulate a particular kind of activity in a manner that we regard as good order in doing things. I want with your kind permission, Sir, to refer immediately to some clauses in the Bill.

On page 4, clause 10(e) reads:

“advise licensees on proper and safe mining methods;”

This, to my mind, should be so constructed that it is mandatory on licensees to observe the directions of the Director of Mines, the Minister or any particular officer so assigned, both (e) and (f) which says:

“advise the operators of mines, in consultation with relevant Ministries...”

That is the first observation I have on the Bill, Sir.

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Then we proceed to page 6, Part III, clause 14. One gets the impression that, in both subclause (a) and (b), if the intent is for miners or persons with authority to do mining, they should not disturb roads, rail tracks, an aerodrome or, for that matter, cemeteries. What is operating in my mind is, how do we address the situation where oil companies might wish to drill for oil in areas where the information is that there might be oil under an aerodrome or cemetery? I speak advisedly because there is a method in the drilling industry called “whipstock drilling” where one can enter sideways to drill into a mine or vein. Would the use of that process also be allowed under aerodromes, cemeteries, highways, tracks, power lines and other such places? Maybe the relevant Minister in his reply could give us some idea of what the position is.

Now, Mr. President, I take a look at clause 14(d) going on to page 7. Reference is made to areas where certain things should be done and other things cannot be done and under (d) we see:

“any national park, protected area or environmentally sensitive area, wildlife sanctuary or forest reserve...”

Subclauses (e), (f), (g) and (h) also seem to be tied in closely. However, this does not say if prime agricultural lands are identified and whether they would be precluded from mining operations. I suggest, Sir, that the hon. Minister seek to include prime agricultural lands, which are so very important to us.

I proceed to page 11 clause 24(2), and again I need your permission, Sir, to merely read. It says:

“The Minister may, on the recommendation of the Committee or on his own motion either renew the licence or refuse...”

I wonder whether this word should be “notion” or is it “motion” properly and intentionally placed as the word to be used in this subclause?

On page 16, Part IV, clause 38, subclause (7), reference is made here, Mr. President, to the medical practitioner. This could mean one doctor of medicine. In such a situation where a worker has to be examined and during the process of that examination the worker could be regarded as unfit for service, one doctor deciding that is a very serious situation, Sir. I feel that instead of “by the medical practitioner” it should be “by a panel of doctors”. If the hon. Minister would consider using instead of “the medical practitioner”, “a panel of doctors”, it would spell good peace on the industrial relations front.

Then, Mr. President, I come to page 17. There are quite a few good statements made from clause 29 up to the end. Then from clause 14 to the end of clause 40, and from clause 41 to the end, reference is being made to the workday of mine workers being eight hours. Industrial agreements deal with this in a particular way. However, since this Bill is before us and, when passed, would become an Act of Parliament, I believe the Chief Personnel Officer, or any other person dealing with the industrial relations aspect and who would wish to draw up an industrial contract, might be under some kind of difficulty to deal with this.

I wish to make the point, Sir, that because of the adverse and abnormal conditions under which one is required to work in mines or work underground, we are proposing—because we have supported this previously—that the workday of such workers be reduced to six hours per day. Let the Act, when completed, contain this provision, so that there would be clarity that the legislation took care of a very fundamental question where poor workers, human beings, are concerned. I want with your kind permission, Sir, in support of my argument, to refer to the collective industrial agreement between the National Union of Government and Federated Workers and the Chief Personnel Officer for conditions of service for Government daily, hourly and weekly-paid workers for the period mentioned.

This is an agreement for the 1996—1998 period. I refer to page 5, Sir, under the heading “Conditions of Service”, subsection (2), Part I. It says:

“For categories of workers listed hereunder, the following shall apply with regard to the normal work day, without loss of pay:”

Meaning, Mr. President, that even if the workday is reduced the workers will not be made to lose pay because of the adverse conditions. The workers are named, Sir. With your permission I will recite the categories of workers and you will see that they have some connection with underground workers or mine workers. They are:

“(a) workers employed on cesspits, dumps and Cesspool Emptiers; six (6) hours per day shall be the normal day Monday through Friday.”

Also on page 6 it states:

“(b) Agricultural and such other workers who are required to use insecticides such as Phosferno, Gramaxone and Lead Arsenic: six (6) hours per day shall be the normal work day...”

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I say this, Sir, because all kinds of things are used in mines where underground workers perform. Subsection (c) goes further and says:

“Workers involved in residual or perifocal work and such other workers as are required to use insecticides such as D.D.T., Dieldrin, Gramaxone, Baytex and Malathion: six (6) hours per day shall be the normal work day...”

The last one I would refer to, Sir, (d) on the same page under the same section says:

“River and Swamp Workers: six (6) hours per day shall be the normal work day Monday through Friday.”

The point here, Sir, is that people working underground are made to face abnormal conditions such as heat, dust, not sufficient fresh air and a disturbance of the purity of the atmosphere in terms of oxygen and so forth. I therefore suggest that the hon. Minister consider an amendment so that the workday would be six hours per day without loss of pay. The rest of what I am attempting to say is, if there is a recognized majority union they will look into negotiations. If there is no recognized majority union in any mining or underground operation, the factory inspectorate of the Ministry of Labour is suitably qualified, trained and authorized to deal with such matters.

Further in this Bill on page 17, clause 41 in the last line talks about the provision of clothing or protective gear as may be supposed. This did not say by whom the protective gear was to be supplied. It would be useful if the legislation said, “prescribed by the Ministry of Labour” or “the factory inspectorate of the Ministry of Labour”. Then, whenever a collective agreement is to be negotiated, it would be the business of the trade union involved and the Ministry of Labour to ensure that such provisions are made.

Then in clause 42(a), Sir, it simply says:

“a supply of water suitable for drinking and water for washing;”

The intent was great by the framers here; they were thinking well, but to my mind, Sir, subclause (a) could spell out the facilities for washing and it should say either “washroom facilities” or “full bathroom facilities”. It says, “latrine accommodation”, but I am wondering why that word came into this Bill which, if accepted in its present form, would go in the legislation.

We have reached a stage where we could have said—*[Interruption]* That too is questionable. I am sorry, colleague. This could have said instead, “washroom facilities”. If underground or outside of ground you have park disposals or latrines

as they say, the effect one gets is unpleasant, Sir. I do not wish to go into it any further. I stop there with explaining that. I plead with the Minister to let it be full washroom facilities with an adequate supply of water or something always available. If that is not done, we give licence to the licensees to operate under subhuman or horrible working conditions, as already obtains in some places.

Then, Sir, I come to subclause (1)(c), also relating it to subclause (2). It is nicely put here:

“a supply of splints, bandages and other medical and first-aid equipment.”

It also says:

“On the premises...in which workers are ordinarily employed there shall be provided and maintained, for the purposes of first-aid treatment...an accident, a special room...”

That is okay, Sir, and it goes on to say a few other things. However, it did not say that an ambulance should be on standby to take injured or affected workers for full medical treatment at the nearest medical institution, be it hospital or clinic. The hon. Senator is in the Chamber but he might be busy engaging his legal expertise on the matter. We need to include in this Bill, apart from efficient first-aid personnel, the presence at all times of a suitably fitted ambulance to convey mine workers and underground workers for specialist or hospital assistance.

The last point on this page, Sir—I am only curious because of my own curiosity—[*Laughter*—concerns clause 42. I did not realize that I was attempting to pass on some kind of joke. I do not mean it. I am dead serious on this Bill, Sir. Clause 42 subclause (3) on page 17 which says:

“A member of the permanent staff, trained in first-aid or paramedical treatment...”

We should make sure for this purpose that they are paramedics trained in paramedical services and so forth. However, when we look at the last line it says:

“...premises of every mine when any work is carried on below ground in the mine.”

I am wondering—all I need is an explanation and I can take it from there—why the legislation did not say “underground” It says “below ground”. I do not know why. Is “underground” the same thing as “below ground”? We will find out later when the Minister is replying or answering questions.

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Then I move immediately from page 17, Sir, to page 18 of the Bill, “Protection of Environment”, subclause (e). The upper part talks about areas that should not be disturbed or should be given environmental protection or they should be environmentally friendly. Then subclause (e) says:

“the control of dust and debris on roads and in the vicinity;”

I ask the Minister, please, to amend this to read, “the control of dust”, or whatever he said, but to include sand and silt. Whenever there might be bad or abnormal conditions on any surface in any given area, either in an above-ground facility or at an underground operation, if dust, sand, silt, debris or whatever are not specifically stated, protection of the environment and safety of workers and the public may not be guaranteed in an adequate manner.

Then, Sir, I move to page 19, clause 44, subclause (3). This could be a continuation of clause 42. In order to establish my point, Sir, your permission is again needed for me to read, and I read thus:

“A licensee who by virtue of his actions, either advertently or inadvertently, causes damage to public or private property shall be liable to restore or rehabilitate the said property to its former state.”

It would spell for better order, Sir, and it would give the legislation strong weight if we say, “restore the property to its original state”. When we say that it could mean from the moment an organization or a company commences preliminary work and operation, some damage could be done to the condition, to the environment—it could be flora and fauna as well—and somebody at some stage could follow a particular point as its former state. When we say “original state”, this could be more binding. However, whatever it says, who is to guarantee that conditions are restored to either former or original state? We on this side are seeking the assistance of the hon. Minister in order to let this subclause say, “to the original state or former state to the satisfaction of the relevant state authority or Government authority”. This could mean either the Environmental Management Agency or some other authority, or it could be the local health authority under one of the local government bodies. Somebody should be made responsible or should be so authorized, Sir. That is all on page 19, Sir, as I am coming to the end of my contribution.

What we have observed in this Bill, Sir, on page 21, is that there is a great deal of improvement and advancement in all disciplines. Some of us are accustomed to reading Acts or laws of Trinidad and Tobago on the statute books.

We read occasionally what legal minds of another era have put together and we see things coming a little differently now. On page 21 in clause 49, subclause (i) it states:

“for laying down the terms and conditions to be observed licensees;”

This is a bit incoherent and it is not a complete statement. It could be a typographical error and maybe it should say:

“for laying down the terms and conditions to be observed by licensees;”

Then subclause (j) says:

“for the prevention of pollution of land, water or air and for compensation therefor;”

I do not know whether it should be “therefor” or “thereof”. We should give some thought to it. But, Mr. President, I have the desire to see this Act say, when completed, “for the prevention of pollution of land, water and air”. If we say “water or air”, could it mean either or both? This might now create some difficulties for interpreters or people who have to work this Act. So maybe we should say “water and air and for compensation”. T-H-E-R-E-F-O-R—I am not sure what that word is saying.

Mr. President, I am glad that this opportunity has come up again for us to take a look at this Bill, but generally a great deal of reference is made to persons 16 years and over in employment and many aspects of the implications of that employment are given. I wonder, in conformity with other bits of legislation, for firms operating mines, not necessarily inside of the mine, would industrial agreements take care of this or should the legislation say there can be apprentices and learners, or, with respect to the age group for intended learners or apprentices, should some kind of direction be given by the legislation.

The foregoing comments happen to be my view on this, Sir, and the view of my team and my party in this regard. We see this Bill showing some intent to create good order in an area of employment and on the industrial relations front. Mr. President, I thank you very much for the opportunity.

Mr. President: We will break for lunch at this stage. This sitting is now suspended until 1.30 p.m.

12.30 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed.*

Sen. Philip Marshall: Mr. President, I hope to make just a small contribution on this Bill. I will not be talking about the specifics of the proposed legislation put forward by the hon. Minister, but I just really want to reinforce the importance of this Bill.

I had been involved some years ago, Mr. President, in a review of the whole issue of the quarrying environment in Trinidad and Tobago, and I would just like to put in perspective some of the challenges that were then faced. Challenges which I see have been addressed by this Bill, and hopefully, will be overcome by the proposed legislation.

At the time, and this is a few years ago—by a few years I mean five or six years ago—there needed to be the whole issue of the development of a framework policy on national mineral resources development. There needed to be a whole inventory of our mineral resources. I understand, in fact, from Prof. Julien Kenny, that we have now completed a whole geological survey of our resources in Trinidad and Tobago and, although it may not identify the specific volumes or nature of the deposits underneath the top layer, at least it gives us that starting point.

One of the issues, as well, which has been addressed by this Bill was the whole core of our existing legislative framework which was outdated and needed to be updated. From a revenue perspective, there were extensive illegal operations—a loss to the state of royalties and licensing fees. In fact, from the whole issue of environmental standards, one of the problems was that both in private lands and in state lands, the operators of these quarries or other mineral deposits were, in fact, just extracting the resources from the top layers and, thereby, almost making it impossible for the adjacent physical deposits to be accessed, thereby, not maximizing the potential yield from these deposits.

Mr. President, the whole importance of this proposed legislation and amendments must not be overlooked in terms of the contribution to the whole question of sustainable development. In fact, I would like to introduce—and I have mentioned this before—a publication entitled *Expanding the Measure of Wealth: Indicators of Environmentally Sustainable Development*, published by the World Bank.

It is the whole issue of how do we measure genuine saving and sustainable development? I quote here, and although it starts with a quote from the Ministry of Finance, I am not saying it relates to our Ministry of Finance. It says:

“For too long now, ministries of finance and planning have paid scant attention to the exploitation of the natural resource base or the damaging effects of environmental pollution.”

It goes on to say:

“The policy implications of measuring genuine saving are quite direct. Persistently negative rates of genuine saving must lead eventually to declining well being.”

Let me explain, Mr. President, what they mean by genuine saving. We have our total measures, one of our indicators that we get and the Review of the Economy, for example, is what is the total investment; what is the total foreign direct investment; what is the total foreign borrowings. So, in a sense, one can say that gross savings from an economic perspective represent our total investment less our borrowings, which gives us our net savings.

This introduces a new concept of genuine savings which is distinct from net savings in that where extractive industries are involved, as in this case, there are generally very few countries which have the wherewithal or the data collection systems to measure the true cost of the resource depletion of natural resources where those revenues are reflected in the total gross domestic product, but the cost of those exhaustible resources is never factored in to the overall issue of looking at if that growth is sustainable.

The point of the importance of this Bill is that it speaks toward an orderly management in terms of our natural resources. It speaks towards the Government, in the cases of state lands that are licensed for mining and resource development, receiving their economic rents from people who are licensed in it. It would speak “towards”, because of the very cross-functional nature, as one can see from the make-up of the committee. I was glad to see the incorporation of representation from the Ministry of Finance, environment, naturally the energy resources; the importance of the Bill can be seen by the cross-functional representation as laid out in the Bill.

I would end by just making the comment that we have to make sure that the committee is supported by the required resources so that the law can be, in fact, implemented that if we have policies—the breach of which leads to fines, or whatever consequence—these are, in fact, supported and implemented.

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Mr. President, I would just end by saying that as everybody has said in their contribution, this is an important Bill, one which I would give my wholehearted support to, and one which really speaks in importance to the whole issue of continuing sustainable development of our economy by the protection of our natural resources and the management of these resources in a very disciplined manner.

I thank you.

Sen. Joan Yuille-Williams: Mr. President, it has been some time since this Bill was here, and on the last occasion, I think we ended quite early and I was not able to make the contribution. Since then, I was not going to continue with any contribution, but seeing that the hon. Minister of Works and Transport is in the Chamber this evening, I think I want to address a question to him. That is the reason I am taking this opportunity, so that the hon. Minister of Energy and Energy Industries could relax a bit. *[Laughter]*

First of all, Mr. President, I really wanted to ask this question, whether or not the Minister of Works and Transport, as a member of the Government, really identifies with the spirit of this Bill. In fact, I can ask the Government whether they identify with the spirit of this Bill. I say the spirit, whether it becomes law or not, whether they respect what is in the Bill.

We need to demonstrate certain things, and we do not have to wait for the legislation to put it in place to follow it. That is why I will ask the question, and probably I will use an example to show why I asked that question. Before I do that, let me just say that sometimes we try to prepare well for a bit of legislation and by now we are getting a little bit tired of really trying to work on the Bills.

A bit of legislation like this which we think to be extremely important, and so many others which we have done in this Chamber within the past month, what we recognize is that at the end of the day of hard work and approval by all in this Chamber, it is laid to rest somewhere and not implemented. That is what worries us at this time.

Sometimes we ask ourselves how far we should go to delve into what is in here to make a comment. This is a very honest thing. How far do we go? It is “good time”, but they might say it is time wasted. I am hoping, and from what it seems, that this Bill is also going to be one of those that we set aside—I am saying that we cannot implement it just yet because there are other things that must go with this Bill to have it implemented.

I want to ask the question—we are passing a number of Bills, a lot of legislation in Parliament here. I am going to ask the question: what is the reason? Is it so that we can get our lists for presentation to the public—the electorate—as long as possible, of the work we have been doing? Because there is no doubt about it. Government has brought many pieces of legislation to this Parliament. We have to compliment them for that, but bringing the legislation and not implementing the legislation is another thing.

Do you know what I will probably take my time to do? To go through the whole list of all the legislation which has been presented and see all that has been implemented, so that when the list comes, I could make a comparison. As the list comes out of all the performances and all that has been done, I will produce that same list and all that have been implemented, I will put “implemented”, and against those that have not been, I will put “not implemented” and circulate it to the same person who was looking at the list of performances, because people need to know the truth.

Passing a Bill here is not even half of it. We need to really implement this legislation and we had good legislation in this Parliament, I must say. In fact, the work they do up here is sometimes so much better than the work they do in other places, but at the end of the day, nothing comes out of it. That is one of the reasons I am saying that too much comment on this at this time will not make a difference.

If one goes to the back of this Bill, we see something talking about the commission. I remember in this Parliament, we passed the EMA Bill since the last administration, and then we had to appoint a commission and get a special majority. We came back to Parliament to get all of that, we gave the special majority, and I do not know what is keeping back the appointment of the members of that commission. Something must be keeping it back. [*Desk thumping*] We are coming here to talk about the legislation, but there is no commission sitting there.

This is going to be put down to wait until they appoint the commission. They are not going to do it now. They do not want to do it now because they do not want it to be effective. If the commission is in place, then the spirit of this legislation or any other legislation which calls for it will affect their functioning as a Government. At this time, when they want to do everything without any environmental assessment, where they could do everything—that is why I asked them whether they believed in the spirit of the legislation, because we are doing

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things in a very lawless way and we could always say there is no legislation at all. Therefore, to me, the Government is not appointing those commissions until they have done all that they wish to do.

That is where I feel we are being dishonest, and that is why I feel as a Government, they do not enter into the spirit of the legislation. If they did, even though the commissions were not in place, they would have been following what the legislation says and trying to abide by it and not going helter-skelter into the whole community as we do now.

Mr. President, this calls for, and I think Prof. Kenny said, do not use rehabilitation, use remediation. You put a plan forward and then you go and do what you have to do. At the end of it, you are rehabilitated, or as he said, there is remediation. Leave it in a way in which it is pleasing to the environment. That is the kind of steps, basically in layman's terms, that happen, but the Government does not do that. They do not do that at all.

I live in South and I travel to Port of Spain four times a week. As I come through Claxton Bay, "I lift up my eyes unto the hills", as the Bible says, and I look at the hills to the left of me, and the hills are destroyed. You should see that hill which was nice and green. It is all carved out, and it is looking like something ravaged it. Who did that? Somebody was trying to build an ill-fated highway from north to south, as the case may be. Trying to repair or build a highway. I do not know what they were trying to do. It is still not done after two years, even though we were promised that when the work stopped and certain things were going to be put in place, they were going to restart it.

Of course they cannot restart it, because that is going to be a complete waste. Therefore, say thank God they signed off on that ill-fated highway and we are left with this.

1.45 p.m.

But while they were trying to build a highway, engineer or no engineer, they ravaged the little hill there. I am sure the Minister of Energy and Energy Industries will know what I am talking about, as he passes there. I used to wonder who gave permission to just cut down this hill. There was just mass cutting done. Anybody going to South just before Claxton Bay or somewhere in that vicinity, just look at the hill I am talking about. Destroyed. When you pass there on a morning you only see these bare bones as if you took someone and stripped them of everything else. There are just naked points, projections.

This is not what this Bill is talking about. This Bill is talking about putting a plan then at the end of the activity; you rehabilitate and tell them how it will be done so when it is looked at, the environment is not destroyed. But what has happened? Who let this Government do what it did down there? That is a living testimony to people who are not in the spirit of this Bill. We are going to be looking at it all the time. I think he passes as often as I pass but these days his office is in South so he does not have to see it, but he comes on Tuesdays and as he looks up there, he must feel bad because the road is destroyed, the hills are destroyed and the entire environment is unsightly now. I want to know if after you pass this, you are going to tell that Minister to go back to do some renovation to that hill because it is sad. That is just one example of what I am talking about and anybody who goes on that road will tell you how disastrous it was.

While that was being built, while they were putting baskets and digging the highway once, then digging it again, while we were trying to see how to build a highway which we never were able to build, we were always saying to ourselves, look at the hills.

Sen. Shabazz: But they have to open the highway.

Sen. J. Yuille-Williams: We cannot open that highway. That highway is now falling apart; the rails are all gone and it is in a state. But it is ill fated, I always said. Let us forget that. Let us pass on. We know we have to spend another \$21 million as the case may be to do it again so let us leave that behind. But the hills are there. We need to put a plaque now on that hill to say what has happened. "Rest in Peace" in honour of whoever did that job. That is why I asked whether they were within the spirit of the Bill because we did not have to get legislation like this to know that you were damaging the environment.

That is not the only place where the environment is being damaged. I am seeing such bad work going on now and we are all worried about what is going to happen to beautiful Trinidad if we let this Government continue. That is why they do not want commissioners. They do not want commissioners because they want to just do things like that and nobody can say anything. I wondered if that covered the state as well. The hon. Minister will have to say whether this bit of legislation also applies to the state. I want to repeat and I know the Minister of Energy and Energy Industries will listen. I am wondering whether this bit of legislation also applies to the state, whether you have to go through this process. Or, is the state outside of it and can just go around damaging the environment?

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I had to go one day on the seafront and I had to sigh because the mangrove was going. We went down some bad inclines when I went there but it was necessary to go as one of the persons who, when you drive around the foreshore, used to see the mangrove there. The mangrove is going and nobody is saying anything. No environmental assessment; nothing at all. Somebody talked about somewhere where the birds no longer have a place. There are all kinds of things happening. Probably, we did not have that consciousness as a society growing up but by now, we have heard so much about it that we need to take stock. Therefore, we cannot go on ravishing the entire environment but I hope that we will try to correct some of these things even without the legislation that we are now putting in place but with a conscience. Trinidad and Tobago is a beautiful place. Let us keep and maintain that beauty and just do not go about damaging it.

That is why I started out by asking whether they had joined in the spirit of the legislation. We have no objections to the legislation. There are little parts of it that we feel could be corrected and I think the hon. Minister attempted to do some of it. Some is still there but the fact is, we are making progress and moving in the right direction. Therefore, I would hope that in future whatever happens to the country, whatever business you are doing, whether you are building a port or not building a port, whether you are building a plant, whatever kind of plant it is; whatever you are doing, give some respect to the environment. Do your own assessment even if there is no agency to do it, but do something about it.

Therefore, as I go home this afternoon—I hear I am going early—I will be passing that place and remembering the hon. Minister and the damage he has done. I shall remind him about it when he comes close to me later on, very close. We shall not forget him. We are going to remind him about it. The hon. Minister escaped before but we are going to remind him because he will be on my turf and we are not going to forget him because right now, I am thinking of leaving my home to go lower down south and I thought, “Good grief, I have to pass through...”, and I called the Minister's name. Confusion, again, and I passed around another place. That is another disaster that is coming up there but let us not talk about that one; let us stay there.

I am seeing every day—and I must say it; it is part of the environment—as I come out and drive, about 10 feet of the highway, something passes and takes up the earth. That is what it does and the next thing I see is some material dropped in it and the next thing I see is “Barber Green” passed over it and I see road widening taking place. That is happening every day on that same extension there. That is how they widen the road now. They just pass; they remove the grass; they

throw some gravel; they put some “Barber Green” and they move on. If you see the amount, just there, coming up outside Pleasantville. They are doing it on a daily basis, a few hundred yards every day. That is how they are widening the road.

At the end of the day, when you look at it, I do not know if it will go to the gas station and knock down that big sign that they have there. There is a huge sign there—because we have a big highway with people coming from all directions—which tells us the price of the gas and blocks our way from turning into Rushworth Street. We cannot see because there is that big sign telling us the price of the gas. They are blocking out the beauty of the environment again, but this widening is going to come right up there and I think the hon. Minister has to look at it because this is our earth; this is the beauty of it and if you are doing it, do it properly. But, again, as I said before, we have a lot of opportunity to do it.

As a person today, I am not talking to the hon. Minister, I am just saying to the Government that it needs to enter into the spirit of any bit of legislation that it brings here. Whether we pass it or not, it must be demonstrating it because how are others going to follow? They are the leaders and they have to do it so that we would follow. If they are not doing it, there is nothing for us to follow. It is a real pity that we have reached this stage. I am hoping that, as I said before, you are not going to put any commissioners there but even if you do not put the commissioners, try to say what you have said in here that you would do. We agree with it, therefore, you should follow it.

Just one other area, Mr. President, I noted that somewhere in the legislation we have people's licences being revoked. I am wondering if there is any way for an appeal. I did not see any appeal in this. I see that you can speak to the advisory committee; your voice can be heard. But, I am wondering when you have legislation like this and you have a licence which can be revoked, should you not have somewhere that you can appeal that revocation or something? You do not have that opportunity at all to appeal in this Bill. They just decide to take it and that is it. You have to accept it. I do not know if that happens.

I think in some of the pieces of legislation that we have had where we have things like that, there is some way where persons who have been aggrieved could find some way to appeal. If you do not, it would be a little hard. I would not use a term that we used on the last day, but it could be that if I cannot get a chance to appeal something and my licence is just revoked, it seems that I did not have an equal or fair chance at all, so I think we should look through this to see if there is some opportunity for those people.

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You come into my land; you do what you want to do. I heard people talking about it on the last day. After that, what do I do? Go before the advisory committee which you have set up. Or—somebody was telling me you would have to go to the state, the High Court or something like that. But I doubt that is what you wanted. I doubt you would want me to go to the High Court if my licence has been revoked. I think there must have been an easier way to give me a second chance—that is all I am saying—to plead a case as to why this has happened, or to give me a chance to go before another group of persons who would look at it a little differently. Because, remember, many of these committees here have been set up by the Minister himself, or the state, therefore, if I go to this person and I did not get a fair hearing as I might say, I should be given the opportunity to go to another agency or another group of people or something—another court at some time, not the High Court as some people told me—where I can lodge some kind of appeal and be heard. I think that is very important.

I notice, Mr. President, the hon. Minister looked at the whole business of public bidding and I think he has put in “competitive”. I think somewhere along, if I remember correctly, we are starting something there where you could not need only the Minister but the committee with you and I am wondering if that is sufficient. I am not saying you are going to be the Minister all the time; I am not saying that you are dishonest or anything like that; do not get me personal, but I am wondering if that would be sufficient because this is the same committee that I have appointed; you either support me or I will send you home and I am wondering if just going to “acting on the advice of the Committee”, is sufficient when you are talking about the competitive bidding process which is open to the public. I think those are the words which you wanted to use—competitive bidding process open to the public—and after the word “may”, the words “acting on the advice of the Committee”, which was the Minister acting on the advice of the committee. I wonder whether that is sufficient to make us feel that what is going on there is above board and is transparent, just the advice of a committee which the Minister himself had appointed.

Those are just a few of the areas that I would like to comment on and as I have said before, it is a long time now that we have gone this way but, particularly, I needed to talk to this hon. Minister of Works and Transport as he tried to continue damaging the environment. I am hoping that the Government would see it fit, in all fairness, to appoint the commissioners for the board because it is important for

us. We like the process except for a few areas but we need to have the commissioners. Do not do it when you think you are finished doing all the damage that you want to and then turn around and have the individuals and the public committed to these things here and you have done the wrong yourself.

With these few words, Mr. President, I say thank you very much.

Sen. Prof. John Spence: Mr. President, just a few comments. Before coming to the Bill, I would just like to express my regret that the relevant authorities should have chosen today to have a consultation on science and technology. I can think of at least five Ministers who should be at that consultation—health, communications and technology, Minister Gangar himself, the Minister of Works and Transport and the Minister of Finance, Planning and Development. Certainly, Prof. Kenny and I should have been there. I hope that Minister Gangar would use his influence to have a consultation just with the Senate to correct that error.

Mr. President, I certainly welcome this Bill and welcome the measures that it takes to address the problem. Prof. Kenny and I were involved in a project two years ago which looked at some of the mined-out sites in Trinidad and Tobago, in particular, in the Valencia area and, certainly, as it has been described as a moonscape. Certainly, if one looks down on that area from above, it is a terrible sight and anything that we are now doing in order to ensure that does not happen again certainly is to be welcomed.

I would hope that something can be done about existing sites. I realize it is not possible where the process has been complete but even those sites that are still in use, I hope will be addressed. It does mean that the Government is going to have to pay for correcting errors in the past even having lost the fees that should have been collected, it still now has to go and expend taxpayers' money to correct and take some remedial action on the sites that have already been devastated.

2.00 p.m.

Mr. President, I would support a number of points made by some of the other Senators, particularly, Sen. Prof. Kenny, and I would just mention one or two of the points along the way; some others might be addressed during the committee stage.

I have some problem with the Minister's power to bypass the bidding process—and I believe that is addressed in a couple of amendments—after all, the hon. Minister Gangar may not always be the Minister of Energy and Energy Industries, and there are some other ministers who do not have quite the respect

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that he has for the bidding process. I very much regret that Minister Carlos John is not here, because I might have referred to the paving of the savannah in that regard.

Certainly I agree with Sen. Prof. Kenny that remedial action is probably more appropriate than restoration, because in many instances, clearly, one cannot take the site back to either its former condition, or restore the original condition. So I agree entirely with Sen. Prof. Kenny that remedial action is a more appropriate approach than trying to restore.

There is another point that I would support. Sen. Jagmohan made the point that, perhaps, silt should be included in 44(2). I certainly agree with that, because, perhaps, that is one of the greatest pollutants that might be found, and just "pollution" may not cover something like silt; since some of the others are mentioned specifically, that should certainly be mentioned.

Sen. Jagmohan also referred to having standby ambulances. This, possibly, would not be practical; the cost would be very high. Perhaps, one might think of some means of transport which can conveniently convey injured persons, other than ambulances; and some thought might be given to a provision of that sort. Perhaps on some of these sites there might only be large trucks, which would not be convenient for transporting injured persons. A station wagon which can have a flat surface might be appropriate, so it might be possible to address that issue.

With respect to the comments we made about the Environmental Management Authority (EMA), I certainly agree entirely with that, and I would go further and question whether, in fact, this Bill could be valid at all if the Environmental Management Authority Act is not properly implemented. If we look at clause 44(1) and 45, certainly these make specific reference to the Environmental Management Act. It might be argued that since the commission has not been appointed in that Act, therefore, it is not properly valid, that it would affect the operation of this Bill. I certainly would hope the Minister would address that point in his winding up, because I think it is extremely important.

I would also draw attention again to the point made by Sen. Prof. Kenny, since it was sometime back and the Minister may, perhaps, have missed it, about the need for a special majority. I agree with him that this Bill does seem to take away rights of enjoyment of property. Perhaps the Minister might explain to us why in this case it does not require a special majority.

Clause 44(2) refers to the Environmental Protection Authority. I suppose that means Environmental Management Authority, rather than “protection authority”. Those are the points that I would call particular attention too. A number of other issues can be discussed during the committee stage, but I hope that the Minister would address the point particularly about the special majority, about the EMA and the point about his having the power to bypass the bidding process.

I certainly agree with Sen. Daly's original amendment. I am less happy with the proposal that has now come from the hon. Minister. Incidentally, I also hope that the Minister would go through his most recent amendments during his winding up, because having just received them it has not been really possible to carefully appreciate the significance of what they may mean, so, perhaps, he could call attention to them.

Thank you, Mr. President.

Sen. Martin Daly: Mr. President, I just want to make a comment about the clause which permits the Minister to bypass the competitive bidding process. This is quite important. May I say that this is one of two matters that are of some constitutional and political importance. We have taken care of the other problem by an exchange of ideas behind the Chair and by certain amendments which have come from the Minister, but I would like to concentrate on clause 17(2). That is a clause that troubles me greatly. This is the clause that Sen. Spence and other speakers have pointed out. It permits the Minister in the national interest and with the approval of Cabinet to grant licences for mining and processing outside the public competitive bidding process.

Whether Sen. Gangar is a minister or not, I have objection, on principle, to such a provision. First of all, it gives the Minister *carte blanche* to do pretty much what he pleases. This is always misunderstood so I have to repeat it again: the view of a government of whatever stripe—I always have to make the point because it is consistently lost—as to what is in the national interest will always be myopic and dictated by their political interest, at least, in large measure. So no minister is going to decide something in the national interest, free of myopic political considerations. It becomes, therefore, very important, if the Minister is to act in what he perceives to be the national interest, that we not only know what is the national interest he considered, but why he considered it in the national interest.

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I am not going to be as kind as Sen. Prof. Spence—my good friend Sen. Carlos John is not in the Chamber at the moment. We had a recent example: the fear that the uniform of a brigadier—not the one in the Chamber—might be bespattered with mud was considered a factor of national interest, which led to a large area of the savannah being paved without reference to anybody.

Now, no one can seriously suggest that to take a step like that—and we are not into the merits of whether the savannah should be paved—in response to the spattering of mud on the brigadier's uniform was really proportionate to the interest that was considered, when you consider the cost of laundering the uniform, as well, of course, as the hidden cost of the brigadier's pride. But even if you add up the cost of laundering the uniform and the cost of the brigadier's pride, it would be infinitesimal in comparison with the cost of the savannah, the value of the material that was taken out of the savannah—which has never been accounted for—and the space that was paved, allegedly in the national interest. That is a very good example.

They say the truth is stranger than fiction. If I had to think of a hypothetical example of why clause 17(2) is dangerous, I could not have thought of a better example. Therefore, if a minister is going to act in the national interest, we must know what is the national interest, why he thought it was in the national interest and we must be able to judge whether his response to what he conceived as the national interest bore any sensible proportion to the national interest which he perceived.

Therefore, Mr. President, I have proposed an amendment that if he is going to act under clause 17(2) he must get an affirmative resolution of Parliament, because what better place to debate whether it is worth the cost of paving several acres in order to avoid the bespattering of mud on a brigadier's uniform. What better place to debate it and what better place to show the whole world that this so-called national interest is nonsense? A bit late, but anyway—

We were speaking about the bespattering of the mud on the brigadier's uniform. The Minister is now proposing that he would act on the advice of the committee. First of all, this committee does not have anyone who is independent of the Executive. Now, I am not for one moment suggesting that the civil servants who comprise this committee would not approach the question of national interest independently or with integrity. But we live in the real world and some fights with your minister may not be worth picking or pursuing.

Therefore, if we are to accept as an alternative to an affirmative resolution, the advice of the committee, then I have already proposed that that advice must be tendered to the Minister in writing and must be laid in the Parliament within two weeks of the grant of the licence to which it refers. That way we can have a debate, albeit after the event, about whether the Minister's perception of national interest and the action taken were sensible.

We need to do that because if we pursue the example I gave—it took several parliamentary questions, much heckling in the Parliament and vigorous pursuit of the issue by the media before we were able to find out why the savannah was really paved. It took a long time for us to find that out before we could even debate it; therefore, it is important to have some mechanism where we could find out what was the interest and why was the response taken, so we can then proceed to debate it while it is still relatively topical, and also that the body politic can be informed; it is very important.

I saw the affirmative resolution as a means of having a debate on the national interest and as a means of informing the public as to what was the Minister's view of the national interest and the proportionality of the response that he was proposing to take or the relevance of the response he was proposing to take. I am satisfied from discussions we have had that that may not always be appropriate. Indeed, some of the occasions when he may wish to act without reference to the bidding process may be relatively small; it might be a few loads of sand or something, and to have a debate every time the Minister wants to act like that, I could see some difficulty with that.

I merely insist that after the event we must be given information in which we can weigh whether the Minister has properly exercised his powers which we have granted him. It is a very important issue. Of course, happily, I have the Attorney General—absent though he is—on my side, because when we were debating whether the ouster clause in relation to certain commissions and in relation to suggestions by myself and Sen. Prof. Spence, as to whether the Judicial and Legal Service Commission should be excluded—Senators would remember the debate well, it happened only last week—he asked, rhetorically, whether these people ought not to be accountable and whether they were gods. So I now ask rhetorically, “Is the Minerals Advisory Committee not to be accountable? Are they gods?”

I am sure now that I have reminded the Government of what their position is on accountability, they will have no difficulty in amending clause 17(2) further so that the persons tendering the advice to the Minister, and the Minister himself, can

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be accountable and not acquire godlike status. I am quite sure that Sen. Gangar does not want godlike status. I am quite sure being a very logical—and I am happy to say—unemotional thinker, he will see the cold logic of the Government's own arguments, so we would not be driven to be asking him.

It is very important to remind the Government of what their own position is, so I not only pray in aid the rhetorical question of the Attorney General about “are they gods,” but I think it is also important. When we made criticisms—and I have the *Hansard*—of certain provisions in the Dangerous Drugs Bill the question was asked, and I quote from the Attorney General's contribution between 4.00 and 4.15 p.m. on August 08, in response to certain criticisms we were making of the Dangerous Drugs Bill:

“...are we prepared to take the side of the drug lords, the drug traffickers, or are we prepared to take the side of the innocent people of Trinidad and Tobago and the children who are being poisoned.”

2.15 p.m.

If that was fair criticism, as it was suggested—and one could have two views about that—it seems a rather stringent thing to say. Now I would ask Minister Gangar rhetorically: Are we prepared to take the side of the illegal pavers, or are we prepared to take the side of the innocent people of Trinidad and Tobago?

Thank you very much.

Sen. Rev. Daniel Teelucksingh: Mr. President, I rise to support in principle the Minerals Bill 2000. Nevertheless, I see this as a Bill of desperation to rein in those quarry operators who have acted over the years as rogue elephants, who have gone on a rampage as the Minister says—he did not use these terms—for about 25 years. Rogue elephants that almost destroyed San Fernando Hill and have caused so much destruction in the Wallerfield area and in the northern range and in so many other parts of Trinidad and Tobago.

It is most disturbing also that we have no proper records of mining operations in the quarrying industry. If we are doing up to 1985 as the Minister says, we have had over 200 active quarries. Why is it the country would have suffered the loss of about \$100 million in environmental damage and also, through the non-payment of rents and royalties? I have to ask myself what have the governments been doing for the past three decades. Have they all been a part of this?

Mr. President, quarrying must be a very profitable business in this country as sand and gravel quarrying and similar aggregates are far more common and in great demand of those non-petroleum minerals. They are always in demand in this country for roads, building construction and for landfills. The track record shows that operators and developers who get a licence—or they do not get a licence—operate on private or state lands, seem to proceed to mash up the place; this is what they are doing. I do not know in what way or ways this Bill can be serving as a corrective measure to those who have destroyed or have polluted our rivers. There is water table damage, they left a trail of destruction over the last three decades and I have my own doubts about this last ditch effort through this Bill to possibly recover and to rebuild from the damage done.

I ask the hon. Minister about clause 14 which says:

“14(1) No licence shall be issued to any person to explore for, mine or process any minerals upon—

(c) any land situated within such distance of a river, lake, stream, reservoir...

(d) any national park, protected area or environmentally sensitive area, wildlife sanctuary or forest reserve...”

When I look at this, I ask myself if the Government will not give a licence to mining operations within proximity of some of these areas listed here, then I have a feeling they might have to close down all the quarries in Trinidad and Tobago. This is very unrealistic because all the quarries in Trinidad and Tobago affect rivers, reservoirs, parks, forest reserves and wildlife sanctuaries. Do we have any real quarrying area that will not affect some of these areas or districts that are environmentally sensitive? Will there be a cessation of operations and how soon where there are well-established quarries which are well-developed and close to our rivers, water beds and resources close to the forest reserves in particular? Are you going to close these down? Do we have any to say when we will close a few? Do we have the strength or the will-power legislatively or otherwise to close some of these quarries?

I ask about the collection of rents and royalties as mentioned by the hon. Minister. What about the defaulters? Do you have brand new quarrying operators in Trinidad and Tobago who are not among the defaulters? I suspect that most of the defaulters who have been owing the Treasury because of non-payment of royalties, most of them are operators and they will continue to be operators. That

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is a question I want to leave with the hon. Minister. Will they be regularized and are you going to write off debts? We are accustomed to writing off debts anyhow. They are on state lands anyhow and all of them for many years have been profit-making squatters and this is another kind of regularization that will be done.

Mr. President, I make reference to clause 25 that deals with the rehabilitation of the environment by the quarry operators. It is a good provision to have the rehabilitation bond, but is there any guarantee of rehabilitation? What guarantees do you have because of the bond? How much will this bond be? My own feeling is that we need to enter into binding agreements with these people who are involved in quarrying and that kind of non-petroleum exploration. To have rehabilitation, it must be a process to be done simultaneously with exploration and you do not wait until they have done their work, destroyed the environment and say we are going into receivership. This is the normal thing. We did not make any money anyhow. I doubt something like that is in the Bill. The whole question of rehabilitation in the Bill is so vague that operators are not really bound to assist the people of Trinidad and Tobago in rehabilitation. Rehabilitation has to be done along the same speed as quarrying is done and I consider this to be very important.

I close with clause 15, the people who compose the Minerals Advisory Committee. Within recent times I noticed that soil containing lead has been transferred from Demerara Road to Claxton Bay; they are moving the poison from one community to another and the Claxton Bay people are very much afraid of that and they are concerned and are protesting.

What about that tuberculosis scare in the Point Lisas area, or that pollution question at Point Lisas? I really believe and I most respectfully leave this with the hon. Minister, that added to the Minerals Advisory Committee should be a representative from the Ministry of Health. I notice it is an omission, but it is a question in this society that is becoming very important, that therefore somebody from the Ministry of Health should be on the Advisory Committee.

Thank you.

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. President, at the onset, I thank all Senators who have contributed to the debate on this very important piece of legislation. This legislation as we all know has been very long in coming. Speaking to the very senior legal people in the government service, it would appear that since 1971 attempts had been made to draft legislation and bring to Parliament to deal with the burning question even

then of the quarrying industry in Trinidad and Tobago. However, numerous drafts of the Bill have been prepared and it would appear that no government had the political will to bring legislation to deal with the rampant destruction of the environment. One would think that if action had been taken many years ago, the destruction that has since resulted would not have taken place.

The contributions of the hon. Senators to this debate have been very useful and have formed part of the consultative process that has characterized the drafting of this particular Bill. In my opening contribution, I outlined the process that resulted in the Bill before us and as you can see from the very extensive amendments which have been tabled here this afternoon that the consultative process has in fact continued.

I am deeply indebted to Sen. Prof. Kenny, Sen. Prof. Spence, Sen. Daly and also Sen. Montano for their contributions, and the resulting amendments which are before us this afternoon have in fact taken in most, if not all of their concerns. I will be very brief this afternoon. I do not want to take up too much parliamentary time, but I want to base my contribution along the lines which Sen. Prof. Spence has specifically requested and that is to put the amendments tabled here this afternoon in their proper context as they relate to the particular Bill.

One of the first amendments is to include the words “and water” as an exception. In other words, the definition of minerals does not include hydrocarbon and water. I think that suggestion originated from Sen. Montano. Then we come to the clause which was of great concern to many of the speakers particularly again Sen. Prof. Kenny and also Sen. Daly and that is clause 5 which some of us seem to think infringes upon the constitutional rights of members of the public. I want to say that after considerable consultation with the staff of the Chief Parliamentary Counsel, the legal counsel in the Ministry of Energy and Energy Industries, and most of all, I am deeply indebted to Sen. Daly for assisting us in drafting the appropriate amendment, or should I say a new clause which really mirrors what is in the Petroleum Act of 1970 and the amendment clearly states in clause 5(1):

- “5(1) Public mining rights are vested in the State and are exercisable by the President.
- (2) Private mining rights are exercisable by the owner thereof, subject to this Act or any Regulations or Rules and Orders made under this Act or the regulations as relate thereto.”

2.30 p.m.

Now, Mr. President, it is the view of all of those who assisted in drafting this clause that it would allay the fears of the Senators. Another amendment which was proposed has to do with clause 8, subclause (1)(e) and that has resulted from a comment made by Sen. Joan Yuille-Williams. A clear distinction was needed as to who was required to collect the fees, rents and royalties. Therefore under clause 8, subclause (1)(e) it is amended to read, “determining and collecting fees, rents, royalties”, *et cetera*.

Mr. President, another amendment arising out of some of the concerns expressed by Sen. Danny Montano is the purported direct relationship the director has under clause 11, and that has been amended in clause 11(a). Instead of “supervise” we have the word “oversee”, so it would read:

“oversee exploration, mining, processing and other operations authorised by a licence issued under the Act.”

We then delete the remainder of the subclause. Also under clause 11(f), the question arose with respect to entering land without the consent of the owner and that clause has also been amended to read:

“enter into and inspect with the consent of the owner...”

Again, under clause 11(h)—“examine and take copies of any books”—it was felt by Sen. Montano that it was too wide-ranging and that we should only deal with the relevant books, records and documents which are required to be maintained by a licensee under any regulations made under the Act.

Mr. President, I want to deal with clause 17(2) which, apparently, is the most contentious clause in this Bill. One would know that—and I am glad this has raised so much debate—for the entire history of the quarrying industry in Trinidad and Tobago, there was never the hint of any competitive bidding process. There was never the hint of any process whatsoever. My personal review of the records of the Ministry of Energy and Energy Industries shows that one morning the Minister would get up and decide to award a quarry to someone for any arbitrary, whimsical and capricious reason—no reason whatsoever.

Now, in the year 2000, this Government seeks to institutionalize a competitive bidding process as the main plank of its quarries and mining policy of the Minerals Bill and yet it has provoked so much controversy. As Sen. Joan Yuille-Williams says, “You must practice what you preach. You must operate the Bill in the spirit in which it is intended”. Since November 1995 no quarry in this country

has been allocated outside the competitive bidding process, none whatsoever. [*Desk thumping*] So it has been a radical departure from the quarrying industry in Trinidad and Tobago over the last 100 years.

So it is very, very strange, when one looks at the *Hansard*, to see comments by Sen. Montano and Sen. Nafeesa Mohammed where they talk about conspiracy and collusion where they themselves were the perpetrators of such conspiracy and collusion and where there was absolutely no transparency in how quarries were awarded under the PNM administration. [*Desk thumping*] Notwithstanding that, Mr. President, we have had significant discussions with Senators on the other side, again particularly Sen. Martin Daly, and we hope that during the committee stage we would discuss some of the proposed amendments by the good Senator.

Just as an aside, it is important to understand why in certain circumstances the granting of licences outside the competitive bidding process may arise. In one area, for example, Mr. President, the Diego Martin Regional Corporation may want to fix some roads in Diego Martin and there may be a sand and gravel quarry somewhere in that particular area. The question arises, is it expedient, in the national interest, to allow the Diego Martin Regional Corporation, or any other such corporation, access to state lands for quarrying purposes outside the competitive bidding process? That is a recent example. In fact, over the last four and a half years there have been two examples like that where the Sangre Grande Regional Corporation and the Rio Claro/Tabaquite Regional Corporation requested permission to mine sand and gravel on the grounds of cost and expediency in the road repair programme. That is why circumstances such as these are required.

Another example was seen recently, about two months ago, in the Atlantic LNG project in Point Fortin. About 200 loads of sand were required immediately to do a special foundation and they asked permission to mine a certain area in the Point Fortin area. The question is, does that qualify for a competitive bidding process or can it be done on grounds of public interest or national interest? Those are the types of circumstances which may arise and for which a Government or a minister may want to consider allocation of quarries, albeit for a short length of time, outside the competitive bidding process.

Another query was raised which dealt with clause 20, which says:

“The Minister shall refuse to issue a licence...”

We have amended that to read:

“The Minister shall upon the advice of the Committee refuse to issue a licence to explore for, mine or process...”

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So again, we are further curtailing the powers of the Minister.

Also, under clause 20, a new subclause (2) has been introduced and I think Sen. Joan Yuille-Williams may take comfort in this because she raised a query. It is where the Minister refuses to issue a licence he shall give the applicant the reasons for the refusal in writing. So it puts an additional burden, an onus, on the Minister, so that he cannot again exercise his powers in an arbitrary way. He must put it in writing in case he refuses to grant a licence.

The other issue, Mr. President, which Sen. Rev. Teelucksingh raised, is the question of the rehabilitation bond. The spirit and intent of this Act is that the mining operator is required to rehabilitate, restore the area which has been quarried. If he does not do that, a bond must be in place which the Government can call in and use to remedy the environmental damage done during the particular quarrying operations. That has been clearly spelt out under a new subclause, clause 25 subclause (2).

So, Mr. President, I think those are basically the amendments that have been proposed. A few more will be proposed during the committee stage and again I want to thank everyone for making this Bill the best possible Bill which we in this honourable Senate can put in place. The basic philosophy of this Government is that the resources of Trinidad and Tobago belong to its citizens. It is our duty to manage these resources in the best interest of our people. We have to consider not just the needs of the present but also the demands and the requirements of the future. We have to look beyond profitability, we have to look beyond expediency and look at sustainability. In the case of extractive resources such as the quarrying industry, we have to understand that we are dealing with non-renewable resources, the extraction of which fundamentally can lead to environmental degradation. This is what this Bill is all about.

There is absolutely no political mileage to be gained from presenting a Bill like this at this late stage in our present term of office. Suffice it to say that the Government has the will to put in place the mechanisms to implement what is required in this Bill. As I said in my opening presentation, we have already put in place and we are in the process of recruiting, through the DPA and the Chief Personnel Officer, staffing for the minerals division of the Ministry of Energy and Energy Industries.

Cabinet has already approved the sum of around \$4 million a year in salaries and other benefits and requirements to sustain the minerals division of the Ministry of Energy and Energy Industries. The staffing should be in place pretty

soon and we have already put in place the systems and procedures to implement this Bill. In fact, the present minerals policy of the Government is based wholly on this particular Bill and it is within that context that we have presented it. We think that this particular Bill will redound to the benefit of the people of Trinidad and Tobago. I thank you very much, 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.

2.45 p.m.

Mr. Chairman: Hon Members, this is a Bill which contains 51 clauses, eight parts. Because of the large number of proposed amendments, we will do it clause by clause.

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

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Chairman: There are proposed amendments by the Minister as well as by Sen. Prof. Kenny. I think Sen. Prof. Spence will move those proposals.

Sen. Prof. Spence: Mr. Chairman, I will just say that I think the suggestion made by Prof. Kenny has merit. If one looks at the definition in the Bill of “rehabilitation”, it says “restore to previous condition”. Well, in many instances this just would not be possible.

Sen. Gangar: Prof. Kenny and I had a conversation on this issue. What I explained to him is that the way the environmental industry has developed over the last five years, the word “remediation” has a specific meaning. What it now means is that soil, in particular, which has been contaminated particularly with hydrocarbons has to be removed and passed through a chemical and physical process to rid itself of the contaminants, particularly the hydrocarbons. That is known as soil remediation. It goes through a physical and chemical process. It does not apply in this case and he accepted my explanation based on technical and scientific grounds.

Sen. Prof. Spence: Mr. Chairman, I appreciate the point with respect to the use of the word “remediate” but I still have a problem with the definition of “restoration”. I would then suggest that rehabilitation would mean to restore to previous or acceptable condition. In other words, restoration must be to some acceptable—who does the accepting is where the question arises, but acceptable to the authority granting the licence.

Sen. Gangar: What you are suggesting is that rehabilitation means to restore to previous condition or...?

Sen. Prof. Spence: Some acceptable condition. I think the example that Prof. Kenny gave, if you look at Valencia, there is a large cavity that has been created by deep mining. To restore that to previous condition, one would have to get back gravel from somewhere else and fill up what is now a very deep lake. So, we certainly cannot restore it to its previous condition. What we could do is to restore it to an acceptable environmental condition. It seems to me that one should qualify “previous condition” in some way that allows one to accept alternative restoration processes.

Sen. Gangar: What are you proposing?

Sen. Prof. Spence: I thought one might just say, “restore to previous or some other condition acceptable” to the licensing authority.

Sen. Gangar: I have no problem with the concept and I have been advised by the legal staff that we can use:

“rehabilitation means to restore to previous condition or condition acceptable to the Minister.”

Because the Minister grants the licences.

Sen. Prof. Spence: I accept that.

Mr. Chairman: Sen. Spence, with respect to 3(1), has this been withdrawn?

Sen. Prof. Spence: Yes, Mr. President, and 3(2). I withdraw the amendment to clause 3 and I accept the Minister's proposed amendment.

Amendment withdrawn.

Mr. Chairman: Minister, do you want to elaborate on your amendment?

Sen. Gangar: Mr. Chairman, I propose the following amendment to clause 3:

- A. In the definition of “mineral”—
 - (a) delete the word “include” and substitute the word “includes”;
 - (b) insert after the word “hydrocarbons” the words “and water”.

B. Insert the following definition in their alphabetical sequence:

“private mining rights” means right to mine that are not public mining rights;

“public mining rights” means right to mine in State Lands.

Sen. Dr. St. Cyr: Mr. Chairman, I was wondering whether we needed a definition of “hydrocarbon”. Later on, we refer to “asphalt”.

Sen. Gangar: We can use the same definition as in the Petroleum Act which we are now getting. Because of the way we have redrafted clause 5, we have to insert the definition of “private mining rights” and “public mining rights”.

Mr. Chairman: We are trying get something on hydrocarbons, so in the meantime, shall we move on to clause 4 and we can revert at the appropriate time? Is that okay?

Sen. Gangar: Yes, Mr. Chairman.

Clause 4 ordered to stand part of the Bill.

Clause 5.

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

Mr. Chairman: There is a proposed amendment by the Minister as well as by Sen. Daly.

Sen. Daly: Mr. Chairman, I withdraw the amendment.

Amendment withdrawn.

Sen. Gangar: Mr. Chairman, I propose the following amendment to clause 5:

Delete and substitute the following:

Public and private
mining rights

5.(1) Public mining rights are vested in the State and are exercisable by the President.

(2) Private mining rights are exercisable by the owner thereof, subject to this Act or any Regulations or rules and Orders made under this Act or the regulations as related thereto.”

Sen. Spence: Mr. Chairman, the words the Minister used are slightly different to what are in the circulated version. Do we not have to include “thereby”?

3.00 p.m.

Because it is not a statement that they are vesting; it is saying we are vesting in them in this Act, as I understand it. So, have we not got to put “hereby”?

Sen. Gangar: What are you proposing, Sen. Prof. Spence?

Sen. Prof. Spence: You said:

“...rights are hereby vested”

But in the words here, the “hereby” is not included. I am just asking the question whether, indeed, the “hereby” would be necessary. It seems to me it would, but I am just asking the question. I am not a legal person. I cannot tell you whether—

Sen. Gangar: You are vesting it in this Act.

Sen. Prof. Spence: So you said “hereby”. I agree with that.

Sen. Gangar: Okay.

Sen. Prof. Spence: But I do not know what the legal people would say to that.

Sen. Gangar: Okay. We will keep “hereby”.

Sen. Prof. Spence: Where?

Mr. Chairman: “Public mining rights...”

Sen. Gangar: “...are hereby vested...”

Mr. Chairman: Any other questions?

Question put and agreed to.

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

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Sen. Gangar: Mr. Chairman, we are proposing that clause 8 be amended as follows:

Insert in subsection (1) in paragraph (e) after the word “determining” the words “and collecting”.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I am proposing that clause 9 be amended as follows:

Delete the words “in charge of” and substitute the words “responsible for”.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I am proposing that clause 11 be amended as follows:

A. In paragraph (a):

(a) delete the word “supervise” and substitute the word “oversee”.

(b) delete all the words after the word “Act”.

B. In paragraph (f) insert after the word “inspect” the words “ with the consent of the owner” and insert the word “a” between the words “which” and “licence”.

C. In paragraph (h) insert after the word “any” the word “relevant” and insert after the word “under” the words “any regulations made under”.

Mr. Chairman: Any comments?

Sen. Prof. Spence: Mr. Chairman, could I ask the Minister whether the power of the Director is not being weakened by the removal of the phrase, “and to give directions to the licensee as to the conduct of such operations”? Why was that taken out?

Sen. Gangar: The argument advanced by Sen. Montano in the debate was that the Director was getting too much involved in the day-to-day operations of the business of the quarry operator and when we looked at it in the Ministry, we felt that it was marginally so, too much involved in the day-to-day operations. If

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you “give directions to the licensee as to the conduct of such operations” in the way it is written here, you may also have some liability to follow it also. That is the reason.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Mr. Chairman: We have two sets of proposed amendments, one by Sen. Daly and one by the Minister. Sen. Daly.

Sen. Daly: Sorry, Sir. Where are we?

Mr. Chairman: Clause 12.

Sen. Daly: I am withdrawing mine.

Mr. Chairman: Proposed amendment by Sen. Daly withdrawn. Mr. Minister.

Sen. Gangar: Mr. Chairman, we want to make the amendment as follows:

Delete the words “No person shall explore for,” and substitute the words “Subject to this Act, no person shall explore for”.

Mr. Chairman: Any other contribution?

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Sen. Prof. Spence: Mr. Chairman, before we go on to clause 13, could I ask approval of the Committee to ask a question on 11? I am sorry. I missed it because there was more than one section to be looked at, at the same time.

Mr. Chairman: Do I have Senators' approval to revert to clause 11?

[Assent indicated]

Sen. Prof. Spence: My question is: What happens if the owner does not give his consent?

Sen. Gangar: The only thing we can do is to get a warrant.

Sen. Prof. Spence: Thank you.

Clauses 13 and 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Chairman: Proposed amendment by Sen. Rev. Teelucksingh.

Sen. Rev. Teelucksingh: Mr. Chairman, yes, to add a new subsection that we have a representative of the Ministry of Health on this Committee.

Sen. Gangar: Could we add an (m)?

Mr. Chairman: Yes, that is his proposal.

Sen. Rev. Teelucksingh: Thank you very much, if you accept it, Sir.

Sen. Gangar: Okay.

Question proposed.

Sen. Gangar: Mr. Chairman, I am just advised by the Chief Parliamentary Counsel that under (k), we will have to delete the word “and” at the end and after.

“(l)representative of the Ministry of Finance”

Put “; and” there.

Mr. Chairman: I am just advised that at the end of (k), the last word “and” is removed and at the end of (l) after “Finance” add “and” and insert new subsection:

“(m) a representative of the Ministry of Health.”

Question agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. Chairman: Proposed amendments by the Minister and Sen. Daly.

Sen. Daly: Sir, I am withdrawing mine because I accept that an affirmative resolution is appropriate but this clause 17(2) is still troubling me. Can I ask a question about it?

Mr. Chairman: Sure.

Sen. Daly: I accept it is no point trying to barter it—an affirmative resolution is too heavy a measure—but I will tell you what is troubling me, Sir. I really would like this limited in some way. All the examples which the Minister gave were licences that were granted to support someone in a project. You see, national

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Interest, to me, is sort of a big thing, a heavy thing and I am wondering if, for example, a regional corporation is fixing a road, is it the owner of a project? Is it the person in charge of the project?

What I have in mind is whether we should not say “the Minister may in the”—well, I prefer “public interest” but it does not matter—whatever interest, “grant licences to the owner of a project for mining”.

In other words, I am trying to do it...in all of the examples that the Minister gave, it was not to open a quarry. So I do not know whether we could not find some formula that would say grant licences. What I have been wrestling with is the owner of a project, but then I do not know if a regional corporation owns a road project. If we could think about—I do not know if the Minister may be agreeable—maybe we could defer it.

3.15 p.m.

Sen. Daly: This is much wider; this gives a much wider power than he described the need for.

Sen. Gangar: Do you want to defer it until later on in the proceedings?

Sen. Daly: If you do not mind; if your people could think of something more descriptive.

Sen. Gangar: No problem.

Mr. Chairman: We defer clause 17 for the time being.

Clause 17 by leave deferred.

Clause 18 ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 19 be amended as follows:

Insert after the word “may” the words “subject to subsection (2)”.

Mr. Chairman: Any comments?

Question put and agreed to.

Clause 19, with amendment, ordered to stand part of the Bill.

Clause 20.

Question proposed, That clause 20 stand part of the Bill.

Mr. Chairman: There are proposed amendments by Sen. Prof. Kenny and by the Minister.

Sen. Gangar: Mr. Chairman, I beg to move that clause 20 be amended as follows:

- A. Renumber the clause as subclause (1)
- B. In the renumbered subclause (1)—
 - (a) insert after the word “shall” the words “upon the advice of the Committee”;
 - (b) delete the words “in his opinion”;
 - (c) insert after the word “account” the words “but not limited to the following;”.
 - (d) insert the word “and” at the end of paragraph (h).
 - (e) delete the word “and” at the end of paragraph (i); and.
 - (f) delete paragraph (j).
- C. Insert the following as subclause (2):
 - “(2) Where the Minister refuses to issue a licence he shall give the applicant the reasons for the refusal in writing.”

Mr. Chairman: Sen. Prof. Kenny’s amendment is as follows:

“20(j) Delete the words ‘against the public interest’ and substitute with the words ‘contrary to the National Environmental Policy’.”

Sen. Prof. Spence: I do not know if I myself would prefer to have both rather than substituting “against the public interest contrary to National Environmental Policy”. Is it possible to include both rather than delete? I would like to keep “public interest”.

Sen. Gangar: I mentioned to Sen. Prof. Kenny that the words “National Environmental Policy” is far too restrictive.

Sen. Prof. Spence: Could we have both?

Sen. Gangar: I have no objection to having both of them.

Sen. Prof. Spence: Could we put “against the public interest and/or contrary to”? Is it good legalese to say and/or?

Sen. Gangar: My amendment was to delete (j), because people were objecting to the wide powers of the Minister:

“any other factors which in the opinion of the Minister would be against the public interest”.

We have no objection to reinstating the clause how you want it:

"any other factors which in the opinion of the Minister would be against the public interest and the National Environmental Policy."

Sen. Prof. Spence: Where is your deletion of subclause (j)? I do not see that—

Sen. Gangar: It is in my amendments.

Sen. Prof. Spence: Is that in your new list of amendments?

Sen. Gangar: No, it is in the one that was circulated this morning?

Mr. Chairman: It is (f) of the Minister's proposals. [*Crosstalk*]

Sen. Prof. Spence: Clause 20?

Mr. Chairman: It is clause 20B(f).

Sen. Prof. Spence: I do not think it needs to be deleted if we qualify it in that way, but it is really up to you. [*Crosstalk*] I do not think that we need to delete it if we qualify in the way we were just discussing, but if you think it should be deleted—I have no strong views—

Sen. Gangar: Okay, let us delete it as it is.

Mr. Chairman: So you will withdraw your amendment?

Sen. Prof. Spence: Can I just have a minute to look at (j) again? I really think it is good to keep it, Mr. Chairman. My preference would be to keep (j) and to add after “public interest”, “and/or contrary to the National Environmental Policy”. I think this would strengthen the legislation. Mr. Minister, through you, Mr. Chairman, I would like to keep (j) and modify it as we have just discussed, that is, to add after “public interest”, “and/or...National Environmental Policy”.

Sen. Gangar: Prof. Spence I have no objection to that. [*Crosstalk*]

Mr. Chairman: Mr. Minister, you are deleting your (f) and we are going with Sen. Prof. Kenny's proposed amendment?

Sen. Gangar: Yes.

Sen. Prof. Spence: Sen. Prof. Kenny's proposal is modified by me.

Mr. Chairman: Yes, I have the new wording. Let us deal with Sen. Prof. Kenny's amendment first.

Hon. Members, the question is that clause 20 be amended at (j) as follows:

Add after "public interest" "and/or national environmental policy".

Question put and agreed to.

Mr. Chairman: Let us move on to the balance of Sen. Gangar's proposal.

Sen. Gangar: Mr. Chairman, we are proposing that our first amendment is to renumber the original clause as subclause (1). Then in the renumbered subclause (1) we want to insert after "shall" the words "upon the advice of the committee".

We also want to remove in the second line "in his opinion" and also insert the words "but not limited to the following" after "taking into account". Also, under paragraph (h) we want to add the word "and" after the semicolon and delete the word "and" at the end of paragraph (i). No, we have to put it back. We have to leave that "and" at the end of paragraph (i). We have to leave the semicolon and the word "and".

Mr. Chairman: So you will delete (e)?

Sen. Gangar: Yes.

Mr. Chairman: You are withdrawing (e).

Sen. Gangar: Yes, we are withdrawing (e) and (f).

Mr. Chairman, we also want to add a new subclause (2) and that is:

"Where the Minister refuses to issue a licence he shall give the applicant the reasons for the refusal in writing."

Mr. Chairman: Any other contributions?

Sen. Yuille-Williams: Mr. Minister, do you think that will satisfy my question?

Sen. Gangar: Again, we have had extensive discussions about your problem Sen. Yuille-Williams. We have spoken to Sen. Daly and the Chief Parliamentary Counsel, and we do not know what else to put, because we thought about including the sentence that an applicant has a right to seek judicial review, but that is a constitutional right so we do not see any need to put it inside there. We do not know what other appeal we can put in place.

Sen. Daly, do you have any contribution to make on this, if an applicant is refused a licence?

Sen. Daly: Not unless you set up a whole appeal structure. Once you have the reasons you can challenge it elsewhere.

Sen. Gangar: That is what we discussed.

Sen. Daly: Otherwise you would have to set up a whole appeal structure. No, I do not have a useful contribution for you.

Mr. Chairman: Hon. Members, there is a proposed amendment by the Minister that subclause (1)(e) and (f) be withdrawn.

Amendment withdrawn.

Sen. Prof. Spence: Excuse me, Mr. Chairman, but you said as circulated by the Minister, does that include the suggestion that we had made?

Mr. Chairman: Yes, I did yours already.

Sen. Prof. Spence: You did that first?

Mr. Chairman: Yes.

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 21 be amended as follows:

Insert the following after subclause (2):

“(3) Every licence issued under this section shall be published in the Gazette and the daily newspaper.”

Mr. Chairman: Any contributions?

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22.

Question proposed, That clause 22 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 22 be amended as follows:

- A. In paragraph (d) insert after the word “relates” the words “and to every adjacent land that may be affected by the mining”;
- B. In paragraph (g) delete the words “Director the fees,” and substitute the words “Permanent Secretary to the Ministry of Energy and Energy Industries the fees, royalties,”.
- C. In paragraph (i) delete the words “and kept” and substitute the words “as required by section 11(h).”

This is the extent of our amendments.

Mr. Chairman: Any contributions?

Question put and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 24 be amended as follows:

Insert the following new subclause after subclause (2):

“(3) Where the Minister refuses an application for renewal of a licence he shall inform the applicant of the reasons for refusal in writing.”

3.30 p.m.

Mr. Chairman: Are there any contributions? We are at clause 24.

Sen. Dr. Mc Kenzie: We passed clause 22 as though there were no amendments there and went to clause 23 and clause 24. I know we are at clause 24 now.

Mr. Chairman: Do you want to revert to clause 22?

Sen. Dr. Mc Kenzie: No, Mr. Chairman, I do not want to revert to anything, I am saying that an amendment was circulated for clause 22 on the list of amendments and when we got to clause 22, it was as though there were no amendments.

Mr. Chairman: We dealt with clause 22.

Sen. Dr. Mc Kenzie: I heard clause 23.

Mr. Chairman: We dealt with clauses 22 and 23, we are now at clause 24.

Are there any contributions on the proposed amendment?

Sen. Dr. Mc Kenzie: No, Mr. Chairman.

Question put and agreed to.

Clauses 24, as amended, ordered to stand part of the Bill

Clause 25.

Question proposed, That clause 25 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 25 be amended as follows:

Re-number subclauses (2) and (3) as subclauses (3) and (4) and insert after subclause (1) the following:

“(2) The amount of the bond referred to in subsection (1) shall be determined having regard to the potential environmental impact that is likely to be caused by the mining operation for which the licence is issued.”

Question put and agreed to.

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Sen. Prof. Spence: Mr. Chairman, there seems to be a typographical error—the word “shall” appears twice. I suggest that one “shall”, be deleted. The word “shall” occurs both before and after the phrase between commas. One is superfluous.

Sen. Gangar: Mr. Chairman, I beg to move that clause 26 be amended to read as follows:

“26(1) Every person to whom the Minister has decided to issue a licence shall, before the issue of such licence, deposit with the Director a bond in form of a Performance bond which shall be held as security, for the

non-payment of royalties and other dues arising out of any breach of the terms and conditions of the licence, the Act or the Regulations, in such amount and form as may be prescribed.”

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

Clause 28.

Question proposed, That clause 28 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 28(1) be amended as follows:

Delete the words “licensee may be transferred for” and substitute the words “licence may be transferred to.”

Question put and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clauses 29 to 32 ordered to stand part of the Bill.

Clause 33.

Question proposed, That clause 33 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 33 be amended as follows:

Delete the words “conduct mining operations” and substitute the word “operations”.

“The holder of a licence shall have the right to enter and conduct operations in any area of land specified in such licence.”

Question put and agreed to.

Clause 33, as amended, ordered to stand part of the Bill.

Clause 34 ordered to stand part of the Bill.

Clause 35.

Question proposed, That clause 35 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 35 be amended as follows:

- A. In subclause (1)(b) delete the words “property to his concession and boundaries” and substitute the words “boundaries to his property”.
- B. In subclause (2):
 - (i) insert after the word “Where” the words “damage is caused to the adjacent land and”;
 - (ii) insert after the words “owner of the” the word “adjacent”.

We are trying to make the operator responsible for damage to the adjacent property.

Question put and agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clause 36 ordered to stand part of the Bill.

Clause 37.

Question proposed, That clause 37 stand part of the Bill.

Sen. Gangar: Mr. Chairman, I beg to move that clause 37 be amended as follows:

Delete this clause and renumber subsequent clauses.

Sen. Prof. Spence: Mr. Chairman, what happens to the—

Sen. Gangar: To answer to the Senator’s question. It was felt by the draftspersons that the Constitution of Trinidad and Tobago already gives the President of the Republic emergency powers and to put this here may not only be superfluous, but may add to the confusion which could result from it.

Sen. Prof. Spence: So the new clause 37 that has been proposed in this recently circulated document, is that in Part V or Part VI?

Mr. Chairman: It is clause 38 in the Bill.

Sen. Prof. Spence: It says clause 37.

Sen. Gangar: It is a renumbered clause 37.

Question put and agreed to.

Sen. Gangar: Mr. Chairman, we have looked at the Children Act which seeks to define a young person between 14 and 16 years and decided to do a complete reworking of this clause to avoid any ambiguity and confusion which may arise with other pieces of legislation. Having done that, we are removing the word “young” from this entire clause and making it very unambiguous that no one under 16 years would be allowed to work in a mine, and between 16 years and 18 years, certain conditions apply. That is the intent of this clause.

Mr. Chairman, I beg to move that clause 37 renumbered clause 38 be amended as follows:

37(1) Delete the words “young” and “underground” in this clause.

It now reads:

“37(1) No person shall work or be engaged or permitted to work in a mine except as hereinafter provided.”

37(2) Delete the word “young” and the word “underground” and substitute the words “in a mine”.

It now reads:

“37(2) No person who has not completed the age of sixteen years shall work or be engaged or permitted to work in a mine.”

37(3) A. Delete the word “young” wherever it appears.

B. Insert the words “under the age of eighteen years” after the words “sixteen years” and “sixteen years of age”.

37(4) Delete the word “young” and insert the words “under eighteen years of age” after the words “sixteen years”.

37(5) Delete the word “young” and insert the words “under eighteen years of age” after the words “sixteen years”.

37(6) Delete the word “young” and insert the words “and under eighteen years of age” after the words “sixteen years”.

37(7) Delete the words “any young person over the age of sixteen years” and substitute the words “any person”.

37(8) Delete the words “any young person over the age of sixteen years” and substitute the words “any person”.

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We have cleaned up this entire clause, removed all ambiguity and focus on what we want to say. I repeat, no one under 16 years would be allowed to work in a mine and if you are between 16 and 18 years which is a threshold age for certain industries, we are putting certain qualifications on it.

Question put and agreed to.

Clause 37, (renumbered clause 38) as amended, ordered to stand part of the Bill.

3.45 p.m.

Renumbered clause 38.

Question proposed, That renumbered clause 38 stand part of the Bill.

Mr. Chairman: There is a proposed amendment by the Minister.

Sen. Gangar: Mr. Chairman, again we are continuing the consistency in subclauses (1), (2) and (3) we are going to delete the word “young” and insert the words “under eighteen years of age” after the words “sixteen years”.

Question put and agreed to.

Renumbered clause 38, as amended, ordered to stand part of the Bill.

Renumbered clauses 39 to 41 ordered to stand part of the Bill.

Renumbered clause 42.

Question proposed, That renumbered clause 42 stand part of the Bill.

Mr. Chairman: There is a proposed amendment by the Minister.

Sen. Gangar: Mr. Chairman, again since there are no longer any references to “young person” we propose the deletion of that definition.

Question put and agreed to.

Renumbered clause 42, as amended, ordered to stand part of the Bill.

Renumbered clause 43.

Question proposed, That renumbered clause 43 stand part of the Bill.

Mr. Chairman: There is a proposed amendment by Sen. Prof. Kenny.

Sen. Prof. Spence: Mr. Chairman, Prof. Kenny wants to introduce the environmental clearance certificate from the EMA Act and also that the committee be empowered to request additional sites so that they can process specific information they may require in determining the application for a licence.

Sen. Gangar: Mr. Chairman, this was discussed between Sen. Prof. Kenny and myself. He agreed to leave 44(1) as it is and I agreed to put in a 44 (2), which really is his (2), there. So that is we are adding a new subclause:

“The committee may request additional site specific and process specific information as it may require in determining the application for a licence.”

We have a new subclause (2) there.

Mr. Chairman: Where do you have that?

Sen. Gangar: Clause 43.

Mr. Chairman: We do not have that.

Sen. Gangar: The amendment by Sen. Prof. Kenny.

Mr. Chairman: Oh, you are treating with that amendment?

Sen. Gangar: Yes. Mr. Chairman, what was agreed was to leave 44(1) as is.

Mr. Chairman: Sen. Prof. Spence, will your (1) be withdrawn as a result?

Sen. Prof. Spence: Yes, but (2) the Minister is accepting.

Sen. Gangar: Yes, his (2), a new (2).

Mr. Chairman: Sen. Kenny’s 43(1) is withdrawn. What happens now?

Sen. Prof. Spence: A new subclause (2).

Mr. Chairman: Yes, but there is an existing subclause (2).

Sen. Gangar: Yes, we will renumber that as subclause (3).

Sen. Prof. Spence: The new subclause (2) would read:

“The committee may request additional site specific and process specific information as it may require in determining the application for a licence.”

Mr. Chairman: We shall renumber any subsequent subclauses. I shall now put the question.

Sen. Gangar: Mr. Chairman, just before we do that, we have a little omission in Sen. Prof. Kenny’s amendment.

“The committee may request additional site specific information...”

Sen. Prof. Spence: “And process such information”.

Sen. Dr. St. Cyr: No, I think that changes the sense of it. What it is saying here is, “The committee may request additional site specific and process specific information...” so—*[Interruption]*

Sen. Mark: You think so?

Sen. Dr. St. Cyr: Yes, it is both “site specific and process specific information”.

Sen. Mark: So we stet? Is it stet?

Mr. Chairman: No, we do not go back. We do not make any change so that is why it is stet.

Question put and agreed to.

Renumbered clause 43, as amended, ordered to stand part of the Bill.

Renumbered clauses 44 to 47 ordered to stand part of the Bill.

Renumbered clause 48.

Question proposed, That renumbered clause 48 stand part of the Bill.

Mr. Chairman: There is a proposed amendment.

Sen. Prof. Spence: Mr. President, there is an amendment from Sen. Prof. Kenny, that the regulations come for affirmative resolution of Parliament.

Mr. Chairman: The proposed amendment by Sen. Prof. Kenny is to insert the words, “for affirmative resolution of Parliament” after the word “regulations” in line one.

Sen. Gangar: Mr. Chairman, we do not see the need for such an amendment. We are open to hear the comments of the Senators from both the Opposition and Independents.

Sen. Prof. Spence: Would the hon. Minister accept “negative resolution” so at least Parliament is made aware of it?

Sen. Gangar: I will accept “negative resolution” but not “affirmative resolution”.

Sen. Prof. Spence: Having silenced Sen. Mark by putting him on that side, we can now proceed.

Mr. Chairman: Hon. Senators, renumbered clause 48 is to be amended as follows:

Insert the words “for negative resolution of Parliament” after the word “regulations” in line one.

Question put and agreed to.

Renumbered clause 48, as amended, ordered to stand part of the Bill.

Renumbered clauses 49 and 50 ordered to stand part of the Bill.

Clause 3 reintroduced.

Mr. Chairman: I think this deals with the definition of hydrocarbons.

Sen. Gangar: “Hydrocarbons means a naturally occurring organic chemical compound of hydrogen and carbon called petroleum”.

Sen. Rev. Teelucksingh: Does that include asphalt?

Sen. Gangar: This Bill here specifically includes asphalt. In this Bill, under the definition of minerals it specifically includes asphalt.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 17 reintroduced.

Mr. Chairman: We go back to clause 17.

Sen. Daly: Mr. Chairman, I am wondering, I have made a suggestion that may be more descriptive of what the Minister said. Obviously nothing has been forthcoming. I do not have the capability to draft what the Minister said, which is like giving a corporation or a—*[Interruption]*

Sen. Gangar: If the Senator could tell us what he is specifically asking for—information, he said?

Sen. Daly: Yes.

Sen. Gangar: Would a report to Parliament on such—*[Interruption]*

Sen. Daly: Yes. That is what Sen. Prof. Spence is nudging me—*[Interruption]*

Sen. Gangar: Would a report on a quarterly basis to Parliament—*[Interruption]*

Sen. Daly: Wonderful.

Sen. Prof. Spence: That is what I am suggesting.

Sen. Daly: Great, wonderful! Can we make him A.G., Sir?

Mr. Chairman: Let us see where you are getting that, Mr. Minister, what part of clause 17.

4.00 p.m.

Mr. Gangar: Based on what the Independents are willing to accept, Mr. Chairman, I am willing to add the following words:

“At the advice of the committee, in such circumstances, shall be in writing and should be laid in Parliament on a quarterly basis”.

Mr. President: Where would that be?

Mr. Gangar: A new subsection (3).

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, in moving to have this honourable Senate adjourned, may I remind fellow Senators that next week is Private Members' Business and we shall be focusing on Motion No. 1, trying to complete that Motion, and proceeding also to Motion No. 2. The first Motion is in the name of Sen. Prof. Ken Ramchand and the second in the name of Sen. Prof. John Spence.

Mr. President, I beg to move that the Senate do now adjourn to Tuesday, August 22, 2000 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.06 p.m.