SENATE

Tuesday, July 15, 2003

The Senate met at 1.30 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Mary King from today's sitting of the Senate.

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency, the President:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. BASHARAT ALI

WHEREAS Senator Mary K. King is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BASHARAT ALI, to be temporarily a member of the Senate, with effect from 14th July, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Mary K. King.

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 11th day of July, 2003."

OATH OF ALLEIGANCE

Senator Basharat Ali took and subscribed the Oath of Allegiance as required by law.

CUSTOMS (AMENDMENT AND VALIDATION) BILL

Bill to amend the Customs Act, Chap. 78:01 and to validate things done thereunder [*The Minister in the Ministry of Finance*]; read the first time.

PETITION

Infringement of Constitutional Rights (Kenneth Suratt and Others)

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Vice-President, I wish to present a Petition on behalf of the Chief State Solicitor.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Annual Administrative Report of the Diego Martin Regional Corporation for the financial year 2000/2001. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Point Fortin Corporation Administrative Report for the financial year October 2001 to September 2002. [*Sen. The Hon. C. Enill*]
3. Port of Spain Corporation Administrative Report for the year ended December 31, 2002. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS

Water and Sewerage Authority (Overpayments)

34. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

Could the Minister indicate to this House:

(i) What steps/measures are being taken, if any, to recover the sums of money which were overpaid to the Chief Executive Officer, General Managers and Deputy General Managers of WASA between the period March 2002 to January 2003?

(ii) Whether the Minister intends to take any action against the Board of Commissioners of WASA for illegally and unilaterally increasing the salaries, allowances and other perquisites to the Chief Executive Officer, several Managers and Deputy General Managers of WASA during the period March 2002 to January 2003?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Vice-President, as I had indicated to this honourable Senate on June 17, 2003, this matter had been submitted for the consideration of Cabinet and a decision was deferred pending the legal opinion of the Office of the Attorney General. The Attorney General has advised that the Chief Executive Officer and other managers of the Water and Sewerage Authority (WASA) were entitled to be paid reasonable remuneration on a quantum merit basis for services rendered to the Authority during the period March 2002 to January 2003.

On the other hand, the Authority has the right to recover any sums paid in excess of a quantum merit remuneration if this is found to be applicable. Accordingly, the value of the services rendered is being assessed by the WASA board and a decision is expected on this matter shortly.

Sen. Mark: Mr. Vice-President, the hon. Senator has not answered part (ii) of the question.

Sen. The Hon. R. Dumas: Mr. Vice-President, the answer to both parts of the question is contained in what was said.

Sen. Mark: Mr. Vice-President, the question asked specifically was whether the Minister intends to take any action against the Board of Commissioners who sanctioned this increase, which was illegal, and it was done unilaterally. We would like to hear the hon. Senator's response to that.

Sen. The Hon. R. Dumas: Mr. Vice-President, the question carries an assumption that is not necessarily borne out. He is making some assumptions here.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate to this honorable Senate whether the salary increases that were granted to the Chief Executive Officer and other General Managers of WASA were done in accordance with the law and the WASA Act?

Sen. The Hon. R. Dumas: Mr. Vice-President, that is a question that would require a judgment which, if he asks that question I will be quite happy to answer him at another time.

Sen. Mark: Mr. Vice-President, this is what I asked here and he is saying that he has answered. I have just sought to put it in a different form, but he has not answered question No. 34(ii), and I am seeking to get an answer from him.

Mr. Vice-President: Hon. Senator, as you are fully aware, the Chair cannot dictate to the Minister exactly how he ought to answer the question.

Sen. Mark: Mr. Vice-President, through you, seeing that you cannot force the hon. Minister of Public Utilities and the Environment to answer question No. 34(ii), can I just ask him if he is prepared to answer question No. 34(ii)?

Mr. Vice-President: Sen. Mark, that is, in fact, asking the Chair to force the Minister into the same position I just explained should not happen.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate whether the Attorney General's opinion on this matter could be made available to the Senate?

Sen. The Hon. R. Dumas: Mr. Vice-President, I would suggest that the communication between the Attorney General and the Cabinet of Trinidad and Tobago and the use of that communication is a matter to be determined by the Cabinet of Trinidad and Tobago and not by this humble Senator.

Water Rates
(Increase of)

66. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

A. Could the Minister state whether it is the intention of this Government to increase the level of water rates to residential, commercial and or industrial users in the immediate future?

B. If the answer is in the affirmative, could he inform this Senate what measures/steps have been taken to reduce the level of water wastage due to underground leaks and illegal connections?

C. Could the Minister give details about the total sum of money outstanding in the arrears of water rates for both residential and commercial/industrial users?

D. Could the Minister state what steps are being taken by the authorities to collect such outstanding sums?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Vice-President, the Regulated Industries Commission is the

agency charged with responsibility for approving water rate increases on the receipt of an application for such increase from the Water and Sewerage Authority. The Water and Sewerage Authority has made no such application to the Regulated Industries Commission. The Government has taken no decision to seek an increase in water rates.

The reduction of water wastage due to underground leaks and illegal connections is not contingent on a rate increase. It is part of WASA's strategy to improve its efficiency and effectiveness in the delivery of water services to its customers. The Water and Sewerage Authority has been pursuing a number of initiatives to reduce the level of leakage as follows:

- Under its capital investment programmes WASA has been replacing leaking pipelines. A total of 95.6 kilometres of pipeline was installed under the National Social Development Programme (NSDP) and the Public Sector Investment Programme (PSIP) over the period 2002 to 2003.
- The Water and Sewerage Authority is continuing its proactive leakage control through the establishment of district-metered areas. This facilitates the management of water delivery within district areas. To date, 38 such areas have been established.

These initiatives are in keeping with the organization's thrust to better service its customers and are not related to its rate structure.

The total sum of money outstanding in the arrears of water rates and are classified by WASA as at June 2003 are as follows:

	Segment	Receivables ($M)
1.	Residential	271.8
2.	Other (Churches, Farms and Charitable organization)	83.6
3.	Public Sector	79.2
4.	Business	44.6
5.	Abstraction (Wells)	40.3
6	Industrial Estate (Point Lisas)	16.1
7.	Tobago	14.8
	Total	550.4

To collect outstanding sums the Authority's Receivables Control Unit has been mandated with the following main responsibilities:

i. Management of the Authority's Accounts Receivables at commercially accepted levels. That is, a minimum of two (2) billing periods;

ii. The achievement of collection targets set with respect to the total amounts outstanding;

iii. The maintenance of sound customer service practices in the conduct of debt recovery activities.

The main strategy employed for effective management of these accounts and the building of sound customer relationships has been the segmentation of the accounts receivable into the following areas:

- Industrial
- Business
- Public Sector
- Residential
- Tobago
- Other customers

Different approaches have been adopted for each segment given the classification of the customer, the nature of the account; that is the type of billing, customer responsiveness and the ability to pay.

For this reason the Authority's industrial and public sector customers, for example, Government, state enterprises, regional corporations and the Point Lisas Industrial Estate are under the control of officers at the organization's head office, while the business and residential customers are managed on an area basis. This is to allow for greater accountability and control through the capture and closer monitoring of both types of accounts and the provision of a high level of customer service.

The Authority would make a strong effort to recover all unpaid debts owed to it in respect of legitimate billings for water and sewerage and other charges. All accounts, which are above the commercially accepted minimum balance, are therefore targeted for debt recovery action. Debt recovery action includes the set of actions taken by the authority to reduce the indebtedness of its customers and to improve the quality of its cash flows.

Debt recovery action includes:

- Telephone contact
- Debt reminder notices
- Hard/soft letters
- Deferred payment plans
- Disconnection/reconnection
- Sale of property/legal or civil action

In order to build and maintain sound customer relations it is important that the Authority keeps in contact with its customers, particularly with its industrial and business customers. For this reason, accounting officers are required to keep proper documentation of all contacts with the customer and to ensure that customers are contacted prior to disconnection.

Reminder notices are to be sent to all past due accounts. An account is past due fifteen (15) days after the billing date. Currently, the Authority processes two types of reminder notices.

i. Seven (7) days reminder notice which is generally posted to the customer, and
ii. Forty-eight (48) hours reminder notice which is hand delivered to the customer prior to disconnection.

These notices should include information explaining payment options, disconnection policy, et cetera.

The authority offers every customer the opportunity to clear his or her arrears through its deferred payment plans. Agreements are allowed for arrears of $700 and over for residential customers and $1,500 in the case of business customers. All current rates and charges should be paid as they fall due while the payment plan is in effect.

Customers are required to make an initial down payment between 40 per cent and 50 per cent of the outstanding arrears and an equal monthly instalment over four to six months to liquidate the remaining balance. However, where the account has gone into substantial arrears, a more flexible arrangement may be entertained on the recommendations of the Senior Customer Accounting Officers. Where a customer has defaulted, that is, missed two consecutive payments, the account is submitted for disconnection according to section 1.4(ii) of the Agreement Policy.

The Authority also provides flexible payment plans for recipients of public assistance and pensioners. To qualify, the account must be in the name of the pensioner or recipient of public assistance and be approved by the Ministry of Public Utilities and the Environment. Customers are also required to provide proof of his or her status as a pensioner/recipient of public assistance. Generally, customers must make an initial down payment of $200 and monthly payments of $100 and such agreements must be reviewed after 12 months.

In addition, standing order facility for current rates only, via commercial banks can be set up and employees can exercise the option of paying arrears through salary deductions. It is to be noted that pensioner agreement and salary deduction are not applicable to business accounts.

The Authority may disconnect service to a customer either:

(i) At the written request of the customer for disconnection of his/her service, or

(ii) At the initiative of the Authority with or without notice.

Where the customer, who must be the owner of the property, makes a request for disconnection, the disconnection fee of $302.00 must be paid and all outstanding rates to the account must be liquidated. [*Interruption*]

Sen. R. Montano: What has this got to do with the question?

Sen. The Hon. R. Dumas: Mr. Vice-President, the Authority must provide proper notice to customers before a service is disconnected in instances where:

(i) there is a failure on the part of a customer to pay arrears on an account;

(ii) there is a failure to comply with the terms and conditions of a Deferred Payment Plan, where the customer has entered into such an agreement;

(iii) there is a violation by the customer of the Authority's rules pertaining to the use of the water and/or sewerage services provided;

(iv) the use of the service is in a manner that interferes with the quality of service to others.

Disconnection with notice is the first punitive act against a customer for non-payment of arrears and is taken only after all supportive actions have been pursued in recovery of the debt. With effect from November 1997, all disconnections carried out by the Authority are done via a disconnection device; that is a curb valve. This initiative was undertaken because it was found to be more cost effective in terms of manpower and time.

Prior to the installation of devices, all accounts targeted are verified. That is, the officer locates and identifies property; a sketch is made of its location in relation to other buildings; a description type and colour of building is taken and the account classification is verified. The officer also indicates whether there is a water service connection to the property and where the line is located. After verification of property, accounts still found to be in arrears and for which there are no existing queries are submitted for installation of disconnection devices.

A daily listing is generated for all jobs or installation requests completed. Status checks are made for payment plans, et cetera. Accounts for which there is no response are targeted for disconnection. Notification of disconnection in the form of seven days reminder notice—whether hand delivered or posted—is followed by 48 hours reminder notice, which must be sent to customers prior to actual disconnection of service, except in cases where the customer has defaulted on his/her agreement.

Upon expiration of the 48 hours given in the 48 hours reminder notice, the disconnection order listing is prepared and passed to officers together with a copy of verification sketches. This is to assist in easy location and identification of properties. Some people continue to fail.

2.00 p.m.

Reconnection of properties: where the customer has paid the $500 reconnection fee, it is usually effected within 48 hours after disconnection. However, in the event that a property is disconnected in error, every effort is made to have the supply restored within 24 hours of discovery of such error. Properties which remain disconnected in excess of three months are submitted for sale of property action.

Sen. R. Montano: This is rubbish. He is not answering a thing.

Mr. Vice-President: Hon. Senators, could we please let order be maintained in the Senate? Allow the Minister to finish. I take it that you are nearly finished, Mr. Minister?

Sen. The Hon. R. Dumas: You are quite correct, Sir.

Mr. Vice-President: Please allow the Minister to finish his response?

Sen. R. Montano: Would the Minister answer the question? That is the point.

Sen. The Hon. R. Dumas: Sale of property: the sale of a customer's property is the very last and most reluctant step taken by the Authority to recover a debt

due for rates and charges. This action is taken only after a disconnected customer fails to respond to the Authority's request for payment over a prolonged period of time.

Thank you, Mr. Vice-President. [*Desk thumping*]

Underground Leak
(Smart Place Belmont Circular Road)

67. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

Could the Minister state what steps are being taken to repair an underground leak opposite Smart Place on the Belmont Circular Road which has been in existence in excess of one year thereby wasting if not hundreds but thousands of gallons of water on a daily basis?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Vice-President—[*Interruption*]

Mr. Vice-President: Mr. Minister, please.

Sen. The Hon. R. Dumas: [*Desk thumping*] The Water and Sewerage Authority, Mr. Vice-President, has advised that the leak identified opposite Smart Place on Belmont Circular Road has been repaired and that the water main will be replaced by the end of the week ending July 19, 2003.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate when this particular leak was plugged by WASA?

Sen. The Hon. R. Dumas: Mr. Vice-President, WASA employs people at different levels of its system to be able to answer such a question. What I am able to tell the Senate today is that that leak has been repaired. Further, the main which has been leaking for seven years, six of them under the period of the last administration, will be replaced by the end of the week ending July 19, 2003.

Inter-American Development Bank
(Housing Loan Agreement)

114. Sen. Sadiq Baksh asked the hon. Minister of Housing:

A. Could the Minister inform this House about the date on which the Government signed the Housing Loan Agreement with the Inter-American Development Bank (IADB)?

B. Could the Minister state the amount of money received through the loan agreement?

C. Could the Minister provide a record of the drawdown of IADB funds to date?

D. Could the Minister inform this Senate as to how much standby fees and/or interest have been incurred so far?

The Minister of Housing (Sen. The Hon. Martin Joseph): [*Desk thumping*] Mr. Vice-President, in response to 114A, the Government of Trinidad and Tobago signed a housing loan agreement with the Inter-American Development Bank (IADB) on June 21, 2002.

In response to part B, the loan agreement provides for the sum of US $32 million to be made available to the Government of Trinidad and Tobago by the Inter-American Development Bank.

To date, although expenditure has been incurred through the loan programme, no drawdown has been made on IADB funds. However, all conditions precedent to the first disbursement have been met and preparation of documentation for the first drawdown based on retroactive financing is in progress.

In response to part D, there is no fee under the IADB loan officially called the stand by fee. The fees applicable to the IADB loan are the credit fee and interest. The credit fee is paid on the undisbursed balance of the loan and begins to accrue 60 days after the date of the contract. Interest becomes applicable only after the first drawdown on the loan is made.

In light of the answer to part C of the question, no interest has accrued. However, to date a total of US $196,602.74 has been incurred in credit fees.

State Land Policy

115. Sen. Dr. Jennifer Kernahan asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the hon. Minister indicate to the Senate:

(i) Whether there is a state land policy for Trinidad and Tobago?

(ii) If the answer to (i) is in the affirmative, could the Minister state what is the current status of the state land policy?

(iii) Could the Minister further state whether, if at all, this policy will be brought to the Senate for debate?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): It is a lovely day, Mr. Vice-President, very lovely day. [*Desk thumping*]

Mr. Vice-President, there is a state land policy for Trinidad and Tobago known as the Administration and Distribution Policy for Land. This policy was approved by Cabinet on November 19, 1992 and laid in the Parliament at that time. The policy was endorsed by the Cabinet of the United National Congress government on July 10, 1997. This policy continues to be in effect.

Sen. Dr. Kernahan: Mr. Vice-President, part (iii) of the question.

Hon. J. Rahael: I said, Mr. Vice-President, that it was laid in the Parliament in 1992, but, we are so magnanimous on this side, I have brought you a copy of the policy so that you can have one, but it is laid in the Parliament as I indicated.

State Owned Agricultural Land
(Development of)

116. Sen. Dr. Jennifer Kernahan asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister explain the basis on which Government envisages the development of state owned agricultural land?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): Mr. Vice-President, the development of state-owned lands for agriculture is based on its overall suitability for agricultural production and an assessment of the competing uses for the land.

Sen. Dr. Kernahan: Through you, Mr. Vice-President, can the Minister indicate what land use and land capability studies have been used as a basis for the development of state agricultural lands?

Hon. J. Rahael: Mr. Vice-President, we just indicated that a land policy was in effect since 1992.

Sen. Dr. Kernahan: Mr. Vice-President, there is a state land policy, and what I would like the Minister to furnish this Senate with is the land use and land capability studies that were used to base this policy on.

Hon. J. Rahael: Yes, Mr. Vice-President.

Sen. Dr. Kernahan: Mr. Vice-President, can we get a commitment from the Minister to furnish this information to the Senate?

Hon. J. Rahael: Mr. Vice-President, any question that is posed to me, this Minister will be very pleased to respond to it.

Sen. Dr. Kernahan: Mr. Vice-President, I asked the Minister when would he furnish this honourable Senate with the land capability and land use studies that would then be used to develop—

Hon. J. Rahael: This is it here, Mr. Vice-President. How many times do I have to say it?

Sen. Dr. Kernahan: That is a state land policy, Mr. Vice-President.

Hon. J. Rahael: Well, this is the policy with respect to land in Trinidad and Tobago.

Agricultural Producers
(Status of)

117. Sen. Dr. Jennifer Kernahan asked the hon. Minister of Agriculture, Land and Marine Resources:

> Could the Minister indicate the status of agricultural producers and production with respect to the sanitary and phytosanitary requirements for agricultural exports from Trinidad and Tobago?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): Thank you again, Mr. Vice-President. In response to question 117, agricultural producers are being educated on international development and in sanitary and phytosanitary requirements for food products. Sanitary and phytosanitary measures form an important component of the new regional and international trade agreements, for example FTAA and the WTO.

Producers and other persons involved in the post-harvest chain are being trained in such issues as food safety, good agricultural practices, good manufacturing practices and Hazard Analysis of Critical Control Points (HACCP). Issues such as feed, sanitation, irrigation, water quality, cultural practices especially the use of pesticides, personal hygiene, harvesting techniques, post-harvesting handling, storage, transport, packaging and so on, are some areas covered in the training programmes undertaken by Namdevco and the Ministry's farmers training centre at Centeno.

[HON. J. RAHAEL]

Trinidad and Tobago exports fresh agricultural produce to the Caribbean and North America. There have been no rejections of our exports in the recent past from any country for reasons of not being able to meet the SPS requirements. Thank you. [*Desk thumping*]

Natural Gas Reserve

123. Sen. Carolyn Seepersad-Bachan asked the hon. Minister of Energy and Energy Industries:

A. What is the current proven natural gas reserve in Trinidad and Tobago?

B. What has been the increase in the current proven natural gas reserve since January 2001 to present?

C. What is the projected daily consumption for natural gas for Atlantic LNG Train 4?

D. What is the current R/P ratio for natural gas?

E. What will be the projected R/P ratio assuming Atlantic LNG Train 4 comes on stream?

F. What is the minimum R/P which financing institutions will consider for projects?

The Minister of Energy and Energy Industries (Hon. Eric Williams): I propose the following reply to this question.

The proven natural gas reserves of Trinidad and Tobago as of January 01, 2003 were estimated by international petroleum consultants Ryder Scott Company of Houston, Texas, to be 20.758 trillion cubic feet. The probable and possible undiscounted reserves were estimated at 8.28 and 6.062 trillion cubic feet respectively.

For the benefit of hon. Senators, I wish to explain the difference between proven, probable and possible reserves, and this is from the Society of Petroleum Engineers. Their definitions of these reserves are as follows. Proven reserves—those are reserves that are estimated with reasonable certainty to be recoverable under current economic conditions, that is the price and cost prevailing at the time of the estimate.

Probable reserves—these are less certain than proved reserves and it is estimated with a degree of certainty sufficient to indicate that they are more likely to be recovered than not.

Possible reserves—less certain than probable, estimated with a low degree of certainty insufficient to indicate whether they are more likely to be recovered than not, but, of course, just to ad-lib, there is a degree of belief that the reserves are in fact there. These are classified then into three categories.

If we look at only proven reserves, the industry jargon is 1P—one proven. If we look then at both proven and probable, you are looking at 2P and then proven, probable and possible are 3P. So sometimes reserves are referred to—when one says proven reserves, sometimes people get confused as to whether it is one of those three. In this case we take it to mean 1P but I just want to alert Senators that when projects are analyzed, 1P, 2P and 3P reserves are considered in the mix.

Mr. Vice-President, I will lodge a graph which depicts how the 3P reserves have changed over time as we have conducted exploration programmes and also as plans have come on. Indeed, there is a phenomenon known as a demand pull because, as you desire to get into more industries, you explore more for the raw material and of course one feeds on the other.

Question B: what has been the increase in the current proven natural gas reserves since January 2001 to present? The increase in the proven natural gas reserves—and I take it to be 1P—Trinidad and Tobago since January 2001 was approximately 1.058 trillion cubic feet, taking into consideration natural gas produced during the same two-year period. Just for reference of the honourable Senate, the 3P reserves for the country in 2001 were 34.1 trillion cubic feet; in 2002, they were 34.3 trillion cubic feet and this year January 2003—35.1 trillion cubic feet.

Question C: what is the projected daily consumption for natural gas for Atlantic LNG Train 4? The projected daily consumption of natural gas by Atlantic LNG Train 4 is expected to be 8 million standard cubic feet per day.

Question D: what is the current reserves to production ratio for natural gas? The current reserves to production ratio for natural gas is approximately 21 years. This is only possible, though, if we discover no more gas and, Mr. Vice-President, that is highly unlikely. At present the Government is in the process of offering seven offshore blocks for bids and awards are likely later this year.

In 1986, and just to give a little history, the Government contracted the independent consultants Ryder Scott again to conduct a gas reserve study of Trinidad and Tobago. In that year, the study estimated proven reserves at 10.3 trillion cubic feet. This led to the decision being taken by the Government for the expansion of the Point Lisas industries. In 1990 there were four ammonia plants

and one methanol plant together with one iron and steel plant—today Ispatt, then Iscott—which made up the major downstream industries. By that year the proven reserves decreased to 8.4 trillion cubic feet. The proven reserves increased to 12.34 trillion cubic feet by 1997 as a result of an active exploration programme undertaken by bpTT, then Amoco, which resulted in the building of another ammonia plant, two methanol plants and was part of the reason also of us going into LNG Train 1.

As the ammonia and methanol industries increased between 1997 and 1999, the reserves increased from 12.34 trillion cubic feet to 21.3 trillion cubic feet. There was an increased thrust for gas in an increasing domestic market and for export via the Atlantic LNG Train 1 as I alluded to before. This thrust began by Government offering 13 blocks to companies under production sharing contracts from 1996 to 2000. This again resulted in companies being committed to drill approximately 26 exploration wells over a nine-year period. It is to be noted that over the last 15 years approximately 42 exploration gas discoveries have been made.

By 2001, the Government again contracted Ryder Scott to update the country's reserves. The consultant estimated the reserves as at January 01, 2001 at 19.7 trillion cubic feet. This is the proved reserves, 1P. With the expansion of the LNG Trains, the proven gas has increased to 20.758 trillion cubic feet in 2003 as earlier stated and the Government is presently offering the seven blocks I alluded to and companies will be expected to bid for these blocks in October this year.

Question E: what would be the projected reserves to production ratio assuming Atlantic LNG Train 4 comes on stream? The projected reserves to production—this is again for 1P—for natural gas, assuming Atlantic LNG Train 4 comes on stream in 2006 with no additional increase in proven reserves, would be approximately 16 years. When one considers that at the time of the Train 1 decision in June 1996, if the volume of gas for Train 1 was included, the reserves to production ratio was 24 years, at 2002 with the addition of the CNC Ammonia Plant Atlantic LNG Train 2, the reserves to production ratio was 27 years. At 2003 with the addition of the Titan Methanol Plant and Atlantic LNG Train 3, the reserves to production ratio would be 23 years. It therefore shows that, as more gas discoveries are made, the reserves to production ratio will change.

Finally: what is the minimum reserves to production ratio which financing institutions will consider for projects? This is not available, Mr. Vice-President, because different institutions have different criteria and, as I alluded to at the beginning of my answer, sometimes some institutions look at 1P, some look at 2P,

some look at 3P. So the question is not specific. It is in fact a variable. [*Desk thumping*]

Sen. Seepersad-Bachan: Thank you, Mr. Vice-President. Through you, would the Minister—is the Minister—in terms of part F, what is the minimum RTP required for an aluminium smelter?

Hon. E. Williams: Mr. Vice-President, with all due respect, that would be a different question and I would answer that if I am formally asked.

Sen. Seepersad-Bachan: Mr. Vice-President, through you, is the Minister aware that the minimum is 30 years?

Sen. Yuille-Williams: "If you know, why yuh ask?" You know and you are trying to pretend? [*Crosstalk*]

Sen. Seepersad-Bachan: Mr. Vice-President, from the calculations given—

Mr. Vice-President: Thank you very much. We have expired question time and would like to proceed now, please?

FAMILY PROCEEDINGS BILL

Bill relating to Family Proceedings [*The Attorney General*]; read the first time.

MEDIATION BILL

Bill to provide for mediation in Trinidad and Tobago [*The Attorney General*]; read the first time.

INCOME TAX (AMDT.) (NO. 2) BILL

Order for second reading read.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, I beg to move,

> That a Bill to amend the Income Tax Act, Chap. 75:01, be now read a second time.

Mr. Vice-President, the Bill before this Senate seeks to do two things, one, to increase the tax exemption on severance benefits and, two, to change the institution with which apprenticeship programmes should be registered. In the budget statement delivered by the hon. Prime Minister and Minister of Finance, the Government advanced its policy position on the state sector. The budget statement indicated at page 15 the following:

"…the state sector has been undergoing considerable reform over the past several years. This process will continue in the context of the overriding strategy to divest those enterprises where continued ownership by the state cannot be justified on strategic grounds and to improve the operating efficiency of those enterprises that remain in the purview of the state."

In the process of modernization, both public and private enterprises are subject to external forces, which can result in the rationalization of the workforce and the restructuring of the organization. During the transitionary period between employment opportunities, it is imperative that in such instances employees be provided with some measure of relief. The proposed increase in tax exemption is for all persons in Trinidad and Tobago who are entitled to severance benefit. The intended benefit is necessary in the light of corporate restructuring in both public and private sectors, which have in fact arisen from the liberalization of the Trinidad and Tobago economy and its continuing integration into the world economy.

Mr. Vice-President, Government will be embarking on an impressive programme of diversification and deepening of the economy. This will create new job opportunities and will alleviate the job fallout caused by the rationalization of certain industries. The increase in tax exemption on severance benefits is to be achieved by clause 3 of the Bill which provides for amendments to section 5(6)(a) of the Act which relates to tax exemption on severance pay and also for the amendments to section 5(10) of the Act which relates to tax exemption on retirement severance benefit.

Currently section 5(6) of the Income Tax Act states:

"Notwithstanding subsection (1)(e), where under the contract of employment the employer is liable to pay an amount by way of severance pay upon the termination of the employment of an employee by reason of the redundancy of the position held by the employee upon the retirement, or other termination of the employment by reason of ill-health—

(a) so much of the amount as does not exceed one hundred thousand dollars shall be exempt from tax;"

Section 5(10) of the Income Tax Act states:

"Notwithstanding paragraph (e) of subsection (1), a person who receives a retirement severance benefit shall be exempt from income tax to the extent of no more than one hundred thousand dollars of such benefit…"

This is the position at this point in time, Mr. Vice-President. The proposed amendments to these two sections will increase the tax exemption level from $100,000 to $300,000. It should be noted that the last increase in the level of tax exemption was granted some 10 years ago in 1993 and in fact prior to that, in 1981, the limit was some $85,000.

Mr. Vice-President, I wish to express this Government's commitment that employees affected by the process of business restructuring fuelled by competitive forces in various trade sectors shall be provided with appropriate financial support during the transitionary period between employment opportunities. It is for this reason that the Government has agreed to amend section 5(6) and section 5(10) of the Income Tax Act, Chap. 75:01, to increase the limit in respect of tax exempt severance payments from $100,000 to $300,000 and this measure would take effect from January 01, 2003.

The second objective of this Bill is to change the institution with which apprenticeship programmes should be registered from the National Training Board to the ministry responsible for the National Training Agency. Mr. Vice-President, you would recall that in the Finance Act, 2000 an apprenticeship allowance was introduced. Under this provision an apprenticeship allowance equal to 200 per cent of wages actually paid was granted to persons hiring apprentices on or after January 01, 2001 for periods not exceeding six months. Rule 1 of the Ninth Schedule of the Income Tax Act requires the apprenticeship programme to be registered with the National Training Board. This is to be amended as the National Training Board has been replaced with the National Training Agency.

The legislation therefore is to be amended by deleting the reference to the National Training Board in rule 1 of the Ninth Schedule of the Income Tax Act and replacing it with the words "Ministry responsible for the National Training Agency". The amendment will allow employers who have been participating in Government's apprenticeship programmes, such as On-the-Job Training Programmes and other related programmes, to receive a tax benefit as a consequence of their investment in the programmes.

Mr. Vice-President, in keeping with our objective under Vision 2020, we will be pursuing a number of strategies, including the grant of such tax incentives, to encourage the private sector to optimize recruitment and training of entrants to the job market. The Income Tax (Amdt.) Bill, in its explanatory notes, simply says that this Bill seeks to increase the tax exemption on severance benefits from

$100,000 to $300,000 and the Bill also seeks to change the institution with which apprenticeship programmes should be registered from the National Training Board to the ministry responsible for the National Training Agency.

Clauses 1 and 2 of the Bill contain preliminary matters and clauses 3 and 4 make the appropriate changes. We therefore on this side look forward to the support of hon. Senators on these changes and thank you for your consideration. Mr. Vice-President, this benefit is for all our citizens, not just some.

On that note, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: [*Desk thumping*] Mr. Vice-President, the Bill before us, as the hon. Minister indicated, seeks to increase the tax exemption on severance benefits from $100,000 to $300,000. It also seeks to change the institution with which apprenticeship programmes should be registered from the National Training Board to the ministry responsible for the National Training Agency. Mr. Vice-President, I thought it was disingenuous by my hon. colleague to indicate to this Parliament that the purpose of the measure has to do with Government's commitment to prepare workers for difficult challenges ahead as we focus on increasing integration and insertion of our national economy into the world or into the global marketplace. I would say that could have been a factor the Government would have liked to consider.

I saw in a document that was tabled in this Parliament in the name of the hon. Kenneth Valley, when he delivered a statement in the other place and this document was circulated, that he made mention of some trade assistance programmes and in this regard, Mr. Vice-President, I would indicate that maybe at that time, within the framework of the Free Trade Area of the Americas (FTAA), one of the concessions or one of the areas that the various ministers are seeking to establish an agreement on is the whole issue of assistance trade, what is called on page 8, the implementation of a trade assistance programme to assist the business community and workers to adjust to and make a smooth transition into the FTAA.

Now, I do not know if this is what the hon. Minister was making reference to when he talked about, for instance, given the challenges that economies like ours would undoubtedly face with our insertion into the global marketplace, many businesses are going to be faced with very keen and stiff competition given the fact that we will have to remove all restrictions to trade, all tariffs and non-tariff barriers have to be eliminated and in this regard you may have a lot of businesses

collapsing and the Government is claiming that they want to provide some soft cushion so that workers would not collapse completely.

Now, Mr. Vice-President, maybe I would take this opportunity to remind the Minister in the Ministry of Finance, if he is not aware, that there is a Cabinet Note No. 352 dated February 05, 2003, which came into my possession via the mailbox. What we saw in this document confirmed what was the real objective of this Bill before us today and I do not know if the hon. Minister is aware of this particular Cabinet document. I would bring to your attention on page 2 of this document what it says and this is why I say the genesis of the measure before us does not necessarily have to do with the sympathetic approach, as outlined by the Minister, to workers in the event of businesses collapsing.

Mr. Vice-President, I quote for your and for the Senate's attention the following paragraph seven of this document. It says:

> "The ministerial committee…"

That is the one headed by Sen. Dr. Lenny Saith:

> "agreed that as a matter of public policy, the quantum of the tax-exempt portion of the severance benefits which, under the current legislation, is limited to $100,000 should be increased to $300,000. Accordingly, the Ministerial Committee agreed that the Minister of Finance should take steps to have the necessary legislation…"

Which is what we have here:

> "in place by April 30 2003 to provide for the increase in the tax-exempt severance benefit to $300,000."

Mr. Vice-President, I do not know if my colleague is aware of this document but the reality is that it is a bit disingenuous to tell us in this Senate that the purpose of this measure has to do with providing some kind of cushion for workers when the competition becomes extremely keen and sharp, which would result in the collapse of many businesses in the Republic of Trinidad and Tobago when in truth and in fact the purpose of this legislation, which is almost two to three months late, has to do with the Government's public policy stance insofar as the destruction of Caroni (1975) Limited is concerned; and here it is in black and white that the purpose of this measure was to increase the limit from $100,000 to $300,000. So hon. Vice-President, I think that the Minister needs to go back to the drawing board, get his facts right, or I can make available this Cabinet Note if he was not present at the Cabinet meeting. This came through my mailbox on the question of the real objective of this legislation.

Now, Mr. Vice-President, I also got something from the IMF and I hope that you would make available—that is the hon. Minister would make available to this Senate the IMF Article 4 consultation with the Republic of Trinidad and Tobago. All we have on the Internet is just about four pages and I am sure there is a more comprehensive report that he has in his possession as the Minister in the Ministry of Finance on the state of our economy, given Article IV Consultation with the Minister.

Sen. D. Montano: You never laid yours in Parliament.

Sen. W. Mark: Hello? No, I am suggesting. In any event, it will appear—

Sen. D. Montano: I had to get it on the Internet just like you.

Sen. W. Mark: Mr. Vice-President, let me talk to you and not talk to this gentleman. What I am advising is that I would hope that the hon. Minister in the Ministry of Finance, not the Minister of Science, Technology and Tertiary Education—I know he wants to take over that portfolio badly but I would imagine that until the Prime Minister determines otherwise I will address my on concerns to Sen. The Hon. Conrad Enill and that is why I say I would hope that he would bring to this Parliament and lay for the information of all of Trinidad and Tobago, through this Senate, the full and comprehensive report on the IMF 2003 Article IV Consultation with Trinidad and Tobago. I will come back to this report in a short while.

I think that a measure as important as this one needs to be addressed in a much more comprehensive way and what it really brings to the fore is the question of managing change. How do we, Mr. Vice-President, manage change and redundancy in particular within the state sector of Trinidad and Tobago, and not only within the state sector but within the private sector as well? The question here is, which category of workers is going to immediately benefit from this measure, which is retroactive to January 01, 2003? I have indicated to you and this honourable Senate that the Caroni workers are supposed to be the ones to benefit from this measure—well the 617 Bee Wee workers, because they were retrenched prior to, I think, January 01, 2003 they too would also benefit from this exercise.

However, Mr. Vice-President, if this measure is to have any kind of effect, when we examine the real beneficiaries of this measure, my information, my intelligence, tells me that close to 80 to 90 per cent of the 10,000 daily-rated, hourly-rated and weekly-rated workers of Caroni would be going home with less than $80,000. It is only the executive management and some members of the

monthly-rated staff who would be getting $250,000—$300,000. I understand the CEO, some Mr. Washington, may be going home with $1.5 million and therefore this would benefit Mr. Washington, but it would not benefit the ordinary rank and file daily-rated workers of Caroni (1975) Limited.

So whilst the Government is attempting to increase the ceiling of severance benefits as this is tax exemption, the reality is that this measure will not benefit the bulk of the ordinary working people of our Republic. This measure is designed to trap the upper strata of the workforce in this country, not the ordinary people. If the whole objective is aimed at the 10,000 Caroni workers and you have close to 90 to 95 per cent of them going home with less than $80,000, Mr. Vice-President, how does this measure benefit these workers, the 9,500 workers? How? Maybe the 200 workers who are monthly-rated—I have no problem with that; maybe the executive management—I have no problem with that; but then, what about the ordinary workers? Well it means that the Government ought to have given them not this 30 per cent enhancement package, it should have been 130 per cent if the workers of Caroni (1975) Limited were to seriously benefit from this exercise.

So at the end of the day, Mr. Vice-President, I think the Government is misleading the Parliament and misleading the country when it comes to this Parliament and tells this nation, through this Parliament, that it is bringing a measure that would impact on workers. This is not impacting on workers in any positive way. The ceiling as you know, Mr. Vice-President, back in '81, was about, as the hon. Minister said, $85,000 then it went to $100,000 in the 1990s and now it is going to $300,000. The question here is, this amendment for it to have any meaning, I believe the Government should be looking at social protection on a larger scale, on a more comprehensive scale, than what is currently being advanced here.

Mr. Vice-President, you know particularly under the PNM between 1980, it was about '83, '84, right up to '94, there was a mass wave of retrenchment of workers in this country and the PNM, under the late George Chambers, introduced a measure which was really a watered-down version of what the workers were calling for back in that period. Mr. Vice-President, I do not know if you are aware, but during the period '84 to '94—because you have to understand the basis of this measure that is before us. The basis of this measure that is before us is, prior to 1985, if you were retrenched—you were made redundant and subsequently retrenched by the employer—unless you were in an organized trade union, with a registered collective agreement with special provisions to deal with

severance benefits in the event of redundancy, workers were not entitled, up to 1985, to any kind of benefits.

When the PNM then rushed through the Parliament this watery, watered-down ineffectual piece of legislation called Act No. 32 of 1985, what was done when this Act was passed was really to facilitate retrenchment of workers. They did not stop the retrenchment of workers. They did not provide, for instance, superior benefits for the retrenchment of workers, they allowed companies to retrench workers willy-nilly in their country and this is why today Act No. 32 is almost an irrelevant piece of legislation in our Republic. The kinds of terms and conditions that were outlined in this particular measure, it would really pain your heart to know what the Government actually proposed as a measure to, say, help workers in this country.

Mr. Vice-President, you would know that under the Retrenchment and Severance Benefits Act, there are, in fact, provisions, a kind of scale, a tier, a table that would say that, for instance, if you worked between one and five years you would get two weeks' pay, between six and 10 years you get three weeks' pay and the max you can get is four weeks' pay for each year of completed service. That is what came on the statute books back in 1985. Mr. Vice-President, let me share with you some figures as they relate to the severity of the retrenchment that took place between '84 and '94. I raise these matters to bring to your attention the basis for this particular measure that is before this honourable Senate today and I will develop, as I proceed, why it is inadequate and why we need comprehensive, all-embracing social protection legislation in order to deal with the emerging realities of globalization, trade liberalization and the imminence of the coming into effect, rather, of the Caricom Single Market and Economy as well as the Free Trade Area of the Americas.

These instruments of integration, Mr. Vice-President, are going to have a devastating impact on workers in this land and not only in this land but throughout the Caribbean and throughout Latin America because there are some 34 countries involving some 800 million people that are going to be involved in this so-called FTAA exercise. Up to now, this Parliament is not aware fully of the implications of the FTAA and we are being told by the end of December 2005 the FTAA is supposed to come into effect and from January of 2006 it is supposed to have full effect.

Mr. Vice-President, let me share with you some statistics on retrenchment and severance payments between 1984 under the PNM right up to 1994, under the PNM still. During that period in the state sector some 11,201 workers were retrenched

by the State. In the private sector, there were 5,292 workers retrenched under receivership and liquidation. Companies were going into liquidation on a regular basis during that period and this famous term or word, "restructuring", led to the retrenchment of some 1,242 workers, a grand total between '84 and '94 of some 17,735 workers being retrenched from the state and the private sectors essentially.

Mr. Vice-President, the severance payment that those workers were entitled to totalled $702 million. Do you know how much they actually were paid during that period? Six hundred and twenty-five million. To date, as we speak, workers in this country are still owed over $77 million in severance payment by companies in this land. They went into liquidation, they went into receivership and they did not make provision for ordinary workers who gave 30 and 40 years of their lives, of their labour, of their toil, sweat and blood and they got nothing in return for it. This half-baked measure that the regime is now attempting to introduce here is really putting a plaster on a very large sore, and what we need is surgery. We do not need plasters here, we need surgery, radical surgery, and I will tell you why as I proceed, Mr. Vice-President.

When we were in office between 1995 and 2001 we recognized the lacuna, we recognized the limitations, we recognized the weaknesses of the Retrenchment and Severance Benefits Act. Do you know what we did in recognition of this weakness? We set up a working committee in the Ministry of Labour and they brought into effect an Act in the form of a draft called the Termination of Employment Benefit Act. I will explain to you the importance of this measure and I would hope that the Minister of Finance could tell us what is the current status of the Termination of Employment Act—for short, TEBA, Termination of Employment Benefit Act, Mr. Vice-President. I want to share with you some of the features and important elements of this measure.

Do you know, Mr. Vice-President, and I do not think the hon. Minister of Public Administration is aware or even the Minister in the Ministry of Finance, that there is no statutory right insofar as ensuring that when workers are relieved of their employment for whatever reason, whenever their services are terminated for whatever reason, if they do not have a trade union and a registered collective agreement to protect them, those workers have no benefits to get, no termination benefits to enjoy? So at the end of the day there is close to 30 per cent of the labour force organized, that is, they are represented by trade unions in the country. You have a workforce of close to 600,000 citizens and the bulk, the large majority of workers in this country, is unprotected. They do not have social protection and coming to tell us today that you are going to increase the ceiling from $100,000 to

$300,000 when you are retrenched, Mr. Vice-President, for tax purposes, does not in any way bring about the kind of justice that workers are crying out for in this country.

We introduced, we brought into being, into existence, a measure called TEBA, the Termination of Employment Benefit Act. It was a draft and I say the PNM should bring that measure to the Parliament. "Doh come here with these kind ah half-baked measures and giving the country the impression that you care about workers." The real care must come with social protection legislation and I will go into details, Mr. Vice-President, for you to better appreciate, what we are talking about insofar as this matter is concerned. The reality is that there are no measures in place to protect hundreds of thousands of workers if and when a business collapses in this country, those workers who are not protected by trade unions in this land. No rights—there is nothing in law that would give that worker that cover, that protection, in the event of termination.

The Industrial Court has a lot of judgments as it relates to trying to provide some protection to workers whose services were terminated or who had reached retirement age after 30 years with a particular company and all the company would tell you at the end of the process, "A hearty thank you". They give you a big handshake and "you gone out de door" after 30 years—no pension, no retirement benefits, no severance benefits, no gratuity, Mr. Vice-President. This is what we ought to be dealing with here. Coming and tell me you are going to give a man $300,000 tax exemption when he is retrenched is doing nothing for about 400,000 workers in this country.

If we understand that the hon. Prime Minister of this country is saying that he is going ahead with the Caricom Single Market and Economy come next year, I do not know how he is going ahead. You just cannot go ahead. He could go, you know, but the infrastructure is not in place for him to go. What I say, Mr. Vice-President, what is even more serious is that you have the Free Trade Area of the Americas that we are negotiating every day all over the Latin American/Central American region. Different countries are hosting meetings.

What protection is the Government bringing in place to ensure that the rights of workers are secured when these things take place, when you have this Free Trade Area of the Americas, when you have the single market and economy? How are we going to protect workers' rights when businesses collapse in this land, Mr. Vice-President? There is no legal basis, there is no legal right, there is nothing in statute to compel an employer to provide for those workers who he would have terminated at the end of their working life, let us say after 30, 35 years. There is nothing in law.

3.00 p.m.

It was the same development, Mr. Vice-President, before we came. The PNM was there for about 35 years. Women in this country who were working in the private sector and became pregnant were dismissed by their employers just because they were pregnant and they had no rights, no benefits. They had to come to trade unions like ours, the Banking Insurance and General Workers Union, so that we could represent them and go to the Ministry of Labour and quote ILO conventions and recommendations and core standards in an effort to provide these workers, female workers, with some justice.

It was the United National Congress, recognizing the lacuna in the system, in the laws of this land, that brought to this Parliament and put into statute and into law the Maternity Protection Act, and for the first time, any female who gets pregnant and she is working in any part of Trinidad and Tobago, no employer can dismiss her. She has her rights enshrined in law. That is what I am talking about.

What the Government needs to bring to this Parliament is the Termination of Employment Benefit Act. That is what will make sense. So, whenever a person works for 25 or 30 years and for whatever reason, Mr. Vice-President, that person's services are terminated—if for instance he reaches retirement age—that person should be entitled, by right, to a termination benefit. We do not have it right now in Trinidad and Tobago. So coming here and giving us what the Minister has proposed is really scratching the surface. I am not saying that it is something you could reject, but I am saying that is only a small effort in a scenario that requires much more.

Mr. Vice-President, I want to indicate that when we looked at this measure, I want to share with you the rationale that we had advanced for bringing into effect the Termination of Employment Benefit Act. I believe that the Minister of Labour and Small and Micro Enterprise Development must have seen this piece of legislation in draft when he entered the ministry, and why has he not brought to this Parliament this measure for our approval? For debate? Because I am saying that the Government has a duty to protect the workers of this country, and I am not seeing the measures coming forward at this time to do so.

Now, Mr. Vice-President, why not $500,000? Why this magic figure of $300,000? Why could it not be $250,000? Could the Minister indicate to us what was the rationale or the basis for arriving at $300,000? What was the basis? Is this Parliament to be recalled every time some magic number hits the Minister or the Government, in this instance, that they will assemble this Chamber, bring an

amendment to the Income Tax Act, and say, "Well look, we are going from $300,000 to now $400,000? No man! Let us be serious.

We should have something in law where there is a band or a tier system where we say, "Listen, from $100,000 to $150,000," or you want to go below that, as the case may be, $85,000 to $100,000. So that, for instance, over a period of time, they do not have to be coming here. In the 80s it was $85,000. In the 90s it was $100,000. Now in 2003 we have another amendment to this Income Tax Act increasing the ceiling to $300,000.

Mr. Vice-President, I think the regime needs to look at what they are doing properly. There is no planning taking place. They operate by vaps. This is how this regime operates. I will tell you why I say so. The International Monetary Fund Article IV Consultation with Trinidad and Tobago—and even though the Minister does not want to provide us with the full document, it will be provided in due course on the Internet and the International Monetary Fund web site, because those reports are always placed there after a couple weeks or months. So if they want to hide it from us, we will get it from the Internet via the International Monetary Fund.

Mr. Vice-President, I quote page 2 of this document. It is a four-page document. As I said, it is entitled the International Monetary Fund and the subtitle is:

"IMF Concludes 2003 Article IV Consultation with Trinidad and Tobago"

I think the hon. Minister of Finance should take particular note. The IMF report says, and I quote:

> "They encouraged the authorities to invest part of the higher oil revenues abroad through the revenue stabilization fund (RSF) to generate income for future generations."

Not to spend it on CEPEP. Not there, but to invest whatever extra revenues that we are getting from the oil windfall into the Revenue Stabilization Fund and invest those funds abroad. This is why I am telling you, Mr. Vice-President, we have a government that operates on "vaps". That is what they told the PNM regime. They do not have any planning taking place. All we get is a government by announcements. No planning is taking place, and the International Monetary Fund has given the Government free advice. Here is what they said—[*Interruption*]

That is built already. They are happy about it. In fact, I see in this report here that we got from the Minister of Trade and Industry—these "fellas" are very bold.

They are boasting about the airport and what they want to do with the airport. They are making the airport a hub. That is what they propose here.

Let me tell the hon. Sen. Joan Yuille-Williams about the airport here. This is what Hon. Kenneth Valley said on page 7 of this document here:

> "The positioning of Piarco as an alternative hub to Miami for entry into and out of South America."

Let us face the reality. Even the Commission Chairman, the enquiry man, has to go through that airport all the time. Fly in and fly out. Sen. Joan Yuille-Williams has to fly in and out. I know they are proud. They are just jealous. They did not build it, Sir. They did not build it and they are unhappy.

The document continues:

> "Looking ahead, Directors encouraged the authorities to give priority to developing a well articulated medium-term macroeconomic framework underpinned by a three-year rolling budget."

They never told us that, because the United National Congress had a plan, and this macro plan that they are talking about, we had that. Every year that was tabled here. Why must the International Monetary Fund come to this country to tell the PNM Government, "Listen, you cannot run a country by vaps, or by announcements"? You must run a country, Mr. Vice-President, by developing a well-articulated medium-term macroeconomic framework underpinned by a three-year rolling budget. They do not have that now. That is why the International Monetary Fund is giving them free advice. It is a government by announcement; a government by "vaps".

Sen. Enill: Mr. Vice-President, I usually would not do this, but I just wish to deal with two things. First of all, over the last four days, the International Monetary Fund conclusion, the articles have been in the newspapers with different pieces of it. [*Desk thumping*]

Sen. W. Mark: We do not want it in the newspapers. We want it here.

Sen. Enill: Saturday, Sunday, Monday. The public information notice document was available and is currently available on the Internet. On June 23, the executive board concluded the report and as soon as it was ready, it was on the Internet, but more than that, the Senator talks about issues that we have raised. We are the ones that said when he posed the question a couple months ago that we were going to bring legislation to deal with the Revenue Stabilization Fund. The

question of the medium term policy, the social and economic policy framework that we presented as part of the budget debate is the medium term plan. So, when he comes here and takes issue with statements and makes them out of context, I believe that it should be made on the basis of fact.

If the International Monetary Fund report is saying what it is saying, then he needs to understand the context in which it was said. Therefore, to say that the Government does not have a medium term plan, it is not true. The social and economic policy framework that was laid with the budget documents earlier on is a three-year rolling plan. We simply named it social and economic policy. So the use of term and the context in which it is being used is giving an impression that is not correct, and I simply wish to fix that.

Sen. W. Mark: Mr. Vice-President, I understand what my colleague attempted to say a short while ago. I was quoting from the International Monetary Fund Report which is on the Internet, and six billion people who are lucky to have Internet access will be able to access this report. This report is saying to the world, and the Minister of Finance has a responsibility to advise the IMF that what they have written here is wrong. I am quoting from the IMF report. I am not misleading the Parliament.

Sen. Dumas: Um hum.

Sen. W. Mark: You cool it. You talk too long and say nothing. [*Laughter*] Cool it. Mr. Vice-President, I want to advise the hon. Minister in the Ministry of Finance to take immediate measures and steps to encourage the Minister of Labour and Small and Micro Enterprise Development to bring to this Parliament at the shortest possible notice the Termination of Employment Benefit Act. We want to have in statute and in law the rights of workers to be protected whenever their services are terminated or they retire after 30 or 35 years service in the private sector where there are no trade unions to protect their rights. If there are no trade unions to protect their rights, then the Parliament and the party in power and us collectively must protect the rights of those workers who cannot be protected otherwise.

Mr. Vice-President: Hon. Senators, the Senator's speaking time has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. J. Kernahan*]

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, I have so much more to say on this matter. I need about two hours. Let me just indicate to the hon. Minister some of the areas that we ought to be giving some attention to as we deal with this matter of exemption, because exemption is not the issue. It is not the answer to what I consider to be the major problem, which is the absence of social protection legislation for people in this land.

I want to indicate that what we should be focusing on is the training and development of the human resources, the human capital in order to enable us as a nation to compete successfully in the global marketplace. I think that is where we should be focused. The focus should be on training and development, particularly in the field of our human resource base.

I think that the Government has a responsibility to protect the labour force from poor and exploitative conditions and this is where the legislation that I referred to becomes relevant. Occupational safety and health, the whole question of employment, termination of employment benefit, these are two important pieces of social legislation that are needed to provide the kind of protection to ordinary workers.

If I may say as well, even the business community requires some protection. They cannot compete with those forces out there. I am warning this country, and I am saying through you, Sir, if we do not provide the relevant protection and safeguards to these local businesses in this country, particularly the manufacturing sector, we may end up as having warehouses in this country rather than productive enterprises. That is what is going to happen.

One cannot open up one's markets and allow, for instance, anything to come in. One has to protect one's local investors. One has to protect one's local manufacturers. I am saying to the Government that if they are not careful we are going to have large-scale unemployment in this land, and this so called political integration will not help them.

Mr. Vice-President, I go to the second part of this Bill here that deals with the Ninth schedule to the Act. They say it is amended in rule one by deleting the words "National Training Board" and substituting the words, "Ministry responsible for the National Training Agency." The key objective behind this clause which is to amend, as I said, the words I have mentioned, and place it under the control of the ministry responsible for the National Training Agency is inconsistent with earlier policy directives that we had advanced when we were there.

We have always said as a party in government that we had to replace the National Training Board and legislation to that effect was brought to this Parliament in the year 2000. In 2001, the Cabinet of this country took a decision to amend the Ninth schedule of the Income Tax Act by changing the National Training Board to the National Training Agency. That is what the amendment was about, given the Cabinet decision in July of 2001. At no time did the UNC Government then consider the responsibility for registering businesses and firms to be placed in the hands of a Minister. It was never the intention to place businesses, the registering of businesses and firms in the hands of a politician.

The amendment seeks to remove that authority from the National Training Agency to the Minister with responsibility. This is the Minister who is responsible for science and technology and tertiary education. That politician is now going to be given the responsibility to register businesses. You know the purpose of that, Mr. Vice-President? The purpose is to secure tax credits, because that is all part of the on-the-job training programme.

We ask the question, is that going to facilitate the kind of development we are talking about? Why remove it from an agency that has the technical and human capacity to register these businesses and put it into the hands of a Minister? Do you know what is the purpose? It is to ensure that CEPEP firms, 110 of them who advertise—Mr. Vice-President, I do not know if you know. During the campaign, you know, for instance, we were hearing on the news that a PNM meeting was being sponsored by a CEPEP contractor? So they are taking our money, giving their friends and their friends are advertising their public meetings and broadcasting them. That is my fear. Putting this thing in the hands of a Minister is going to lead to corruption, nepotism, discrimination, a waste of money and it will impact on the delivery of training in this country. That is what our view is.

We have always placed a lot of emphasis on education and training. We recognize the importance of education and training as it relates to the expansion of this economy, to the modernization of the labour force. The application of information technology to the production process is very important in the context of education and training.

The reason I am raising this question about the National Training Agency is that education is the basis of this exercise; education and training and we must never forget that it was under the UNC during the six-year period that 25 new primary schools were built. Seventeen new secondary schools and 46 early childhood centres. That happened under us.

The role of telecommunication within the context of education and training as it relates to this on-the-job training programme that is now being placed under the Ministry of Science, Technology and Tertiary Education and the Minister to register businesses so that they can gain tax credits, all in the context of apprenticeship and on-the-job training exercises. Nobody can deny that. It is a fact. Therefore, we recognize the importance of education and training. We also recognize the link between telecommunication and educational development at the same time.

Mr. Vice-President, are you aware that when we came into office in 1995 there were only 100 Internet customers with TSTT? By December 31, 2000 there were over 25,000 Internet customers. Only with TSTT. Not with the other providers. I am showing the kind of revolution that took place in the field of not only the telecommunication, but in education and training. People were able to become more broadminded and their scope expanded.

Are you aware as well, as we deal with education and training and this particular matter of placing this agency under the purview of the Minister or the Ministry with responsibility for Science, Technology and Tertiary Education, that in 1995, a mere 5,000 persons in this land had cellular phones? Are you aware of that? By December 31, 2000 there were over 117,000 citizens with cellular phones in this land. All that was part of the revolution in the context of telecommunication, because one must be linked between telecommunication and training.

We want to argue on this side that we have a problem. We do not believe that the Minister with responsibility for the National Training Agency, whom I understand to be the Minister of Science, Technology and Tertiary Education, Sen. The Hon. Danny Montano, his ministry would be responsible for registering businesses and firms and granting tax credits to those businesses and firms. I am asking the hon. Minister whether, for instance, there was a legal problem with the National Training Agency carrying out that function. What is the basis or rationale for moving that from an agency that had the technical and human capacity to execute that function? Why are we removing it from the NTA and putting it in the hands of a Minister with responsibility for the NTA?

As I said, there are some issues we want to have cleared up. I have advanced to the hon. Minister. I am going to wind down now and he could take note. We raised some issues both as it relates to some concerns about social protection legislation and the need for us to take action in that department and, secondly, we have raised concerns about putting this particular machinery under the hands or

control of the Minster. We would like the Minister to provide this side with the relevant justification for that kind of development.

With these few words, Mr. Vice-President, I thank you.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, Sen. Mark made a number of comments which I want to deal with very quickly. He made mention of a Cabinet note and he also said that in looking at the Cabinet note, 90 per cent of the employees would not receive the benefit.

Well, I really do not understand the connection, because what we are saying is that in looking at the entire liberalization activity, we view this particular event as something that must benefit all sectors and all individuals. Therefore, in a real sense, the Cabinet note and what is mentioned in the Cabinet note, that would have been relevant if we had stuck specifically to that particular industry and that particular organization, but we did not. So there is no mystery about it.

When one looked at the entire industry and the effect of liberalization, and so on, one believed that this measure would assist in transition, which is the point that we keep making. I want, Mr. Vice-President, to talk a little about a document that he seemed to be quoting from which is the last report of the IMF, because you see, the International Monetary Fund came to Trinidad and Tobago as they usually do and they concluded their Article IV consultation with us, and what they basically said is as follows.

> "Trinidad and Tobago recorded its ninth consecutive year of economic growth in 2002 despite the global economic slowdown and the lingering negative impact on regional trading partners of the September 11, 2001 attacks."

You see, the impression seems to be given that Trinidad and Tobago exists by itself and, therefore, economic slowdown and the impact of our regional trading partners have absolutely no impact at all on this particular country. That is really not so. The fact of the matter is that we live in a global environment and whenever things occur there, they affect us and we feel the effects of it and we are trying to mitigate some of those effects. This particular Bill is one such measure.

The report continues by saying:

> "Despite the government's effort to lower expenditures, the overall fiscal position of the central government weakened somewhat…as a result of tax write-offs for dry wells and higher than anticipated tax-deductible capital expenditures by a major oil company."

We have said this. There is absolutely nothing new in this particular report that we have not said from time to time. It continues:

> "Directors viewed the effective use of prospective higher energy revenues as key to Trinidad and Tobago's future development and growth."

The Prime Minister is on record as saying that on a number of occasions. They also said:

> "They noted that the authorities' plan to achieve developed country status by 2020 through establishing a highly educated work force, and strengthening infrastructure, is a commendable objective, and would require tailoring its spending in line with the country's absorptive capacity."

Mr. Vice-President, this is the IMF talking about this current administration. About issues that we have discussed with them and comments they are making with respect to our policies. This is not anything else.

> "Directors encouraged the authorities to invest part of the higher oil revenues abroad through the Revenue Stabilization Fund to generate income for future generations".

We have said that. It goes on:

> "Directors supported higher spending on health, education and infrastructure, while cautioning that adequate attention should be paid to the efficiency of such spending. Looking ahead, Directors encouraged the authorities to give priority to developing a well articulated medium-term macroeconomic framework underpinned by a three- year rolling budget."

Again, the benefit of the three-year rolling budget has to do with the implementation of our policies to ensure that they work. They also commented on our plan to:

> "…create a unified revenue authority which they saw as a major step in strengthening tax and customs administration.
>
> Directors welcomed Trinidad and Tobago—"

This is IMF Directors having regard to our review.

> "Directors welcomed Trinidad and Tobago's role as a regional financial centre, they viewed the banking system as sophisticated, dynamic and well capitalized. They noted that the existing supervisory framework for nonbank financial institutions needs further strengthening and, in this context, welcomed ongoing moves to integrate the supervision of insurance companies

and pension funds with that of commercial banks, under the authority of the central bank.

Directors welcomed recent steps to reinvigorate structural reforms and encouraged the authorities to include pension reform in this agenda. In particular, the proposed restructuring of the sugar company, CARONI, is a positive step."

Mr. Vice-President, the report has to be read in its entirety and the report, when read in its entirety, will confirm what we have always said which is, in fact, that we know what we are doing. They have confirmed that we know what we are doing and, in a sense, we are moving ahead to carry out the mandate.

Sen. Mark: Can I ask, through you? Can I ask you to clarify a point to me? If you go to the same page 3, you would see where, for instance, they also said that the Government should curtail tax exemptions. So, I was wondering in the context of what we are doing, whether for instance, you are in violation of what the IMF is—[*Interruption*] No. I am trying to get clarification.

Sen. The Hon. C. Enill: I could clarify, that is very easy. They suggested that the aim of fiscal policy should be to strengthen efforts to reduce the non-energy fiscal deficit and curtail tax exemptions. What they are basically saying is that in the question of the manufacturing sector and those sectors, we should really try to develop strategies to promote the development of the sector as opposed to simply giving them tax exemptions. That has to do with some of the questions that were raised earlier about making sure that our industries are ready for Free Trade Association of the Americas (FTAA) and World Trade Organization (WTO) single market and economy. What is being suggested here is that you develop the infrastructure, the people and the markets, and do not simply look at providing tax exemptions to them. That is basically what that means.

In terms of the issue about the ministry responsible for the National Training Board, the Bill says very clearly that what we are seeking to do is place in the legislation the ministry with responsibility for this particular activity in law. The National Training Board is no longer in existence, and the law says that this benefit is currently available to the National Training Board. The training board has been replaced with the National Training Agency. The National Training Agency is currently, I believe, you are correct with this particular ministry, but we could change that to the Ministry of Education, the Ministry of Finance, or the Ministry of Energy and Energy Industries.

What we are seeking to do is say that wherever it goes, the ministry responsible for the National Training Agency will be the agency or the ministry with responsibility for dealing with this particular activity. It is really wherever the National Training Agency resides. Whatever ministry. At this point in time on the schedule, I think it is with the Ministry of Tertiary Education, Science and Technology.

So, Mr. Vice-President, I took note of the comments—[*Interruption*]

Sen. Mark: Just allow me again. I want him to clarify a point.

Sen. Joseph: He has to allow you. He is still standing.

Sen. Mark: I gave way immediately when you rose, and you took about ten minutes of my time. I was very gracious to you.

[*The Minister sits*]

Mr. Vice-President, through you, I just want to ask my hon. colleague, the hon. Minister, what steps or measures are being taken by the Government to ensure that social protection measures or legislation on a comprehensive basis, and I refer specifically to the Termination of Employment Benefit Act to ensure that each worker is entitled statutorily to that right in terms of protection when their services are terminated or when they retire from any agency that does not have trade union representation and/or protection?

Sen. The Hon. C. Enill: Mr. Vice-President, that matter is being addressed and I believe at the level of the budget statement we will make some more statements on that. But one of the things that we are going to be doing to address the same issue of social sector is that we propose this year to look at a social sector investment programme. We have a public sector programme for infrastructure, and we intend in that programme to ensure that all the individuals in the society who are currently affected by some of those measures are dealt with specifically and we will roll that out to you in the passage of time when we talk to the next issue.

I am aware, for example, at this time that the Minister of Labour and Small and Micro Enterprise Development is at present going through all the legislation that exists to determine whether or not the policy decisions of this administration are in concert with some of those regulations and, if they are, he is going to bring them here. That has already been put in place.

The same concerns that you have expressed, Sen. Mark, are concerns that we have, because it is in our interest to ensure that the country is prosperous. It is in

our interest to ensure that the country continues to grow and develop, because that is part of the Vision 2020 imperative, which is that the country must be in a state where all our citizens, regardless of party in power, can benefit and feel proud to be part of that process.

We believe that we are doing some things right and every so often we test that expectation with the population. For what we know, at this point in time, it appears as though parts of the population find favour with what we are doing and, therefore, we will continue along those lines until we are told differently. It was tested yesterday.

Mr. Vice-President, the measure is intended to ensure that certain citizens who find themselves in a situation in which they have lost their employment by virtue of market forces can, in fact, take home more of the funds that are available to them as a result of the work that they have done in the particular industry. In fact, by moving it from the 200,000 to 300,000 it means that the individual gets an additional 30 per cent, which would have been kept by the State prior to this particular amendment.

Mr. Vice-President, I want to say that this is one measure in which the Government is basically providing additional income to the recipients during the transitionary period so that they could do more with what is currently available to them.

Thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 4 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.

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Order for second reading read.

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Vice-President, I beg to move,

That a Bill to amend the Supreme Court of Judicature Act, Chap. 4.01, be now read a second time.

The Supreme Court of Judicature (Amdt.) Bill 2003 is a very simple Bill. This two paragraph Bill seeks to amend the Supreme Court of Judicature Act, Chap. 4:01, to increase the number of puisne judges from 20 to 23. Under the Constitution of Trinidad and Tobago, it is provided in section 99 that there shall be a Supreme Court of Trinidad and Tobago consisting of a High Court and a Court of Appeal, with such jurisdiction and powers as are conferred in these courts respectively by this Constitution or any other law. The judges of the Court of Appeal, Mr. Vice-President, are referred to as justices of appeal, while those of the High Court are referred to as puisne judges.

At present, the Supreme Court of Judicature Act provides for the Court of Appeal to be comprised of a maximum of nine judges exclusive of the Chief Justice. Seven of these nine judges are currently on the bench. In other words, seven of these nine posts are currently filled. By the same Act, the establishment of the High Court is fixed at a maximum of 20 judges. At present, all 20 posts are filled and there are two temporary judges.

At page two of the annual report of the Judiciary of the Republic of Trinidad and Tobago, it is reported that a note had been submitted to the then Cabinet by the Judiciary in or around the year 1999/2000 seeking an increase in the establishment of the High Court to 25. The purpose of this increase was to enable judges time off the bench to write judgments while maintaining the schedules of the 22 sitting courts. However, the then Cabinet rejected this submission.

Since the change of government on December 24, 2001, there has been a significant transformation in the relationship between the judicial arm of the State and the Executive. I am sure that hon. Senators will recall the virtual war that was taking place between the Judiciary and the Executive under the previous UNC regime when the previous Prime Minister proclaimed his list of enemies, and the Chief Justice was a prominent member of that list. I hope, Mr. Vice-President, that we never relive that experience. So, today, I am pleased to report that there has been a radical easing of the tensions between the Judiciary and the Executive, and I feel proud to present this Bill to the Parliament on behalf of the Judiciary.

Hon. Senators, I am not by any means unmindful of the fact that problems do exist between the Judiciary and the Executive. In fact, these problems exist as there are no formal binding rules which govern the relationship between the Executive and the Judiciary in Commonwealth Caribbean states. However,

through practice and convention, I consider the role of the Attorney General to be that of a facilitator or a conduit between the Cabinet and the Judiciary. So, unlike the relationship that existed under the previous regime when there was a clear attempt to control and pressure the Judiciary, I would like to nurture and encourage a harmonious and productive relationship with the Judiciary. In fact, since my assumption of office, I have succeeded in securing the approval of Cabinet to implement several measures designed to improve the administration of justice in Trinidad and Tobago. In addition, under the leadership of both the former and the present Chief Justice, the Judiciary has been accelerating the pace at which it is pursuing its strategic objectives.

The following are some of the major accomplishments within the judiciary: Some key contract positions within the Department of Court Administration have been filled. Cabinet has approved a proposal for the creation of a human resource management unit within the Judiciary. A new performance management system has been introduced. In April 2002, the staff at the Probate Registry organized a special project in the Probate Registry aimed at reducing the backlog of searches in the system and setting a time disposition standard for searches. These searches are undertaken before an application for a grant of letters of administration or probate of a will can be filed, and those searches are really to indicate whether there has been any previous application filed. This has been a major bugbear with practitioners because of the time taken to have a search done—months, sometimes six months.

The accounting units of the Supreme Court and the Magistracy have been restructured and merged. Emphasis is currently being placed on restructuring within the Magistracy—the staff within the Magistracy—and staff is being retrained and retooled. A judicial education institute has been established, and the court reporting system is being transformed. In response to a question earlier this year, I would have given some detail as to the pilot project with respect to the transcription of the evidence.

Improvements of the physical environment of the new and existing buildings are taking place with the implementation of a building plant and equipment unit within the Judiciary. A security unit and an information technology unit have also been established within the Judiciary. A records management plan and a telecommunications plan are also being pursued.

It is against this background of reform within the administration of justice that I am pleased to announce in this honourable Chamber that the Cabinet, under this PNM Government, has agreed to establish a well resourced family court in Port of

Spain as a pilot project accommodated in a separate building with appropriate staffing, infrastructure services and equipment. This decision emanates from a report prepared by a committee which was appointed in April 2002 with the following terms of reference:

To identify ways in which measures could be introduced to enhance the functioning of the present family jurisdiction of the courts in the short term and, in the long term, to design a family court structure suitable to the needs of Trinidad and Tobago and to advise on the establishment of such a court.

This committee, Mr. Vice-President, was chaired by Mrs. Stephanie Daly and it comprises several persons of repute representing the Judiciary, the Ministry of the Attorney General, the legal profession, the social services and other key stakeholders. Hon. Senators will no doubt agree that the need for a family court in Trinidad and Tobago has been recognized a long time ago. In fact, the records available to me show that since 1979, the then Chairman of the Law Reform Commission, Dr. Edwin Watkins, began to promote the idea of a family court for Trinidad and Tobago. On September 03, 1985, the *Trinidad Guardian* reported that the then Attorney General, Sen. Russell Martineau, was working on the establishment of a family court and, in fact, a draft Bill was prepared in 1986 but it was not enacted. In fact, I myself was a member of a committee formed at the time to deal with this very question of the family court, which is nearly some 20 years ago.

In 1998, the then Attorney General appointed a committee of officers to draft a package of legislation relating to the family and, in 2001, a draft Family Court Bill was prepared. However, with the war existing between the Executive and the Judiciary at the time, there was no real consultation with the Judiciary on such a fundamental restructuring of the court system and the intervening events at the time in 2001 caused the Bill to lapse. In any event, when the Bill was looked at, it was found yet to be unsuitable for the purpose for which it was designed.

The need for this court, the Family Court, is further highlighted in the Chief Justice's address at the beginning of the 2001—2002 law term when at page 27 of the report, he says:

> "The Backlog Reduction Committee considered the position of the Matrimonial Chamber Court…"

And the Matrimonial Chamber Court is the one that deals with all those applications relating to husband, wife, children, maintenance and these things.

"…particularly in Port of Spain where it takes approximately three months for a matter to be listed for hearing."

This was at that time. While it is true that the time frame may be somewhat reduced, it is still a very long time between filing one's application and getting a date of hearing for it.

It was considered by the committee that the problem could be considerably eased by the implementation of the Family Proceedings Rules, 1998. The committee met with attorneys-at-law and made this recommendation to them. The recommendation has however not yet found favour with the Law Association, but I am pleased to say again that the committee which I appointed considered the Family Court rules which have gone before the Rules Committee and it has just been signed off by the Rules Committee with the approval of the Law Association. So, we may yet see some relief coming in terms of the implementation of these rules.

In the early stages, Mr. Vice-President, of the deliberations of the committee—that is the Family Court Committee appointed by the Attorney General—a scrutiny of the Family Court Bill, No. 15 of 2001, had taken place and it was felt that that Bill was not satisfactory. Instead, the committee recommended a pilot project to encompass the jurisdiction of Port of Spain and St. George West Magistrates' Court.

Sen. R. Montano: Mr. Vice-President, would the hon. Attorney General just excuse me so that I can follow her properly? What are we discussing? Are we discussing this Family Proceedings Bill which was laid this afternoon, or are we discussing something else? I am having difficulty because it sounds to me that what we are discussing is the Family Proceedings Bill and it sounds to me that—if I could use the vernacular—the Minister is being a bit previous, because I am listening with great interest and it is not that I am not interested, but I think that with deep and great respect, what we are discussing here is the Family Proceedings Bill and what we have come here for is a rather simple amendment.

I know she is talking about all the things that are going on, but if we are discussing the Family Proceedings Bill, I did not come prepared to discuss that this afternoon. I would, in the circumstances, like an adjournment on the matter afterwards so that I can properly prepare and discuss it. If we are not discussing the Family Proceedings Bill, well I do not have a problem. If the Minister wants to give us the presentation today on the Family Proceedings Bill, that would mean she will only be about three minutes next time. I know the rules do not allow it,

but maybe next time we would not have to waste a lot of time. But could I please get some guidance? What are we discussing?

4.00 p.m.

Sen. The Hon. G. Morean: Mr. Vice-President, I am giving the background, a little history, leading up to the decision to increase, at this time, the complement of High Court judges from 20 to 23. The genesis of it is the establishment of this pilot project for the family court system. I am also giving a brief history of what transpired, in relation to the family court system, that gave rise to the need for an increase in the number of judges for this purpose. Even while this Bill is before this Parliament, the Chief Justice has been considering a further increase to the establishment of the court. In fact, when it was brought to me, this Bill was already here. I told him that we would have to come back. This is just a prelude to establishing why we are increasing it at this time, because there is this pressing need to have the pilot project come on stream. Whereas, when we are coming later to further increase the establishment, there will be a different reason for it. I was leading up to it. We are not discussing the Family Proceedings Bill as yet. We are simply dealing with the need for an increase in the number of judges, at this time.

Mr. Vice-President, I was at the point where I had said that the committee recommended that the pilot project be launched. The committee proposed that a dedicated family court environment should be sought; a building, separate from the present courts, which has, not only courts, but meeting rooms and accommodation for probation and social services. Based on this recommendation from the committee, a note was taken to Cabinet which resulted in the decision that the pilot project be established, and, on the recommendation of the Chief Justice, that we have a dedicated family court, and that there should be an increase in the establishment of the courts, so that we would have enough judges to service the courts. In fact, the Chief Justice and, indeed, the President of the Law Association have expressed their support for this project. Cabinet has agreed and, hence we have brought this Bill to the Parliament.

This Bill has only two clauses. Clause 2 seeks to amend section 5(1) of the Supreme Court of Judicature Act, Chap. 4:1, by deleting the word “twenty” and substituting, therefore, the word “twenty-three”. The main purpose of increasing the number of High Court judges at this time, is, therefore, to enable the Judiciary to rearrange the complement of judges so as to facilitate the administrative and other arrangements necessary for the pilot family court project.

Again, I would warn that this is not the end of it. There will be a further amendment to increase the establishment, which would be coming very soon, because of certain recommendations that have been made by a committee comprising judges, members of the Chief Parliamentary Counsel's Department and also the Law Reform Commission.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Robin Montano: Mr. Vice-President, before I begin, may I, through you, congratulate the PNM on their election victory yesterday. May I also congratulate TV6, the *Express*, *Newsday*, the President of the Senate, the Speaker of the other place, and your good self, and all others who helped and collaborated in the effort to ensure the victory. [*Crosstal*k]

Mr. Vice-President, the Bill before us is simple. As the Attorney General has said, this Bill has been brought here to increase the number of High Court judges. You have only got to look at it to see, even without the lengthy explanation we had about the family court, that the truth of the matter is that we do need more judges in the jurisdiction. Today, unfortunately, despite the very good work done by the former and current Chief Justices to eradicate the backlog of cases, the fact is that we find ourselves, in the legal profession, still having to deal with delays that ought to be unacceptable.

If a writ is filed today in the civil section of the High Court, that matter will take about three or four years before it comes to a conclusion. Despite the new rules that speed things up, you go through a certain process of filing the writ and statement of claim; you serve it; the appearance is entered; the defence is entered and so on and so forth, then the matter is set down for trial. It still takes about three years between the matter being set down for trial and the matter coming up to a cause list hearing.

The cause list hearing is when the lawyers on both sides go before the judge, most often the judge who will be hearing the matter, who has a list for the month following. For example, for the month of July, the next cause list is for September and October, and then after that it would go into November and so on. They go before the judge, who then goes through his cause list, so he has a fairly good idea of what the matters coming up will be about, and whether the lawyers would, in fact, be ready. It is a good system. Basically, it has helped to eradicate a lot of delays. [*Interruption*]

Mr. Vice-President, would you mind if I just sat for a minute. I am going to start again, just give me a little rest.

[*Senator takes his seat*]

Mr. Vice-President: You may sit and make your contribution.

Sen. R. Montano: Thank you, Mr. Vice-President. My foot is hurting a bit today. I think I have been overdoing it; it helps to sit. [*Crosstalk*] No, I have not been campaigning; unfortunately, this has limited me. [*Laughter*] It is having to walk up the Parliament steps, actually. I said it before, and I will say it again, the Red House is most unfriendly to disabled people. Mr. Vice-President, I ask, again, that we debate the problems of the disabled in the Senate. I heard the Prime Minister say the other day that if I wanted I could file the motion, but with the greatest of respect to the Prime Minister, he really did not listen to me. I said that I could file it—but I am digressing, let me get back on the point. [*Crosstalk*]

There are still enormous delays in the system. The fact that cases now take three or four years, instead of six, eight or even 10 years is something to be proud of, but it is still too long. The judges, to a large extent, remain overworked. A lot of people seem to think that a judge's work is simply sitting in court, hearing a case and dispensing justice. Very often, when a trial is over, that is when the judge's real work begins, especially when the trial has been more than a day or two. In some cases, trials may last a week or two.

Mr. Vice-President, the judge has to reread the evidence. There would have been lengthy submissions on the law by counsel on both sides, and the judge has no help whatsoever. There is no clerking system, as there is in the United States; he has to do all his research for himself. While he would rely on counsel for advice, precedents and the authorities, frequently he would want to check and read the authorities for himself. He would frequently do his own research and come up with an authority that neither side has had come out.

The point is that it is not as simple as that. It is not just to sit and say, "Okay, I have heard what you have had to say, let me write a judgment." There is a lot of work involved. Many judges work from their studies at home. You see them going home, but that does not mean that they are going to play golf. They are going home to work for long and late hours. Anything that could be done to alleviate their problems is something that ought to be recommended and supported.

In this country, we tend to do things in a *vaille-que-vaille* fashion and piecemeal. We do not give the kind of support that we need to give. There is no

reason why, in this modern day and age, we should not have palantypists in all the civil courts or why civil matters should not come up faster than three or four years, other than we are not spending enough money on the administration of justice.

There is no reason why we should look at our judges and say, "Look, we are not going to give you the necessary resources." The Judiciary is far too important for that. At the end of the day, all roads lead to the Judiciary. Whenever there is a dispute between two citizens that cannot be solved, it ends up in the courts. If there is a dispute between the State and a citizen, it ends up in court. In the past, disputes between political parties have ended up in court. Inevitably and invariably, we go to court on matters.

When they go to court, people have to have confidence in the system. People accept that they have lost a case, if they feel that the judge has listened to them fairly. Even if the judge criticizes them, once they feel that their case has been heard, they accept it. People do not accept it when they feel that their case has not been listened to, that they are not being heard, and that is when the deterioration in our civilization sets in. So we come back to this: we must do everything possible to help the judges in their work and we must make sure that their workload is a fair one and not overburdened. To want to increase the number of judges is a good thing, because, basically, you start spreading the work out.

I have listened to the Attorney General with interest. She has this roundabout way of saying, "Look, we are bringing in the family court business, and that is why we need the judges right now". If that is the only reason we are increasing the number of judges now, with the greatest of respect, we are increasing them by too little. We should be increasing the number by more. I would have been far happier if she had said, "Look, the judges are overworked, so we need more judges," because that is what we do need. If we are only increasing the number of judges because of the family court, in the nicest way, to use the vernacular, that is a "Mickey Mouse" kind of thinking. We are not thinking forward; we are not thinking with intelligence; we are not thinking developed country; we are thinking backwards. All we are doing is digging a hole to fill a hole; whereas we should be going forward.

The Attorney General said, rather obliquely, in her closing statements, "Well, we are going to come again in a little while to increase the number," at least, that is what I understood. There are certain reports that have to come in first; well, all right. We are going to increase the number of judges again, because of these reports. In the meantime, can we not deal with what is happening now, besides the family court?

I am not arguing with the concept of additional judges for the family court or the pilot project. In addition to all that, you have a problem next door, at the Hall of Justice. The problem is not going to get better; it is going to get worse, because levels of litigation are rising, and you are going to have further problems. Why can we not, as a country, be pro-active for once, as opposed to reactive? That is my problem with the presentation of the Attorney General this afternoon: there were parts of it that were, basically, reactive. You are reacting to the family court by putting on three extra judges, but you are not saying, "Listen, we are going to go forward now, let us really now start trying to do this; what has happened in the past is the past."

In this country, if we want to go forward, we ought to concentrate on whatever the particular issue is before us, and see how best we can fix things, how best we can deal with the problems. A big problem we face is that judges are, in fact, overburdened and overworked. They are too important a pillar in the society to be left in that position.

Thank you, Mr. Vice-President, I support this Bill.

Sen. Dana Seetahal: Mr. Vice-President, I have listened to the Attorney General and Sen. Robin Montano on the amendment to section 5 of the Supreme Court of Judicature Act. I join with them in saying that there could really be no question as to the need for the increase in the number of judges. In fact, section 5 has been amended six times already, since it was first passed in 1962. In 1980, it was amended to increase the number of judges to 15, and sometime thereafter it was increased to 16. It was in 1996, by Act No. 3 that it was increased to 20. So in 1996, legislation was passed by the then government to say that there shall be no less than six and no more than 20 puisne judges of the High Court.

It was said by the Attorney General that in 1999, a Cabinet note was sent from the Judiciary to say that instead of 20 judges they wanted 25. So Since 1999 it was felt that there was a need for some 25 judges, but today we have the proposal for an increase from 20 to 23. Now, from what has been said, it is clear that the extra three posts are to be utilized for the Family Court. For those of us who know what is going on in the Supreme Court, we know that there are, currently, two temporary judges sitting. The Judicial and Legal Services Commission has appointed two temporary judges, because it has already exhausted the 20 judges on the establishment. There is one temporary judge who has been sitting for over one year, with renewals of that appointment.

Mr. Vice-President, it would seem to me, as urgent as the appointment of judges in the family court seems to be, it is equally, if not more important, that a temporary judge should be confirmed in a position, as long as the commission feels he is suitable. It really is not in the interest of having an independent Judiciary that we have judicial officers sitting temporarily. It says nothing for the security of tenure. It seems to me that there might be resistance to the increase from 23 to 25, because of the necessary support staff that one may need to have, but the legislation we are amending says:

> "There shall be no less than six and no more than twenty."

If we say no more than 25, this would give the Government and the Judiciary time to put measures in place for support staff, so that we will not have to come back here in a month or two to increase this number from 23 to 25, or 23 to 30. It is not absolutely necessary that the judges be appointed today or next week, or whenever this legislation is passed. We make the amendment so that we do not have to come back soon.

Support for that proposition can be found in section 6 of the Supreme Court of Judicature Act, which was amended in 1996, which reads:

> "The Judges of the Court of Appeal shall be the Chief Justice…and nine other Justices of Appeal;"

That is what the legislation passed in 1996 said. We were told by the Attorney General that there are only seven Justices of Appeal. The point is, you can have the posts, and they can be filled later. It is really inefficient, if I may say so, to have the Judiciary come back by Cabinet note again to argue their cause.

I have been informed that recently another Cabinet note was prepared and sent to argue for an increase in the number of judges in the regular establishment, not just for the posts for the three judges in the pilot project of the Family Court; this is my understanding.

Mr. Vice-President, I think it is vital that we understand that we need to have more sitting judges and more courts in the Supreme Court to improve the delivery of justice. Since 1995, and 1996 in particular, when the number of judges was increased, we have had more court sittings in the criminal arena for sure, and also in the civil arena. There has been a decrease in the backlog, for sure, in the criminal court; not in the Magistrates' Court, but in the High Court, where we have increased the number of judges; so much so, that now you can get a trial within a year or two. Sometimes you get, at least, a murder heard in the Court of

Appeal within two years. Therefore, it is clear with the increase in the number at the establishments, if we have all the courts manned.

At present, we have six criminal courts, and five are sitting. I am talking about in Port of Spain. We have something like eight civil courts, trial and first instance courts, not to mention the chamber courts, and not all of them are manned.

One point, Mr. Vice-President, it was recently said, in relation to a kidnapping, that if the kidnappers knew or felt that they would be denied bail, they may not have committed the crime. Those of us who practise in the criminal arena, and for others who research the area, we know that the biggest deterrent to criminals is not the fear of not being granted bail, but the fear of being caught and being subject to a speed trial, speedy justice. This is what we must be aware of when we are talking about putting legislation in place to deal with crime. If we increase the number of judges in the establishment and we fill the demand by creating the posts for those temporary judges, we will contribute to the delivery of speedy justice.

I, therefore, suggest that we increase that number to 25, if not 28. We need not fill the posts right away. There is one judge who is sitting there for more than a year in a temporary post, and another judge for six months. We need to have posts in the regular High Courts, not just for a pilot project. We need to support the courts that are already established. I would make a strong plea, regardless of the fact that we have to have support staff. We can have the support staff later, but let us send a message now and show that we are serious about delivering criminal justice in the Supreme Court speedily, and let us increase that number to greater than 23.

Thank you, Mr. Vice-President.

Mr. Vice-President: Hon. Senators, we shall now take the tea break; the Senate is, therefore, suspended. We shall return at 5.00 p.m.

4.28 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, I am quite aware of the haste to have the session end, but with equal fervour, I must admit that this Bill, as short as it presumably is, does carry some very serious implications for the effective functioning of the Judiciary. I was prompted to speak, more particularly, by one of the most fundamental statements made in the debate this afternoon by the hon. Attorney General, which we should take very careful and full note of.

The Attorney General made the point that there are no binding rules that govern the relationship between the Executive and the Judiciary. If we understand that, it would help put some of the subsequent statements made here today into a better perspective, as to the limitations on either side, the Judiciary and, with more relevance, on the shoulders of the Executive through the Attorney General.

Before I proceed to make my few comments, and I would admit that they are few, I would like to state my appreciation for Sen. Seetahal for her enlightening discourse on the numbers, how they have accrued over the years and for what reason or, perhaps, for little reason on some occasions, and, once again, to the Attorney General for elaborating on the guiding principles for the Bill, especially in connection with the family court as a pilot project.

It is heartening to know, and I think the Parliament should also be quite satisfied to note, that such a seemingly healthy and productive relationship now exists between these two important arms of government, the Executive and the Judiciary. More than that, there are some compelling illustrations of that healthy relationship by the number of things specified by the Attorney General, about 10 of them: the human resource unit, the performance management system. These are the kinds of management structures we need, and have needed for a long time in the Judiciary.

Mr. Vice-President, I think the country should be very grateful to see that the present administration in the Judiciary is prepared to join hands with the Executive, in a reciprocal way, to proceed with these specific accomplishments. On my own behalf, I wish to congratulate the Attorney General and the Chief Justice for these important initiatives. I would like that to go on the record.

If you take in the new judges especially for particular areas of activity like the family court judicial decision-making, I want the Attorney General and the Chief Justice to consider the need for a specially trained type of judge, apart from the LLB and other such qualifications that he or she might have, especially since you have the Judicial Educational Institute. The judges' formal training might have taken place years and years ago, whereas "contemporary problems", as they are called, problems relating to the practice of family law, domestic issues and a number of social issues, now find themselves before the court. I, therefore, suggest with respect, that some attention be given to preparing the judges more appropriately for the new tasks that will fall before the family court, in particular and also more generally; but we will stick to the family court purpose for now.

Mr. Vice-President, we touched upon the number of judges and the need to increase that number, but I believe, in future, the Chief Justice should provide us,

through the Attorney General, with some criteria other than a generalized statement about the need for more judges. For example, I remember in the year 1987/1988 when I occupied this Bench, I asked a question of the Judiciary through the Attorney General about the number of cases in backlog: magistracy, civil courts and the criminal courts. The numbers were horrendous.

We know you cannot properly stipulate the time period for a particular case; it depends on the circumstances, but, at the same time, you can certainly make an aggregate over time. We should have, by now, how many cases per year are dealt with. Some of that information is contained in the annual report by the Judiciary, but we need some more specifics to show, in a very compelling way, that the ratio of cases per judge has increased significantly in the last five or 10 years, apart from other considerations which would likely inform the decision. When you do that, you make a very compelling case.

The case is not only to be made before this Parliament. I think a case has to be made for the general public as well, because it was said here that we are becoming a more and more litigious society. Almost every Chief Justice in the last 10 years has made that particular point. There are reasons for it, which I do not think relevant to go into, but with that increased tendency for litigation—I think was Sen. Robin Montano who made the point that almost every little thing it goes to the court. I am happy to see that later on in our agenda is another Bill on mediation to be moved by our Attorney General. Perhaps, it might speak more about alternatives rather than putting increased pressure on our formal Judiciary.

Linked to that, why do we not consider two things: one is, most of us here know all the judges. I am quite sure Sen. Seetahal would know all the judges. Of course, the Attorney General, given her distinguished career in the law, President of the Law Association and so on, would know them much more closely. Why I am saying this? All the judges I know, on retirement at age 60 or 65, still remain as strong as an ox. I am wondering why we cannot consider having the retirement age moved up, subject, of course, to a medical fitness test? This would help the problem that we face, in terms of adding more and more judges, so very often.

It is not only a matter of chronology or age, I would say. A judge in the Appeal Court, at 65 years, is a man, not only with knowledge, but also of tremendous wisdom, both of human nature and the vagaries of legislation. I do not think it is a wisdom that we should so easily dispense with, because the legislation says 65 is the retirement age. I think it should be subject to a medical fitness test, and the willingness of the incumbent that an extension could be considered by the Chief Justice, his own executive, as it were, and the hon. Attorney General.

I do not mean to extend the argument, but, certainly, other countries do it the way I am proposing, and they have reaped the benefits. It creates stability in the system, respect and ripened wisdom. So when a judge writes a judgment, out of it pours, not only reference to legislation, but like the sweet wine of perpetual wisdom, it could be quoted and used for proper precedent. I think we are in a position to enjoy that benefit by a careful reconsideration of the retirement age.

In fact, if I wanted to produce more evidence, I see the retired judges much busier than before, which confirms my point that they have the strength, the will and the intelligence to serve. Therefore, if we have a problem with the number of judges, certainly, that is a matter that deserves favourable consideration. I am happy for the opportunity to speak on this Bill, and though I am anxious to cut short my speech, I think these matters are of very great import. I am quite certain that with a smile, the Attorney General welcomes these remarks; if not for complete acceptance, certainly for judicial consideration.

Mr. Vice-President, if I remember rightly, in the time of then Chief Justice, the late Sir Isaac Hyatali, whom I knew very well, when this matter of temporary judges came about, it was supposed to be a temporary matter to fill a certain gap in the administration of justice, briefly. It is a bit uncomfortable to have a person being a temporary judge today, and the next day that person returns to private practice, facing his peers or those who were his peers yesterday. I do not know how that looks given the Judiciary saying that justice must not only be done, but it must also appear to be done. I think this is a matter we should look at. I believe that the days for temporary judges are over, and a full and proper complement should be installed, along the lines that Sen. Seetahal proposed.

There should be advance planning; I take that point. It is, indeed, a critical point that the Attorney General should make; perhaps, she has implied this, but we certainly cannot expect the Attorney General to rush here, in her own judgment as it were, or even in the judgment of the Executive, to tell us about adding more judges or extending this or that within the Judiciary. I believe in the spirit of the separation of powers, she should always be guided, as far as necessary, by the views and deliberations of the Judiciary. She should serve as the reputable conduit, rather than try to take over the role of Judiciary in these important respects. I say so with very great respect to our own sense of jurisdiction and constitutional powers to advise Cabinet. It is a matter of propriety in this particular instance.

Time and time again, the Attorney General said in her presentation that she sought the approval of the Law Association for this and that. It is good to create

some consensus, but I get a little uneasy when matters of great public interest seem to be determined exclusively by those within the profession. I refer similarly to the doctors; you have to get the approval of the Medical Board or the Medical Association for matters that concern doctors, but do have wider public import. We need some more consumer liveliness, and we need the Government to facilitate the emergence of such consumer activities.

I would like to see, sometime in the future, that consultation be done, not only with the Law Association, if it is available, I know that is a problem, but with some other, what is popularly called the non-governmental organizations, some civil organizations to let us know how the public feels about this piece of legislation or such matters which affect the courts. Mr. Vice-President, it has been said by wiser persons than myself that the courts are not made for lawyers alone. With due respect, I do not mean it in that literal sense, but the people who appear before the courts are really the clients, the people who are subjected as victims or who want some sense of justice. Matters of the court should be taken before the public through some organized institution. I would leave it there, because I know there is a difficulty, how she would find them and so forth, but I make that in the spirit of the debate.

Finally, Mr. Vice-President, there are serious issues facing the Judiciary, for example, the question of sentencing. Perhaps, sooner or later, the Attorney General might tell us what is happening with the Sentencing Commission Act. Is it subject to review, because something went wrong with the legislation? Sentencing is a serious challenge for the Judiciary. I remember speaking to a group of judges on the question of sentencing, and I asked them, "Does it not worry you that you are sentencing people to prisons, and you are not sure of the conditions in which they exist?"

We know punishment has to do with the loss of liberty, but it does not mean cockroaches and rats running over your head, and 10 of you using the same sanitary facility. I am wondering whether judges feel that their jurisdiction should extend to the point where they make sure that the sentences they apply are really what the constitutional arrangements stipulate, or is it much further than that, in terms of severity and punitiveness. The answer I got from them was no; I was shocked. They said that the person should know beforehand that they should not do a wrong thing. I am not into the crime now, but the suitability of punishment, as pronounced by the judges. The whole question of sentencing would need some kind of important consideration.

Mr. Vice-President, those are my few remarks, I am sorry to detain this Senate from a well-deserved recess possibly, but I hope the Attorney General would do us the favour of considering some of these suggestions, if not now, in the near future.

Thank you.

The Attorney General (Sen. The Hon. Glenda Morean): Mr. Vice-President, with respect to the increase in the number of judges, and the contribution of Sen. Seetahal, which, to some extent, was responded to by Sen. Prof. Deosaran, I can only agree with what was said by Sen. Prof. Deosaran. The fact is that we have to maintain the separation of powers. I did say earlier that my role, really, is as a facilitator or conduit between Judiciary and Executive. I cannot stay in the Parliament and determine what are the needs of the establishment of the Judiciary; that comes through the Chief Justice.

If today I were to say, "Okay, people are agreed that we should increase it to 25 or 28," I would not be acting correctly. I think we ought to do things correctly. In any event, I had prefaced my remarks by saying that the Chief Justice did indicate that he had certain committees in place revising certain aspects of the administration of justice, and that he would be recommending a further increase. In fact, this increase by three was not my recommendation, as such, but was the recommendation of the Chief Justice, bearing in mind the fact that we needed to get this pilot project off the ground and, if possible, to have it operational by September; hence the need to go with this amendment before we went through the overall position. That is in relation to the question of the numbers.

With respect to the point raised on the training of judges, we have the Judicial Training Institute. In addition to that, there is now a programme in place where judges avail themselves of certain specialized training. In fact, we had two judges going to Canada, specifically for training in relation to case management and the like. There is something known as "judicial contact", which may not always work effectively as a means of training, but that is the intent. There are also seminars that judges attend. In addition, if you are really alert and alive to the law, you continue learning all the time, because the law is really a learning process.

Even as a practitioner, if you are serious about the law, you are continuously learning. If you are like me, when I am doing a case, I know the rules of the court by heart, but every time I deal with a rule pertaining to a particular case, I read it over again; because of the facts of a particular case, you may see it from a different angle. So training is ongoing, and that is something being done by the Judiciary now.

With respect to the increase in the age of retirement, that would be a whole new debate. I prefer not to deal with that now because we have dealt with it on several occasions; whether when a judge reaches 65 and is now, what you call, "mellowed in the law", if at that point he should demit office and go out to fallow somewhere. That is another debate that we can deal with at some other point.

On the question of temporary judges, that is a mechanism, I suppose, that is provided by the law. It has been there with the amendment to meet the needs of the Judiciary, from time to time. I, myself, was a judge at some point, and I do not know, really, if it is such a bad thing. Again, that is a subject of debate; I would not want to go into it now. I would just deal with the last point made on the question of the Sentencing Commission.

There is a Bill that was sought to be implemented, but it was found to be flawed. In fact, the Chairman of the Law Reform Commission, himself, indicated that he was most unhappy with the structure of the Sentencing Commission. He is in the process of redesigning the Bill, so that is under consideration; it is actively being pursued by the Law Reform Commission. It is not something that we have been sitting on; it is something that the Attorney General's office is actively pursuing. It has to be looked at in the light of all the other Acts, bills and other pieces of legislation that are being considered.

Sen. Seetahal: Madam Attorney General, may I just ask a question. I had understood from what you had said earlier that in 1999 the Judiciary said that they wanted 25 posts. Am I to understand that now they are satisfied with 23, even though they have two temporary judges? I just want to get that clear, because it is contrary to what I was advised today, that they had submitted a separate Cabinet note asking for an increase.

Sen. The Hon. G. Morean: Well, I have not yet received that Cabinet note, so if you were advised today maybe that Cabinet note has not reached me. As I said before, I did speak with the Chief Justice about two weeks ago in relation to this, where he indicated that as a result of the report of the committee he had appointed, he would be calling for some changes. Among those changes would be an increase. Since this was already on the way, we said that we would go through with this. As Sen. Prof. Deosaran said, we need to get it in perspective, so we could see what we are doing.

We are not just saying, "Give me 25 judges," we are not just doing it like that. We most probably would be coming back for changes. There are several changes. In fact, I think I said a while ago that the same committee the Chief Justice

appointed has been beefed up; two persons from the Law Reform Commission and somebody from the Chief Parliamentary Counsel, so as to ensure that we cover all angles, and we do not come piecemeal all the time. Sometimes you ask for an amendment to a piece of legislation, because of a deficiency, and you get only that amendment.

What you need to do is to take an overall look at the position, and determine what amendment you need, rather than come piecemeal. Sometimes it is not always possible to do that; the exigencies of the moment may dictate otherwise.

Mr. Vice-President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Prof. Ramchand: Mr. Chairman, I want to say something even though it may not have any effect. I agree with Sen. Seetahal and Sen. Prof. Deosaran about the number of judges. I admire the fastidiousness and circumspection of the Attorney General in saying that she does not wish to impose more judges than she has been asked for, but I think this is an imposition that they would probably welcome. You are not telling them to appoint 25; you are saying that you can go up to 25. So they would take the 23, and if they want the other two they would take them later. I do not really feel this Senate or the country would regard it as the Executive dictating to the Judiciary, if we give them the 25.

Sen. Morean: Mr. Chairman, let me just say, in addition, that that is a question of policy, and we have to deal with it in a certain way.

Question put and agreed to.

Clause 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.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, before I move the adjournment of the Senate, I thank hon. Senators for the dispatch with which they dealt with this Bill. I did not realize that there were so many Senators here interested in the Tobago Heritage Festival. [*Laughter*]

I beg to move that the Senate do now adjourn to a date to be fixed. Barring an emergency, it is my intention that we should stay away for about four weeks and come back in the middle of August.

Question put and agreed to.

Senate adjourned accordingly

Adjourned at 5.33 p.m.