

*Leave of Absence**Tuesday, December 16, 2003***SENATE***Tuesday, December 16, 2003*

The Senate met at 1.30 p.m.

**PRAYERS**[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Knowlson Gift and Sen. Mary King from today's sitting of the Senate.

**SENATORS' APPOINTMENT**

**Madam President:** Hon, Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Knowlson Gift is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 16<sup>th</sup> December, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

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 15<sup>th</sup> day of December, 2003.

*Senators' Appointment*  
[MADAM PRESIDENT]

*Tuesday, December 16, 2003*

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, 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 illness:

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 16<sup>th</sup> December, 2003 and continuing during the period of illness 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 15<sup>th</sup> day of December, 2003."

**OATH OF ALLEGIANCE**

*Senators Joan Hackshaw-Marshlin and Basharat Ali took and subscribed the Oath of Allegiance as required by law.*

**NATIONAL HOUSING AUTHORITY (VESTING) BILL**

Bill to provide for the vesting of certain state lands in the National Housing Authority for a term of 999 years, brought from the House of Representatives [*The Minister of Housing*]; read the first time.

**MEDIATION (No. 2) BILL**

**Special Select Committee Report  
(Presentation)**

**The Attorney General (Sen. The Hon. John Jeremie):** Madam President, I beg to lay on the Table the report of the Special Select Committee appointed to consider and report on the Mediation (No. 2) Bill.

## ORAL ANSWERS TO QUESTIONS

**Desalcott  
(Operations of)**

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

Could the Minister provide information on:

- (i) The number of gallons of water purchased from Desalcott from the commencement of the company's operations to October 01, 2003?
- (ii) The cost of the quantum of water purchased from Desalcott?
- (iii) The revenue derived from the sale of water from Desalcott?

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I am sorry to advise that the information is not yet available. I ask the Senate to give the Minister one week to present it.

**Sen. Mark:** Madam President, in the spirit of the season, I would not want to destabilize our mental state at this time. I will defer. [*Laughter*]

**Madam President:** Sen. Dr. Saith, how long will it be before we get the answer?

**Sen. Dr. Saith:** By the next sitting.

*Question, by leave, deferred.*

**Pointe-a-Pierre Refinery  
(Crude Oil Production)**

**15. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries:

Could the Minister state:

- A. (i) The daily throughput of crude at the Pointe-a-Pierre Refinery for the period January 01, 2002 to October 31, 2003?
- (ii) The average daily production of crude oil in Trinidad and Tobago for the same period?
- B. If the local production of crude is inadequate, could the Minister state the quantum of crude oil imported to supplement local production for the period January 01, 2002 to October 31, 2003?

**The Minister of Works and Transport (Hon. Franklin Khan):** Madam President, the average daily throughput of crude oil at the Pointe-a-Pierre refinery for the period January 01, 2002 to October 31, 2003, was at 150,266.5 barrels per day.

The average daily crude production in Trinidad and Tobago for the same period was 132,762 barrels of oil per day, comprising 69,427,000 per day produced by BpTT, which is exported, with the remainder, 63,335 barrels of oil per day supplied by the Pointe-a-Pierre refinery.

The quantum of imported crude oil processed for the period January 01, 2002 to October 31, 2003, was 58,826,217 barrels or 87,931 barrels per day. At present, approximately 38 per cent of the exported crude oil comes from Venezuela; 12 per cent from the Congo; 12 per cent from Brazil and small quantities from Nigeria, Angola, Suriname, Colombia, Ecuador, Barbados and Gabon.

Thank you.

**Sen. Mark:** Madam President, I know that the hon. Minister is not the competent Minister, but if he could help us by explaining to the Parliament what are some of the factors contributing to this low throughput of 150,000 barrels per day.

**Hon. F. Khan:** That is a good question, but that throughput is not low. Actually, as we speak, the throughput is around 160,000 barrels per day, which is the upgraded capacity post the refinery upgrade.

**Sen. Mark:** Madam President, could the hon. Minister indicate to us what is the capacity of the refinery in processing throughputs of oil, what is the maximum capacity at the present time? Do you have any information on that?

**Hon. F. Khan:** Yes, I do. It is just above 160,000 barrels a day. If you are referring to the old days of Texaco when it was 253,000 to 300,000-plus, those days are long gone, but the actual capacity is around 160,000 barrels per day.

#### **Board of Inland Revenue (Green Fund Monies)**

**16. Sen. Wade Mark** asked the hon. Minister of Finance:

- A. Could the Minister indicate to this Senate the total amount of monies collected by the Board of Inland Revenue on behalf of the Green Fund Agency from the inception of the Fund?

- B. (i) Precisely when were funds collected by the Board of Inland Revenue?
- (ii) At what time were the funds officially handed over to the Green Fund Agency?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Madam President, the total sum collected by the Board of Inland Revenue on behalf of the Green Fund Agency from the inception of the Fund, that is, January 01, 2001 to October 31, 2003, amounted to TT \$273,514,390.

Since the inception of the Fund on January 01, 2003, funds have been collected monthly. Funds have not been officially handed over to the Green Fund Agency as that agency was never operationalized, and the Government is currently reviewing the mechanism for the administration and operation of the Green Fund.

**Sen. Mark:** Through you, Madam President, could the hon. Minister indicate what time frame he anticipates for the operationalization of the Green Fund Agency?

**Sen. The Hon. C. Enill:** Yes, Madam President. Further to the recognition that this was so, Cabinet, in February 2003, agreed that the Minister of Finance should appoint a committee to undertake a comprehensive review of the policy in respect of the establishment of the Green Fund. The committee in its review, found that the Finance Act 2000 did not provide for proper accountability, transparency and management of the resources of the Green Fund. These requirements should be applicable to all public funds.

In order to address these weaknesses, the committee recommended that legislative changes be made to facilitate the operation and administration of the Green Fund in a manner similar to funds established under section 43 of the Exchequer and Audit Act. The committee's report and recommendations were accepted by Cabinet at its meeting on September 04, 2003. A bill to establish this Fund, in accordance with the Exchequer and Audit Act, will be brought to the Parliament by January 31, 2004. It is going to be incorporated as part of the Finance Act.

**Sen. Mark:** Madam President, through you, could the hon. Minister indicate what has happened to the \$273 million?

**Sen. The Hon. C. Enill:** The \$273 million, as was established, is in an account at the Central Bank.

**Sen. Mark:** Could the hon. Minister indicate whether there are members of the board still functioning or have members of the Green Fund Agency been removed?

**Sen. The Hon. C. Enill:** The Green Fund Agency actually reports, I believe, to the Ministry of Public Utilities, therefore I am not in a position to confirm, at this point in time, what is the position of that board. I know, insofar as funding was concerned, that funding was not able to get to them because of this particular issue.

#### **MEDIATION (NO.2 BILL**

#### **Special Select Committee Report (Adoption)**

**The Attorney General (Sen. The Hon. John Jeremie):** Madam President, I beg to move,

*Be it resolved* that the Senate adopt the report of the Special Select Committee of the Senate appointed to consider and report on a Bill to provide for mediation in Trinidad and Tobago and to report back to the Senate by Tuesday, December 16, 2003.

Hon. Senators would recall that on December 02, 2003, the Senate resolved to appoint a select committee to consider and report back on the Mediation (No. 2) Bill, 2003.

The membership of the committee was comprised as follows: Sen. Christine Kangaloo; Sen. Mustapha Abdul-Hamid; Sen. Carolyn Seepersad-Bachan, Sen. Dana Seetahal. I had the honour to chair the committee.

The committee has produced a report in final form, which is before the Senate, and it is self-explanatory. The members of the committee worked hard together and took apart the Bill. We heard from experts, and we put the Bill back together again. All members have signed off on the report. I think this marks the third time that this has happened, in as many weeks. I hope that the spirit of compromise, which has attended our deliberations in this matter and in the other two matters before, continues into the new year.

Madam President, I beg to move.

*Question proposed.*

**Sen. Carolyn Seepersad-Bachan:** Madam President, let me first of all compliment the Attorney General for his fine chairmanship of this particular committee. As he indicated, the committee worked hard considering the Bill, and

we deliberated for a very long time. I would like to add some points to this particular Motion before us.

The Mediation (No. 2) Bill establishes the Mediation Board of Trinidad and Tobago and confers onto this board powers and functions which include, inter alia, the formulation of standards, enforcing the observance of a code of ethics contained in regulations made under this Bill and investigating and disciplining certified mediators.

We recognize that like any other profession this is clearly required if we are to provide the same level of quality assurance in the delivery of mediation services. It is recognized here, and it was also recognized by the committee, that there is need to widen and broaden the mediation process as much as possible. However, I would like to remind Members of the Senate that this Bill serves only to regulate certified mediators and approved mediation agencies and programmes. Whereas I support the proposed amendments by the committee in this respect, I want to highlight one or two concerns as indicated in the recommendations of this particular report.

The first recommendation of this particular report is that the Senate adopts the contents of the report, the recommended amendments to this Bill. In recommendation 7.2 it states:

“Your Committee also recommends that the package of penal reform measures which it is anticipated will provide for mediation in criminal matters be brought before the Parliament as soon as possible.”

The Attorney General can bear me out on this, but we did have some discussion with the experts who were invited to meet with the committee on the whole issue of referring matters for mediation, in terms of criminal matters. In light of this, and recognizing that this particular Bill, as it stands today, does not, in any way, address the referral of criminal matters for mediation, this committee made this recommendation.

In the spirit of cooperation we indicated that the package of penal reform measures, for which a report was presented, outlined some of the measures to be taken, and will address the criminal matters for mediation. What happens as a result of that? With the repealing of the Community Mediation Act, a void will be created at this point in time. I take the concerns of several who said that there were flaws in that particular Bill, but with the flaws, a facility still existed for referral of criminal matters for mediation.

*Mediation (No.2) Bill*  
[SEN. SEEPERSAD-BACHAN]

*Tuesday, December 16, 2003*

I say this because we had a lot of discussion even here on the floor of this Senate and in the committee about the whole issue of juvenile offenders, the first time offenders. I refer you to two articles in the *Guardian* and *Newsday* newspapers of last week where, on the one hand, an 18-year-old schoolboy in an Arima court was committed to six months hard labour for drug trafficking. Next to him, an Unemployment Relief Programme foreman was given 12 months hard labour for the same sort of trafficking. It was the same issue that came out of Sen. Prof. Deosaran's report, the whole issue of addressing these young offenders to ensure that they do not have to face the court process and go into the system where they can mix with hardened criminals and they themselves become hardened criminals.

Therefore, I accepted when members of the Government indicated that there would be such measures to deal with this, and, as we saw in the report, a package of measures to deal with penal reform that would ensure that these young people would be taken out of that system before they go into the court system, which would result in them mixing with hardened criminals. As we know, 99 per cent of the time, these very same young offenders come back out as hardened criminals, because of mixing with hardened criminals.

Madam President, this point was raised again at the committee stage, and all of us shared and appreciated that view. In the spirit of compromise and support, I must say that I appreciate the Attorney General and other members of the Government who indicated that they, themselves, recognized that this void exists, that this gap exists, and there is no method or facility that exists right now that would allow for criminal matters to go to mediation.

I make this point, not that I want to lengthen the debate, but, basically, because this is the issue that we must deal with in mediation. As I said before, the Community Mediation Act had some flaws, but it still provided an informal process which magistrates used, and we had some success in that. When the matters were referred to community mediation there was some success, so a facility existed. With the Government recognizing that there would be no other facility, because this Bill eliminates that procedure all together, it eliminates that facility, I appreciate that we agreed to put this recommendation in, to have this come as soon as possible before the Parliament.

Madam President, at this point in time, on further reflection and given the recent spate of juvenile offenders, especially in the school system, for which I have a deep concern, and in light of the recommendations of 7.2, I now further



recommend that the Community Mediation Act of 1998 remain in force until the passage of the proposed legislation in 7.2 of the Special Select Committee's report and, accordingly, that clause 17 not be removed. I now move an amendment to this Motion that the report be adopted in accordance with Standing Order 59(3).

For the record, I recognized that in accordance with Standing Order 53(1) we could not delve into the merit and principles of the Bill in the Special Select Committee, because it is clearly stated. In accordance with Standing Order 57(3), I would like to amend the contents of the Attorney General's Motion to state:

*Be it resolved* that this Senate adopt the report of the Special Select Committee of the Senate appointed to consider and report on a Bill to provide for mediation in Trinidad and Tobago and to report back to the Senate by Tuesday, December 16, 2003, subject to the recommittal of clause 17 to a Committee of the whole Senate. Thank you, Madam President.

**Sen. Wade Mark:** Madam President, I wish to second the amendment to the Motion, and reserve the right to speak as well.

**Madam President:** Does anyone else wish to speak on this matter?

**Sen. Wade Mark:** Madam President, as you would know, these amendments only reached us a couple minutes ago, because we were not members of that committee. I want to find out from the Attorney General whether he would facilitate the whole Senate the opportunity of perusing these amendments, having regard to the fact that we have all just received these amendments.

I recall expressing some very grave reservations about this particular measure that is now before us. In the interest and in the spirit of the season, I appeal to the hon. Attorney General to allow the whole Senate to consider these amendments. If you look at this report, there are four pages of amendments. I could not, I have not looked, I have not absorbed, I have not digested or consumed these amendments. I respectfully submit to the Attorney General to defer this report to the next sitting of the Parliament, unless they want to have a special sitting on Christmas Day. I would like him to respectfully defer this report so that all of us could have an opportunity to look at these amendments properly.

I would like to get a response from the hon. Attorney General. I have an hour before I conclude, and I would not want to detain the Senate unnecessarily. If I could just get from the Attorney General a position on this matter. It is really hard for us to have just received these four pages of amendments, without even studying them, and make a decision on those amendments.

*Mediation (No.2) Bill*  
[SEN. MARK]

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As you know, Madam President, under the Standing Orders our Member, Sen. Seepersad-Bachan, could not discuss these matters with us; it is prohibited. We did not have the opportunity of seeing or, at least, analyzing these measures. I would like the Attorney General to consider deferring this matter to allow the entire Senate to look at it, in a very comprehensive way, and at the next sitting of the Senate we would be able to deliberate on it in a much more meaningful and intelligent manner. I would like the Attorney General to consider our submission at this time.

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, while I understand Sen. Mark's view that he did not see the report in time, we operated in the Special Select Committee on the basis that there were Senators representing and seeking the views of others.

I suggest that we suspend for half an hour, so those Senators who feel they need a little more time to look at this report, could do so. We would then resume and, at that time, we would proceed. I do not believe that we are serving the country by unduly prolonging some of the discussions on these bills.

I suggest that we suspend for half an hour, all Members read and digest the report, and if at the end of that, when we resume, there is the feeling that we should not consider, we would do so. We may, I believe, find, at that point in time, that we would be willing to deal with the Bill.

**Sen. Mark:** Madam President, I think that we have to be very serious in dealing with the people's business here. For the hon. Leader of Government Business, the Minister of Public Administration and Information, to tell us, like school children, to take half an hour to deliberate on something as critical as the Mediation (No. 2) Bill, is an insult to our side. I want to make it very clear that we do not want half an hour to deliberate on this matter.

We are suggesting to the hon. Leader of Government Business to have this matter deferred, because if he wants the support of the Opposition on this measure, we are not going to be rushed. We are advising the Leader of Government Business, and we are appealing to his good conscience, in this season of goodwill, to allow the Senate the opportunity to properly digest and consume these amendments, so that we could make a more informed and intelligent contribution to this deliberation; not half an hour.

We are not in any hustle. Who is behind this hustle, the Chief Justice? Who is trying to rush the Parliament into taking a decision before we can properly assess

the matter? This is the Parliament; this is an independent Chamber! We are not at the whims and fancies of any cabal out there; we operate as an independent Chamber. If we are saying that we need some time, not half an hour, not an hour, not two hours. I am prepared to concede that if the hon. Leader of Government Business would like us to meet next week Tuesday, let us come back and meet, but give us a week to look at the matter. Giving us half an hour is a schoolboy approach, and we are not taking instructions from “no” headmaster on this matter.

We are saying clearly that we want some more time, and we advise the hon. Leader of Government Business to reconsider his position. We want to facilitate you; we want to help you, but allow us some time to clarify some of these burning issues that are now before this honourable Senate. It is unfair. *[Interruption]*

**Sen. R. Montano:** Before Sen. Dr. Saith responds, may I ask him a question?

**Madam President:** Yes.

**Sen. R. Montano:** Madam President, I read this report very quickly and I notice that there are recommendations. When Minister Saith does respond, I would like to know: Does the Government accept the recommendations of the committee? I am particularly concerned with 7.2 of the recommendations. If the Government is accepting this, that might help a great deal.

**Sen. The Hon. Dr. L. Saith:** Madam President, let me start with the last point. The Attorney General, on behalf of the Government, has presented his report, and the Government is prepared to support the report. The report was prepared by five eminent Members of the Senate, and we are willing to accept them.

In respect of Sen. Mark, I did not intend to be a schoolmaster. If that is the way he took it, I am sorry, that was not my intention. My intention is to get the people’s business done. If it were a question of giving him enough time to make an intelligent contribution, then we would take a year. *[Laughter]*

**Sen. Mark:** That is insulting to me, but, again, it is in the spirit of the season. *[Laughter]*

**Sen. The Hon. Dr. L. Saith:** I am merely trying to find a way where Senators on all sides: the Independent, Opposition and Government Benches, on the basis of a request, when we were debating this Bill in the committee stage, to send it to a select committee, have done work. The committee has worked hard, and produced a report that the Government is prepared to support. We have two options: we could give people a little more time to read it or we could have the debate, go to the vote and accept the report.

**Madam President:** Hon. Senators, the question is that the Senate be suspended for half an hour to consider the report.

*Question put and agreed to.*

**Madam President:** Hon. Senators, the Senate will be suspended for half and hour. We will resume at 2.40 p.m.

**2.12 p.m.:** *Sitting suspended.*

**2.40 p.m.:** *Sitting resumed.*

**Sen. Wade Mark:** Madam President, as you are well aware, under the relevant Standing Order, it is a breach of parliamentary privilege and a contempt of Parliament if proceedings within a joint select committee or select committee are revealed to the public, as was so elegantly enunciated by my dear friend, Sen. Dr. McKenzie, on the integrity matter some time ago.

Having caucused and having been properly apprised of the situation by our dear friend who sat on the committee, Sen. Seepersad-Bachan, we have decided, in the spirit of the season. We want to ensure that paragraph 7.2 of this report, which deals with findings and recommendations—and we hold the Attorney General, Sen. The Hon. Jeremie and the entire Government accountable to this Senate to bring to this Parliament, immediately, or as described here, “as soon as possible”, meaning that we would like this particular recommendation to find manifestation within a very, very short period of time. When we say immediately we would hope that at the earliest opportunity, we would get this legislation.

Madam President, in those circumstances, and in the spirit of the period, with the support of my colleagues, we would withdraw the proposed amendment to the report. We put on the record our concern, and we hold the Attorney General, Sen. The Hon. Jeremie, accountable. Paragraph 7.2 reads:

“Your Committee also recommends that the package of penal reform measures which it is anticipated will provide for mediation in criminal matters be brought before the Parliament as soon as possible.”

We do not want to detain you or the Parliament any longer. We indicate to the Attorney General that we will go along with this particular matter before us, and we look forward, as soon as possible, to having before this honourable Parliament the package of legislation.

Thank you. [*Interruption*]

**Sen. Carolyn Seepersad-Bachan:** Madam President, having had the opportunity to caucus with Members, we are of the view that given paragraph 7.2 and the words “as soon as possible”, that there will be no need to repeal the Community Mediation Act, since this will be in place in the very near future.

Before I withdraw the Motion, I wish everyone here a peaceful and warm Christmas and a prosperous new year, and to you, Madam President, and members of your family.

On that note, I beg leave of the Senate to withdraw the Motion. Thank you.  
[*Interruption*]

**Sen. Dr. Eastlyn McKenzie:** Madam President, when we selected this committee, I think all sides had the strongest confidence in the people we chose to sit on the committee. In fact, I was very, very honoured to have Sen. Seetahal accept. We on this side felt very confident. The first thing we did was to see if she had signed the report, and when we realized that she had signed, because we know how passionate she is about it and how much research she does— I want to say publicly, that we have very great confidence in the commitment and dedication of Sen. Seetahal. [*Desk thumping*] She willingly accepts. As administrative leader of the Bench, when I approach her at times and ask, “Dana, would you sit on this committee,” she does so very willingly, and she puts her all into it. We on this side had the utmost confidence that whatever she had signed to would have been thorough and excellent.

Secondly, this morning I was privileged and fortunate to attend the seminar on restorative justice. I know that this was something that we spoke about when we dealt with this Bill. I must say how very impressed and how much I learned from the presentations, not only of our own Minister of National Security and Rehabilitation, his junior Minister and the others who spoke, but from the question and answer time.

In that seminar the commitment was given that this paragraph 7.2, as articulated by Sen. R. Montano, was dealt with, and a pledge was given that this matter would be dealt with very, very quickly. It is with that type of confidence that I say we support the recommendations and the work of the committee.

Thank you.

**Madam President:** Hon. Senators, I need to put before the Senate the fact that the amendment has been withdrawn, because it had been accepted by the whole Senate.

*Question put and agreed to.*

*Amended Motion withdrawn.*

**Madam President:** Is there anyone else wishing to speak?

**The Attorney General (Sen. The Hon. John Jeremie):** Madam President, there is very little for me to reply to. As I said at the outset, the report was signed by all Members, including Sen. Seepersad-Bachan. I am happy that the caucus produced a result that was consistent with morality and good sense. All that is left for me to say is: I beg to move.

**Sen. R. Montano:** You forgot spirituality. [*Laughter*]

*Question put and agreed to.*

*Report adopted.*

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

*Bill reported, read the third time and passed.*

#### SEASON'S GREETINGS

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** I take the opportunity, having heard the Leader of the Opposition talk so much about the spirit of the season, to wish all Members of the Senate and yourself, Madam President, and your family, all the best wishes for the season and a prosperous New Year.

To our hardworking parliamentary staff—and I emphasize the word “hardworking”, because I am beginning to more and more understand and appreciate how vital they are to our activities—I wish them and their families a merry Christmas and a happy New Year. To members of the media who are here every Tuesday to witness some of the very elaborate acting put on by some Members, and dutifully report it, I wish them and all members of the public gallery best wishes for the Christmas season and the New Year.

**Sen. Wade Mark:** Madam President, before extending warmest felicitations, may I take this opportunity to express my own sadness and our collective disappointment over the fact that we were hoping, in the spirit of the season, that the workers of Trinidad and Tobago, the working class, would have been given the Christmas gift that was promised by the Government, and published in all the newspapers. [*Interruption*]

**Sen. Dr. Saith:** Madam President, I must rise. The hon. Senator is well aware that prior to the start of this session I indicated to him and Sen. Dr. McKenzie the reason we were not dealing with the Occupational Health and Safety Bill.

Although, theoretically, we should not be dealing with it, because it was not within the period. [*Interruption*] No, let me finish, because you started off with a wrong premise, deliberately. I had spoken to the Minister of Labour and Small and Micro Enterprise Development who indicated that there were some amendments being developed for the Bill, and it would not make sense to present it without those amendments. I gave him the assurance that it would be the first bill we would do when we resumed, so I think the hon. Senator is being a little disingenuous. [*Crosstalk*]

**2.55 p.m.**

**Sen. Mark:** Madam President, my hon. colleague, Sen. The Hon. Dr. Saith, did not allow me to complete my statement. I would have indicated to you and this honourable Senate our discussion, but it does not take away my sadness and disappointment over the fact that the workers of this country at this period and season of goodwill would not have their Occupational Safety and Health Bill together. That is why I said I am a bit sad today. Yes, the hon. Minister did indicate to me the amendments, and I want the record to show that we conversed. Sen. Dr. Saith, you did indicate what you said a short while ago, but I am still a sad and disappointed person.

Madam President, with those few words let me take this opportunity to extend to my colleagues, even though we are in intense contest all the time, I extend to my colleagues on that side and their respective families and of course, my acting Prime Minister, Joan Yuille-Williams and her family, warmest season's greetings and we hope that in 2004 we would have full transparency, accountability and proper governance of our nation.

I also take this opportunity to extend to my colleagues on the Independent Bench and their respective families warmest felicitations on this occasion.

To the staff and Members of Parliament, the protective services, members of the media who sometimes do not report us accurately, [*Laughter*] I also extend warmest season's greetings to them and their respective families.

And, Madam President, the Marshal, without the Marshal you cannot move from that Chair. [*Laughter*] I want to extend to the Marshal and his family warmest season's greetings and a very productive 2004.

Madam President, without you—you know you are the lady who has us on our feet. Without you, Madam President, we would not have had the kind of orderly session as we have had. Although there were times to deal with some matters,

*Mediation Bill*  
[SEN. MARK]

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where you had to bring us up and take action, but no love lost. We still love and appreciate you, and as a family in this Parliament I would like to extend to you and your family a holy, merry, and a warm Christmas and wish you health, strength, peace, happiness and longevity in the period ahead.

So on behalf of the collective Opposition, the alternative government to the PNM, we extend warmest season's greetings to all our colleagues and their respective families.

Thank you very much, Madam President.

**Sen. Dr. Eastlyn McKenzie:** Madam President, on behalf of all of us nine, sometimes 10 and sometimes 11 who would have sat on the Independent Bench and even our—how do I style him? New tie, new shirt, new looking returning Sen. Prof. Kenneth Ramchand. I say first to you, Madam President and your family, warmest greetings for the Christmas season and a healthy, bright and prosperous 2004.

To all of us in the Senate, I extend on behalf of all of us on the Independent Bench—those who have come in temporarily as well—our warmest and sincere greetings to all Senators and their families for a peaceful and blessed Christmas, and as the people say, a bright and prosperous 2004.

To members of staff of the Parliament, not only those who serve us here, but those who serve in all sections of the Parliament, from the library to the kitchen staff, everyone; to members of the protective service, the men and women who make us feel secure; members of the media; we want to say thanks for your services during the year and do have a peaceful and restful Christmas season and a bright and prosperous 2004.

To the public, Madam President, we know that we are in very trying and challenging times, and as you know at Christmas time for the Christians we talk about the angels and the visitation, et cetera. There is the saying that the angels sing songs of love to all of us, and I would like to quote from the hymn writer who wrote that man and man at war with man hears not the love song of the angels, and the advice is:

Oh hush the noise ye men of strife, and hear the angels sing.

To all of us here, and the public in general, I say on behalf of all of us on the Independent Bench, a holy, blessed, and peaceful Christmas and a bright and prosperous 2004.

Thank you very much.



**CONDOLENCES  
(JAIGOBIN NANGA)**

**Madam President:** Hon. Senators, I would defer my greetings for a few minutes because we have two matters still; one is a Motion to be raised on the Adjournment of the Senate, and the other one was just brought to my attention, and that is a former Senator, Sen. Jaigobin Nanga, has recently passed away and on behalf of the Senate, I extend our condolences to his family, and I would like us to stand for one minute of silence.

*The Senate stood.*

**ADJOURNMENT**

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate do now adjourn to a date to be fixed.

**Madam President:** Before we take the adjournment we have a Motion by Sen. Dr. Jennifer Kernahan.

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(Status of)**

**Sen. Dr. Jennifer Kernahan:** Madam President, I beg to move this Motion on the matter to be raised on the Motion for the Adjournment of the Senate; the Status of Preparation by the Sugar Manufacturing Company for the Imminent Sugar Cane Crop 2004.

Madam President, it is very clear for those who have eyes to see, given the social and economic policies being implemented and forced on the people of Trinidad and Tobago by the Patrick Manning regime, that the obvious intention of this Government is to emasculate and undermine the political and economic independence of the citizens of this country with a view that very shortly 90 per cent of the citizens will be employed and employable only by the Community-based Environmental Protection and Enhancement Programme (CEPEP).

Nowhere is this clearer than the brutal policies that are being inflicted on the sugar industry at this time. We have just seen the spectacle of the severance from productive labour of 10,000 sugar workers and now we see that the livelihood of over 5,000 cane farmers is being seriously jeopardized by the harsh and brutal policies of this Government.

Madam President, the Sugar Production Act, Chap: 64:01, which governs the terms and conditions of the purchasing of farmers' canes, part of the contract

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is that the company would purchase canes at the nearest production points for the ease and efficiency of handling of canes. To effect this contract, over 42 scales of purchasing points were established and the Cane-Farming Department of the defunct Caroni (1975) Limited was charged with the responsibility of handling, purchasing, and transporting the farmers' canes from these purchasing points to the then two factories; Ste. Madeleine and Brechin Castle.

With the dissolution of Caroni (1975) Limited, the cane-farming department is no longer functioning and the newly formed Sugar Manufacturing Company had declined to take responsibility for the operation of the scales and purchasing points for the farmers in spite of its obligations under the Sugar Production Act, Chap. 64:01.

The stated target of the crop this year by the Sugar Manufacturing Company is logistically impossible to realize, 75,000 tonnes of cane. Because of the total disarray of—not only the former Caroni (1975) Limited cane lands which are over 30,000 acres of cane—but the fact that the farmers are also totally divorced from the previous procedures administered by the Cane-Farming Department and efforts are being made now to devolve the former responsibilities of that department to the farmers and they are in no position to take on these responsibilities. The farmers' organization does not have the track record and experience to take on these responsibilities especially at such short notice.

Madam President, as I said before, the target is totally unrealizable because apart from the problems with Caroni (1975) Limited lands, and the farmers' lands which are being experienced now, we have only the Ste. Madeleine factory being operated at this time, and when we talk about farmers, we are talking about over 5,800 cane farmers of which 1,700 operate under 20 tonnage, 1,700 under 100 tonnage, 1,600 under 500 tonnage and only 20 above 1,000 tonnage. This means that 90 per cent of the cane farmers in this country are either small or medium-sized farmers whose livelihood and future are in dire jeopardy and will be severely affected by the chaos now existing with respect to the preparation of the 2004 crop and beyond.

This whole mechanism of getting canes to factories to get the satisfactory produce, sugar, is very complicated and technical and must be done in a systematic way in order for the farmers and the company to benefit. I have been told that after cutting, canes must reach the factory between 12 and 18 hours and up to this day, in talking with the farmers' organization and farmers themselves, nobody has an idea of actually how many purchasing points there will be.

Apparently, the former Minister had talked about two purchasing points at the factory, now there is this other option that they may keep the 42 scales but nobody seems to know which company, organization or entity would be buying the farmers' cane at the purchasing points, or the schedule of delivery for these canes. It has to be coordinated and it is very important for the farmers to know what is the schedule, their quota per day to get to the purchasing points and so on and nobody has told them that. They have no idea of how much cane per day would be transported, who would be transporting the canes and so forth.

Madam President, the Cane Farmers Association apparently has met with the Minister, and the latest proposal on the table is that the Trinidad Islandwide Cane Farmers Association (TICFA) will be given 80 per cent of the scales to operate. People are very surprised and bewildered because there has been no transparency, no consultation with the cane farmers and they have been told that this union, headed by Raffique Shah, will be given 80 per cent of the scales and they do not know on what basis this will be done.

The other point about this is that the Cane-Farming Department operated the scales at a cost of \$20 per tonne and the farmers are now being asked to do the job that the Cane-Farming Department did at \$5 per tonne. So it is very obvious that there is going to be a shortfall and the cane farmers want to know who is going to absorb that cost because they are going to be doing the job that the Cane-Farming Department did at a very reduced cost.

Madam President, there has also been much confusion with respect to who is running the show as there seems to be many cooks and you know the saying: Too many cooks spoil the broth. There has been this company, Virgo Consultants Limited, which has been incorporated in October this year. Two directors have been identified, one is Mr. Wayne Inniss, a former campaign manager to the Couva South constituency and the other is Mr. George Murty and the Sugar Manufacturing Company Limited has engaged this company to organize and oversee the running of the 2004 crop.

On the one hand, they said they were just consultants, but in any case nobody seems to know how they got the contract to oversee the crop, or if it was tendered out, or if it was transparent. What is clear is that the company has the responsibility to salvage the Caroni (1975) Limited sugarcane crop of 30,000 acres of cane lands which have practically been abandoned by the Government since the VSEP when they sent home all the workers. What we have now in

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Trinidad and Tobago is 30,000 acres of agricultural land in total decay and disarray out of which they hope to salvage 75,000 tonnage of sugar cane.

Madam President, there is a froghopper infestation of Caroni (1975) Limited lands which has also spread to private farmers' lands as far as south. The farmers are reeling under this attack because apparently there was a decision taken by the Ministry of Agriculture, Land and Marine Resources to cut back the froghopper control programme by 20 per cent until the end of 2005. So farmers are not being given the facility of spraying their lands and there is total infestation of the farmers' canes.

In addition to that, Caroni (1975) Limited lands right now constitute an environmental hazard because the drainage is not being maintained, there are mosquitoes, the roads are impassable, the whole infrastructure has been neglected and is in shambles. Nobody seems to care and Virgo Consultants Limited in the context of all that, is now trying to salvage Caroni (1975) Limited 30,000 acres of lands and they are giving out the machinery and equipment of the former Caroni (1975) Limited to private farmers and distributing millions of dollars worth of fertilizers and so forth for them to try to salvage the crop.

There is lack of transparency again because nobody knows on what basis certain farmers were given these equipment and are being given fertilizers. We do not know what is the expected output, who are controlling these farmers, and the use of these equipment and fertilizers. These are the observations of the leadership of the sugar unions and we would like the Minister to account to Parliament about what is happening with respect to the use of Caroni (1975) Limited equipment by private individuals and what is happening with respect to the 30,000 acres of cane-farming lands for the 2004 crop.

Madam President, as we said, it is logistically impossible for the Government to recover the tonnage of cane that it has said it would, and the future of small cane farmers in this country is very dim.

**Madam President:** Senator, you have three more minutes.

**Sen. Dr. J. Kernahan:** Thank you, Madam President. We are talking about communities that are going to be totally and severely affected by the harsh, brutal, and the political victimization of the cane farmers by this Government.

Madam President, you do not have to take my word for it. I am just going to read very quickly, a document from the University of the West Indies, *University Position Paper* which says:

“The prospect for the small sugarcane farmer in the new system—in which all canes will now be purchased from private farmers, and in which the sugar company will now purchase canes on the basis of quality—is dim. The small farmer does not have the equipment to transport canes to the factory. For confirmation of prices for his canes, and for tracking his cane produce, he will have to rely on the transport contractors, the large farmers who own transport facilities, or the factory. The small farmer generally has to pay for his own cane plants, ploughing, fertilization, weedicide, insecticide, harvesting and transport to the scaleyards. In the purchase by quality system, he can hardly be expected to have capital to devote to soil improvement or to introduce new varieties of cane. This category of cane farmer will suffer from the weak economies of scale associated with the smallness of the scale of his enterprise.”

So Madam President, this is the view of the erudite team, compiled by the University of the West Indies with respect to the future of small farmers in this country and I would ask the Minister to give this country an answer to what is happening with our small farmers in the sugar industry.

Thank you.

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Madam President, I would like to read what I got at the ministry this week.

May I guide the hon. Senator that the Sugar Manufacturing Company’s line Minister is now the Minister of Trade and Industry, but since the PNM is a team and we work together, it is my business to be here this afternoon and answer the hon. Senator’s question because it would have taken us into the year 2004.

The following are very relevant to the 2004 crop.

1. Following the appointment of the Board of Directors of the Sugar Manufacturing Company Limited (SMCL) on August 08, 2003, the board was required to get the company operational in time for the milling operations in 2004.
2. The mandate of SMCL is to reach a production target of 75,000 tonnes of raw sugar and the company has established a production target of 60,000 tonnes of cane for the year 2004.
3. The company estimates that 750,000 tonnes of sugar cane will be required in 2004 and anticipates that there are approximately 610,000

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which will be delivered by the traditional farmers to the SMCL factory at Usine Ste. Madeleine. In addition, sugar cane requirements will be harvested by Caroni (1975) Limited fields by contract.

4. To date, the SMCL factory has achieved the 90 per cent readiness for the 2004 milling period and the company will begin its purchase of sugar canes from farmers from mid- January 2004.

I say to the hon. Senator that even with the Dhanpur Mill which the UNC bought for \$20 million, and it cost almost that to come on stream to grind canes—I remember a famous politician saying that it was going to start and it took two years. While they were grinding cane on one side, the sugar cane syrup was flying somewhere else. Up to this time, I am told by the manufacturing company and also TICFA and others, that it is an 1837 mill that was taken from India and brought here at a cost of \$20 million. What a strain to the taxpayers of Trinidad and Tobago, having had a government that wasted \$20 million of our taxpayers' money to bring an 18<sup>th</sup> Century mill from India to mill cane and never milled any. *[Interruption]*

Even with that Dhanpur mill, we are going to get—

**Sen. R. Montano:** You are just following us.

**Hon. J. Narine:** Madam President, if Sen. R. Montano is willing to ask a question, I am willing to come anytime to answer. I am talking about the Dhanpur mill. This is history in Trinidad and Tobago, having paid \$20 million for it, it did not grind cane for three years and more, and it cost approximately the same amount to put that into operation at the SMCL. I say to you that an 18<sup>th</sup> Century mill is not good enough for Trinidad and Tobago, and we are going to upgrade the machinery there that we will be proud of that one mill which will mill all the canes that we have to provide for sugar this year. *[Interruption]*

**Madam President:** Senators, we are a bit noisy. Try to be a little quieter so the Minister can finish his answer.

**Hon. J. Narine:** Madam President, I know that it hurts to know that \$20 million went down the drain when we could have spent that money for better things in this country, but what you have done before will live after you and that is why you are sitting there. *[Interruption]*

**Sen. R. Montano:** We are sitting here because you stole the election.

**Hon. J. Narine:** Madam President, there were other questions that were asked—although they were not written in the Motion for the Adjournment—

which spoke about the milling for sugar cane, but I am willing to answer any questions posed by any Senator.

Yesterday I met with four persons and others, four of the companies that carry the—*[Interruption]*

**Sen. Mark:** Sorry, Sir.

**Hon. J. Narine:** It is not \$10 million in London, 10 per cent—*[Crosstalk]* That is Dhanraj “yuh” talking “bout”? *[Crosstalk]*

**Madam President:** I do not like this crosstalk. Will you just continue with your contribution?

**Hon. J. Narine:** Madam President, I need your protection from that centipede. *[Laughter]*

**Madam President:** Hon. Senators, please let the Minister continue with his answer. Go ahead, Mr. Minister. *[Crosstalk]*

**Hon. J. Narine:** You can get away with that in here, but come outside and say it please.

**3.25 p.m.**

Madam President, yesterday—*[Crosstalk]* That is your style; that is not my style, to get on bad.

**Madam President:** Let me point out that your time is running out and I would ignore any comments and just continue with your answer, please. Gentlemen, let us allow the Minister to finish.

**Hon. J. Narine:** Madam President, answers always give problems.

May I say that the hon. Senator got a report from some person or persons and came here, probably 11 or 12 days ago, and filed that Motion for the adjournment. The situation is, I met with the four union groups yesterday. All the questions they had were answered and they are satisfied that we have given them a \$10 increase per tonne for cane, from \$170 to \$180. In addition to the transport that they already had, they now have a \$5 increase for that transport. A \$5 charge per tonne of sugar cane was given to manage the operations at the weighing point.

They are not responsible for the machinery. They are not responsible for anything else but managing the operations at the scales. They felt that the \$5 was a bit low. We gave them the assurance that if they have to bring 10,000 tonnes per

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day, and you multiply that by five, certainly they would be able to pay the crane operators and the other few workers who work at that point where the cane is collected.

I even told them that if they could show me that some of the smaller scales where they would have the same cost of operations, that they cannot meet that \$5, then I would be willing to go back to Cabinet and ask for an additional sum for those scales.

The information that the goodly Senator has is that 42 scales would be operational. That is wrong. We are not going to operate 42 scales. The operations have already started, in that a company which was formed out of the workers of Caroni (1975) Limited—the mechanics—are now looking at the equipment and they are refurbishing, servicing and making them available for the month of January. That would become available to the people who, for ten years now have anticipated that there would be a change in the sugar cane industry. [*Interruption*] I do not think I have to sit to answer any question here.

The situation is that we are in place to have the sugar cane crop; we are giving the scales to the unions that have applied to operate them. Those who did not apply, we cannot say that we are going to give them the scales to operate. They have given no assurance that they are able and willing to man those scales. Those who have done so, we have given it to them. We have also given it to some private contractors who send sugar cane direct to the factory so that they can take the other smaller farmers, put them together and remove the cane of the small farmers, in bulk, to the factory.

I assure this House and the people of Trinidad and Tobago that the sugar cane crop is well on its way for 2004. We are going to start in the middle of 2004. The Ministry of Agriculture, Land and Marine Resources is directly responsible for the farmers. The milling operation is under the Minister of Trade and Industry and the lands of Caroni, under the Estate Management Development Company, are under the Ministry of Finance, Sen. The Hon. Christine Sahadeo.

So when they are directing their questions on the next occasion, they would know exactly where to send their questions. I am able to answer because we are all part and parcel of the 2004 crop. I give you the assurance that regardless of the Dhanpur mill, regardless of the \$20 million they have wasted, we are going to grind cane next year.

Thank you, Madam President. [*Desk thumping*]



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**Madam President:** Hon. Senators, I take this opportunity to join with other speakers in wishing each and every one of you and your families a very happy and holy Christmas and a Christmas of love and togetherness within your families.

I would also like to extend those greetings to the national community, to the staff of this Parliament who work so hard to keep us here for our sittings; to the media; to the protective service and, of course, to the members of the gallery who are always there.

I want to wish everyone a very peaceful and prosperous new year and let us hope that in the New Year, we will continue in this Senate to serve the people of Trinidad and Tobago to the best of our ability and to the benefit of the entire nation.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 3.30 p.m.*