

**THE  
PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

IN THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF  
TRINIDAD AND TOBAGO WHICH OPENED ON OCTOBER 17, 2003

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**SESSION 2003-2004**

**VOLUME 2**

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**SENATE**

*Tuesday, January 13, 2004*

The Senate met at 1.30 p.m.

**PRAYERS**

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

**PRESIDENT OF THE SENATE**

**(ABSENCE OF)**

**Mr. Vice-President:** Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Dr. Linda Baboolal, will be out of the country attending the Conference of Presiding Officers in Canada for the period January 08, to January 12, 2004. During the absence of the President, the Vice-President will preside over the sittings, and Miss Joan Hackshaw-Marslin will act temporarily for her.

**LEAVE OF ABSENCE**

**Mr. Vice-President:** I have granted leave of absence to Sen. The Hon. Dr. Lenny Saith and Sen. Knowlson Gift from today's sitting of the Senate.

**SENATORS' APPOINTMENT**

**Mr. Vice-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: MR. CHRISTOPHER THOMAS

WHEREAS by the provisions of section 43(2)(e) of the Constitution the President is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of

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subsection (2) of section 43 of the Constitution, do hereby declare the seat of Senator Christopher Thomas to be vacant.

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 31<sup>st</sup> day of December, 2003."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

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

In exercise of the power vested in me by paragraph (c) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, do hereby appoint you, BASHARAT ALI, a Senator, with effect from 2<sup>nd</sup> January, 2004.

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 31<sup>st</sup> day of December, 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: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Dr. Lenny Saith 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

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exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 13<sup>th</sup> January, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Lenny Saith.

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 9<sup>th</sup> day of January, 2004."

“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 Dr. Linda Savitri Baboolal 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, 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 13<sup>th</sup> January, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Linda Savitri Baboolal.

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 9<sup>th</sup> day of January, 2004."

**OATH OF ALLEGIANCE**

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

*Extradition (Amdt.) (No.2) Bill*

*Tuesday, January 13, 2004*

**EXTRADITION (COMMONWEALTH AND FOREIGN TERRITORIES)  
(AMDT.) (NO. 2) BILL**

Bill to amend the Extradition (Commonwealth and Foreign Territories) Act, 1985, brought from the House of Representatives [*The Minister of Foreign Affairs*]; read the first time.

**PETITION**

**Chief State Solicitor of Trinidad and Tobago**

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Deputy Speaker, I wish to present a petition on behalf of the Chief State Solicitor.

I now ask that the Clerk be permitted to read that petition.

*Petition read. [Interruption]*

**Sen. R. Montano:** Mr. Vice-President, before you ask us to vote on this, is it permissible to ask certain questions, because as far as I am concerned, the information coming out of that petition is disturbing.

Basically, what has happened, as I understand it, listening to the Clerk reading the petition, is that there is a lawsuit going on, because the Minister has refused to give information that he has been asked under the—*[Interruption]*

**Sen. Dumas:** Just excuse me, on a point of order—*[Interruption]*

**Sen. R. Montano:** Well, I am asking a question of the Vice-President, so if you would just let me ask the question. I have not finished asking my question as yet. If you would just let me finish asking the question, instead of trying to shut me up then—*[Interruption]*

**Mr. Vice-President:** Hon. Senators, this is a petition before the Senate. It is not a matter for debate, and, as such, we cannot entertain questions.

**Sen. R. Montano:** Could we ask for information?

**Mr. Vice-President:** As I said before, this is not a matter for debate. *[Interruption]*

**Sen. R. Montano:** Mr. Vice-President, before you ask the question, there is information that we need!

**Mr. Vice-President:** Sen. Montano—

**Sen. R. Montano:** You are asking us to vote on something on which we do not have the information. What are we, a rubber stamp? We cannot be!

*Petition*

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**Mr. Vice-President:** Sen. Montano, you have the right to vote “yea” or “nay”.

*Question put.*

**Sen. R. Montano:** This is an abuse!

**Hon. Senators:** No!

**Mr. Vice-President:** I think the “ayes” have it.

**Sen. R. Montano:** No they do not! Division! This is an abuse, Mr. Vice-President!

*The Senate divided:*      Ayes 16      Noes 11

AYES

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marslin, Mrs. J.

Williams-Smith, Mrs. M.

McKenzie, Dr. E.

Ramchand, Prof. K.

Quamina, Dr. D.

NOES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. S.

Augustus, R.

Deosaran, Prof. R.

King, Mrs. M.

Seetahal, Miss D.

Khan, Bro. N.

Ali, B.

*Question agreed to, That the petition be granted.*

**Sen. R. Montano:** Mr. Vice-President, I would like to place on the record my objection to the procedure that was adopted this afternoon; it was wrong; it was an abuse of the process of the Senate. We were asked to vote on something that we did not have information on. This is not democracy in action; it is an abuse of the Senate.

**Sen. Prof. Deosaran:** Mr. Vice-President, if I could assist. I think the ruling is, traditionally, the one to have been made in the circumstances; that is the way petitions have been dealt with. But I wish to signal my disagreement with the tradition, and implicitly ask that the whole procedure be revisited. [*Crosstalk*]

**Sen. Prof. Ramchand:** Mr. Vice-President, I support the sentiment of my colleague; except that since it is the tradition and the question is not whether that is to be modified now, I had to say yes, but I am very uncomfortable with it myself.

#### PAPERS LAID

1. Report on a special audit of certain areas of internal control at the Eastern Regional Health Authority. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Accounts and financial statements of the Project Execution Unit of the Ministry of Housing and Settlements for the year ended September 30, 2001 in respect of the National Settlements Programme as required by Loan

Contract No. 584/OC-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Sen. The Hon. C. Enill*]

3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 1992. [*Sen. The Hon. C. Enill*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 1993. [*Sen. The Hon. C. Enill*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Strategic Services Agency for the financial year ended September 30, 1999. [*Sen. The Hon. C. Enill*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Trinidad and Tobago Civil Aviation Authority for the period October 01, 2001 to September 30, 2002. [*Sen. The Hon. C. Enill*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on a special audit of the collection of moneys at the Judiciary, Supreme Court, Tobago. [*Sen. The Hon. C. Enill*]

#### 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 Utilities and the Environment (Hon. Penelope Beckles):** Mr. Vice-President, as it relates to the number of gallons purchased from Desalcott from the commencement of the company's operations to October 01, 2003, the agreement between the Government of Trinidad and Tobago and the

Water and Sewerage Authority (WASA) requires WASA to purchase the guaranteed minimum production capacity of the Desalcott facility.

Desalcott commenced operations on March 14, 2002. From that time to October 01, 2003, WASA purchased 11,624,468,240 imperial gallons of water from the company. This approximates 10 per cent of the total water supply provided by WASA.

As it relates to the cost of the quantum of water purchased from Desalcott, the cost to WASA of purchasing desalinated water, inclusive of interest charges on the credit facility up to October 01, 2003, is \$247,345,676.15. It is to be noted that in April 2003, Desalcott submitted a formal request for a price increase which would raise the billings to WASA from approximately \$13.4 million per month to \$161.1 million per annum, to approximately \$14.5 million per month. This matter is being addressed by the Regulated Industries Commission.

Revenue derived from the sale of desalinated water from the commencement of operations from Desalcott in March 2002 to October 2003, from metered customers within the Point Lisas Industrial Estate, amounted to \$234,308,279.03. It is to be noted, therefore, that WASA incurred a loss of \$13,037,397.12 in respect of the purchase and resale of desalinated water.

**Sen. Mark:** Through you, Mr. Vice-President, could the hon. Minister indicate to the Senate what price WASA pays to Desalcott for one imperial gallon of water?

**Hon. P. Beckles:** Mr. Vice-President, the initial sale price for desalinated water, as set out in the agreement, is US 70.73 cents per cubic metre.

**Sen. Mark:** Mr. Vice-President, if the hon. Minister were to leave out the interest charges, as she mentioned in the sum of \$247 million, would she not agree that WASA would have made a profit?

**Hon. P. Beckles:** I did not get the question.

**Sen. Mark:** Could I repeat it, please? I asked, hon. Minister, if you were to leave out the interest and related charges, as you have mentioned in your total revenue figure, whether, at the end of the process, WASA would have realized a profit.

**Hon. P. Beckles:** I cannot understand why the hon. Senator would want me to leave out the interest; I certainly cannot do that.

**Sen. Mark:** Mr. Vice-President, she said 11 billion imperial gallons of water. Could the Minister indicate to this Senate what would have happened to Trinidad



and Tobago if the Desalcott supply was not available? Could you indicate what would have been the result?

**Sen. D. Montano:** Mr. Vice-President, according to Standing Order 17 that calls for an opinion outside of the Standing Orders.

**Hon. P. Beckles:** Mr. Vice-President, I would still facilitate my friend, and emphasize that even before the desalinated facility came into operation WASA always provided a 24-hour supply of water to customers on the estate.

**Sen. Mark:** Mr. Vice-President, could the hon. Minister indicate at what price Desalcott sells, what price WASA buys and whether she would say, based on the selling price, WASA makes a profit at the end of the process? In other words, what is the selling and buying price, and whether there is a profit?

**Hon. P. Beckles:** Mr. Vice-President, subject to your ruling, my hon. friend is asking me the same question that he asked the first time around. Subject to your ruling, I would say that he is making a statement, but if he wants the specific information I would answer it. He can file a question, and I would answer it.

**Sen. Seepersad-Bachan:** Mr. Vice-President, during the dry season last year, it was known that there was some shortage of water. Could the Minister indicate whether any water from the Desalcott facility was used for domestic purposes in this country?

**Hon. P. Beckles:** Mr. Vice-President, I am also prepared to answer that, but I am not able to give the exact quantity today.

**Sen. Seepersad-Bachan:** She does not have to give the quantity; she could just say yes or no.

**Sen. D. Montano:** That calls for another opinion.

**Sen. Seepersad-Bachan:** That is not an opinion; it is either yes or no. [Crosstalk]

**Sen. Mark:** "You are a cassava man or something?"

**Mr. Vice-President:** Senators, please. Could we go on to question No. 17, please?

**Sen. Mark:** He is stymieing her at the same time. [Interruption]

### Green Fund Agency (Status quo of)

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

Could the Minister state whether the Cabinet has taken any measures to alter the status quo of the Green Fund Agency?

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Vice-President, the question relates to whether the Cabinet has taken any measures to alter the status quo of the Green Fund Agency. In February 2003, Cabinet established a committee under the chairmanship of the Permanent Secretary in the Ministry of Finance to undertake a review of the Green Fund. The committee reported to Cabinet in September 2003.

Cabinet has subsequently agreed that:

- (a) legislative changes be made to facilitate the operation and administration of the Green Fund in a manner similar to the funds established under section 43 of the Exchequer and Audit Act, Chap. 69:01;
- (b) section 68(1) of the Finance Act be repealed and the following replacement be enacted: In this section “Minister” means the Minister of Finance. “There is hereby established for the purpose of this Act, a Green Fund which shall be administered by the Minister who shall disperse moneys from the Fund for the purposes certified by the Minister with responsibility for the environment”;
- (c) provision to treat with the set up of accounts, audit practices, levy to be paid into the Green Fund, general penalties and regulations included in the amended Green Fund legislation;
- (d) the day-to-day management of the programmes funded by the Green Fund be delegated to the Minister with responsibility for the environment; and
- (e) the Attorney General cause to be prepared the necessary legislation to give effect to the above decision. Such legislation to be incorporated in the Finance Act, 2004, which must be passed in Parliament by January 31, 2004.

**Green Fund Agency Board  
(Number of meetings held)**

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

Could the Minister provide the breakdown of the number of meetings held by the Green Fund Agency Board since its inception as follows:

- (i) How often does the board meet?
- (ii) Where do these meetings take place?
- (iii) The dates and times of such meetings?
- (iv) The matters on the agenda for these meetings?

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Vice-President, from its inception in 2001 to the present time, two boards were appointed to the Green Fund Agency. The first board's term of office was from August 10, 2001 to September 26, 2002. The second and present board's term of office commenced on September 26, 2002. Due to the appointment in February 2003 of a Cabinet committee to undertake a review of the Green Fund, the present board has not been meeting.

The first board met three times during its term of office, monthly for October and November 2001, and once in January 2002. The present board has set no schedule for its meeting.

The first board held its meeting at the Ministry of the Environment, level 16, Eric Williams Finance Building, Port of Spain. The present board held its meeting at the boardroom of the Environmental Management Authority, No. 8, Elizabeth Street, St. Clair, Port of Spain. The dates and times of the First Green Fund board are as follows:

<b>Date</b>	<b>Time</b>
October 30, 2001	9.30 a.m.
November 27, 2001	9.30 a.m.
January 08, 2002	9.30 a.m.

The dates and times of the meetings of the present board of the Green Fund are as follows:

<b>Date</b>	<b>Time</b>
October 11, 2002	10.00 a.m.
October 18, 2002	10.00 a.m.
November 01, 2002	10.00 a.m.
November, 07, 2002	10.00 a.m.
November 13, 2002	10.00 a.m.

*Oral Answers to Questions*  
[HON. P. BECKLES]

*Tuesday, January 13, 2004*

December 11, 2002 10.00 a.m.

March 12, 2003 10.00 a.m.

The matters on the agenda for the above-mentioned meetings have been circulated for the benefit of hon. Senators.

**Sen. Mark:** Mr. Vice-President, could the hon. Minister indicate whether the members of the Green Fund Agency board receive a stipend? Given the information provided to this Parliament, that since the Cabinet-appointed committee took effect the board has not been meeting, we would like to know whether these members are being paid whilst they are inactive.

**Hon. P. Beckles:** I cannot provide that information immediately, off the top of my head. I can call you and give you that information; I promise to do so tomorrow. [*Crosstalk*] [*Laughter*]

**Ministry of Education  
(Credit Card Delivery)**

**27. Sen. Robin Montano** asked the hon. Minister of Education:

- A. Could the Minister state:
- (i) The initial promised date given to parents and guardians of primary school children by the Ministry of Education for credit cards promised in lieu of the usual cheque for book grants?
  - (ii) The actual dates of delivery of those cards indicating the schools and/or regions to which the cards were delivered and the number of cards delivered in each case?
- B.
- (i) Could the Minister state up to the date when the answer is given, whether cards have been made available to all eligible parents or guardians for collection?
  - (ii) If the answer is negative, could the Minister give details of:
    - (a) the number of cards outstanding; and
    - (b) the names and number of each school and/or region which have not received these cards?

**The Minister of Education (Sen. The Hon. Hazel Manning):** Mr. Vice-President, the Upper House is advised that there was never at any time any date given to parents and guardians of primary school children for the credit card.

The credit card facility is an initiative being used for the secondary school population. *[Interruption]*

**Sen. R. Montano:** On a point of order, Mr. Vice-President. I was hoping that this would not happen again, and this time I want to quote from *May's Parliamentary Practice*, Twenty-second Edition, page 305:

“An answer should be confined to the points contained in the question, with such explanation only as renders the answer intelligible, though a certain latitude is permitted to Ministers of the Crown; and supplementary questions, without debates or comment may within due limits, be addressed to them, which are necessary for the elucidation of the answers that are given.”

For example, the rules governing the reading out of material and quotations from speeches at question time do not apply to ministerial replies.

In other words, we are not here to get a lecture on the credit cards. We are here to answer specific questions. I must insist that the rules—*[Interruption]*—yes, I can tell you how to answer. The Vice-President can tell you how to answer, and that is a fiction that has been going on in this Senate for too long! I object to it; it is a point of order and—*[Interruption]*—listen and you will learn. *May's Parliamentary Practice*, page 305. *[Crosstalk]* If you would kindly give this to the Vice-President and let him read it. *[Interruption]*

*[Sen. R. Montano gives book to Clerk]*

Either she is going to answer my question or she is not. Do not give a speech! *[Crosstalk]*

**Mr. Vice-President:** Hon. Senators, I would just read the question:

“A. Could the Minister state:

- (i) The initial promised date given to parents and guardians of primary school children by the Ministry of Education for credit card promised in lieu of the usual cheque for book grants?”

The Minister was attempting to indicate whether there was a promise, first of all, for a credit card, and she was just about to proceed into what we never got to hear. I ask the Minister to continue, therefore, so that we could also be in a position to assess whether she was, in fact, answering the question. *[Desk thumping]*

**Sen. R. Montano:** She was not answering the question!

**Sen. The Hon. H. Manning:** Thank you, Mr. Vice-President. I want to say again: The Upper House is advised that there was never at any time any date

given to parents and guardians of primary school children for the credit card. The credit card facility is an initiative being used for the secondary school only. [Interruption]

**Sen. R. Montano:** I did not ask whether it was a credit card facility being used! I simply asked about the date; I did not ask about that.

**Mr. Vice-President:** Sen. R. Montano, would you please allow the Minister to finish her response.

**Sen. R. Montano:** Mr. Vice-President, I will not allow the Minister to finish unless you rule on that! Did I ask about what the facility was? No! [Crosstalk]

**Sen. Prof. Ramchand:** Mr. Vice-President, if I might clarify. What she could have said categorically is that the credit card scheme was not intended for primary schools. She was trying to explain that it was not intended for primary schools, therefore no dates could have been given to them, and that it applies to secondary schools only. [Crosstalk]

**Sen. R. Montano:** Then say so.

**Sen. Jeremie:** Mr. Vice-President, the reference to May's is not, in my view, relevant because we have the Standing Orders. Standing Order 18 speaks to the manner of asking and answering questions. I am not sure what is the nature of the response proposed, and I hazard to say that you might not be able to pronounce on its appropriateness or not, until we have heard something more of the response.

**Sen. R. Montano:** That has to be wrong!

**Sen. Mark:** Mr. Vice-President, I think that the Attorney General is totally out of context. The only person who can rule on this matter is the Vice-President. The Attorney General cannot tell us in the Parliament that you cannot rule on this matter; he is not in the office of the Attorney General here. The only person who can rule on a matter that is raised is the Vice-President. I think the Attorney General is totally out of context. [Crosstalk]

**Sen. Dumas:** Mark, discipline your Member; do not discipline anybody over here.

**Mr. Vice-President:** Sen. Mark, I thank you for that explanation. I remind you that I had already ruled that the Minister should proceed and answer the question. [Desk thumping]

**Sen. The Hon. H. Manning:** Mr. Vice-President, I would like to let the Senate know that at the primary school, the Government committed to providing textbooks, which it has successfully delivered to all primary schools.

**Sen. R. Montano:** I did not ask that question!

**Hon. Senator:** You are too disruptive; behave like a big man “nuh.”

**Sen. R. Montano:** No!

**Hon. Senator:** You are a little boy.

**Sen. The Hon. H. Manning:** In that case—[*Interruption*]

**Sen. R. Montano:** I did not ask that question!

**Sen. The Hon. H. Manning:** Mr. Vice-President, part (ii) of the question is irrelevant. I want to quote part B(i) of the question:

“Could the Minister state up to the date when the answer is given, whether cards have been made available to all eligible parents or guardians for collection?”

In relation to this part of the question, once again the answer would be in the negative since no answer can be required if part A of the question was also negative.

Similarly, the same holds for part (ii) which asks:

“If the answer is negative, could the Minister give details of:

- (a) the number of cards outstanding; and
- (b) the names and number of each school and/or region which have not received these cards?”

Mr. Vice-President, I would like the Upper House to take note that this Government has faithfully kept its promises for promoting the social well-being of the nation’s citizens, especially those—[*Interruption*]

**Sen. R. Montano:** Mr. Vice-President, No! Objection on a point of order! I did not ask that question! [*Minister shouts*] I did not ask that question! The Minister must be confined to it, otherwise we would have a farce here! It is not good enough for the Minister to stand and “ramajay”, and, to use the vernacular, “play smart with chupidness”. [*Crosstalk*] We are here about serious business, and we want to know what happened. [*Crosstalk*]

All right, fine, the credit cards do not apply to primary schools; they apply to secondary schools; we know that. Therefore all the questions are irrelevant. We did not ask anything else, and it is wrong for the Minister to stand and try to sneak a little “ting” in; take a “chook”. That is wrong; it is not right. [*Laughter*] You can laugh all you want; I remind you that the people who bray loudest are donkeys!

**Hon. Senator:** You are talking about yourself. [*Crosstalk*]

**Mr. Vice-President:** I appeal to everyone to temper down, and let us get the business of the Senate done, please. Madam Minister, were you finished? I ask you to round up, please, it is already 2.15 p.m.

**Sen. R. Montano:** The question has been answered, Mr. Vice-President!

**Sen. The Hon. H. Manning:** I was talking about Government keeping its promise to promote the social well-being of the nation. [*Interruption*]

**Sen. R. Montano:** I did not ask that question, Mr. Vice-President! How can the Minister answer a question that I have not asked?

**Mr. Vice-President:** Madam Minister, I ask you to round up now, please, because of the fact that we are out of question time.

**Sen. The Hon. H. Manning:** Thank you, Sir.

**Sen. Dumas:** “Wade, yuh shame, eh.”

**Sen. R. Montano:** Make sure you answer the question that was asked.

**Sen. The Hon. H. Manning:** To round up, Mr. Vice-President, [*Laughter*] the giving of books to children of the nation is to assist them and their parents in accessing quality education through the provision of textbooks and book grant initiatives. Thank you, Mr. Vice-President. [*Desk thumping*]

**Sen. R. Montano:** Can you show me, Mr. Vice-President, where I asked that question? [*Desk thumping*] Go ahead and clap all you want. Where has that question been asked? It has not been asked anywhere, and that is wrong! It cannot be right!

**Sen. D. Montano:** Mr. Vice-President, I ask you to observe Standing Order 43(3), and to use your judgment. [*Crosstalk*]

**Sen. R. Montano:** This is wrong! My brother; my brother?

**Hon. Senators:** It is ridiculous! [*Crosstalk*]

**Mr. Vice-President:** Hon. Senators, apart from trying to be impartial, one always tries to be very discreet. Even though we may want to make a point, we want to object or what have you, there is a measure of discretion and decorum that we could practise. The behaviour is getting to a limit where it is unacceptable. I ask us all, again, to temper down, because we have business to do. If we proceed in this manner, not only will we show the Senate in a bad light, we would also not



be able to get through with the business of the people of Trinidad and Tobago. I would like to bring an end to the question time now, and I ask the Clerk to proceed, please.

**Sen. Seetahal:** Mr. Vice-President, on my own behalf and some of my Independent colleagues, I do not think, with respect, that it is quite right to say that you are asking for us all to behave. I do not recall that I, or any of my colleagues, misbehaved. I think if people do misbehave, and people are grossly out of order, then it should be addressed to those people. It has been said three times by yourself, "I am asking you all to be quiet"; it is in the *Hansard*. I did not misbehave; neither did any one of us. [*Desk thumping*] I really think that we should not pass over any kind of gross misconduct under Standing Order 43, to attribute it to the whole Senate. I feel that is wrong. Thank you.

**Mr. Vice-President:** Sen. Seetahal, note well that I did not use Standing Order 43; I tried my best not to.

*The following questions stood on the Order Paper:*

**Credit Cards Issued to Primary Schools  
(Number of)**

- 28.** Could the hon. Minister of Education inform the Senate of:
- (i) The total number of credit cards, which were issued to primary school children for the academic year 2003/2004?
  - (ii) The total number of credit cards, which are still to be issued for the same period?
  - (iii) The total cost of all the cards including consultancy costs and payments for any related contractual series? [*Sen. R. Montano*]

**Primary School Credit Cards  
(Production of)**

- 29. A.** Could the hon. Minister of Education state whether any private consultant, company, firm or business was retained by Government directly or indirectly in the design, production, manufacture, and distribution and any other related services of the credit cards?
- B.** If the answer is in the affirmative, could the Minister give:
- (i) the names of such consultants, companies, firms or business;
  - (ii) the particulars of the services for which they were retained;

- (iii) the amounts of monies agreed to be paid;
- (iv) the amount of monies paid to date;
- (v) the names of the directors and shareholders in the company partnership or business named; and
- (vi) the names of the owners of the partnership or business? [*Sen. R. Montano*]

**Bridge Construction  
(Number of)**

- 35.** Could the hon. Minister of Works and Transport inform the Senate whether the Government has plans to build sixty-five (65) bridges?
- A. If the answer is in the affirmative, could the Minister state:
- (i) the exact location of each of the sixty-five (65) bridges;
  - (ii) the estimated cost of the sixty-five (65) bridges; and
  - (iii) the starting date and expected completion date of each of the sixty-five (65) bridges? [*Sen. S. Baksh*]

**Highways/Roadways  
(Construction of)**

- 36.** A. Could the hon. Minister of Works and Transport inform the Senate whether the Government has plans to construct an additional five hundred and eighty-six (586) miles of highways and/or roadways?
- B. Could the Minister state:
- (i) the exact location via mile/(km) marks of 586 miles of road;
  - (ii) the cost of this project; and
  - (iii) the starting and expected completion date of this project? [*Sen. S. Baksh*]

**Mr. Robert Lindquist  
(Engagement of)**

- 37.** Could the Attorney General state:
- (i) The dates on which Mr. Robert Lindquist or companies owned by or affiliated to him were engaged to carry out investigations in Trinidad and Tobago for the period January 01, 2000 to November 30, 2003;

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- (ii) Who engaged Mr. Lindquist or the companies owned or affiliated to him to carry out the investigations;
- (iii) To whom did Mr. Lindquist report; and
- (iv) What were the full terms and conditions of each engagement? [*Sen. S. Baksh*]

*Question time having expired, questions 28, 29, 35, 36 and 37 were not dealt with.*

**WRITTEN ANSWER TO QUESTION**

*The following question was asked by Sen. Robin Montano:*

**Media Advertisements  
(Moneys Spent)**

6. A. Could the hon. Minister of Public Administration and Information give for the year 2002 and up to the current month in the year 2003, the amount of moneys spent by the Government for all governmental agencies, ministries, departments and divisions;
- (i) for advertising in the print media;
  - (ii) to CCN TV6 and Trinidad and Tobago Television (TTT) for advertising?
- B. Could the Minister state the names of the newspapers in which the advertisements were placed and the amount of moneys paid to each newspaper for the said period?

*Vide end of sitting for written answer.*

**JOINT SELECT COMMITTEE  
MUNICIPAL CORPORATIONS/SERVICE COMMISSIONS**

**The Minister of Community Development and Culture (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, I beg to move,

*Be it resolved* that the Senate appoints Mr. Roy Augustus and Mr. Rawle Titus to replace Mr. Arnim Smith and Pundit Maniedeo Persad on the Joint Select Committee appointed to report on Municipal Corporations and Service Commissions, with the exception of the Judicial and Legal Service Commission;

*Be it further resolved* that the Senate also appoint Mrs. Christine Sahadeo to replace Pundit Persad on the Joint Select Committee appointed to report on

Government Ministries Part II, Statutory Authorities and State Enterprises falling under those ministries.

*Question proposed.*

**Sen. Prof. Ramesh Deosaran:** Mr. Vice-President, I wonder if you would give me a minute for an intervention. As Chairman of one of these committees, there has been a noticeable rate of absenteeism, which has led to the cancellation of a number of meetings due to the lack of a quorum, Sir.

I want to use this opportunity, with your permission, to implore the leaders of the Government side and the Opposition Benches if they could help in assuring attendance, or reviewing the membership in these committees to see whether the members concerned do not have enough time—because they may not, in fact—really have enough time, in order to get the parliamentary work moving.

Thank you.

*Question put and agreed to.*

**Mr. Vice-President:** Sen. Prof. Deosaran, I give you the assurance that this is being observed right now. As a matter of fact, today there was a cancellation for one committee meeting because of a lack of a quorum. It is something that is occupying the attention of all the committee leaders. I agree with your sentiments, and ask for the leaders of the different Benches to encourage the attendance of Members whom they nominated, please.

#### OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL

*Order for second reading read.*

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong):** Mr. Vice-President, I beg to move,

That a Bill respecting the safety, health and welfare of persons at work, be now read a second time.

For the past three decades the Republic of Trinidad and Tobago has been making efforts to modernize its safety and health system. This call for modernization stems from the fact that under the existing law only factories are singled out for attention in respect of inspection and investigation. As a result, there is a high degree of underreporting of work-related accidents, injuries and diseases.

Notwithstanding the underreporting, the Industrial Safety Inspectorate has determined that there is a continuing high rate of work-related fatal and nonfatal

injuries and diseases. It is reported that there is an average of 600 reports from factories alone each year. No one would disagree that every year significant numbers of people die, and many more are severely affected by work-related injuries and accidents. This situation poses a great challenge to safety and health in Trinidad and Tobago.

An examination of claims made of the National Insurance Board annually may prove to be very revealing. The statistics reveal that approximately 3,000 claims for insurance compensation arising from work related injuries and diseases are made each year. The \$10 million paid out for these claims represent a very small amount when one considers the other indirect costs associated with such events. It is argued that such other indirect costs may be as much as four times the direct cost. This untenable situation, if allowed to persist, could have a disastrous effect on the country's economy.

Work related injury and disease impact on the ability of enterprise to have available the full potential of its work force. Consequently, there is a loss of man days, not only in a simple sense, but a loss of man days sometimes of its most skilful and competent employees.

### **2.30 p.m.**

Trinidad and Tobago's vision is to arrive at First World status by the year 2020. One of the critical measurements is the nature of standards of industry. Safety and health standards form part of the assessment of an enterprise's performance. Internationally, First World countries face a high degree on the treatment of safety and health as an integral part of business operations.

Mr. Vice-President, the occupational safety and health legislation is but the beginning of change in the safety and health environment to foster improved conditions of safety and health at the workplace and, by extension, improve capacity of enterprise in Trinidad and Tobago to match paces with enterprises in the global economy.

Investment in safety and health is equivalent to good investment in the business itself. The law itself would emphasize transparency. It would clearly identify rights, obligations, responsibilities, duties, enforcement and compliance mechanisms and one would find difficulty in concluding under the present legal framework for safety and health. The main theme that would be promoted is that work-related fatalities, accidents, injuries and diseases are avoidable, thus, the vision is a Trinidad and Tobago free of accidents, injuries, diseases and death.

We in the Government see OSHA as the cornerstone for the development in Trinidad and Tobago of a modern framework for the operation of decent standards of safety and health and the protection of the working population from injury and disease. Our human capital must be protected, Mr. Vice-President. The enactment of this safety and health law would ensure that all persons who are employees at work, or who are exposed to situations arising out of or in connection with work in an industrial establishment would enjoy adequate safety, health, protection and welfare amenities. Additionally, the proposed law is quite transparent and it clearly identifies rights, obligations, responsibilities, duties, enforcement and compliance mechanisms.

These mechanisms ensure that the law and safety and health institutions remain relevant to the changing world of work, as well as it provides a dynamic system of monitoring of the safety and health system to ensure that emphasis is placed on prevention.

Mr. Vice-President, honourable Members on both sides of the Senate would have seen that OSHA promotes voluntary compliance but is strong on enforcement to deter behaviours that are contrary to the promotion of a high standard of health, safety and welfare. I sincerely hope that the major stakeholders who are the employers, unions, non-governmental organizations and Government, collaborate among themselves for the creation of an action plan to ensure that they, the stakeholders, believe and know that healthy and safe systems of work mean benefits to the industry and the national economy.

Once the Factories Ordinance, Chap. 30:2, is repealed and is replaced with a modern Occupational Safety and Health Act, there will be the development of a Safety and Health Authority with a wide range of functions such as the continuous monitoring of policy, safety and health standards and advice on safety and health, including any relevant regulations on law. Simultaneously, institutional strengthening of the Occupational Safety and Health Division of the Ministry of Labour and Small and Micro Enterprise Development through the creation of a modern safety and health agency with responsibility for research, training, prevention, investigation and enforcement would take place. The agency would serve as the implementation arm of the authority provided under the new law.

We will see the widening of the scope of categories of protected workers in factories and other industrial establishments and the detailing of clear duties and responsibilities for workers' protection on all employers, occupiers, designers, manufacturers and installers. Special attention will be paid to the protection of

pregnant women and other vulnerable workers and on safety and health measures in high-risk sectors of the economy.

We the Government and, in fact, all stakeholders would expect to see the establishment of clear targets for action by the new Occupational Safety and Health Authority, namely, the reduction of working days lost from work-related injury or ill health; the reduction of the incidence rate of fatal and critical or major injury accidents; and the reduction in the incidence of cases of work-related ill health or disease.

Additionally, Mr. Vice-President, the Government will ensure the development of sector specific guidance for small business which will encompass the promotion and coverage of risk concepts, not only for employees of small business, but also as part of the curriculum in education and as part of the youth, gender and community development programmes. The Government itself must be seen as a model for the promotion of a healthy and safe working environment.

Workplace safety is the responsibility of both the employers and the employees and their representative trade union, therefore, this Bill caters for the development of joint safety and health committees. Over the last three months, the Ministry of Labour and Small and Micro Enterprise Development initiated investigations into four deaths at the workplace, all caused by gross negligence on the part of management. Three of these deaths occurred in private enterprise, whilst the fourth was in the state sector. If OSHA was in place, these fatalities almost certainly would not have occurred.

There are strong arguments for the creation of laws dealing specifically with corporate manslaughter in Trinidad and Tobago, as is in other Commonwealth countries such as Australia. We as a Government are now seriously looking at the implications of having that kind of legislation.

Mr. Vice-President, a major function for the Occupational Safety and Health Authority is the setting of priorities for safety and health intervention and in support of the Vision 2020. However, the initial focus shall be on:

1. A significant reduction of working days lost from work-related injury and ill health.
2. A reduction of the incident rate of fatal and critical or major injury accidents.
3. A reduction in the incidence of cases of work-related ill health and disease, as I previously said.

As a result, the first task of the authority is the establishment of benchmarks or tangible targets of achievement obtained from an analysis of workplace accident, injury, disease and death statistics.

Two other areas of safety and health which would receive attention, although not specifically referred to in the law are the prevention guidance in respect of HIV/AIDS and the elimination of the concept of a hostile environment as developed when there is sexual harassment at the workplace. The agency would be expected to assist in the development of policy and guidelines in respect of the prevention and management of HIV/AIDS at the workplace and also, in the development of policy and guidelines in respect of sexual harassment. Internationally, sexual harassment at the workplace is also seen as an issue of safety and health, since its occurrence creates an unsafe and hostile environment for victims.

These two issues would be addressed specifically in the proposed Employment Standards Act but they are issues for action under the safety and health policy of the country. In sum, the approach should lead to an improvement in the overall workplace safety and health environment in Trinidad and Tobago by 2020. Thus, the stakeholders at the workplace would recognize and incorporate occupational safety and health principles as an integral part of the business operations. It would not be seen as a costly imposition by Government, but as a measure by which employers can exercise control over the risk to which their workers, businesses and the economy may be exposed.

A further priority is the development of greater research capacity to ensure adequacy of data, skills, knowledge and information dissemination throughout the safety and health system to ensure effective prevention. This approach would, however, require a significant culture change in the attitude to safety and health in Trinidad and Tobago.

Mr. Vice-President, let me now deal a bit with the action planning that is required for this new Bill. The objectives and strategies leading to achievement of success in occupational safety and health would only be achieved if there is an effective national action plan. Action would therefore be required. In the result, the action plan would promote:

1. Identification of high-risk industries and jobs to which intense prevention efforts would be pursued.
2. Greater targeting for enforcement of high-risk industries.
3. Greater information sharing.



4. Greater community and industry involvement in the marketing of safety and health ideals.
5. Increased training.
6. Greater data collection and research.
7. An increase in the competence of the Industrial Court by the addition of one or more members with safety and health training and experience.

A further area for action is in capacity building at the level of enterprise. Government would therefore undertake to motivate enterprise to take action to develop effective safety and health policies and systems to effectively manage the occupational safety and health environment to minimize risk and hazards. Thus, emphasis would be on the development of increased competencies, both at the level of enterprise and at the level of the Occupational Safety and Health Agency.

Promotion of guidance for small businesses would be a central feature of the initial action planning to promote the proposed change of culture of safety and health. Research capacity building must be a significant area for action in respect of identification and prevention of occupational diseases and in the elimination of hazards at source, that is at the design level or at the workplace. Furthermore, research must be seen as an essential part of the national intelligence required to provide information and advice in support of prevention, monitoring of the system and the evaluation of the effectiveness of the regulatory framework, thus a comprehensive system for data collection must be developed and promoted.

Mr. Vice-President, I have not bothered to deal with the explanatory notes. We all have them and I think most Senators or all Senators would have looked at them. In piloting this Bill, we acknowledge that there are some minor changes that are required, but we gave the Opposition the assurance that we will not interfere with it at this stage but we will do so when we come back to pass the regulations associated with the Act. We want to get it on the statute and we want to get it in law. This ought to happen within two months. The changes that various interest groups are asking for are quite minor and we do not feel that it should detain us. The Bill had a very easy passage in the Lower House, very easy, and I trust that we will have an equally easy passage in this Senate. We have waited too long for it and it is time just to get it on the law books of Trinidad and Tobago.

Mr. Vice-President, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Mr. Vice-President, let me once again welcome our colleague and friend, Mr. Lawrence Achong, the Minister of Labour and Small and Micro Enterprise Development to the Senate and to indicate, just as he expressed sentiments in the context of speed of passage of this piece of legislation, we would want to be very consistent in our approach, meaning that, for instance, there are some things that we have to put on record. But we want to indicate to the hon. Minister that the United National Congress, having given birth to this very piece of legislation that we are debating today back in 1995—when I said birth, I did not mean that we created it. It was in many incarnations long before we gave final sustenance to this piece of legislation.

We want to indicate that this legislation, as the Minister said, is outstanding. It is long outstanding and it is long overdue in this country. I am going to demonstrate during my contribution in this debate, in terms of looking at safety and health, we would like to look at it briefly in an international context, particularly as it relates to the International Labour Organization (ILO). We want to look at it in the national context, particularly the genesis, the history, the obstacles and the obstructions that we, when we were in the government, experienced.

I must say that the hon. Minister of Labour and Small and Micro Enterprise Development joined the team, the PNM team back in 2001, 2002, so he was not a participant in this hypocrisy that we experienced in Trinidad and Tobago for the period 1995 right until 2001.

Mr. Vice-President, it was the Secretary General of the United Nations, Excellency Kofi Annan, who remarked at a very important occasion, April 28, 2002, Workers Memorial Day in New York, and had this to say:

“Safety and health of workers is a part and parcel of human security. As the lead United Nations agency for the protection of workers’ rights, the International Labour Organization has been at the forefront of advocacy and activism in promoting safety and health at work. Safe work is not only sound economic policy. It is a basic human right.”

Mr. Vice-President, as we debate this very historic Bill and seek to have it passed into law, I want to indicate that because of the absence of this culture of safety at the workplace in many jurisdictions, the ILO has established and has estimated that every single year, an average of two million workers are killed at the workplace. It is also estimated by the ILO that the number of work accidents worldwide, fatal, as well as nonfatal, is over 270 million. So, this question of

safety and health is very vital, very critical, and very important to our very development as a nation.

The UN has said—that is the ILO—that fatalities are not fated. Accidents do not just happen. Illness is not random. They are caused. This is why the whole issue of occupational safety and health has to be properly located in the context of a safe work environment to promote economic development, to generate the relevant and necessary well-being of workers and to ensure that Trinidad and Tobago, like any developing country, is able to maintain a certain level of competitiveness in the international economic and global arena.

Some argue that if one puts safety and health as a priority, it hampers economic progress and it hampers economic development. That is an argument that the International Labour Organization has dispatched and if we look at, for instance, the countries today that are developed and are making progress, you will find that the environment is extremely positive, extremely safe. I am not saying that it is perfect, but the laws that govern safety and health conditions in those countries are extremely powerful.

Mr. Vice-President, this Bill, as you will recall, has had its genesis way back. You would recall back in the 1930s, in the 1920s, when we had a lot of disturbances throughout the Caribbean, we had, for instance, a Commission known as the Moyne Commission, and one of the recommendations advanced in order to deal with the very terrible working conditions that ordinary citizens of this country had to endure was the establishment of a Factories Ordinance, consistent with the British Factories Act of 1871.

We have had on the statute books of our country, since 1948, an outdated and archaic piece of legislation that was suitable for the period when it was established. But, in today's environment where Trinidad and Tobago is seen as a highly industrialized country within the family of the region, this piece of legislation is long overdue. Trinidad and Tobago should seek, as we are seeking to do, to promote a positive culture of safety and health at the workplace, and we should encourage all the stakeholders, all the social partners, as the Minister alluded to in his presentation, the Government, the labour movement, the employers/managers or management, the non-governmental organizations, should all be involved in seeking to promote a culture of safety in the workplace.

I think that, for instance, there are some employers today—they may constitute the minority—to my mind exercising a certain kind of backwardness in their understanding of the importance of safety and health, but I think as we

continue to educate and build awareness and sensitivity, as we seek to establish a legal framework, I think that those persons in the minority would come along and eventually recognize the importance of establishing a culture of safety at the level of the workplace.

No longer are workers seen as expendable objects. No longer can we see workers as hewers of wood and drawers of water. In today's environment, even though the economic system remains extremely oppressive and exploitative, workers are seen because of the exposure to this knowledge-based economy that has emerged and is emerging in many a developing country and developed countries. Knowledge, brain power, is what is driving the global economy today, and therefore, the skills that are required and necessary to make economies work and function, workers have those skills. Therefore, they are seen as assets in the context of organizational development.

The quality of governance in our country leaves a lot to be desired, as you are quite aware. We recognize that even though for years there was a clear recognition of the importance of having on the statute books of this country modern, up-to-date occupational safety and health legislation, the dinosaural approach of the PNM since its inception from 1956 until the Minister of Labour and Small and Micro Enterprise Development came along—I must admit that maybe if honourable Larry Achong was not a member of that team, we would not have seen this piece of legislation before us today, because the backwardness that permeated that regime for 30 years and more, I would demonstrate between 1995 and 1996, right up to 2001, when the United National Congress held the reins of power before the President of this Republic removed us unceremoniously and illegally, as far as we are concerned, you would see, Mr. Vice-President, the efforts that we made to put on the statute books of this country, modern, up-to-date, occupational safety and health legislation.

I would demonstrate the resistance, the militant resistance by certain businessmen posing as Ministers looking after business interests more than the workers' interest and the people's interest, the kinds of resistance that they put up against this legislation that we brought to this Parliament. As the hon. Minister said, I think the blood of these workers who have died in this country must be on the hands of these people, because had we had legislation in this country over the last five years when we brought it in 1995, many workers who have died in this country might have been alive today.

The amount of injuries that have taken place and fatalities could have been avoided, but the PNM does not care about workers. In fact, I would demonstrate

their whole history of anti-worker, anti-trade union and anti-everything that is people. They are ungodly! That is an ungodly bunch of people, as far as I am concerned. They pretend to be godly but they are satanic.

Mr. Vice-President, I would demonstrate that when we introduced this Bill, it took the form of a tripartite approach. We brought in all the stakeholders, the employers, the trade unions, the Government was incorporated in this exercise, the non-governmental organizations, public officers, they were all involved in this exercise.

Thousands and thousands of man-hours were spent putting this Bill together and ensuring that the best was available to the workers. You see the ideological distinction between the PNM and the UNC is that they believe in cliquism. They promote the interest of a clique, whereas the record would show, based on our performance, that the UNC has always stood for the masses and the record is there to show.

If we look at the performance of the PNM in the last 25 months, weigh it against the performance of the UNC in the last 24 months, even the conservative *Guardian* gave the PNM zero, zilch, no achievement! They spent \$65 billion and nothing to show for it except crime, murder and kidnapping. I was surprised when I heard my hon. colleague and friend, the new Minister of National Security and Rehabilitation, say one of the functions of the new anticrime unit is to fight terrorism. This is the same regime that told the whole world there was no terrorist in this country, but they now have an anticrime unit to fight terrorists. Who are the terrorists? We are dealing with health today, not crime.

The reality is that the PNM—I am leaving out the Minister of Labour and Small and Micro Enterprise Development from here—under the Prime Minister, including the Minister of National Security and Rehabilitation, and I will deal with him fiercely because he was; he must tell us when he speaks, if he does—because of narrow, selfish reasons, failed to support this legislation. They were prepared to hurt, damage and harm working people of this country. They call us obstructionists today. Back in 1996 they were saints, you know, because they were the greatest obstructionists at that time! On three occasions—and the hon. Minister of National Security and Rehabilitation, who is supposed to guarantee our safety, on three separate occasions when he was in another incarnation, and the *Hansard* will show that the PNM voted against safety and health legislation on three occasions between 1996 and 2001.

Mr. Vice-President, you know what is nice about it right now? When I looked at this Bill clause by clause, I looked at what we brought between 1996 and 2001, and I have seen little change. The very arguments that were advanced by

Ministers—well I would not say Ministers, they were Opposition Members at that time—but the arguments that they advanced when they occupied Opposition Benches, we see today the Bill contains the same clauses. They are the same provisions. Nothing has changed.

There has been a change of heart because we have a Minister of Labour and Small and Micro Enterprise Development who is prepared to go to court and take out an injunction against a foreign multinational corporation, at least to give some protection to workers who are not organized in this country. I think the Minister of Labour and Small and Micro Enterprise Development is a person whom I would say is leading the charge in trying to help poor people and workers. Not the PNM! I make a distinction between the Minister of Labour and Small and Micro Enterprise Development and the rest of them on the front Bench. They are ungodly!

We would like to know, and I would like to ask, what has changed. Why did the PNM refuse to support occupational safety and health legislation? Why did it take us, for instance, almost seven years from 1995, 1996—2004, almost eight years, close to a decade? What, Mr. Vice-President? You know why? Because the PNM is anti-worker, anti-labour, anti-people and anti-trade union, and more and more they are becoming more anti-democratic. We see signs of it every day.

It is contempt for the workers of this country that they never supported legislation of this kind. We would have noticed the ease with which the PNM regime slaughtered, executed 10,000 workers and licked up an entire community and people. We would have seen that. No real interest in the workers. Therefore, we in the UNC stand firmly behind the workers of this country. We stand firmly behind, for instance, all non-governmental organizations. We stand firmly behind the business community. We support all the people of this country, whether they come from Penal or Charlotteville, Caledonia or Barrackpore. It does not matter to us. We see all the people as human beings, unlike the PNM who discriminate against large sections of this population.

Mr. Vice-President, it was the United National Congress that brought the maternity protection law to this country. We put it on the statute books. We placed on the statute books of this country a maternity protection law. The PNM was in power for almost 30, 40 years and they never saw the importance of protecting our women in this country. Women were being dismissed from their employment simply because they were providing to this world God's children. This PNM regime under Eric Williams, George Chambers and Patrick Manning did nothing to bring legislation to protect women in this nation and they

hypocritically fooled people and said they care about small people. Flying on private jet. You know that is a crime!

Anyway, Mr. Vice-President, I want to tell you that if we do not quarantine the Prime Minister and corral him very early, I think he is going to bring shame and disgrace to this country. It is not only his mind. He said it is a slip of his mind? I think the mind is slipping completely. Not only a slip on the mind.

When we look at the record of the UNC, we cannot dismiss, we cannot argue against the fact that the UNC brought legislation to help and to protect and safeguard the interest of workers and the people generally in this country. We introduced things like minimum wages orders. It was there under the Minimum Wages Act, but we improved the quality by providing workers who are unorganized with an increase in their minimum wages in this country.

Mr. Vice-President, would you believe that it is almost 30 years now, maybe a little more than 30 years, that we are fighting in this country to promote and establish on our statute books modern occupational safety and health legislation? Over 30 years! Would you believe that? From 1973, the records would show that the United Nations Development Programme sent in an expert to begin revising, redrafting and repealing virtually the Factories Ordinance. What we have had over the years are various versions of this particular effort at bringing onto our statute books modern occupational safety and health legislation.

In 1975, the first draft was brought to this Parliament. In 1979 it was amended because it got nowhere. The PNM redrafted it in 1984. It never reached the Parliament. Back in 1991, the NAR brought legislation to the Parliament, then the PNM in 1994 also brought back legislation and it was in 1996 that we begun that journey to ensure that legislation was placed on the statute books.

Mr. Vice-President, when I examined, for instance, some of the arguments that were raised by the then Opposition PNM who accused us today of obstructing them from establishing a full-fledged dictatorship in this country, some of the arguments that were advanced in order to justify the delay, in order to stall, to delay, to undermine health and safety in this country, the PNM raised arguments like, for example, the right of workers to refuse to work when conditions endangered their safety and health. They saw that provision in the Bill as an attempt to undermine and create hardships for employers.

They used an argument that is well established in health and safety matters in order to justify why they would not support it and why it must be referred to a joint select committee. They used the establishment of industrial workplaces or establishments to again delay this matter.

Mr. Vice-President, the PNM argued that the operating cost of the business community would escalate and it would lead to bankruptcy of business organizations, especially small businesses. That again was used as an argument to delay the implementation and the passage of the Occupational Safety and Health Bill. They even attacked the Ministry of Labour and Small and Micro Enterprise Development by saying that the Ministry lacked the personnel to implement the provisions of this Bill. They said that the Bill conferred too much power on the labour inspectors and it would give, for instance, employees and trade unions too much power, and they could use that to close down companies.

When I looked at this thing carefully, I saw my good friend, the Minister of National Security and Rehabilitation, who is now a Senator in this Parliament, and the Minister is on the *Hansard* record, page 901 as he argued then that to put all establishments under this Bill would create unnecessary problems. Mr. Vice-President, all the establishments that he was making reference to are now in the Bill.

He said that the implementation of this Bill would cause undue problems as it relates to the operation of companies. That was Senator the Hon. Martin Joseph back on November 18, 1999 in the House of Representatives. The hon. Minister of National Security and Rehabilitation also stated that Part III of this Bill, which is contained in this legislation, which gives the right of employees to refuse to work where safety or health is in danger, clauses 15 to 21, he said that could be subjected to abuse and, on that basis, he did not lend support.

Mr. Vice-President, those provisions are in the legislation as we speak. So, why did the hon. Minister of National Security and Rehabilitation, at that time, Opposition Member for St. Ann's East, oppose the legislation to protect workers in this country? He went on with the ridiculous argument of saying that inspectors under the Bill, labour inspectors, factory inspectors, under this legislation had too much power and references were made to clauses 72, 73, 74, 76, 77 and 81. Those provisions are still in the Bill before the Parliament.

I would like to know what has changed? Why did the Minister oppose the legislation then? Is it because they wanted to make the UNC look bad? But he has brought legislation now, and we are supporting it because it is in the interest of the workers of this country. We will support the legislation. The hon. Minister of National Security and Rehabilitation is the one who had persistently called for the Bill to be referred to a joint select committee to kill it, to stall it, to delay it.

We do not understand why the PNM was opposed to this piece of legislation at this time. Mr. Vice-President, I have some statistics here issued by the Ministry of



Labour and Small and Micro Enterprise Development. They deal with industrial accidents, fatal and nonfatal, by sector, between 1994—2002. I am looking from 1996 right up to 2002, because that is the time frame that I have before me.

According to these statistics, between 1997—2002, over 21 persons lost their lives at the workplace. To be exact, 22 persons lost their lives at the workplace. So, who is going to take responsibility for those lives? The hon. Minister of National Security and Rehabilitation and the PNM? Because they did not support the legislation. They did not support the legislation when we brought it and, if between 1997—2000 they had supported the legislation, we may not have had 22 fatalities at the workplace.

Subsequent to that, as the Minister said, four more in the last four months. Selwyn Heeradan, Ramco, the young chap. Third-degree burns, I think. Perished! Dr. Deepak Mahabir, NEDCO, a corrupt state enterprise. Within the last 17 days of the last election, 17 days before the October elections of 2002, NEDCO gave out to PNM supporters \$63 million, \$4 million a day and they cannot even provide oxygen equipment to save an outstanding citizen of this country. That is corporate slaughter. That is governmental slaughter by the PNM. Criminal neglect and slaughter of this doctor! My heart goes out to the family of Dr. Deepak Mahabir, because I cannot believe in a country that is talking about Vision 2020 and wanting to reach developed status cannot even provide oxygen in an ambulance to save a man who is under acute asthmatic attack!

Mr. Vice-President, these are health questions. These are health questions. This is the public sector. This is ambulances that are attached to the health sector, to the health service. If they could kill Dr. Deepak Mahabir, what would they do to ordinary people, as we are seeing every day in this country?

Mr. Vice-President, nonfatalities: From 1997 to now, according to the Ministry of Labour and Small and Micro Enterprise Development, 2,694 nonfatalities, meaning that there were accidents and injuries on the job, but people did not perish. They did not die. The reason for this kind of development is because at the level of the workplace, there is no system established owing to the absence of a legislative framework to guide, instruct and direct employers to provide certain basic facilities for their employees.

This is why we agree with the hon. Minister. We want this on the statute books as of tomorrow. We have taken the decision that we should complete our debate this evening by five o'clock, because we want to get this Bill on the statute books.

**Mr. Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. W. Mark:** Mr. Vice-President, we have one speaker, unless there is a necessity to put more. It would all depend on the state of play. The state of play will determine how we react but, for the time being I give you the assurance and I give the hon. Minister the assurance that we will have one speaker and we will give you full support on this matter.

Mr. Vice-President, the hypocrisy of the PNM is clear, and it is our view here that all these persons who have perished in this country, all those citizens who have been maimed and crippled, the PNM owes a debt. Not the one the hon. Prime Minister wants forgiven. That debt waiver he wants, we are not talking about that here. The Attorney General will make sure that he does not compromise his office and allow Mr. Manning to get any debt write-off. He must pay his debt. A debt is a debt! He must pay it, and he has enough money in his household to ensure that monthly instalments are paid at a reasonable rate.

As far as we are concerned, we say that the PNM owes a debt to these scores of workers who have been killed in this country over the years. They owe that debt to them. I think that the hon. Minister is bringing this piece of legislation in order to address this issue, which is highly commendable.

Mr. Vice-President, I want to advise the hon. Minister, when he gets the opportunity, to look at some of the ILO Conventions relating to safety and health at the workplace. There are over 70 Conventions that deal with the issue of safety and health under the International Labour Organization framework. Conventions, recommendations and protocols.

Trinidad and Tobago, as you know, as we speak today, my understanding is that we have ratified around 17 Conventions so far. I would like to advise the hon. Minister that the time has come for us to look at the following Conventions in an effort to ensure that the level of protection required by our workers is, in fact, enshrined in national legislation.

I would like the hon. Minister to look at Convention No. 152, which deals with occupational safety and health of dockworkers in this country. That became a Convention in 1979. We are yet to ratify that Convention. Convention 155 is an

occupational safety and health convention. We would like the Minister to look at that one, Protocol 155 under occupational safety and health. There is another one called Convention 161. We would like the hon. Minister to look at that as well.

There is 167, safety and health in the construction industry. We need to look at that and ratify it. There is 174, the Prevention of Major Industrial Accidents Convention. We need to look at that. And Convention 184, safety and health in agriculture, should also be examined.

We believe that the time has come when Trinidad and Tobago, as a fast developing country within the region, and I would say globally, we need to ensure that as the FTAA comes on stream, as the Caricom Single Market and Economy comes on stream, that we do what we have to do to ensure that workers' rights are protected in this country. I understand that for us to become Caricom Single Market and Economy ready, and for us to become FTAA ready, we need to amend about 100 pieces of legislation in this country. One hundred pieces of legislation must be amended to bring Trinidad and Tobago up to a standard that would be acceptable if we are talking about being part of the FTAA.

### **3.30 p.m.**

Mr. Vice-President, I am afraid that the Government is sleeping; it is saying it wants Free Trade Area of the Americas (FTAA) to be its headquarters. How can we have headquarters of the FTAA here, when our house is not in order? Do you know that the timetable is for 2005 and by the end of this year, everything is supposed to be tied up? All the i's must be dotted and the t's crossed and be enforced by December 2005. Twenty-four months away, we are supposed to be part of the FTAA and our manufacturers are not ready for it. We do not have legislative arrangement to protect the citizens of this country.

These are things I believe that the Minister of Labour and Small and Micro Enterprise Development ought to look at to ensure that labour legislation is in place to protect our workers. There are going to be huge multinational corporations invading these islands, particularly in strategic sectors of our economy where they can make money because it looks nice.

That is why I, and the UNC took strong objection to the hon. Prime Minister taking a drop in a private aircraft. That is unacceptable, that is misconduct in public office. Is the Integrity Commission sleeping? That is a gift they have given to the Prime Minister in favour of something in return and we do not know. The Prime Minister of this country should know better because he has been in office for 30 years—a Member of Parliament for 30 years, and he is taking a drop with

Repsol from Nigeria to Spain? And from Spain he goes with BG to London, and it slipped his mind to tell us?

Mr. Vice-President, I raise these points because I believe that these things are important but we will deal with that on another occasion. I have much more to say on that on another occasion. We believe—and I want to bring to the hon. Minister’s attention that under our Constitution there is something called equality of treatment and under the Industrial Labour Organization’s Constitution, there is a clause used repeatedly which says when the competent authority—which is the Government—is treating with employers and trade unions, they must do so with those organizations most representative of workers and employers. I find it rather strange that the Government of Trinidad and Tobago has established a pattern of conduct in its refusal to deal with the union or organization most representative of labour, and I would like the hon. Minister to take a closer look at this matter in the context of our future development.

Mr. Vice-President, as I said, this is like the *déjà vu*. This is a piece of legislation that we promoted, we supported and we cannot oppose. Any legislation that empowers people and workers, hon. Minister of Labour and Small and Micro Enterprise Development, you can count on us, we will give you 1000 per cent support on any legislation that empowers workers and people. We will not support any legislation that gives more power to the Prime Minister to abuse it against the people of this country. [*Desk thumping*] We will not support Manning on any legislation that will give him more power to abuse the people of this country, but we will support the hon. Minister of Labour and Small and Micro Enterprise Development and this piece of legislation.

I thank you very much.

**Sen. Mary Kathleen King:** Mr. Vice-President, firstly, unlike the Senator, I would like to refer to some of the Explanatory Notes which I think are conflicting. If one looks at paragraph 2 of the Explanatory Note which says:

“The Ordinance applies only to persons employed in factories, but the jurisdiction of this Bill would be wide enough to embrace all persons at work.”

When we go on to Part I, Preliminary, under Interpretation there is clause 4 which says:

“‘employee’ means any person who has entered into or works under a contract with an employer...”

And it goes on to include the types of persons such as public officers, the protective services and teachers. That may be very broad, but I think there are some important people who are not included. Now we have Regional Health Authorities which are not included under the public service. Have we included doctors and nurses who work with these Regional Health Authorities, and have we included people like the magistrates who are fleeing from dilapidated buildings? Have they included the magistrates and courts in Trinidad and Tobago? I would like some clarification on that.

Going back to definitions, we are looking at an employer:

“‘employer’ means a person who employs persons for the purpose of carrying out any trade, business, profession, office...” et cetera

I think that we have other important kinds of employers and they are very evident these days when we look at the large promoters of carnival fetes. Are our entertainers included in this portfolio? They have very large concerts and we have to look at safety standards and I would like to see them included. We cannot forget the stands collapsing and people being injured. So I think they should be covered if we are really looking at a real Bill which says it is the Occupational Safety and Health Bill for the nation. I would like to see those persons covered if possible.

The definition of an “industrial establishment” is also of some concern and although it covers many types of buildings and includes a clause which could be attached to all other premises, I do not see that it includes the police stations, the courts and the schools of our nation.

Clause 5(2) states:

“This Act shall apply to industrial establishments belonging to or occupied by the State...”

I think we should also include all public places, which I just mentioned, the police stations and schools so that we do not have police fleeing from dilapidated buildings and children being kept away from schools which are really uninhabitable and not healthy.

If I could jump to standards established by the Environmental Management Agency (EMA). Would this be publicly advertised? Will these standards be known to every employer across the nation, and would there be a public education programme? You have not shown how we are going to relate the Bill to implementing it. Should we not include this as a must in the Bill, that all employers who can be found will be notified?

Clause 11 refers to a person who shall wilfully or recklessly interfere with or misuse any plant, machinery, appliance, et cetera, or such an act that can cause large damage, large costs to an establishment. I think that the penalty in this case seems to be rather small and we should re-look at that penalty. These disruptions can lead to closure of factories for long periods of time.

In clause 37(1), there is a stipulation that some people may not have to get a medical examination. I recommend that all persons should be required to have a medical examination and delete the clause which states that a Minister can have the authority to decide otherwise. No Minister should have any authority to exempt any place of business or work from having its employees examined medically.

Mr. Vice-President, I would like to turn to other penalties. When we read through the Bill we see some clauses that have no penalty and we see in clause 85 as far as penalties are concerned, those that are not specified in the Bill. This “catch-all” clause actually specifies a fine of \$20,000 and one year imprisonment. If a particular offence is continued after conviction, the person can then be charged at the rate of \$10,000 for each day. That is a very onerous penalty for some of the clauses in which penalties have not been stipulated and I say so because if we go back to Part XI, clause 59(1) of the Bill, says:

“No person shall undertake, without the prior approval of the Chief Inspector—

- (a) the construction of any new factory or warehouse;
- (b) the reconstruction of any existing factory or warehouse or the extensive installation of any new plant or machinery therein;”

It also cannot alter, modify or make changes in the existing plant or machinery and a period of six weeks is given to inform and get prior approval from the Chief Inspector.

Traditionally, we Trinis get the Town and Country Planning and the Local Health Authority approvals and start to work, and, I think this clause which states “without prior approval” is probably impractical and it could be changed to “before the operations begin in the new or renovated premises that we get the approval of the Chief Inspector.” That is if the clause must remain, and if it does, then that penalty cannot possibly be \$20,000 and one year imprisonment and \$10,000 for every day thereafter that he has not rectified the problem. I am suggesting that we be specific in this clause and include a penalty which will

bring punishment, but, not so onerous. I am recommending that the fine be something like \$1,000 for non-compliance and if, after it has been pointed out to the owner, we could also include a monthly continuous clause of another \$1,000 because it does not make sense for such a minor infringement to pay \$20,000 and a year in prison.

Another clause, which is just like the previous one, is clause 63. It says:

“Any person undertaking any building operations or works of engineering construction shall, not later than seven days after the beginning thereof, serve on the Chief Inspector a written notice stating the name and postal address...”

Again, no penalty has been specified which implies that clause 85 would kick in and there would be a fine of \$20,000 and one year in prison. I really think, given our Trini culture, that that is a little harsh, and, within the definitions we have actually included minor renovations as a work of engineering construction. So I think we should be practical given the kinds of things that we have here. I think jail for one year and a fine of \$20,000 in this particular case is very onerous, and, I would like to see a specific penalty as well in this clause.

How can we police all the minor activities and works in progress going on across the country? Can a Chief Inspector be expected to do all these approvals? I am not so sure. There is also a feeling among the population on this particular Bill that the Chief Inspector has been given far too much power and some should be transferred to the Occupational Safety and Health Authority.

I recommend if we insist that that clause remains as is, that there be a specific fine of \$1,000. We must remember in looking at this particular clause, that we have defined a “factory” as being anything from even a roti shop to a methanol plant. We have not differentiated between small works and large works and, therefore, I am also suggesting that there be a definition developed for works of “small engineering construction” and when we do redefine, then we could also redefine the penalties so we would have lesser penalties for smaller works of engineering construction.

Mr. Vice-President, I am very uneasy with the definition of “young person”.

“‘young person’ means a child...”

And you say a child between 14 and 18 years old. Should we not have a mandatory age where a person can be employed? We can say somewhere in between, and perhaps 17 years would be a good age. I am also uneasy that an employer has no redress. There is no review process where one person being the Chief Inspector may—not may—but he has the discretion to determine and make

decisions which are binding on employers. I believe that we need a review process to ensure just and transparent decisions and fair play. So I would like to see a clause in there looking at a review process.

There is also very little attention paid, and I am uneasy that there is insufficient provision for environmental impact of large works. We have been very easy on the environment in this Bill, and I do not think it is appropriate that we have not looked seriously at environmental impact of large works such as processing plants, power plants and so on. We are getting many more new ones coming on stream so we have to be very careful.

If this is a national Bill for Occupational Safety and Health, I am uneasy with the fact that we have not included casual workers in the Bill. We have only looked at those who are full-time persons on contract. By casual workers, I am looking at the domestic helpers, gardeners, drivers and surely there ought to be a clause which covers these people who are also workers and need protection.

In closing, Mr. Vice-President, I would seriously recommend that where powers have been given to the Minister to redefine or reclassify buildings that fall under this Bill, that power should be removed from the Minister and remain with the authority which is the Occupational Safety and Health Authority.

Thank you very much.

**Sen. Prof. Kenneth Ramchand:** Mr. Vice-President, I want to begin by commending the Government and the Minister for bringing this legislation forward at long last. I note with considerable satisfaction, in spite of the gallerying that has gone on, that the Government and the Opposition are at one on the issue of the necessity for this legislation. I sincerely hope that in the new year, this example of cooperation can lead us to greater national unity and a greater pooling of resources to the benefit of a nation which is under siege.

Mr. Vice-President, the Bill is one respecting the safety, health and welfare of persons at work and I understand its primary focus on visible and immediate injury and its concentration on the responsibility of employers to 'prevent' and/or 'compensate'. There are some other very hopeful hints and signs in the Bill.

There are signs that the Bill wants to go beyond the immediate, the visible, and the obvious, and that is why I want to see this as the beginning of something very important in the relations between worker and employer and human relations in the society. There are signs that there is a long-term concern, there are signs of a search for strategies to 'prevent'. What I want to emphasize, because it seems to be implicit in those signs, is that we are dealing not just with people as



commodities or instruments who are there to help us make a profit or increase production. We ought to be dealing with people as people. It is very important to take care of workers not because of the use we have for them in the economic process, but because of the value we place upon them as human beings in our society.

I think that this Bill is important because there are signs of a humane approach in it and there are signs too that it is encouraging a more healthy attitude to work. Work is not something we just extract from people, it is something that human beings need in order to feel that they belong, it is part of the exercise of our God-given faculties in the world; and a person without work feels useless, becomes desperate and does all kinds of things that go against his own human nature. So any Bill that recognizes the virtue of work is liable to get my support if only because it makes the recognition.

Many of the evils in our society today have to do with a sense that many people believe there is no respect for them as persons. Many of the evils in our society have to do with a feeling, not only here but also in the world at large these days, that human life is nothing. Many of the evils in our society have to do with perceived exploitation by a large number of persons in the society. We just feel that we are being used, we are nothing, and so I think that indirectly, this Bill has some connection with the problem of crime and civil disorder. The alienation in this country that so many people feel is contributed to by the absence of legislation such as this.

So I think that quite apart from its immediate impact, we can at least mount an educational programme and advertise this Bill as having to do with the larger issue of human relations in our society. I commend not only the visible parts of the Bill, but the way in which it allows us to think of human beings and their relationship in the society.

Mr. Vice-President, I have certain particular—they are not really issues—but some clarifications I hope the Minister can offer. I have some problems understanding what are the exact differences between the “authority” and the “agency” and I really would like to know why we need both, so if the Minister can explain why it is necessary to have an “authority” and an “agency” and what is the difference between them, and how can we be sure that if we have both of them there is no ambiguity as to who does what.

Clause 4(1) which has already been raised by my colleague, Sen. King, on the definition of “employee”, to me the phrase “and includes public officers, the protective services and teachers” can be questioned. It tells you we can include other people. We have not excluded others, but is it necessary to specify “and includes...”et cetera. Could we not have just stopped there?

‘Industrial establishment’, I am sure is a much better term than ‘factory’. Factories are now included within industrial establishments, but I do not see a definition of ‘workplace’ and I wonder if it might be useful to have a definition of ‘workplace’. In fact, I prefer the word ‘workplace’ to ‘industrial establishment’, but even though we do not substitute one for the other, at least perhaps it might be worthwhile and maybe the Bill would have freed itself up if it could have spoken about ‘workplace’. It speaks about places of work and so on. This is just a suggestion for consideration by the Minister.

On the question of where the work takes place, I have a problem with the Public Transport Service Corporation (PTSC) buses and the trucks belonging to fleets. I think there has to be something in the legislation to make it clear that it is the responsibility of the employer to ensure that the vehicles in which people work—for instance, if I am a truck driver, the brakes have to be right, the tyres have to be right, the lights have to be right. If I am a bus driver, the same thing applies and I wonder if there can be some specific reference to these things in the Bill. I think safety, welfare and health are all very much concerned in the issue I have raised. Although we define ‘industrial establishment’ and ‘factory’ and we talk about ‘workplace’, there are mobile workplaces—like ambulances that do not have oxygen—that we need to have legislation about.

When I am walking on the road and I see one of these trucks or PTSC buses coming along, I am really scared because I do not know if their steering will cut away, or if they want to stop whether they would be able to do so, and I see the tyres that are worn. Although there may be other legislation that covers that, I feel that this Bill should also either include it specifically or refer to those requirements as part of occupational safety and health.

**4.00 p.m.**

I have just one question about clause 10 where 10(1A) speaks about ‘a person’ and clause 10(2) speaks about ‘an employee’. I cannot put my hand on the exact point, but it seems to me that when I saw ‘a person’ and then I saw ‘employee’, I wanted to know—[*Interruption*] One is wider than the other?

Clause 10(1) says:

“A person who refuses to comply with subsection (1) commits a safety and health offence and is subject to the jurisdiction of the Industrial Court.”

Then clause 10(2) speaks about:

“An employee who wilfully and without reasonable cause...”

It is not clear to me how one is wider than the other. [*Interruption*] ‘A person’ means ‘employee’? Thank you. Except that clause 10(1) says:

“It shall be the duty of every employee...”

Clause 10 is referring to employees. So the explanation that ‘person’ could include ‘employee’ does not seem to me to apply, unless there is some way in which you could be liable even though you are not an employee. So maybe the Minister could clear that up.

In clause 20(1), where we talk about investigations being conducted—I do not know if I am just quibbling—there is reference to:

“Pending the investigation and decision...no employee should be assigned to use or operate the equipment, machine, device or article...as long as there is continuing imminent and serious danger.”

I thought that the purpose of the investigation was to determine whether there was “imminent and serious danger”. So this clause seems to me to already prejudice the issue or to presume. Why then is the investigation being conducted?

I do not know if that is something that we would want to look at. I would think that if there is “imminent and serious danger” you would need an investigation. “Imminent and serious danger” seems to me to be a very grave thing. If Curtley Ambrose is bowling to me, everybody knows there is imminent and serious danger. I think we can see “imminent and serious danger” very easily. I do not know if the investigation really has to do with who is responsible or what kind of blame is to be attached, what kind of penalties. So, again, if the Minister could clear that one up—

Finally, I have a question on clause 32. I will just tell you what I think and then you can see where my question lies. I think that in every workplace there should be legislation saying where you cannot smoke and indicating some area that has been set aside, where you could say, “Well, if you want to smoke, we have a little shed there for you with a sand pit, go there and smoke. Throw your ashes; throw your butts. That is the only place that smoking is going to be allowed in this workplace.”

I feel that persons who smoke in any room that I am in are putting my life in danger. They have a choice. If they want to put their own life in danger, it is okay, but I feel that we should take the opportunity of this legislation to bring in something about smoking at the workplace and maybe, hopefully, we could move on to smoking in public buildings, et cetera. But certainly, smoking at the

workplace is a hazard to your fellow workers and the employer has a responsibility to provide for those who want to smoke and at the same time protect those who do not want to. I think a person who knowingly smokes in the workplace where I am sitting is knowingly intending to commit an offence against me. So I would very much like the Government to consider introducing some kind of reference in the present legislation to smoking.

With that, I want to end, again commending the Government and the Minister for bringing this legislation forward. Thank you.

**Sen. Dana Seetahal:** Mr. Vice-President, as much as we all support this Bill—and I am sure I speak for all of us here—and we think it is a good piece of legislation; it is too long in coming, this does not mean that we ought not to look at the Bill with a critical eye and with some critical thinking. No matter what kind of easy passage it may have had in the other place this does not mean that all is well with this Bill, although I would like to say at the outset that I do not think that there are major problems with it, from my point of view at any rate.

Just let me respond to something said by the former speaker in respect of the purpose of this Bill. The purpose is to ensure, it seems, the safety, health and welfare of persons at work. That being said, my respectful opinion is that the question of making workplaces no-smoking zones, as it were, is not a matter that should be dealt with in this piece of legislation, because, as we speak, smoking is still legal in this country and until such time as we put specific legislation in place to curb that freedom of expression, I do not think that it belongs in a Bill such as this. It may be a matter for individual choice by employers. It may be a social ostracism as happens almost everywhere, as in airplanes now, but I do not think it is the proper place for this at this time until and unless the Cancer Society could persuade the Executive that we need some other legislation to curb that.

My first point—and I have about four points—is that—

**Sen. Prof. Ramchand:** I just wanted to ask whether the Senator could educate me on this because there are many countries where I think there are bans on smoking in public places and in the workplace but people are allowed to smoke on the roads and so on.

**Sen. D. Seetahal:** I was making the point that in terms of a specific piece of legislation for the workplace, of persons at work, I do not think this is the place for that. That might call for more wide-ranging legislation where you could have controlled places to smoke if it is taken to the public and the public agrees. So you need to have a whole different focus with that kind of legislation.

I come back to this Bill and I want to make the point that there are four matters that I have a concern with, as it were. The first is not so much a concern but a recognition on my part, as I see it, that this legislation covers police stations, courts and prisons. I say that because the Bill specifically states at clause 5(2):

“This Act shall apply only to industrial establishments belonging to or occupied by the State...”

Unless the Minister were to make an order of exemption which, of course, has not yet happened,

“‘industrial establishment’ means a factory, shop, office, place of work or other premises...”

so we are talking about ‘premises’ and if a piece of legislation or a section says: “factory, shop, office, place of work or other premises” that would seem to be very wide and according to the *ejusdem generis* rule, which means things of the same kind, almost anything of the same kind would fit under “shop, factory, office, place of work or other premises”, meaning anything that would be a place of work.

Therefore, all those police stations that we saw members of the police service leaving to go and take up residence elsewhere last year, that would fall under this piece of legislation, and their action would also be covered under this legislation, because employees, if they find that the place of work is not—I would not go into the details of the law, but meaning that it is hazardous to their health—could leave that place and require the employer to make suitable adjustments.

So it would seem to me that if you are talking about that kind of industrial establishment, meaning everywhere that it is a place of work, and we are talking about employees who would include all public officers, teachers and so on—and I do not share my colleague’s concern as to why include public officers, protective services and teachers specifically in the legislation. This is merely an example of the types of employees, and I think it is a good thing to specify in case there is any query from state personnel as to whether police officers, soldiers and prison officers are included.

They are included, and it would seem to me that this legislation puts an onus on the Government, the Executive, to ensure that not only regular offices, not only the Parliament building, is suitable for our habitation, but all police stations, hospitals, fire stations and courts, meet the requirements of health and safety under this Bill. I would certainly take it very seriously, personally—and I am sure on behalf of other persons in this country—if any Minister were to exempt any such industrial establishment from the purview of this Bill. I do not think this would happen and if it does, we would deal with that when the time comes.

If I may say, apart from the police stations and the courts, the state prison—and I see the Minister of National Security walking in—at Frederick Street is a place that at present would fall under this legislation to be taken care of. It is a place which I can say from personal experience—not that I work there but I have visited in another capacity—that no prison officer can feel safe in it when you have falling roofs, rain coming in and wooden benches. Members of the public go there and have to wait outside for 45 minutes to get in to see their clients and there is an open area with all sorts of health and safety concerns. If I get the virus when I am there, I guess I could sue the State or cause an action to be brought for a safety and health offence. So I think that is one place that needs to be looked at. As I say, I have no question that this covers all those government places.

The second point—and this is a very small point—and through you, Mr. Vice-President, may I address the Minister of Labour and Small and Micro Enterprise Development? At clause 6 of this Bill, we are talking about the general duties of the employer. That is really what the Bill is premised upon, that employers should provide places of health, safety and comfort for the employees. Yet at clause 6(3)—and I must thank the Chamber of Commerce for pointing it out through their letters that they sent to us:

“An employee shall—

- (a) ensure that all hazardous chemicals present in the industrial establishment are labelled in a way easily understandable to the employees...”

I think that would mean an employer.

**Sen. King:** It was changed in the Lower House.

**Sen. D. Seetahal:** If it was changed it was not brought to my notice. I do not know if it was brought to other people’s notice, but I think it is the fault of someone that I did not know, so I need to point that out. I am glad that is clarified.

Thirdly, the question of penalties—and my colleague, Sen. King alluded to that. If this Bill is meant to ensure that employers adhere to their duties, it would seem to me that under clause 6 or shortly thereafter, there should have been some specific penalty for employers failing to provide and maintain the plant and systems at work to ensure safety and health. But there is no specific penalty, and that is passing strange because there are specific penalties for employees at clause 10 to perform. So it seems to me that something is skewed there. The focus ought to be on employers.

Now you may well say that the general clause—clause 85—makes provision for that, but, to me, it undermines the tone of the Bill as the chief culprits, as it were, not to have any penalties specifically stated for their offences and we have to look to the general clause and interpret clause 83 which says that if there is no other penalty provided, then the person commits an offence. Then we have to go further and look for what the penalty is, and the penalty is a maximum of \$20,000 and one year in prison. That relates to what Sen. King had said. I do not think it is too serious a penalty myself, but I do think that whenever—and if this Bill is passed today—one is going to revise or amend this Bill, one ought to have a serious look at these penalties and make it clear to the employers that this is the penalty. You just open the Act and you look. You do not have to go and look around and say, “Well what is it?” Because they may think that, “Hey, you, the employee, you are liable, but I am not liable.” Or they may not think that the focus is on them. That is more to the point.

Another point on penalties—and I think this is a very serious point. We have under clause 10 the duties of employees and there is a provision at clause 10(2) which says:

“An employee who wilfully and without reasonable cause does anything which results in the death or critical injury to another person at work, commits an offence and is liable to a fine of ten thousand dollars.”

Does that make sense? “Wilfully” means intentionally and if we have an employee doing something without reasonable cause—well that is accepted; it is a normal thing—causing the death of someone—he is liable to a fine of \$10,000? If this were committed elsewhere, he would be liable to manslaughter which carries a fine of life. If he intended to kill when he did it, or to do grievous bodily harm, it would be murder. But it would be manslaughter, generally. If I were an employee and I saw that, I would be glad. I could go and cause the death of people by throwing acid in something in my workplace and I am just liable to a fine of \$10,000.

I do not understand why that is even there. There is no need because the criminal law ought to take care of a person who flagrantly does something which causes death. Here you put something and you say it is supposed to protect other employees and it is really to give them a slap on their wrists? “Boy, it is only \$10,000; kill somebody.” Or if it is not intending to kill but if it is gross negligence; if it is wilful but not meeting of that standard, \$10,000 fine? I think that is some kind of aberration. I do not know how that came about, but it had to be an aberration and I hope that this part is deleted.

My final real area of concern is the Industrial Court. What is the role of the Industrial Court in this piece of legislation? A corollary to this is, for instance, in the Retrenchment and Severance Benefits Act, there is provision under sections 22—25 where, if someone breaches a duty, then you may apply to the Industrial Court. I read:

“Subject to section 19,…”

This is section 22(1) of the Act:

“where after thirty days of the expiration of the notice the employer fails to pay the severance benefits...the employee may, through his recognized majority union apply to the Industrial Court for redress.”

Then you have (2):

“Where there is no recognized majority union the aggrieved worker may, through the Minister or through any union, refer such failure to the Industrial Court...”

Now this Bill we have here talks at clause 83A about an aggrieved person applying to the Industrial Court for redress. My understanding of it is, the functions and the power of the Industrial Court are to deal with disputes; with complaints referred to it by the Minister or by a union. That is my understanding. I do not see other powers. And I am looking at clauses 7 and 10.

So I do not know that this clause 83A or clause 97A or clause 10(1A) could give the Industrial Court any jurisdiction in this Bill, because it does not say so. It does not say, “You may go through your recognized union or through the Minister” who would deem it a trade dispute. This has no effect. “An aggrieved person may apply to the Industrial Court” as what? What is his locus? He has no locus, because it is something created under this Bill, which does not fall within—and it cannot add to the powers of an Industrial Court whose powers are constituted by statute.

I repeat that. If you have a court whose powers are constituted by an Act and the powers of the court are to hear and determine trade disputes, to register collective agreements—that is the jurisdiction of the court—and the powers would be to remit disputes, make an order for award and all these sorts of things, what I want to know is, all of these provisions here are saying that an aggrieved person may go to the Industrial Court—to what end? If somebody could make it clearer to me—I have tried; I have consulted with people who seem to know about industrial relations and they have told me that it should properly be drafted in like terms as the Retrenchment and Severance Benefits Act.



Those are my real concerns. The other matters are really what I consider typos—I hope they are—which could be dealt with in committee stage, such as the typos in clause 16(1) and (2) and clause 15 and so on.

Thank you, Mr. Vice-President.

**Sen. Brother Noble Khan:** Mr. Vice-President, I would like also to share some thoughts on what is before us. What comes to my mind immediately is the memory of some of our great trade union leaders of the past and how they would have felt, particularly those who have gone to the great beyond. I speak here about men like Simeon Alexander, Quintin O'Connor, John Felix Ferdinand, Rojas, George Weekes, W. W. Sutton. I am sure there are many who are still with us, and even very active too, who would have felt some element of elation with the coming into being of this piece of legislation.

It does bring to the fore legislation that has been with us for quite some time and which may have even gone into the century preceding this one which we have just completed. That in itself, bringing this today, is an achievement and I, too, would like to say that I am indeed very happy to see it and particularly pay accolades to our Minister of Labour and Small and Micro Enterprise Development, Mr. Larry Achong, for this Bill before us.

However, there are a few matters that come to my mind with respect to the legislation. The area of gender is particularly important to me. It may be inferred, but I do not think it is sufficiently clear. My colleague, Sen. Mary King, made reference to domestic workers and the extent to which they are represented and protected in this legislation. Also, there are workers—and the majority of them are women in certain parts of our city—and this may have gone way back—who still go into the narrow streets and alleys and have on their heads, what had been referred to as, bath pans, bringing out the rubbish where others cannot go. They would bring it out to a point where others would take it; put it on the trucks and remove it, as the case may be. What is the situation with them?

I tried to identify within the document before us the employment of night workers, which I think is being taken out of this through the passing of this Bill. Under clause 98 (1) it states:

“The following laws are hereby repealed:

(b) The Employment of Women (Night Work) Act;”

I do not know if we could call it night work, but I am sure a lot of night work would be in some of those bath pans that come out. How do we deal with that? Of

course, the Minister in his presentation did make mention that they would try to do a catch when it comes to the regulations.

Also, workers such as tree climbers—where is their place? When I talk about tree climbers, I mean those who climb trees to trim and even those who go to pick. For example, this week I saw a very skilled fellow who climbed a coconut tree—maybe in my young days I could have done that—where is his space in this law?

I am not trying to be facetious, but these are some of the things that occupy my mind. Even in this building, the extent to which lead, paint and the ancientness of the building may affect us—is this a safe place to work, particularly for the Clerk of the House and other public servants? These are some of the things that occupy my mind and how we could bring that to bear.

The other area is the question of implementation. This is a burning question everywhere. Some Ministers and some ministries are addressing that very forcefully and I hope by the grace of God that something would come out of it where we can definitely give deliverables. Even today the Environmental Management Authority which was brought about by international organizations because of a crying need, there are many questions with respect to the teeth that it has. Again, within the framework of the implementation of this Bill, how much would really come to bear to deliver the goods, particularly as we have heard some of our colleagues mention here, of the place that we are now giving to our worker? Or is it just another plan as we follow those who have gone before and they have established the yardsticks for us, that we follow in that pattern?

We know for a fact that the United Nations, which has been around for more than 50 years or so, and the International Labour Organization, have always been pushing to bring to bear change in legislation. I suspect, perhaps, our colleagues from the labour sector could definitely identify some areas where we might be in breach of what the ILO has established and for which we, as a nation, form part of and are committed to. I would not get into that, but these are some of the things we think of in terms of the legislation before us and for which we have so much hope and expectation.

In the scope of things that we are about is the whole question of the extent to which we could make it apply. I know there would be a cost factor, particularly with the employer, and if we were to take what they say, that they always try, though in the movement forward they always try to cut cost and be efficient, there is the question of the extent to which the worker would definitely benefit through these cost-cutting or the implementation exercises when they come to bear.

On the question of the effectiveness of the regulations and the mechanisms for implementation, what about the abuse of the physical environment which definitely has a bearing on what is before us? They are not separated. They have effects on one another. If we were to take, as I have said before, the EMA being an institution which in itself is not effective as it should be, how far would this piece of legislation go, even as I have mentioned before, the hopes and expectations we have of it?

These are some of my thoughts. Again, I would like to extend congratulations to our Minister of Labour and Small and Micro Enterprise Development and also the memory of those who have gone before from the labour and worker sector. I had mentioned some of those who have gone to the great beyond and I would like to add the name of Bhadase Maraj in the labour field, Adrian Cola Rienzi, also from the labour and industrial field, as men who have contributed substantially towards what we are doing here today.

I thank you, Mr. Vice-President, and again I support what is before us.

**Mr. Vice-President:** It is now 4.30 p.m. The Senate is now suspended for tea. We shall return at 5.15 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.15 p.m.:** *Sitting resumed.*

**Sen. Prof. Ramesh Deosaran:** Mr. Vice-President, I refer to clause 76 that deals with victimization, clause 20(a) and the question of exemptions in this Bill. Before I do so I would refer to page 93, clause 98(2) and presumably, clause 99, as I believe that they are connected. It is a minor point, but I think that we would be grateful if the Minister would take note of what we see could make a smoother connection between clauses 98 and 99. Clause 98(2) states "...shall continue in force...". We should say until when to give a smooth transition to clause 99, where the Minister begins to make the regulations. If you leave it as it is, it would seem to be an unknown factor if it would continue in force. I draw this to the attention of the Minister to try to improve the Bill.

There are two other preliminary points I would like to make. One deals with clause 10(2) to which two of my colleagues very dutifully referred. I make this reference to reinforce what they have said. On my reading, I came to the same conclusion of both Sen. King and Sen. Seetahal. If you say "... wilfully and without reasonable cause does anything which results in the death or critical injury to another person at work...", that is very serious not only in terms of the

fine but also having an employee wilfully committing such an act. It is just one step away from wilful murder because that carries wilfulness with it under the mens rea assumption. This needs to be looked at more seriously not only in terms of the fine, but also the real intention of this clause. It is dangerous to have in the workplace someone committing something so wilfully. I think that it is a serious matter for criminal law, substantively.

The other preliminary point is the establishment of the authority which would be a great expense if you look at the manpower and type of skills required in order to police and implement the relevant clauses of the Bill. Alongside that, there is the corollary agency called the health agency which is also duly established. I speak for thousands of our citizens in this country. After a government uses taxpayers' money to establish such authorities and agencies, the question is whether these institutions do the job that they are supposed to do and implement the intention of the Parliament. I do not want to belabour the point. The evidence is clear if you look at the Environmental Management Authority (EMA) and Chaguaramas Development Authority, things are happening under their jurisdiction which should not happen. The Government carries the responsibility. It is not only a matter of bad accountability from such agencies, but also a question of taxpayers' money being used for objectives which do not remain fulfilled.

This is an incidental illustration. When you challenge the EMA about rivers and beaches they say that they have no teeth, but every year in the estimates they are given millions of dollars. To cut a long story short, I ask the Minister to exercise vigilance as to who is appointed to these authorities and the agencies that come under the jurisdiction of the authorities, if only to set a fresh standard of performance and accountability and not have them complaining that they want more money and legislation. We are tired of that scenario. In that context, I urge the Minister to exert the vigilance required to enable these bodies to do what they are supposed to do. The whole thing would be useless. All these provisions would fall flat because they would become quite dependent. In the Bill there are extensive provisions. The Bill would become a corpse if the authority and agency do not do what they are supposed to do. The possibility is likely because of the illustration I presented a few moments ago.

I turn to what I think is getting at the heart of this Bill. How is the information conveyed from the location where there are health hazards and no safety to the proper authority, the inspector for example? What is the artery that would make that connection? It would be just as community policing. If the information is not

strategically provided more so by the members of the public, police performance would diminish and no amount of training, new commissioners or reform bill would help. Why am I saying this? I am saying this because the employees in the first run would be affected by these hazards. They must have the courage and confidence not only to pass the information to the rightful authority, but also that they will not be victimized. The Bill makes serious reference to that. Clause 76(1) states:

“No employer shall dismiss, suspend or otherwise adversely affect the employment of an employee or alter his position...

- (2) An employer who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for three months.”

The law is made and the sanction follows.

Clause 20A says something quite similar.

“No employer or person acting on behalf of an employer shall—

- (a) dismiss or threaten to dismiss a worker;...
- (b) discipline or suspend or threaten ...
- (c) impose any penalty upon a worker;...”

if the worker seeks to comply with the Act particularly in terms of giving information.

There are two massive provisions in this Bill which seek to protect the worker and his right to convey the pertinent information. To put it in an extreme case, you will not get this information from the employer. This is an adversarial position constructed by the Bill where the rights of the person most likely to be affected must be protected. I emphasize that point. With respect to clause 20A, what is the penalty if the provisions are violated? My colleagues tell me that it is provided for. It is more than this. From my reading of the literature, victimization is too pervasive and evil in this country especially against people who have no money or the wherewithal in terms of social contact or capital to look after their rights.

The place where such victimization occurs is in the workplace more than anywhere else. It is so because people are so dependent on an employer for their daily bread that they become very vulnerable. I wish in the vigilance expected by the Minister, in some way, either through the training or induction programmes,

when he is sending out those inspectors or the provisions are brought to the attention of the public, particularly in the business places hereby mentioned, that these two provisions be given signal honour and due prominence, so that workers could have the required confidence and sense the protection offered by the Bill to undertake the mission as prescribed in this particular document.

I am very uneasy about victimization in this country. Perhaps I would elaborate on another occasion. So many complaints have come to me while I am at the university in the Centre for Criminology. They are from the oilfield and private business sectors where workers are being victimized because they want to exercise a particular right. Most of these rights are in principle circumscribed by the distinction between a public authority and private business. They are expressed in section 4 of the Constitution. Many workers give up the rights of freedom of conscience. They cannot talk about what they see because they fear victimization. They cannot express a conviction at a meeting, even among heads of departments far worse for the ordinary worker at the lower rung. This is the reality of the society. This is not theory. I am uneasy about it because it affects the right of primarily poor people. One of the vanguard missions of the Bill is to protect those who could not previously protect themselves.

I do not want to see the Bill wasted because of a lack of proper infrastructure or emphasize the infrastructure prescribed in the Bill to the extent where it is highly visible and effectively implemented. We have too many Acts and laws that are not enforced. I can give you a million examples even in the last year. There was one about putting up signs so people under a certain age would not buy alcohol. We expected the signs to go up in places where such products are sold. I deliberately made the point at that time to make some standardized signs and give them out, as you would do with vehicle license plates so businesses will have no excuse for doing what they are doing today. They do not have the signs even though the law has been passed in Parliament. The precedents are clear and disturbing. Sometimes I sympathize with the Ministers because they are so far removed from looking after public policy on matters of public administration. We have to make the connection between the top and lower levels of administration. If we do not do that in this case, this Bill for which the Minister has received singular praise from the Opposition Benches would be like the desert flower. We do not wish to see this Bill fail. It means too much not only for industrial democracy and workers' rights but also for the morale of the country to redress an imbalance in the power relationships between employers and these hard-pressed employees. I can tell you that from experience.

I find that some of these conditions for victimization should be extended to other institutions which might have their charters. We could look at the question of victimization at the university. It is time to extend this principle of protection and properly so. I would be happy to see the university being given consideration for having such provisions where ordinary workers including lecturers can seek proper redress, rather than depending on the internal structures of the university for protection. Sometimes the structures are surrounded by other machinations that make the process almost null and void.

I say no more except to drop a gentle hint that the question on the practice of victimization is such a large one that we need to give it very urgent attention. While we speak about physical and health safety, I think perhaps worse in some sense, is the feeling of psychological safety in the workplace. People want to be free from fear and psychologically secure from victimization. That is what we put together and call the morale of a place. The lower the morale, the less productivity you have. Many people are working like engines with little or no loyalty to a place because they know that the place is not friendly to them, largely because of the fear of victimization. I am making a big deal about it because it needs to be made a big deal of in this country. Victimization is too rampant in this country and that is why I welcome this piece of legislation and these two provisions in particular. We also need psychological security for the worker which would mean the emergence of what is popularly called the whistle blowers and their protection, if only to make our work environment safer physically and psychologically.

I would speak about the exemption issue. I wish to do so in a particular sequence because the implications for both national security and worker safety are quite serious. When we look at the Explanatory Note on page 2, the Bill starts off very smoothly and seductively. It draws us into the arms of safety. It caresses us into a mode of pleasure. Everything sounds so hunky-dory. The second paragraph states:

“The Ordinance applies only to persons employed in factories, but the jurisdiction of this Bill would be wide enough to embrace all persons at work.”

I do not know the language, “would be wide enough”. When I read “all persons at work” I started to think about members of the protective services. I think about the police who might have to hunt criminals, the defence force that might have to fight guerillas or terrorists or the special unit headed by Brigadier Joseph and the dangers they would face. I got wide-eyed and bushy tailed in going through the Bill.

When I read the last paragraph on page 2 which states:

“Part III of the Bill provides for the right of an employee, with certain exceptions...”

I got a little jolt here. I wanted to know what those exceptions would be. The right of an employee “to refuse to work or to do particular work where he has reason to believe that in so doing he is likely to endanger himself or another employee...” any worker in that situation could be from any profession. He has a right to refuse to work otherwise he could be enjoined in another provision by seeming to wilfully cause the death of another person.

I looked at page 10 which says:

“employee means any person who has entered into or works under a contract with an employer to do any skilled, unskilled, manual, clerical or other work for hire or reward...”

It sounds quite sensible, precise and clear to me. It goes on:

“whether the contract is expressed or implied, oral or in writing or partly oral and partly in writing, and includes public officers, the protective services and teachers;”

I am still waiting on the exemption. I stand ready to be corrected and I am looking at the trend. It says that employee means these people too. I would infer that the rest of things would include these people too.

We come to page 31. Clause 15 states:

“An employee may refuse to work or do particular work where he has reason to believe that—

- (a) there is serious and imminent danger to himself or others...
- (c) the physical condition of the workplace or the part thereof in which he works or is to work is likely to endanger himself;”

That is good. That is healthy news to protect the worker. On the previous page we begin to see something, not that it is substantively peculiar, but the way it has emerged in the Bill. In clause 14, you are saying that this does not apply with respect to an employee described in subclause (2). This is where exemption seems to be given to a member of the defence force, police service, fire service or prison service. I noticed that it does not include teachers and perhaps if the Minister is so inclined he can explain why they are not included. I think that Sen. King made the



point about the physical environment in the teaching service. These points might appear trite as we try to formulate the legislation. For those of us who happen to be observant at what happens in court and when police officers go to make enquiries, these aspects of the legislation come to life very quickly. I am pointing out with respect and I stand corrected. There might be something else that I have overlooked.

The different clauses I have quoted rightly seek to protect life and limb of human beings in the category of workers. Why are we going to exempt these sub categories, particularly the police? A fire officer cannot tell you that he is not going to fight a fire because he would get burnt. We could treat with that. I am worried about the number of complaints about the physical conditions which have been facing the police for a very long time. I do not want to see those conditions exempt from the attention that such dislocations could cause. One of my colleagues made the point more exhaustively. I cannot speak about the defence force or the fire service. If you are exempting certain workplaces from such scrutiny there should be somewhere else where the provision for their safety and amenable physical conditions could also be prescribed in a definite way, rather than leaving these things to the whims and fancies of everyday public administration.

I make a plea on behalf of the police service, the conditions of which I know very well and they have existed for a long time. There are leaking shaky roofs, very filthy toilets and they have endured these things for many, many years. It is not pleasant to see police officers deserting a building. I have a problem with that and when teachers, doctors and nurses abscond their duties. I also have a problem when lecturers abscond their duties. We can deal with the other things without sacrificing those people under our charge. I do not want to see police officers leaving their places of work because of leaking this, falling that or filthy the other. I wish to see some supplemental attention being given or promised during the final stage of this Bill.

I know that it is a very untidy situation. I am speaking subject to correction. I know you need some exemptions. The police officer must hunt the criminals. He cannot tell you, "he afraid de bullet". In the case of the fire officers, he cannot tell you that he is scared of the fire. I understand that. There might be provisions in the essential services in the Police Service Act. The way it is written here I do not think that it sends the message to these people concerned that would be welcomed by them. The question of exemption should be put on the record as to what it really means. I say so with due respect, subject to correction. There might be some ancillary legislation somewhere.

I make the point in good faith and I hope that my comments would serve to enable the Minister to reflect. Perhaps he has thought about these things.

With those words I take my seat. Thank you.

**Sen. Basharat Ali:** Mr. Vice-President, I am very pleased for this opportunity to speak in support of the Occupational Safety and Health Bill before us that has been long in coming to Parliament. I am doubly pleased that it has come to this Senate with the unanimous support of both sides of the Lower House. I sincerely hope that such support would be the norm in the future when new and/or updated laws relative to the welfare and well-being of our citizenry are proposed.

Safety in the workplace has been a passion of mine throughout my professional career. It has been a source of great concern to me that notwithstanding the achievements and development in the industrial sector, we have not kept pace with respect to laws which are protective of our working population. I am sure that the Bill is not perfect, but it is my strong position that we should enact and have it proclaimed as law soon. If and when shortcomings are identified we can take the necessary steps to correct them by amendments to the original Act. The Act needs to have a running-in time in the workplace to test it for deficiencies if they arise.

I wish to express deepest condolences to the family, friends and co-workers of Mr. Selwyn Heeradan who so tragically died following that accident at Ramco Industries on January 02, 2004. I am sure that I speak for my fellow Senators when I say that we all feel the pain and sense of loss of those close to the deceased. I have enquired and have been assured that a joint team from the Ministry of Energy and Energy Industries and the Industrial Safety Inspectorate has been mobilized to investigate and determine the cause of this accident.

Serious accidents, particularly those resulting in fatalities are very traumatic events. I know this for a fact since quite early in my professional career I was close to one such event. In June 1965, at Shell Trinidad's Point Fortin refinery, a massive explosion on a naphtha/kerosene hydrotreater resulted in the death of two operators, Mr. Roberts and Mr. Mahipat Singh. I was responsible for the training and start up of this plant with an all local operating crew. The plant was in operation for a few months at the time of this accident. Both deceased were competent operators and close to me. Both were family men. I was fortunate not to be on the plant site that evening since I was on short leave following a lengthy period of commissioning and start up of this plant. There was no recrimination following this accident. One positive fallout was the bonding of management and labour if only in a funeral procession. I remember very clearly the President

General of the Oilfields Workers Trade Union, Mr. George Weekes and Shell's General Manager, Point Fortin walking alongside each other in a funeral procession from church to cemetery. At the funeral site we laid to rest a Hindu brother and an African Christian brother very close to each other in the adjacent areas assigned for different religions. It was a very moving occasion and we mourned that loss.

The point I wish to make is that apart from that, some of the survivors were deeply affected. I recall one operator who worked in the panel room and was uninjured used to ride to work and left his bicycle at the plant site and never returned to the refinery. Today, he is still alive, reasonably well and runs a successful business in Point Fortin.

Another shift supervisor who appeared to be okay, was rostered to work for a pre start up. This plant needed to be gas-freed and made safe even to do the repair work that was necessary. He was rostered to be in charge of a shift and he never turned up again at that workplace. Evidently, he was very deeply affected by what he met with on that fatal night. Although he survived he had a very serious psychological injury.

This kind of trauma lives with you for a long time. Another person whom I trained and gave the confidence to come back and restart that same plant, unfortunately perished in a separate accident in another plant eight years later in April 1973. By that time I was no longer working in the refinery.

I wish to present what I consider to be a case study on gender discrimination and the treatment of injury in the workplace. The Sunday Express Woman magazine at the end of November or early December 2003, ran a feature article on a woman professional engineer who in a way is a pioneer in her field. I have sought her permission to use her name and relate her story in this Senate because I think that it is worth saying. Her name is Iruma Blanchfield. She has the distinction of being the first female chemical engineering graduate from the University of the West Indies (UWI). I met her in her undergraduate years when she was seeking a vacation training assignment in Point Fortin, after being turned down by Texaco on the ground that the refinery plants had no suitable facilities for women.

At the behest of her tutors, I agreed to discuss with my workers making accommodation for her. She came there happily and spent two to three months of her vacation and got a basic kind of experience that you cannot get anywhere. We are fortunate that we have these facilities so that engineering graduate students can visit and be familiar with the workplace before they get their degree. Iruma

Blanchfield graduated in 1971, then had problems in getting employment. She sought the intervention of the then Minister of Petroleum and Mines, Mr. Overand Padmore who used his position to get her a job at Texaco Pointe-a-Pierre as a process engineer. She was in this position which required her to visit plants to monitor their performance. One morning in 1978, she was at the No.1 hydrotreater plant when a pipeline ruptured, there was a huge fire and explosion and she and some other operating persons were severely burnt.

I know this case because I was asked by the then Minister to be chairman of the investigating team that undertook to find out what happened in this particular accident. That unit consisted of people from the ministry, engineers, petroleum inspectors and the then factory inspectorate. We produced a report. I am pleased to say that I was able to defend that report because in 1980, there was a commission of enquiry into Texaco operations, the purpose of which I do not want to recollect. I was requested by the chairman, the eminent public servant Frank Rampersad to speak to that report on this particular accident. They were pleased with it.

For Iruma Blanchfield that was not the end story. She was lucky to survive the burns but while her healing took place she started to develop keloids. If our President were here I would have referred it to her. The definition of keloid is a growth of fibrous tissue on scars and burns. For a woman it is a traumatic experience to have keloids. I must say that she had insensitive employers because they never took her seriously until they started to get frightened that they would get adverse publicity. Eventually they arranged and financed corrective plastic surgery at a hospital in New York. She was quite pleased about that. Today, Iruma Blanchfield is a successful person in that she is a managing director and owner of a little manufacturing facility in Pointe Lisas.

I have gone through this to illustrate that certain things have happened from 1965 to 1978 to now. Out of this there are some positives in that it is quite a normal occurrence to see women engineers on plants whether ammonia or methanol. I know a young lady who works with Farmland MissChem on an ammonia project. We have gone forward in the elimination of that kind of discrimination. We still do not have any laws with teeth to deal with that kind of situation in which Iruma Blanchfield found herself and to get satisfactory treatment in the case of accidents.

One other factor that I would like to draw the Minister's attention to is that we keep hearing about serious injury and death from burns. I implore him to install a well-equipped burns unit within Pointe-a-Pierre; so often burns are fatal. The

young person at Ramco is not the first one. A few years ago, I think at HydroAgri a person was burnt with steam and he was sent to the United States, but he still died after a while. If we had a burns unit in that area I do not know if his life would have been saved. We have so many facilities where that kind of accident is a possibility. I implore the Minister to work on that. I suggest we think of Augustus Long Hospital as a nucleus for this. Petrotrin is continuing to do upgrade work. I understand that they are going to spend US \$300 million on a project for upgrading gasoline. Point Lisas is not far away. Within the radius of these facilities I feel that we need to have this kind of facility and a hospital to handle accidents because they would happen. We would never reach the stage where they do not ever happen.

We agree that legislation is inadequate to address the needs of the workforce as regards health and safety. I know that the hon. Minister has presented some statistics regarding frequency and cost of accidents. We agree that we have to do better to protect our human capital.

Nonetheless from the perspective of a professional who has spent his career in the continuous process industries which by their very nature present ongoing safety and health hazards, I pay public tribute to a host of people who worked assiduously in loss prevention. At the forefront I place the workers of industries who are literally in the frontline and daily come face to face with hazards. Among operators and maintenance personnel there is always a spirit of teamwork and the strong look out for the weak.

Secondly, I would like to pay tribute to front line supervisors who are so often faced with maintaining the balance and morale among their teams. By their example they set the tone in an establishment.

Thirdly, the category of people I would like to pay tribute to is managers. Very often they are the thankless performers for they are often perceived as the ones doing the dirty work of the big bosses and are the butt of workers' frustrations and disappointments. They are more often than not firm, but in my experience fair and evenhanded in trying to achieve the highest level of safety in the work environment.

I would be remiss if I did not pay tribute to asset owners. I have to remind all of us that our State is one of the big asset owners within the energy sector. It is our people who function in the facilities of these asset owners. When they have new designs it is their duty to work with design engineers and contractors to set certain standards for the construction of these plants. Owners want to have that kind of facility. They are putting their money there. The Government has put quite

a bit of money in investments in the sector and it makes a big contribution to the protection of physical and human capital and training people to effect their objectives.

With the best intentions in the world we will not totally eliminate accidents. Even with the most sophisticated technology and designs accidents do occur. Let me remind this Senate that in three weeks' time we would be marking the first anniversary of that most tragic disaster, the Columbia space shuttle which we virtually saw disintegrate before our eyes 16 minutes before touch-down.

I believe that the Bill before us is quite comprehensive, but I have some comments on the contents. My main critique is that the Bill is not reader friendly. I make this criticism conscious of the fact that the drafting of this complex Bill with 100 clauses was not an easy task. Despite my familiarity with the subject matter I had to read and reread clauses to ensure that I understood the intent. It is expected that the Act would be read by occupiers, employers and employees, since there are requirements for posting. Clause 61 of the Bill provides for a printed copy of the Act to be placed within easy access of the employees. The Minister of Labour and Small and Micro Enterprises Development would have to undertake a very thorough education and training process so that all concerned would understand the full import of the Act. I am saying Act because I hope that it would soon be an Act. They would be able to help in the process of prevention of loss including personal loss.

Clause 61 of the Bill provides for posting of the prescribed abstract of the Act. I am assuming that the preparation of this abstract would be a task of the agency once the Act is proclaimed.

I am not sure what is a suitable clock. A suitable clock should be provided. I am not sure what that is for. I have some small comments which can be addressed at the Committee Stage if we reach there.

I would seek clarification from the hon. Minister with respect to the definition of "owner" where I met a new word "rackrent". My Concise Oxford Dictionary gives two meanings. One is a "high rent annually equaling the full value of the property to which it relates" and the other is "an extortionate rent". I would like to know whether only extortionate landlords are required to abide by this Act.

I would briefly address the rights of employees to refuse to work. In principle, I am in agreement. In the plant environment I had once exercised that right to prevent a plant from starting up after two stoppages for causes unknown; it was not mechanical. In the very early hours of the morning I called my refinery manager and told him that I was not going to start the plant until the electrical engineers found the fault and corrected it. I was not fired and I was not subjected

to any adverse action by my employers. It is a right, if properly exercised, that employees should have.

I have one reservation in that it is a clause or situation which could be abused. I would have liked to see some kind of deterrent for the worker or workers who abuse this. It may be a work stoppage and the process you go through with a safety and health committee and inspector to seek some other advantage. If that is the only thing that would hold up the passage of this Bill, I am willing to wait and see what would happen when it is passed.

I hope that this Bill receives an easy passage in Parliament. If it is proclaimed I foresee a lot of urgent work for it to become operational. Apart from the appointment of the authority and the establishment of the agency, there is need for coordination of the role of inspectors which, according to clause 69(5), needs to be commenced within three months of the Bill being proclaimed. There are different kinds of inspectors such as industrial inspectors, safety inspectors, petroleum inspectors, electrical inspectors, boiler inspectors and health inspectors. Those come readily to mind. We need to coordinate that so we do not have jurisdictional clashes. I presume that is why this clause is there. I think that they even spoke of having memoranda of understanding for ministries so that certain lines would be cleared when the Act kicks in.

Another major task relates to the approval of codes of practice and their issues, all of which are germane to the full implementation of this Bill. It is a big task and I hope that the authority under whom this comes will get down to the business as soon as they are appointed, if the Act is proclaimed. On the day that the Act is proclaimed I do not see that everything would change. The Factories Ordinance would be repealed but this Bill provides for orders, regulations and statutory instruments to be still in force. We would be looking at a fairly long transition period. We can make it as short as we can by the amount of activity or effort we put into getting it done. Let us hope that the steps would be taken with due haste so that we would have an operational Occupational Safety and Health Act.

Thank you.

**6.15 p.m.**

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong):** Mr. Vice-President, we have taken careful note of all the concerns that have been raised by Members of the Back Bench—the Independent Benches. You would have to excuse me; I am not too familiar with the operations of the Senate. There are a few points that I would like to deal with.

I will start with the point made by Sen. Baksh—[*Interruption*] Sen. Basharat Ali; sorry, my deepest apology. This has to do with the employees' right to refuse to work. There is an identical provision in the Industrial Relations Act. From the inception of that Act or even its forerunner, the Industrial Stabilization Act from 1965 to now, there have been just two instances where workers refused to work because of unsafe working conditions. So I do not think we ought to worry too much about that. The record shows that it has not been subject of abuse.

The other point I want to deal with, specifically, has to do with Sen. Seetahal's concern that we are giving the Industrial Court certain powers that it does not have. I think that matter is a difference of opinion because all legal people seem to think that the Parliament has the right to confer any power to that court, once it is specifically mentioned in the particular piece of legislation as it is here. But, be that as it may, we are going to look at it. I want to give the assurance that every single item that has been raised here will be looked at.

We have to come back with the regulations for this piece of legislation and at that time I am sure that Senators would be pleasantly surprised to see that some of their concerns would have been addressed. I give you that undertaking. Nothing will be left out. We will look at everything.

In terms of the fines, I got the impression that Senators felt there was inconsistency with them. We will look at them, together with some comments from the Chamber of Commerce and the Employers Consultative Association (ECA) which we recently got. So the Bill will be looked at again, however we do not want to forestall the passing of the Bill. There is a period between the passing of the Bill and the implementation. We intend to proclaim the Bill in stages so we will not be unduly harsh on people. We are not going to come overnight and say: "This is the law", and enforce it. We have to take into consideration that industries have to prepare themselves. As I said, it will be over a phased period.

We have certainly been glad to hear some of the views from the Senators on the Independent Benches.

#### PROCEDURAL MOTION

**The Minister of Community Development and Culture (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, in accordance with Standing Order No. 9(1), I beg to move that the Senate continue in session until the conclusion of the debate on the Occupational Safety and Health Bill.

*Question put and agreed to.*



**OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL**

**Sen. Mark:** On a point of clarification, Mr. Vice-President, I do not know if the hon. Minister could indicate to the Senate—when he spoke about a phased implementation, is there a time frame he would like to share with us?

**Hon. L. Achong:** We are saying that there will be a period of one year before the Bill becomes fully operational. For example, in cases where companies have to—ambulances for example, they may not have budgeted for that so we would give them time. We think a one-year period is reasonable.

Mr. Vice-President, I do not want the Independent Senators to feel that we are rushing the Bill. We want to get it on the statute. I give them the assurance that the Government will take note of all their concerns and address them. We will come back with the regulations and I am sure they would see some of their concerns addressed. I think the passage of the Bill right now is of primary importance.

Mr. Vice-President, with these few words, I beg to move.

*Question put and agreed to.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

**Mr. Chairman:** Hon. Senators, because of the voluminous nature of the Bill, we propose to take it Part by Part. The Clerk will announce the Part and the relevant clauses and we will proceed from there.

*Part I, clauses 1 to 5.*

*Question proposed, That Part I, clauses 1 to 5 stand part of the Bill.*

**Sen. Seetahal:** Mr. Chairman, at page 10, it is a typo or something. The third definition, “critical injury”, I would say, “means an injury that”. I think we could include those words because as it stands, it is just not sensible as a definition. A definition would usually be “X” means, or “X” includes—I would submit that “critical injury” should be “critical injury means an injury that”. So the words “means an injury that” should be included.

**Mr. Achong:** If it is regarded as a typo we can correct it, otherwise it would have to go back downstairs.

**Sen. Seetahal:** All I am saying is that as it stands, it does not read as a definition.

**Mr. Achong:** Okay, we would treat it as a typo.

**Sen. Dr. McKenzie:** Mr. Chairman, I would like the Minister to consider, when he is coming with the regulations and whatever changes, on page 13, whether:

“‘period of employment’ means the working hours of an employee, inclusive of the time allowed for meals and rest;”

Would this mean if you take your lunch on site or off site? I have known of people who clocked in, went for lunch, got stabbed and could not go back from lunch, so who is responsible. I am just asking that you think of this when you are coming with the regulations, on site or not.

**Mr. Achong:** Okay, noted.

**Sen. Seetahal:** What about the alteration for the definition? Is it a typo?

**Mr. Achong:** Yes.

**Sen. Seetahal:** If you want to leave it—I just wanted my suggestion on record. That is not how I understand drafting to be.

**Sen. King:** Mr. Chairman, besides the suggestion that has not been answered, I had also asked that the definition for “young person” be amended. I do not think we could sit comfortably in this day and age and talk about people who are between 14 years and 18 years, and also, it conflicts with this Bill.

**Mr. Chairman:** Could you repeat your concern, Sen. King?

**Sen. King:** In my contribution I had asked for the definition for ‘young person’ to be changed. It is not acceptable to have a young person—and we are looking for workers. A young person means a child over the age of 14 years and under the age of 18. I had asked for that to be upped to, at least, over 16 years.

**Mr. Achong:** The reason for that is the Apprenticeship Act allows apprentices to come in at age 14. It happens that a number of companies took in apprentices at age 14 for the duration of a five-year period of training. It means that if we change this to 16 years we would, virtually, be getting rid of apprentices—young people who may not be able to go the academic route to get into the industries and to be trained as an apprentice under a recognized apprenticeship scheme.

**Sen. King:** Mr. Chairman, I understand the definitions and the differentiations between apprenticeships and other workers. If we are trying to define an apprentice, could we not put the word “apprentice”?

**Mr. Achong:** Also the definition is consistent with what is in the Children Act.

**Sen. Seetahal:** In the Children Act, a child is a person under 14, and then from 14 to 16 that is a young person, and over that then there would be a penalty, so there would not be an inconsistency. But I do not think that is the problem, because in any Act you could define for the purposes of that Act, a term. So I think in this Bill they are saying “young person” will be between that age and that age. I think Sen. King's concern was: Should you have these young persons working? But I understand that if we have to do that then we would have to change the whole of clause 53 to—the part dealing with young person. [*Crosstalk*]

**Mr. Achong:** If we make any changes, it would have to go back to the Lower House which we are trying to avoid. I give the assurance that when we come back here we would have cleared up these little niggling points. What I am asking is not unusual. It has happened several times before. The Government gives the assurance and we would do it. Why are we trying to frustrate the passing of this Bill for another six weeks or so?

**Sen. King:** I would not like to use the word frustrate, I think we are trying to make the Bill as good as we could make it in this Senate.

**Mr. Achong:** When we come back with the regulations we would have fixed up that definition for the hon. Senators.

**Sen. Seetahal:** Mr. Chairman, we want to be very clear that we are not here to be obstreperous and to be obstacles. If we are seen like that I think we would have serious problems; if any Minister were to come and tell us that we are trying to frustrate things. I think the suggestions that we have made are all very reasonable suggestions. I think we are trying to have some kind of agreement on something. So the way to go about it is not to accuse anyone of frustrating things. I understand the urgency and concern of the Minister to get this passed, but merely because we are making suggestions does not suggest that any one of us is here to frustrate anything. I think that is something the Minister would be well advised to withdraw.

**Mr. Achong:** I withdraw that statement and I apologize. I want to give the assurance—our lawyers in the back have been taking copious notes; I have taken a lot of notes and the Attorney General has given the assurance that those adjustments would be made.

I have a copy of the Children Act and for the sake of completeness, “‘young person’ means a child who is over the age of 14 years and under the age of 18.” It is the same.

**Sen. Prof. Ramchand:** But surely the point is what Sen. Seetahal said, that for the purposes of this Act we define it in this way.

*Question put and agreed to.*

*Part I, clauses 1 to 5 ordered to stand part of Bill.*

*Part II, clauses 6 to 13.*

*Question proposed, That Part II, clauses 6 to 13 stand part of the Bill.*

**Sen. Prof. Ramchand:** Mr. Chairman, just a little grammatical point. “The matters to which that duty extend”, it should be “extends”. “The matters to which that duty extends.” [*Crosstalk*]

*Question put and agreed to.*

*Part II, clauses 6 to 13 ordered to stand part of the Bill.*

*Part III, clauses 14 to 21.*

*Question proposed, That Part III, clauses 14 to 21 stand part of the Bill.*

**Sen. Seetahal:** Mr. Chairman, I do not think clause 15(a) has been changed yet. This is probably another typo. The third line should read, “have arisen” rather than “have arised”. And 16(1) and (2), just for consistency, I do not think that this would be a required amendment. Elsewhere in the Bill you have spoken about the safety and health committee, and it is a common safety and health; that is in 25(e). So I would suggest that the end of 16(1), instead of “the health and safety committee”—because you do not want people thinking it is a different committee—that we change it to “safety and health”.

In 16(2), it should be lower case “safety and health committee”.

*Question put and agreed to.*

*Part III, clauses 14 to 21 ordered to stand part of the Bill.*

*Part IV, clauses 22 to 25.*

*Question proposed, That Part IV, clauses 22 to 25 stand part of the Bill.*

**Sen. Seetahal:** Mr. Chairman, in clause 25(e), and I would not raise this but it just does not make sense, and I think it is a typo. I will read it:

“Every employer in consultation with the representatives of his employees shall establish a safety and health committee at an industrial committee establishment...”

I think you mean:

“...at an industrial establishment...”

I think the word “committee” was included somehow but it has to be deleted. I think that must have been a typo.

**Mr. Achong:** It is a typo. If you look at the margin on the left-hand side, you see “Establishment of safety and health”.

*Question put and agreed to.*

*Part IV, clauses 22 to 25 ordered to stand part of the Bill.*

*Parts V to XIV, clauses 26 to 100 ordered to stand part of the Bill.*

**6.45 p.m.**

*Schedule 1.*

*Question proposed, That Schedule 1 stand part of the Bill.*

**Sen. Seetahal:** Mr. Chairman, at the top of Schedule 1, is “Section 4(1).” I was looking to see if section 4(1), which is a definition section, authorizes that schedule, and it did not seem so to me. I just wanted to know if that is correct. It must be somewhere in there. Usually you do not find a definition section authorizing a schedule, but it might be somewhere that I missed. Maybe it is in one of the subsidiary notes.

**Mr. Achong:** Look under occupational disease.

**Sen. Seetahal:** Thanks.

**Sen. Prof. Ramchand:** Mr. Chairman, I take it that if some sort of consideration is given to smoking this list would be altered slightly.

**Mr. Achong:** Yes.

*Question put and agreed to.*

*Schedule 1 ordered to stand part of the Bill.*

*Schedule 2.*

*Question proposed, That Schedule 2 stand part of the Bill.*

**Sen. Seetahal:** I want to ask the same question. I have looked at clause 65(2) and I do not see a reference to the schedule. Maybe I missed it. Clause 65(2) talks about the appointment of the health authority. Usually, there is a reference to schedule 2 in the contents. I do not see it there. It is really clause 64. Then there is a typographical error.

*Question put and agreed to.*



Augustus, R.

McKenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Quamina, Dr. D.

Seetahal, Miss D.

Khan, Bro. N.

Ali, B.

*Sen. M. King abstained.*

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Community Development and Culture (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, I move that the honourable Senate do now adjourn to Tuesday, January 20, 2004 at 1.30 p.m.

#### **British Gas LNG Services Limited (Conditional Approval for Sale)**

**Sen. Carolyn Seepersad-Bachan:** Mr. Vice-President, I wish to raise the following matter on the motion for the adjournment of the honourable Senate, the failure of the Government of Trinidad and Tobago to openly and transparently state to the citizens of this country the details pertaining to the approval granted to British Gas to sell its share of LNG Trains 2 and 3 to its wholly-owned subsidiary, British Gas LNG Services limited.

The implications thereof, in accordance with this country's commitment to the principles and agreed actions as enunciated in the Extractive Industries Transparency Initiative, is very important at this point in time to the citizens of this country.

Sometime earlier this year El Paso Merchant Energy Limited expressed its intent on the sale of its space in the Elba Island re-gasification terminal at Savannah, Georgia. Subsequently, they went out to bid and at the end of November British Gas informed the Ministry of Energy and Energy Industries that it was selected to take over the El Paso Merchant Energy rights and

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obligations at its Elba Island re-gasification terminal. This included the 20-year natural gas sales contract between Pont Fortin LNG Exports Limited and El Paso.

Mr. Vice-President, just to give a background to this particular issue, in the *Trinidad Express* dated December 25, 2003, it was reported and I quote:

“The Trinidad and Tobago Government...gave conditional approval to British Gas to sell its share of LNG from Trains 2 and 3 to its wholly owned subsidiary BG LNG Services...”

The report also stated that BG had written to the Minister of Energy and Energy Industries late in November 2003 and had indicated that they had acquired the re-gasification interest of the American company, El Paso Merchant Energy. British Gas threatened the hon. Minister, or so it is stated in this article, that if he did not sign the deal before December 27, 2003 it could not guarantee payment for a shipment of LNG scheduled to leave this country on that very day, December 27, 2003 for arrival on January 02, 2004. The report also indicated that Prime Minister Manning had held secret meetings with British Gas officials in London on the matter. On December 26, 2003 in the *Express* it is reported that the Minister of Energy and Energy Industries, Mr. Eric Williams wrote to British Gas president, Peter Dranfield saying that the Government “was willing to approve the deal but was concerned that it could face significant penalties if British Gas fails to ship LNG from the Point Fortin plant on time to the United States.”

On December 29, 2003 the *Guardian* reported that the Ministry of Energy and Energy Industries and Petrotrin responded with unusual speed in dealing with a request from BG for contractual required consent for the Elba Island project. A statement from the Ministry of Energy and Energy Industries stated that BG made its request on December 18, 2003 and received a response in less than four working days. On December 31, 2003 the *Guardian* reported the Minister of Energy and Energy Industries could not guarantee that the Government would get its share of the earnings from an LNG shipment that left Point Fortin on December 27 2003 for Elba Island. On December 31 again, the Minister of Energy and Energy Industries, Mr. Eric Williams said that a conditional agreement was signed on Christmas Eve. That deal gave BG the approval to take over the LNG re-gasification contracts on Elba Island from El Paso Merchant Energy Limited.

In the *Express* of Saturday, January 03, 2004, Prime Minister Manning in a post-Cabinet press conference on Friday, January 02, 2004 admitted that it had slipped his mind to mention to the country that he had met with BG while in London. He also denied any approval was given to BG to transfer LNG contracts from El Paso Merchant Energy to a BG subsidiary although the Minister of



Energy and Energy Industries, Mr. Eric Williams had said earlier that BG had received a conditional approval from the Government to do so.

Mr. Vice-President, we may all understand, therefore, the conflicts and the confusion that has arisen in the minds of the citizens of this country. In addition, a potential conflict of interest has arisen in British Gas marketing its gas from Atlantic LNG Trains 2 and 3 which it had originally supplied for processing into LNG from reserves it operates on behalf of itself and others in the North Coast Marine Area, 1 and 5 A blocks.

Mr. Vice-President, just a little history to the North Coast Marine Area. Prior to 1996, the production in the North Coast Marine Area was governed by an E&P licence. Given the economics of this area, it remained dormant for about 20 years, as it could not be monetized feasibly under the E&P licence arrangement. In order to prove up this country's reserves, approval was given to unitize this area resulting in BG buying out Deminex and joining together with Petrotrin which, at that time, Petrotrin owned 19 to 20 per cent of the block and the E&P licence was converted to what one calls a production-sharing contract, a PSC. However, in accordance with the terms of this PSC the hon. Minister's share of production is based on price so unlike royalties on taxes from an E&P licence—the PSC is based on volume—the hon. Minister's share on that volume is based on the price of the total volume produced by the field. So as the price goes up, or the volume goes up in production, the hon. Minister's share would increase. So if both increased the hon. Minister's share would increase even further. However, what is important to note under a PSC, is that the hon. Minister must give approval to British Gas to market his share, that is, the hon. Minister's share.

In the LNG value chain about which much has been touted, gas is supplied from the producing fields. In the particular case, the British Gas case, that is, the hon. Minister's share of gas, the Petrotrin share, all goes to the LNG terminal. It goes to the LNG tolling facility at Point Fortin, that is the LNG Atlantic Plant via a pipeline owned by British Gas. At the ALNG terminal—and I have made this point before—the plant operates as a tolling facility and there is a set rate of return of 9 per cent. So in effect, any gas that is supplied to that particular plant, the equity partners, whatever gas they supply and whatever LNG is derived from that gas supplied, they now have their own marketing rights. So BG, together with its partners, has the right to market that share of LNG.

As a result of that, Petrotrin and its partner came together and formed the company Point Fortin LNG Export Limited and through that company the LNG was sold to El Paso for resale into the south section of the United States. It was re-

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gasified and then it was piped through the pipe system in southern United States. However, the shipping via the LNG tanker was done by—what I want to say is there was equity participation by British Gas. At the re-gasification terminal, of course, its share went to El Paso. If one looks at that value chain one would see at no point in time British Gas was selling to itself because when it produced it had partners. It had the hon. Minister's share, it had Petrotrin's share of gas. Yes, it was piped through a gas line which was owned wholly by British Gas, but when it arrived at the ALNG terminal there were other partners inclusive of another state agency, the National Gas Company.

The next step of that chain, when it was sold to Point Fortin LNG you had Petrotrin being involved before it was shipped to the re-gasification terminal. However, with this particular transaction, the sale of El Paso's rights and contractual obligations to British Gas LNG Services Limited, what in effect has happened is that there are now two points in the chain in which they are now directly connected—that is from the point that it goes to shipping and then to re-gasification.

Mr. Vice-President, as a result of this what has arisen is a case of himself to himself. We want to understand the implications of this particular transaction. Although the gas is sold based on the Henry Hub prices it is possible for the price of LNG sold to be artificially softened due to the inflation of prices for shipping and re-gasification. It is important for us to understand that because the Government's take is at the well head, the price of the gas at the well head is based on net back pricing, the potential negative impact on the well head price would affect the country's revenue stream. Again, if you are looking at the well head at the bottom of the chain, if it is sold at the Henry Hub pricing but you allow whoever owns the re-gasification terminal to increase the price of shipping, what would happen is that net back, as you sell the gas, you minus an increased re-gasification fee, an increased shipping fee, then you minus all the other fees: fees for tolling, fees for pipeline transmission, and you would end up with a lower figure at the well head and in effect the Government's share would suffer in terms of price.

Mr. Vice-President, we must understand that a major portion of the revenue stream derived out of our energy since all of the other areas, all the other points in that value chain, all that would redound to the citizens of this country are corporation taxes which is relatively lower than what it takes at the well head.

What is of concern to the citizens of this country are the mechanisms or safeguards that have been put in place to ensure that the transactions between BG and its wholly-owned subsidiary is at arm's length and there is transparent transfer pricing between BG and its wholly-owned subsidiary.

I want to make it abundantly clear that no one, including any government, can dictate to a company where it can invest or what it can acquire. Therefore, the purchase of El Paso's contractual rights and obligations are not under debate here. What is under debate is what are the mechanisms and safeguards that have been put in place to ensure those arm's length transactions and transparent transport pricing mechanisms. How is that possible? Because, the hon. Minister must give approval for the marketing of his share of the production under the PSC and this approval is an ongoing and continuous process and not a one-off process. Therefore, before the buying of El Paso, British Gas must have sought the approval from Petrotrin and the hon. Minister for the sale of their shares of gas to British Gas wholly-owned subsidiary, that is BG LNG Services Limited. At that point, the Government through its technocrats should have been able to negotiate with British Gas for the establishment of the necessary safeguards and mechanisms to ensure the transparent transport pricing and an arm's length transaction. The question therefore: Was this accomplished?

In a release by the Ministry of Energy and Energy Industries, according to the ministry the purchase by BG of the El Paso LNG contract which includes the 20-year natural gas sales contract required the consent, an assignment from the non-BG Point Fortin LNG Export Limited partners which are Petrotrin, Petro-Canada and ENI. Consequently the non-Point Fortin LNG Export shareholders were also given an opportunity to attend the data room to assess the value of El Paso's access rights and downstream contracts.

The question: Was Petrotrin given the opportunity to attend this data room to assess the value of the El Paso's access rights and downstream contracts and if so, what were the findings? Was an evaluation report and associative recommendations filed and submitted to the Ministry of Energy and Energy Industries for consideration?

Mr. Vice-President, I want to bring to the honourable Senate the other issue, that is, the potential loss of some \$60-odd million. It has also been reported that the hon. Minister gave approval in order to absolve Petrotrin from penalties. It is well known that there are heavy take or pay penalties or defaults in supply agreements. However, I fail to understand how the Government is exposed to these penalties. Did British Gas proceed with the buyout of El Paso contractual rights without due consideration to the hon. Minister's share? Did BG consult with the Government or Petrotrin with respect to the marketing of their share before proceeding with this buyout? Was this a *fait accompli* after a deal in London and a trip on a private jet to Spain? Furthermore, if the approval was

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given to the hon. Minister on December 24, 2003 the shipment would have been able to leave here on December 27, 2003. Why are there penalties?

To further compound the problem, I was alarmed to learn that on December 31, 2003 the hon. Minister of Energy and Energy Industries indicated that we might have to absorb the loss of \$60 million most likely referring to the shipment. I find this unacceptable that citizens of this country should forego \$60 million for the sale of a natural resource belonging to the citizens of this country.

**7.15 p.m.**

Mr. Vice-President, the citizens of this country also deserve to know whether there was a meeting in London between the Prime Minister and the multinational. The Minister of Energy and Energy Industries is on record stating that no such meeting took place, yet, on December 25, Christmas Day, Curtis Williams stated that BG's officials confirmed that the meeting took place, and, according to the company's president, it was cordial. This is contrary to the Extractive Industries Transparency Initiative which states that we are to be transparent with all resources involving extractive industries.

Mr. Vice-President, in conclusion, therefore, I would just say that the Government of this country has an obligation to be transparent in accordance with these principles and agreed actions as enunciated in the Extractive Industries Transparency Initiative. The citizens of the country are the owners of this strategic but depletable natural resource, hence any changes that can impact adversely on our national patrimony must be brought to the attention of the people of Trinidad and Tobago.

I thank you.

**The Minister of Energy and Energy Industries (Hon. Eric Williams):** Mr. Vice-President, Happy New Year to Members of this honourable Chamber and, of course, thank you for inviting me to be here with you this evening.

I rise in order to address the statement made by the hon. Senator opposite. Allow me, if you could, Mr. Vice-President, to read from a prepared text so as to try to minimize any inaccuracies that may arise in this situation.

I would like to make it clear to this honourable Chamber that the shareholders of Atlantic LNG Trains 2 and 3 Project are bp, 42.5 per cent; British Gas, Trinidad and Tobago, 32.5 per cent; and Repsol, 25 per cent. The Government of Trinidad and Tobago is not a shareholder of Atlantic LNG Trains 2 and 3. To date, there has been no change in the shareholding of Atlantic LNG Trains 2 and 3 and consequently the question of Government granting approval to British Gas to sell

its share of Atlantic LNG Trains 2 and 3, as recorded in the hon. Senator's statement, does not arise.

Presumably—I listened to her—the hon. Senator indeed, then, is referring to and requesting information with respect to the assignment of the LNG Sale and Purchase Agreements by the partners of the Point Fortin LNG Exports Limited (PFLE), as she pointed out, from El Paso Merchant Energy—Gas L.P. (EPME) to British Gas Gas Marketing (BGGM) and British Gas LNG Services (BGLS). The assignment by PFLE became necessary as EPME, the buyer, announced in February 2003 its intention to restructure its operations and cease its activities in LNG. El Paso Merchant Energy then held discussions with gas companies including BGGM and BGLS to identify a buyer for its position at Elba Island.

As I stated in public, Petrotrin and other members of PFLE attended a data room where they did an assessment of the value and so on, and the Minister of Energy and Energy Industries, over a period of time, held several meetings with El Paso Merchant Energy in a bid to understand what their overall strategy was. I have said that publicly.

The shareholders of PFLE, for the record, again, comprise the following:

- British Gas Trinidad and Tobago (BGTT) Limited, which is the operator;
- Petroleum Company of Trinidad and Tobago (Petrotrin)
- Petro-Canada, and
- ENI.

The non-BG, PFLE partners, let me say again, agreed to the assignment subject to the approval of the Minister of Energy and Energy Industries. By letter of December 24, 2003, the Minister gave conditional consent to the assignment of the LNG Sale and Purchase Agreements by the PFLE partners. This matter was the subject of a formal press conference held at level 15, Riverside Plaza on December 30, 2003 in which, as Minister, I gave a full exposition of the transaction and issued a formal press release to ensure open and transparent disclosure to the citizens of Trinidad and Tobago. [*Desk thumping*]

Mr. Vice-President, since the hon. Senator evidently missed the press conference and some or all of the press statements and, of course, only focused on certain elements that were reported, and reported in a particular way, I am happy to take the opportunity to present her and this honourable Chamber a modified and abbreviated copy, albeit, of the statement which was made at that press conference. I would table this so it can be circulated to Members so they can have

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a full chronology of some of the key points that were stated at that press conference.

This, notwithstanding, and at the possibility of some repetition, I shall now take the opportunity to present some of the key issues in this matter which seem to have evoked a high level of national interest.

Mr. Vice-President, also present at the press conference were:

Mr. Malcolm Jones	Executive Chairman, Petrotrin
Mr. Wayne Bertrand	President of Operations, Petrotrin
Mr. Frank Look Kin	President, National Gas Company
Mr. Andrew Jupiter	Permanent Secretary, Ministry of Energy and Energy Industries.

The media was present as follows:

<b>Reporter</b>	<b>Photographer/Cameraman</b>	<b>Media House</b>
Clint Marchack	Rattan Jadoo	Newsday
Mr. Curtis Williams	Dexter Williams	CNN/Express
Neither of them related to this Minister		
Louis Araujo	Keith Matthews	Trinidad Publishing Company—The Guardian
Isha Wharton		Radio 97/104
Marlon Hopkinson		Radio I95.5
David Renwick		Freelancer
John Victor	Anthony Gittens	National Broadcasting Network

At this press conference I took the time to go through the chronology of events leading up to the conditional approval granted to PFLE, of which British Gas is the operator, to assign the LNG Sale and Purchase Agreements in respect of Trains 2 and 3 from EPME to BGGM/BGLS.

Mr. Vice-President, it should be noted that under the previous UNC administration LNG Sale and Purchase Agreements were signed on June 2, 2000 between PFLE, as the seller, and EPME, as the buyer—it is important to remember that, as I would point out later on. These agreements are for the supply of 375 million standard cubic feet per day (Mscfd) of natural gas, equivalent to 2.8 million tonnes per year of LNG, to El Paso's re-gasification terminal at Elba Island, Georgia, United States of America.

Construction of Atlantic LNG Trains 2 and 3 commenced in the first quarter of 2000, and was completed in the case of Train 2 on August 12, 2002 when LNG production began and in the case of Train 3, pre-commissioning operations and production of LNG commenced nine months later, on April 28, 2003. The date of first commercial delivery of the Train 2 LNG agreements had been deferred from June 8, 2003 to September 30, 2003 in the first instance and on a second occasion to December 31, 2003 until the negotiations mentioned were finalized.

By the way, there was a discussion going on about the credit worthiness of EPME. It was not for us as the Government to comment, but there was a significant concern as to whether or not El Paso Merchant Energy would be able to pay for the shipments in the first place. That was part of the consideration to ensure that all participants received payment for the product delivered.

With EPME seeking to dispose of its interest in LNG, it became necessary for the Government of the Republic of Trinidad and Tobago to actively monitor developments, as PFLE sought a relationship with a new buyer to market LNG from Trains 2 and 3.

Moreover, the Government as well as the PFLE partners were concerned about the potential conflict of interest, which would result from the assignment of the Agreements to BGGM/BGLS, since BGTT is indeed a partner in the local upstream industry; is a shareholder in Atlantic LNG; is a shareholder and the operator of PFLE; and is an affiliate of the LNG shipping company contracted by PFLE to supply the LNG tankers. Contracted by PFLE in the agreement signed back in 2000 under the previous administration, I would add.

Mr. Vice-President, I would also say that of those two tankers one is 28 years old and the other is 30 years old. In the life of a ship, that is quite a long time. In fact, quite often those ships find themselves on dry dock.

In other words, the assignment of the EPME contract to BG meant that BG was now operating throughout the gas value chain. In November, 2003, an asset

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purchase agreement was signed between EPME and BGGM/BGLS. Within the last eight months—not four days or overnight as was being postulated—negotiations had been taking place between the PFLE partners and BGGM/BGLS for the assignment of the contracts from EPME to those same entities.

Mr. Vice-President, the discussions between PFLE and BGGM/BGLS were protracted and intense over the same eight-month period and during that time representatives of the Ministry of Energy and Energy Industries were present at these discussions. One must appreciate that the Agreements contain confidentiality clauses, therefore, a certain degree of prudence and caution would necessarily be attached to negotiations of this nature.

After negotiations—that is eight months of negotiations of which we were fully aware and attended some of these discussions—the PFLE partners on December 18, 2003 provided their consent to the assignment subject to the approval of the Minister of Energy and Energy Industries. By letter dated the next day, December 19, 2003, BGTT sought the Minister's approval for the assignment. This became necessary, of course, due to the change in the marketing arrangements for the sale of LNG of which the Minister's share of profit gas is as much as 60 per cent.

Profit gas does not mean all the gas. They have to recover the cost of the operation and there is an agreed formula as to what that is, then, of the remaining gas as much as 60 per cent of it is assigned to the minister which goes toward payment of the taxes and other obligations to the State of the project. Over time as the costs go down, that portion of gas becomes much bigger, and then, of course, the Government's share is as much as 60 per cent of that share. So, it is called profit gas.

The said letter from BGTT requesting the consent contained, as attachments, the consent of the PFLE partners to the assignment, and the agreement between the partners in respect of modifications to the operating and shareholders' agreement for managing the conflict of interest.

Mr. Vice-President, the Ministry's team played an important role in the discussions with British Gas, the Natural Gas Export Task Force, and the non-BG/PFLE partners, namely Petrotrin, Petro Canada and ENI.

Of course we have been looking at it for at least eight months; also as far back as 2002 I, myself, visited El Paso Merchant Energy in Houston and that, again, was publicly said. After careful consideration of all the facts and the associated risks, the Minister by letter dated December 24, 2003 granted conditional approval for the assignment of the LNG Sale and Purchase Agreement from EPME to BGGM/BGLS.



The terms of the Government's conditional approval are as follows:

- (a) We want to have the same rights of audit as afforded to the PFLE partners.

It seems that when this arrangement was put in place back in 2000 by the then administration—notwithstanding the fact that the share of profit gas for the government, the minister or the people of Trinidad and Tobago would be as much as 60 per cent, the government did not seek to have the same audit rights or partnership rights as other PFLE members.

- (b) The BG Group is to facilitate the Government's desire to have an interest throughout the LNG value chain. This is one of the mechanisms by which we would be able to support our offer to secure supply of LNG to our largest trading partner and ally, the United States of America. Which, of course, is our most lucrative market at the moment.
  - (i) It is Government's stated policy to move away from merely collecting economic rent at the wellhead—as several Senators opposite have pointed out.
  - (ii) The Government is seeking to obtain equity participation along the LNG value chain in order to create opportunities for the development of the people of Trinidad and Tobago.
  - (iii) The Government is interested in deepening our partnerships with our upstream partners.
- (c) BG is asked to remove the shipping penalties in relation to late delivery of cargoes.

Remember the ships are 28 and 30 years old.

- (d) Under the existing Sale and Purchase Agreement of 2000, PFLE is required to pay a penalty for late deliveries, which is calculated on each hour of delay. As a corollary to this, the change of the contract from being a cost, insurance and freight (CIF) at Elba Island to free on board (FOB) at Point Fortin is to be negotiated as a possible option for the elimination of the penalties. The ministry is to be a part of the negotiations to deal with the conflict of interest along with PFLE partners. These negotiations are to be completed by the end of the first quarter of 2004.

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In other words, if they do not comply with these conditions, there is no approval. It is conditional on these things in the interest of the people of Trinidad and Tobago. [*Desk thumping*]

The LNG Sale and Purchase Agreements would be assigned without amendments to the respective terms and conditions, except for the substitution of the buyer, namely BGGM/BGLS in lieu of EPME.

Since becoming the Minister of Energy and Energy Industries I have spared no opportunity to present to the citizens of Trinidad and Tobago, in as clear and as concise a manner as possible, information on developments in the energy sector.

Thank you, Mr. Vice-President.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.34 p.m.*

#### WRITTEN ANSWER TO QUESTION

*The following question was asked by Sen. Robin Montano:*

#### **Media Advertisements (Moneys Spent)**

6. A. Could the hon. Minister of Public Administration and Information provide the amount of monies spent for the year 2002 and up to the current month in the year 2003, by the Government for all governmental agencies, ministries, departments and divisions;
- (i) for advertising in the print media;
  - (ii) CCN TV6 and Trinidad and Tobago Television (TTT)
- B. Could the Minister state the names of the newspapers in which the advertisements were placed and the amount of monies paid to each newspaper for the said period?

*The following reply was circulated to Members of the Senate:*

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** In response to the question, the Government Information Service which comes under the Ministry of Public Administration and Information, spent the following sums in advertising:

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In 2002:

1. \$303,945.52 with *Newsday*
2. \$2,260.44 with the *Trinidad Guardian*; and
3. \$289,135.34 with the *Trinidad Express*.

From January to September 2003:

1. \$268,221.94 with *Newsday*
2. \$47,905.36 with the *Trinidad Guardian*; and
3. \$218,961.50 with the *Trinidad Express*.

No money was spent by the Government Information Service in advertising with CCN TV6 or with Trinidad and Tobago Television during the period covered by the question.

The Ministry of Public Administration and Information is not responsible for the monies spent on advertising by other ministries, government agencies, departments and divisions. Questions on these matters are best put to the ministries, agencies, departments and divisions themselves.