

*Leave of Absence**Tuesday, June 01, 2004***SENATE***Tuesday, June 01, 2004*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence to Sen. the Hon. Howard Chin Lee, Sen. The Hon. Christine Sahadeo, Sen. Sadiq Baksh and Sen. Prof. Kenneth Ramchand from today's sitting of the Senate.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have correspondence from His Excellency, the President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards

President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Howard Chin Lee is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 01st June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Howard Chin Lee.

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 28th day of May, 2004.”

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, June 01, 2004

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Christine Sahadeo 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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 01st June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Christine Sahadeo.

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 01st day of June, 2004.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. GARY GRIFFITH

WHEREAS Senator Sadiq Baksh 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 Leader of the Opposition 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, GARY GRIFFITH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Sadiq Baksh.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 01st day of June, 2004."

OATH OF ALLEGIANCE

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

Joan Hackshaw-Marslin, Magna Williams-Smith, Gary Griffith.

RULING ON POINT OF ORDER

Madam President: Hon. Senators, I promised to look at the *Hansard* and give a ruling on a point of order that was raised by Sen. Robin Montano. First of all, I want to remind Senators that the Opposition and Independent Senators are free to ask any questions. However, it is my duty and no one else's to accept questions which are in accordance with the Standing Orders. Once accepted, it cannot be said that the Senate is being used as a cloak to frustrate the administration of justice. [*Desk thumping by Opposition Senators*]

As has been pointed out previously, according to Standing Order 18(4), a Minister may decline to answer if in his or her opinion it is contrary to the public interest and the Chair has no power to compel the Minister to answer.

Also, let me remind Sen. Montano that it is not just the six Opposition Senators who are entitled to ask questions, but the nine Independents as well, and they have done so, in fact, in the past.

Having said that, and having carefully read the contribution of the Attorney General, it is clear that he made no specific reference to the six Opposition Senators and did not say that they were, to quote, looking to pervert the course of justice. Therefore, the point of order does not stand.

Sen. Robin Montano: Rubbish!

PAPER LAID

The Civil Aviation Regulations, 2004. [*The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams)*]

Civil Aviation Regulations 2004

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I wish to advise that the Statutory Instruments Committee considered the regulations and found that there is nothing to which the Senators' attention should be drawn. The minutes of the committee were circulated to Senators.

Madam President, I also wish to advise that regulations with the same name, the Civil Aviation Regulations 2004, which were laid in the Senate on Tuesday March 02, 2004, are hereby withdrawn.

ORAL ANSWERS TO QUESTIONS

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, questions 54, 55 and 56 are on the Order Paper today for answering, however, question number 56 is currently available. With respect to questions 54 and 55, based on the current state of answers for these questions, I require another two weeks.

Sen. Mark: Two weeks or one week?

Sen. The Hon. C. Enill: Madam President, let me explain the process. These questions go to a Cabinet committee and then they are approved or not approved. In this particular case, there was additional information that is required and I do not believe that it would be available within one week.

Madam President: So you are asking, Mr. Minister, that questions 54 and 55, you want two further weeks?

Sen. The Hon. C. Enill: Yes.

Madam President: Now remember they were already deferred for a week.

Sen. Mark: Madam President, before you put the question, we were quite cooperative last week, and while I understand my colleague's dilemma, I believe that, for instance, a week is sufficient. I mean to say, I would want to protest vehemently even postponing the question today, but having regard to his intervention, because he did approach me on the matter, I believe a week is sufficient for the National Lotteries Control Board to put its house in order and I do not support a two-week period.

Sen. R. Montano: Madam President, before you rise, could I just ask, who is in charge here? Is the tail wagging the dog? The Cabinet does not have to tell this Parliament, "Oh, we approve of the questions." The Presiding Officer of the

Parliament says answer these questions and the Minister comes and tells us, “Oh, well I had to take it to Cabinet for approval.” Is the tail wagging the dog?

Madam President: I understand what the Minister was saying, that the answer normally goes to Cabinet for approval before coming here.

Sen. Seepersad-Bachan: He said the question.

Madam President: I think he meant the answers. Anyway, Senators, could we move on please? The question, therefore, is do we allow the Minister one more week or two more weeks?

Hon. Senators: One.

Madam President: It seems that the one week was overwhelming. Mr. Minister, try your best for me please. In the meantime, give the answer to the question that you have.

Sen. The Hon. C. Enill: Madam President, I accept the one week and we would seek to get the answers.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

National Lotteries Control Board

- 54.** A. Could the hon. Minister of Finance provide:
- (i) a detailed breakdown on the number of events sponsored by the National Lotteries Control Board during the period January, 2002 to March, 2004;
 - (ii) the costs of those events for the same period?
- B. (i) the precise procedures adopted by the National Lotteries Control Board in granting sponsorship or financial support to the various individuals/groups and organizations;
- (ii) the total amount of money paid to the firm of Alexander, Jeremie and Company in respect of its investigation into the operations of the National Lotteries Control Board for the period 1998 to 2001?

National Lotteries Control Board (Sponsorship of Events)

- 55.** A. (i) Could the hon. Minister of Finance state whether the National Lotteries Control Board has appointed a special team to fully investigate requests for donations before they are granted by the Board;

- (ii) If the answer is in the affirmative, could the Minister provide the names of the team members and the criteria, if any, used by the team to determine the bases for the granting of donations?
- B. Could the Minister provide a detailed monthly account on the number of legal briefs, retainer costs and legal fees paid to the firm of Alexander, Jeremie and Company by the National Lotteries Control Board for the period January 2002 to March 2004?

Questions, by leave, deferred.

**National Lotteries Control Board
(On-line Terminals)**

- 56.** Sen. Wade Mark asked the hon. Minister of Finance:
- A. Could the Minister provide a detailed breakdown on:
 - (i) the number of persons who have had their on-line terminals recalled by the National Lotteries Control Board between the period January 2002 to March 2004;
 - (ii) the names of these persons;
 - (iii) their addresses; and
 - (iv) the number of years of association with the NLCB?
 - B. Could the Minister further provide a list of:
 - (i) the number of on-line terminals supplied;
 - (ii) the names and addresses of the agents who were supplied for the period January, 2002 to March, 2004; and
 - (iii) length of time of association of each agent with the NLCB?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, on question 56A, I need to be guided here because the number of persons who have had their on-line terminals recalled by the National Lotteries Control Board between the period January 2002 to March 2004 was 91 persons. Now, the question asks for a detail and I have the 91 names. Together with the names, the number of years' association with the NLCB and the addresses. I can read them out or—

Madam President: Hon. Minister, I think Sen. Mark has agreed that you can circulate that answer as quickly as possible.

Sen. Mark: He has it.

Madam President: Do you have it here to circulate it now?

Sen. The Hon. C. Enill: I could read it, Madam President. I have the name, address and the number of years' association.

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Peter George	Curepe	7.5
William James Stewart	San Juan	5.3
Elaine Belletty	Port of Spain	7.4
Frank Bissessar	Port of Spain	2
Alcyon Attong	Carapichaima	1.4
Kevin Spencer	Piarco	2.1
Joyce Mike	San Fernando	6.9
Gail Tim Kee	Port of Spain	0.2
Peter George	San Juan	8.2
Peter George	Chaguanas	5.8
Peter George	Arima	8.2
Earl Patterson	Port of Spain	1.3
Trevor Hamilton	Port of Spain	7.1
Philbert Edmund	Longdenville	8.3
Wayne Spencer	Chaguanas	1.8
Vinda Ramsingh	San Juan	8.3
Ashram Sookhai	Curepe	8.4
Brian Mussio	Diego Martin	0.3
Navina Roopnarine	Las Lomas	1.9
Leah Yearwood	Chaguanas	8.4
Neil Francois	Mount Lambert	0.7
Annette Arjoon	St. James	8.5
Peter George	Pointe-a-Pierre	6
Winston Curlys John	Tobago	7.8
Clifton Powder	Tobago	7.5
Mervyn Lopez	Barataria	0.6
Cheryl Alexander-Farris	Carapichaima	8.5
Lenin Bissessar Singh	Siparia	0.3
Carol Pierre	St. Augustine	6.4
Winston Beausoleil	St. James	6.4
Judy Jodhan	Diego Martin	8.6

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Rani Lakhan-Narace	Arima	8.6
Sedley Joseph	St. Ann's	7.6
Bernadette Cudjoe	Chaguanas	8.7
Gail Tim Kee	Port of Spain	0.8
Pang Chor Yung	Port of Spain	8.8
Pang Chor Yung	Chaguanas	8.8
Robert Vitalis	Port of Spain	1.3
Neil Evelyn	Port of Spain	4.9
Neil Evelyn	Port of Spain	5.6
Carlyle Singh	Port of Spain	1.2
Sigrid John	Arima	0.4
Derek Chin	Diego Martin	8.9
Eddie Aleong	Port of Spain	4.3
Marilyn Bipat	Freeport	1.8
TT Post	Marabella	2
Bridgenarine Dipchan	Couva	5.8
Jeffrey Lue Qui	Diego Martin	6.9
Franco Siu Chong	San Fernando	9.1
David Hackett	Vistabella	6.1
Vijay Bhaggan	San Juan	6.9
Anthony Arrindell	Port of Spain	9.1
Vernon Ramjattansingh	Marabella	8.9
Christopher La Borde	San Fernando	7.9
Lesha Khan	San Fernando	3.8
Ashram Sookhai	Curepe	9.3
Diana Rhyner	Port of Spain	1.1
Clyde Joseph	Tunapuna	8.3
AKH Trading	Champs Fleurs	2.4
Michael Trestrail	Port of Spain	9.4
Elliot Mc Khell	St. James	3.5
Mary Siu Butt	Port of Spain	8.4
Cynthia Escorce	Tobago	8.7
Lomas Harripersad	Gasparillo	9.4
Reynold Carrington	Point Fortin	1.3
Krishendat Ramnarine	Cunupia	9.6
Vernon Chin Hong	Mayaro	6.4

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Roodal Ramlogan	Ste. Madeline	6.3
Philbert Edmund	Longdenville	9.5
Carol Ann Pierre	Port of Spain	1.3
Selwyn Felix James	Santa cruz	9.5
Kowsil Ramoutar	Caparo	6.9
Jacob Windsor	Morvant	1.7
Steven Scott	San Fernando	9.5
Paul Dalton	Piarco	2.7
Robert Pegus	Moruga	7.4
Keith Thomas	Claxton Bay	7.3
Anand Ramnarinesingh	Fyzabad	5.3
Leanfield Holder	Woodbrook	8.6
Carlyle Wilson	Chaguanas	8.4
Gangapersad Mangroo	Carapichaima	2.2
Rajkumarie Maharaj	Couva	2.7
Dhanwatia Maharaj Sawh	Couva	4
Susan Bhola	Fyzabad	3.7
Anand Ramnarinesingh	Fyzabad	5.4
Peter John	Laventille	7.3
Harold Bhim Rekha	Santa Cruz	5.8
Aldwyn Sampson	Valencia	1.7
Bernadette Kapha	Valsayn	3.3
Raubindranath Harnarine	Princes Town	9.7
Brian Look Yan	Laventille	7.5

B (i) The number of on-line terminals supplied over the period January 2002 to March 2004 are 72.

B (ii) With respect of B (ii) and (iii) the names and addresses of the 72 agents who were supplied with on-line terminals for the period January 2002 to March 2004 and length of time of association of each agent are as follows:

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Dalchan Singh	Arima	28 January, 02
Carlyle Singh	Newtown	05 February, 02
Neville Timothy	Arima	16 December, 97
Neil Francois	Mount Lambert	21 March, 02
Terrence Campbell	La Horquetta	14 March, 02

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Cynthia Felician	Maravel	18 March, 02
Satnarine Sookdeo	Valsayn	07 June, 02
Earlyn L Edwards	Arima	21 March, 02
Vishnu Seudath	Chaguanas	09 April, 02
Sandra Hamit-John	San Juan	29 April, 02
Christiana Ramkhalawan	Siparia	06 May, 02
Sunil Ramsingh	California	05 June, 02
Marilyn King	Couva	17 May, 02
Cheryl Alexander-Farris	Carapichaima	04 June, 02
Jacob Windsor	Morvant	08 May, 02
Manou Balkaran	Barrackpore	24 October, 01
Ancil John	Petit Valley	07 June, 02
Gail Tim Kee	Port of Spain	12 June, 02
Jacinta Henry	Laventille	26 April, 02
Raymond Walcott	Marabella	17 June, 02
Veronica Henry	Laventille	17 August, 02
Dewan Balwant	St. James	26 June, 02
Waldo Nunez	Diego Martin	01 July, 02
Ekram E. Baksh	Couva	26 March, 02
Aldwin Sampson	Valencia	12 June, 02
Surgwantee Mohan	Maabella	26 June, 02
Reynold Carrington	Point Fortin	04 October, 02
Brian Mussio	Diego Martin	08 May, 02
Eric Quammie	La Romain	10 June, 02
Gail Tim Kee	Port of Spain	07 May, 02
Shakaile Seetahal	Claxton Bay	07 April, 02
Geeta Mills	San Fernando	23 July, 02
Brian Chen	Port of Spain	29 August, 02
Ruthven Thompson	St. James	24 Sept, 02
Christopher Roberts	Tobago	29 March, 95
Reshee Nowbut	D'Abadie	17 Sept., 02
Henry Parmashwar	Tacarigua	19 January, 02
Diana Rhyner	Port of Spain	10 Sept., 02
Robert Dolly	Arima	08 November, 02
Zahir Deen	Charlieville	01 October, 02
Edward Phyers	Port of Spain	09 August, 02

AGENCY NAME	CITY	YEARS OF ASSOCIATION
Sharon Cedeno	St. James	03 Sept., 02
Sigrid John	Arima	06 December, 02
Dennis Oliver	Maraval	12 February, 03
Patricia Sinanan Ali	Couva	19 August, 02
Priam Sookhoo	Lengua Village	16 Sept., 96
Roger Vincent	Arima	15 October, 02
Raymond Walcott	Marabella	17 June, 02
Indar Parasram	California	04 October, 02
Carol Pierre	St. Augustine	04 October, 02
Hugh Broom	Tobago	04 December, 02
Rudolph Maynard	Cunupia	15 October, 02
Lisa Caesar	Tobago	22 January, 03
Richard Dass	Maraval	27 Sept., 02
Philbert Edmund	Longdenville	29 January, 94
Jerome Sant	Chaguanas	10 June, 03
Ashram Sookhai	Curepe	29 June, 94
Charles Lyons	Tobago	22 January, 03
Maurice Jones	Maraval	08 April, 03
Ann Marie Cox-Loney	Chaguaramas	25 August, 03
Curtis Guyadeen	Arima	30 July, 03
Vishnu Seudath	Chaguanas	09 April, 02
Anthony Mannette	Toco	14 October, 03
Hamel Smith	Tobago	20 April, 03
Junior Sandiford	Piarco	27 October, 03
Kelvin Maison	Los Bajos	05 March, 04
Kevin Henry	Chaguanas	16 February, 04
Winston Ross	Port of Spain	09 February, 04
Robert Pegus	Moruga	04 Sept., 96
Selwyn Felix James	Santa Cruz	14 July, 94
Peter John	Laventille	20 November, 96
Rajkumarie Maharaj	Couva	22 June, 01

Thank you, Madam President.

Sen. Mark: Madam President, may I ask, through you, to the hon. Minister in the Ministry of Finance, if he could probably identify for us very briefly what he

considered to be some of the reasons for the recalling of these on-line terminals during the particular period?

Sen. The Hon. C. Enill: Thank you, Madam President. The NLCB looked at the usage of the terminals and whether or not it was achieving the objectives for which it was intended. A performance programme was put in place and objectives were set, and on the basis of those criteria, any individual who did not meet it after a period of time was requested to do things to improve on the performance, and when that was not done, the terminals were in fact recalled and given to other individuals who were in the queue.

Sen. Mark: May I just ask another question of the hon. Minister? What was the period of time or the moratorium given to those persons to improve their operations or else they would be recalled? Any particular time frame? Any particular moratorium they were given before these machines were recalled?

Sen. The Hon. C. Enill: My information is that a time frame was given. I do not have the exact time, but my information is that this was an exercise in which the NLCB met with the individuals, identified the programme, got a commitment and then moved on the basis of the results.

I do not have the exact time.

Petrotrin
(Vice-President Human Resource)

78. Sen. Wade Mark on behalf of **Sen. Sadiq Baksh** asked the hon. Minister of Energy and Energy Industries:

- A. Could the Minister indicate:
- (i) the name of the person who is the incumbent Vice-President, Human Resource at state-owned Petrotrin;
 - (ii) the date of appointment to the post of Vice-President;
 - (iii) the remuneration package and all the personal benefits paid to the named person?
- B. (i) Could the Minister indicate whether the post of Vice-President, Human Resource, at Petrotrin was publicly advertised;
- (ii) If the answer is in the affirmative, could the Minister state the process which was used in the selection of the incumbent?

The Minister of Energy and Energy Industries (Hon. Eric Williams): Madam President, the answer to Part A(i), the incumbent Vice-President, Human Resources and Corporate Services at State-owned Petrotrin is Mr. Rawlinson Agard.

Mr. Agard was appointed to the post on July 01, 2002. The Vice-President, Human Resources and Corporate Services, is in receipt of a basic salary of \$32,000 per month and is entitled to annual leave of 20 working days on completion of each year of continuous service. The incumbent is also provided with the following: A fully maintained leased vehicle not exceeding a monthly cost of \$6,000, and fuel is at the company's expense; a cellular telephone for the execution of duties; a furnished company bungalow, the furniture of which is to remain the property of the company upon separation; participation in the company's medical plan; an annual bonus payment dependent upon the company's performance, as well as annual merit increases contingent upon his actual performance measured against specific targets, and I would add that that is applicable to all senior managers at Petrotrin. Monthly payments equivalent to 25 per cent of the contract fee to be remitted to a deferred annuity plan.

The post of Vice-President, Human Resources and Corporate Services, was not advertised. In March 2002, the human resource function of the company was the responsibility of the Vice-President, Corporate Administration, who was an engineer by training. The Vice-President, Corporate Administration, was responsible for several other areas including human resource.

Following a review of the organizational structure, the board accepted a recommendation for the external recruitment of a Vice-President, Human Resources, who possessed a proven track record in the industry and was a seasoned human resources and industrial relations practitioner. Management consultants, HRC Associates, were engaged to assist in the search. HRC Associates recommended that the search should be undertaken by way of a headhunt. Subsequently, a shortlist of four persons was drawn up. Following checks by HRC Associates, one candidate declined. Another was due to commence a new job and the other two candidates, one of whom was Mr. Agard, were interviewed by the personnel committee and the President.

The recommendation of the interview panel to appoint Mr. Agard was accepted and Mr. Agard was appointed by the board. As a result of this answer, the last Part, B(ii) is not applicable.

Sen. Mark: Madam President, a supplemental. Could the hon. Minister indicate to this Senate whether it is a normal practice at Petrotrin not to advertise these very sensitive positions in the hierarchical structure of the organization? Is that a normal practice?

Hon. E. Williams: Madam President, I cannot say, but it is a normal practice in many organizations to engage consultants to engage in what is called in the

Oral Answers to Question
[HON. E. WILLIAMS]

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industry a headhunt for senior posts in these organizations; especially large organizations.

Sen. Mark: Madam President, through you, could the hon. Minister indicate whether this particular Mr. Agard was in any way responsible for the termination of many of Petrotrin employees, especially at the senior level over the last two years? Could the hon. Minister indicate what role did Mr. Agard play in the termination of senior officials at Petrotrin? Could you share with us?

Hon. E. Williams: Well, Madam President, I do not have specifics on that, but I imagine that as head of the human resource function, Mr. Agard would have been charged by the Board to ensure that proper human resource and industrial relations practices are observed at the company.

Sen. Mark: Therefore, would you agree with me that Mr. Agard was the hatchet man for the Petrotrin board? Could you indicate?

Madam President: Senator.

Sen. Mark: I have asked a question.

Madam President: Senator, we do not want that kind of language pertaining to anybody in the Senate. Do you want to rephrase it?

Sen. Mark: Yes. Could the hon. Minister indicate whether in terms of termination of services, Mr. Agard, in his capacity as Human Resource Manager, was carrying out the directive of the board to terminate the services of a number of senior officers in the plant, in the company?

Hon. E. Williams: Madam President, I believe that is entirely another question; a whole other debate. If the Senator asks another question, I will answer it.

Madam President: Let us move on to question 79.

Shell Global Solutions

79. Sen. Wade Mark on behalf of **Sen. Sadiq Baksh** asked the hon. Minister of Energy and Energy Industries:

- A. Could the Minister state whether he is aware of a study being done by Shell Global Solutions on the assessment of the stability of executive management positions within the organization?
- B. Could the Minister advise on the recommendations and/solutions made by Shell Global Solutions with respect to the incumbent Vice-President, Human Resource post?

The Minister of Energy and Energy Industries (Hon. Eric Williams): Madam President, the question asks, could the Minister state whether he is aware of a study being done by Shell Global Solutions on the assessment of the stability of executive management positions within the organization. Well, it did not ask which organization, but we assume that it meant Petrotrin. Members on the other side are quick to point out what may be minor errors.

Sen. Mark: It is Petrotrin. You are very kind. Thank you very much.

Hon. E. Williams: Assuming that it is Shell Global that is doing the work at Petrotrin at this moment, I have come to answer the question. In answer to A, Shell Global Solutions did not undertake any such study. Part B, Shell Global Solutions Incorporated did not make any recommendation with respect to the incumbent Vice-President, Human Resource and Corporate Services post at Petrotrin.

Sen. Mark: Madam President, through you, is the Minister aware that this particular company, Shell Global Solutions, recommended to the board that the present incumbent that we just referred to is unsuitable for the post? Is he aware of that?

Hon. E. Williams: No, Madam President, obviously, presuming that the information that the Senator Opposite purports to have is true, I have to say that I am entirely unaware of any such recommendation. In fact, Shell Global is looking overall at the refinery operations with a view to optimizing all the processes and we expect that coming out of their recommendations, there should be actually a reduction in the operational expense to the refinery.

Madam President: Could we move on to question number 81 to the Minister of Housing?

Sewer Treatment Plants (Status of)

81. Sen. Wade Mark on behalf of **Sen. Sadiq Baksh** asked the hon. Minister of Housing:

- A. Could the Minister inform this House of the status of sewer treatment plants at all new government housing sites throughout Trinidad and Tobago?
- B. Could the Minister give an assurance to this House that all sewer plants will be operational before the allocation of the new housing units?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, the answer to this question is not ready and I ask for one week's deferment.

Question, by leave, deferred.

METROLOGY BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam President, it is extremely good to be back home. I feel I am back in Couva. I beg to move,

That a Bill to reenact and revise the laws respecting weights and measures and to give effect to the international system of units, be read a second time.

Madam President, I shall not be long. By way of perspective, I would like to take the Senate to the manifesto of the People's National Movement for the last election when we stated that in this five-year period, the Government would concentrate on providing the institutional underpinning in our quest to achieve Vision 2020. We outlined what we were doing in six critical areas, and in the Social and Economic Policy Framework of 2004, one would see that the Government is pursuing the initiatives outlined for this five-year period.

It is in this context that one must view this legislation before the Senate today. This legislation is to provide critical infrastructure, institutional underpinning for the business sector. The whole purpose of the legislation is to make the modified metric system the primary system of measurement in Trinidad and Tobago.

Madam President, you would know that we grew up in an environment of avoirdupois—16 drams, one ounce; 16 ounces, one pound—the imperial system of measurement which came to the colony in 1939. Madam President would also be aware of the efforts of metrication in the 1980s when on our televisions we saw the campaign, and that effort died. You would know that, in fact, the first attempt at moving towards this modified system, or the SI system, as it is called, was in 1976 when the Weights, Measures and Metrology Bill was introduced.

It was read in the Parliament for the first time in 1984, but as you know, the Government of the day was out of office in 1986, and perhaps with it went the metrology legislation. Another attempt was made in 1997. Again, it evolved, I think, in 2001—I think I have a copy of that Bill—as Bill No. 22 of 2001 which was introduced in the Parliament. It was in August of 2001 and, as you know, the Government of that day imploded, and so, the Bill lapsed.

Madam President, the Bill before us today is substantially in the form of legislation of 2001, substantially. There is one significant change, and that is, I think, at 7(2)(b), where we provided for the inspectors to get a warrant before entering one's premises. The legislation of 2001 did not require that and would have required a special majority. Bearing in mind the stance of the Opposition with respect to support for the Government on critical pieces of legislation, the Government decided that it had to make that adjustment so that the Bill can be passed.

Sen. R. Montano: What you should have said is bearing in mind the stance of the Government with respect to constitutional reform. That is what you should have said. You do not want to listen to the Opposition.

Hon. K. Valley: We will talk outside. You are my friend. Madam President, this Bill is, in fact, long overdue. As I said, the main purpose is really to follow what is happening in the world, to move to a modified metric system that is today internationally recognized or internationally accepted as the best method or best system of measurement; the SI unit.

While the present law—the Weights and Measures Ordinance of 1939—also makes provision for the use of the metric unit, it does not provide for the SI units to be the primary system of measurement in the country, so that what obtains is that while the SI units were introduced in Trinidad and Tobago in the 1980s by the now defunct Metrication Board, there is at present no legislation in place which mandates the use of this system, and which would govern its implementation. It is therefore possible for unscrupulous persons, as it were, to benefit from unfair trading practices by using both metric and non-metric units in the same area of trade without running afoul of the law. And so, the purpose of this legislation is to have clarity and to address this lacuna in the law.

Madam President, the Bill will also expand the scope of the present law relating to weights and measures by including measurements for pressure density, temperature, voltage resistance and current. It will also extend the application of the law beyond the limited measurements for length, mass and volume contained in the present law. To give an idea concerning some of the shortcomings of the existing legislation, or some of the deficiencies, first of all, there is a difficulty with respect to measurements of less than a quarter ounce and more than 112 pounds; or less than six inches, for that matter, or more than two yards; or less than a quarter pint, or more than 280 gallons.

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Others refer to the checking of flow meters such as gasoline pumps, Madam President, so that what one is attempting to do is to ensure that there is a system in place that can take care of these eventualities, especially as we, as it were, take on the world that there is a higher level of accuracy in measurements and that we do not have to say, well so and so, more or less. You know the famous words when we are measuring even land. So many rods, or purchases more or less.

My document here, Madam President, points to about—we reach (m), so that is about 16 deficiencies in the current legislation. I can share this with Senators, but I really have no inclination to read all of those. This Bill is intended to create a comprehensive law of measurements that would address the deficiencies in the present law, as well as ensure that laws relating to legal metrology are kept in step with the pattern of technological development, particularly within industry. There is provision for the use of relevant and approved units of measurement in all aspects of commercial life and the position and maintenance of standards relating to these units. Thirdly, ensure that the Government collects the share of revenue to which it is entitled arising out of the commercial activities of Government offices such as post office, licensing office, customs, and so forth.

To see how this is done, Madam President, we need to look at the provisions in the Bill. Now, I should make the point that as per clause 2 of the Bill, this Act shall come into force on a date to be fixed by the President by proclamation. I make that point so Senators would know that a Bill, after it passes the Senate—and ordinary Bill—will become law when it is signed by the President. In cases when there are things to be done even after the Senate approves the legislation, such a Bill will normally become an Act on proclamation.

Madam President, as a fact, we have work to do after the Senate is finished with its work today. There is need, of course, the point was made in the other place, for a public education programme, because we are moving from one system to another, and while in the 1980s we heard about metrication, most of us would have forgotten, and it is like learning a foreign language, so we have to do it over and sensitize the public to the fact that we are moving to the metric system now, for real.

There would be that period of public education, there are regulations to be done, and while we will be doing some basic regulations now, we would want to be talking to stakeholders to ensure that we take their concerns into consideration. Senators would note that at clause 4 of the legislation—clause 4(4), in particular—gives the Minister the authority by order, published in the *Gazette*, to

declare that certain units of measurement and no other shall be used in connection with any one or more of the following six cases:

- Specified classes of undertaking;
- Specified classes of trade;
- Specified classes of goods;
- Specified classes of services;
- Specified classes of measuring devices; and
- Specified classes of users of measuring devices.

Especially as subclause (5) states that:

“An Order published under subsection (4) may appoint different dates of commencement in respect of:

- (a) different areas of Trinidad and Tobago;
- (b) different parts of the Order;
- (c) both (a) and (b).”

This allows the Minister to take the unique circumstances of a particular region into consideration, because in this legislation it is important that we understand the old—or granny who is accustomed weighing her dasheen by pounds that we do not confuse the lady.

2.30 p.m.

Madam President, while her scales must be working properly, we ought not to be telling her about metric if she is accustomed to pounds and ounces. We want to be able to do that in the legislation. While, of course, the people at the Bureau of Standards have to do their conversion, granny must still see the pounds, as much as possible; that is what we would want to do as we move forward. As a fact, the manufacturers have all gone metric, so there is no difficulty with respect to that, but we would want to be flexible, as far as is possible, as we phase in the legislation. Subclauses 4 and 5 are extremely important, as far as I am concerned.

I will review rather quickly some of the other clauses of the legislation. Clause 3 of the Bill declares that the SI shall be the primary system of measurement in Trinidad and Tobago and that all units of measurement shall be determined on the basis of the SI. This means that there will be no alternative or competing system of measurement that would be legally acceptable within Trinidad and Tobago.

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Madam President, clause 3 also makes reference to the SI units and the symbols for these units, which are defined comprehensively in the First, Second and Third Schedules of the Bill. This would lend certainty and clarity to the expression of goods and services, in terms of measurement units for weight, length, time, et cetera. There will be legally acceptable definitions of, for example, a metre, kilogram or even a second. As I mentioned earlier, the lack of such definitions in connection with the use of or reference to certain units of measurement is one of the major deficiencies in the present law and this is addressed in the Bill.

Madam President, the Bill also provides for the creation of a national reference standards against which one measuring device will be measured and against which they will be certified. There exist at present no such national reference standards. This means that many units of measurement currently used in commerce cannot be legally verified against any national standard.

Another significant aspect of this Bill is the provision under clause 6 for the appointment of inspectors of metrology, including a chief inspector of metrology; they are key in the administration of the Bill. These inspectors will have wide powers to enter the premises of traders to inspect measuring devices to ensure that they are in keeping with the requirements of the Bill and to seize devices in violation of the Bill. As I mentioned earlier, one should note that such powers are to be exercised within applicable constitutional limitations. The existing weights and measures inspectors will be reclassified as assistant inspectors of metrology and their powers and functions will be as prescribed by the Minister under clause 27(2) of the Bill.

The Trinidad and Tobago Bureau of Standards will act under the legislation as the national standards body and as the national quality certifying body. They will, of course, be responsible for administering this Bill, which is, at present, under the Ministry of Consumer Affairs in the old legislation. As such, the Bureau would be the custodian of the national reference standards and any secondary standards related thereto, as per clause 5(5). Additionally, the Bureau will be empowered under clause 21 to establish a metrology laboratory equipped with the appropriate metrological testing equipment; provide service for the calibration and determination of the accuracy of measuring devices and examine patterns of measuring devices with a view to certifying that they comply with the relevant regulation or are suitable for use in connection with particular classes of trade. *[Laughter]* I should point out in passing that the inspectors and assistant inspectors of metrology will function under the purview of the Bureau of Standards.

Under clause 23 of the Bill, the Minister with responsibility for the administration of metrology may make regulations to give effect to the provisions of the Bill. Some of the basic regulations are being prepared at present, but we will be, of course, consulting with the stakeholders before the others are finalized. We are allowing a six-month period for consultation and the public education programme, so we expect that this Bill will be proclaimed sometime around the end of November of this year.

Madam President, as I mentioned in the beginning of this presentation, this Bill has been long in coming, the fact that the Cabinet-appointed committee first drafted the Bill in 1976, and it came to Parliament in 1984. After a period of more than 25 years, we are here today, finally putting this legislation on the books. We see this as critical infrastructure for our manufacturing sector.

I think Senators are aware that our manufacturers have been asking for the institutional underpinning so they could face competition fairly, as we seek markets abroad, and thus provide competition for them in our home market. As you know, you have to give to get; so as we seek markets abroad we have to give the freedom to come into our markets. We would continue to pursue our objectives. We would continue to provide the underpinning that is necessary.

I would mention, as I did in the other place, the fact that there are other critical pieces of legislation which would come before the Parliament rather shortly; legislation such as the Investment Promotion Bill, the fair trading legislation, the antidumping amending legislation and, most importantly, the safeguard legislation. I hope that I am not anticipating when I inform the Senate that, I think it was last week, we were able to pass, in the other place, amendment to the venture capital legislation, which is now structured to provide financing for the broad medium sized companies. [*Interruption*] It is now before you. I was merely en passant; I am not going into the nitty-gritty of the Bill. I just wanted to whet the appetites of Senators so that on my return they would give me an easy passage.

Madam President, I feel certain that all Members of this Senate would see this legislation as critical to what we are attempting to do with Trinidad and Tobago at this time. I feel certain that in a very short time the Senate would approve this legislation. I do ask for the support of all Senators.

I thank you.

Question proposed.

Sen. Carolyn Seepersad-Bachan: Madam President, I am pleased to participate in this debate on:

“An Act to re-enact and revise the laws respecting Weights and Measures and to give effect to the International System of Units (SI Units)’

This debate on the use of metric versus the imperial system of weights and measures has been ongoing for decades. Just recently there was a debate on the issue in the United States after a spacecraft known as the Mars Climate Orbiter crashed onto the surface of Mars on September 23, 1999. The principal cause of the loss of this spaceship during an orbit injection maneuver was traced to a thruster calibration table in which British units instead of metric units were used. The software for the celestial navigation at the jet propulsion laboratory expected the thruster impulse data to be expressed in Newton seconds, but Lockheed Martin Astronautics in Denver, which built the orbiter, provided the values in pounds-force seconds, causing the impulse to be interpreted as roughly one-fourth, a quarter of its actual value. This Mars spacecraft incident renews the controversy that has existed for some time, since the beginning of the space programme, regarding the use of metric or British units of measurement.

In Trinidad and Tobago and the region we are in, we are confronted but, probably, with less catastrophic issues regarding measurements, but moreso from a trade perspective. According to the World Metrology Day, which was celebrated on May 20, 2004, the definition for metrology is the science of measurement, embracing both experimental and theoretical determinations at any level of uncertainty in any field of science and technology.

An interest in measurement and its implication is not, however, purely the preserve of scientists and engineers, but is now of vital importance to all of us. This intricate but largely invisible network of suppliers, services, communications, et cetera, all of us, depend and rely on metrology for their efficient and reliable operation. Madam President, even in your own field you would know that today metrology is playing an important role in human health as it depends critically on the ability to make accurate diagnosis which relies on measurements in pathology and other medical laboratories.

Similarly, Madam President, satellite navigation systems and international time correlation make accurate location possible allowing the networking of computer systems around the world and permitting aircraft to land in poor visibility. More importantly to us here in Trinidad and Tobago, the acceptance of trading products which often require measurements to demonstrate conformity to

defined standards, these measurements should be acceptable worldwide to avoid barriers to trade.

All forms of physical and chemical measurements affect the quality of the world in which we live. Wrong or inaccurate measurements can lead to wrong decisions which can have serious consequences, costing money and even lives, especially as our manufacturing sector moves into the more sensitive and critical areas. The human and financial consequences of wrong decisions based on poor measurements being taken in matters as important as environmental change and pollution are almost incalculable. It is important, therefore, to have reliable and accurate measurements which have been agreed to and accepted by the relevant authorities worldwide. So metrologists today are, therefore, continuously involved in the development of new measurement techniques and instrumentation procedures to satisfy the ever increasing demand for greater accuracy, increased reliability and rapidity of measurements, hence, as the Minister indicated, the importance of this Bill today. But how does all this work?

Before I discuss the Bill I want to put it in the context of what is taking place currently and the challenges that we face in this 21st Century. For individuals who are not directly involved in science to have confidence in the reliability and accuracy of measurements made by scientists and metrologists, it is essential that instruments used within any local or national measuring system are calibrated and that calibration may be traced to an internationally accepted system of standards or reference material, as the Minister indicated in his opening.

For example, the weighing scales in a local supermarket are calibrated against a national standard of weights and measures, and these standards are themselves calibrated against an international standard of mass. One can thus create a chain of calibration, which allows the measurement in the supermarket to be traced to an internationally accepted and accredited set of standards. We refer to this as traceability. Most of the legislative and regulatory frameworks are focused on traceability and on this chain of calibrations. This is to ensure that the consumer can have confidence and trust in the local system of weights and measures; confidence that is reinforced when they are able to see that the weights and measures used in their own country are equivalent to the ones used in other countries and that all are based on a single international standard, but therein lies the problem.

Before I proceed I want to identify that although metrology is an old science, which has evolved over many centuries, it is today often distinguished by the development toward scientific and legal metrology. I make this point because we

need to look at the distinction between the Bureau of Standards and the role it plays, and the regulatory and legislative framework. When we speak to the scientific metrology these are the scientists who are engaged in the various chains of measurements: calibration and accreditation.

By the way, Madam President, accreditation of the laboratories is closely related to weights and measures issues today. So the physicists who maintain the international prototype, for example, of the kilogram, that last physical artefact which defines the base unit against which all other measuring systems in the world are calibrated, these people are the scientific metrologists and so on. The legal metrologist's primary focus is on measurements that directly affect consumers, for example, the technician who calibrates the weighing scales in the shops and markets, et cetera, which is the role I think you have defined for your inspectors of weights and measures. However, although the two fields are close together and their functions and duties may appear to be similar, they operate in different spheres.

The Minister spoke about the existing ordinance and its several deficiencies and that, in fact, it was based largely on the Weights and Measures Act of 1878, which was applied from an old UK system that applied mainly to the imperial system of measurement and provided measurements related to just length, weight, surface and capacity, but did not include other characteristics such as viscosity, density, et cetera. It provided for the appointment of inspectors of weights and measures whose duties included the examination of weights, measures and weighing instruments, but did not give the kind of power that this Bill seeks to vest in these inspectors. It also provided for the use of the SI units, but it did not insist that these SI units be the primary system. The ordinance did not govern the implementation of the SI units, which this Bill today seeks to provide.

The Minister identified several deficiencies. One was that there were several limitations in terms of measurements, for example, the length measure. We could not verify measurements less than six inches, more than two yards; weigh measures less than a quarter of an ounce, or greater than 112 pounds; volume measures, anything under a quarter pint or over 288 gallons, because that was as far as the testing equipment used by the inspectors could verify. So there was really no obligation for accurate measures and weights in selling or buying items that fell within those ranges. This also included the land surveyors' chains, tapes and other measuring devices that were more than two yards, which could not be verified. There was also an issue with flow meters, which could not be checked and properly verified by the inspectors.

This Bill seeks to repeal this particular Act and expand the application of the law beyond limited measurement of length, mass and volume and includes measurements for pressure, density, temperature and other characteristics. This Bill refers a lot to the International Bureau of Weights and Measures and on the General Conference for Weights and Measures. I want us to look at an update from the International Bureau of Weights and Measures. It is a Paris based group, which has become what is known as the Convention of the Metre, a diplomatic treaty which gives authority to the General Conference of Weights and Measures. In fact, there is a Committee of International Weights and Measures that acts in matters of world metrology, particularly concerning the demand for measurement standards of ever increasing accuracy, range and diversity and the need to demonstrate equivalence between national measurements standards. In fact, what they are doing is being able to get that equivalence between the national measurements standards and link it back to the international standard that exists within the BIPM. So the chaining starts there; the traceability starts at that point in time.

The Minister claims that there is just one minor change to the Bill to allow for the constitutional limitation, but this Bill was actually laid in 2001 under the UNC and it lapsed. I want to know from the Minister if all the new resolutions passed by this international Bureau of Standards, from the committee, which have been published, have been taken into consideration and included in the Bill or the regulatory framework to come. From that time to now there have been a number of issues that affect trade with respect to measurement.

There have been several mutual arrangements, and I want to come to some of them. I always say that timing is so important. I know that those on that side continuously tell us that we criticize bills that were our own, but this Bill was laid in 2001 and from then to now a lot has happened in the field of metrology.

I am looking at one of the last reports by the Committee of International Weights and Measures published in 2002, which established the need for metrology in developing countries. I quote from this document:

“An internationally recognized metrology infrastructure in developing countries and countries in transition is now recognized as a high priority. For these countries, the lack of such structure is hindering development as it raises the vulnerability to non-tariff barriers to trade that in turn delay market access and further industrial and economic development.”

In an article in the *Business Guardian* of January 08, 2004, the Trinidad and Tobago manufacturers were, in fact, talking about this issue, that without the legislation being in place they were vulnerable and they were asking when this

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Metrology Bill would be in place, why it was not in place and what has happened to the accompanying facilities.

In addition, a head honcho at the Trinidad and Tobago Bureau of Standards, I think he is now the retired head of the metrology lab, also indicated that there was a need for resources at the Trinidad and Tobago Bureau of Standards to establish this metrology unit. When I read the issues referred to in the article it related to what was established in this particular report. Since then, metrology itself has moved in the fields of physics and engineering; they are now involving principles of measurement. Whereas we thought that less than six inches and more than 288 gallons could not be verified, today we recognize that there is a required accuracy which is increasing by factors between three and 10 per decade. In several cases, the present accuracy is barely sufficient for trade or safety requirements and limits set by law, so sometimes traceable references do not even exist. Some NMIs are responding with major research initiatives. When I say “NMI”, I am referring to the National Metrology Institute and, in this case, is the role defined in this Bill for the Trinidad and Tobago Bureau of Standards, as the National Metrology Institute.

There are also new applications for metrology in health, as I mentioned before. There is now this new initiative for the example of the—[*Interruption*]—all of this is relevant, Sen. Dr. Saith, because there is now a joint agreement. This is why the TTBS has gone into the accreditation of laboratories because, for example, you must be able to measure. If you want to exchange laboratory services, especially in the health areas, there is now a joint committee for traceability in laboratory medicine. For example, you have the Committee for International Weights and Measures (CIPM), the International Federation for Clinical Chemistry and Laboratory (IFCC), and the International Laboratory Accreditation Corporation (ILAC). All have joined together with the aim of supporting this worldwide compatibility and reliability and the equivalence of measurements and especially the results in laboratory medicine for this purpose, so we can improve health care and foster, where needed, the establishment of a recognized network of reference laboratories.

Madam President, that is not the only one. There is also the CIPM and the ILAC agreement of which Trinidad and Tobago has to become part. This is because they recognize the need to strengthen the links between accreditation and metrology and to cooperate and coordinate their actions with respect to their task to national and international measurement infrastructure. Then there is the CIPM/MRA, whether or not we are signatories to the Mutual Recognition Arrangement. That, again, is the impetus to facilitating world trade, and the associated need to

eliminate these technical barriers to trade is leading to this greater awareness worldwide of the role that measurement plays in underpinning activities in all areas. This is intended to help eliminate all the technical barriers to trade for governments entering into international agreements involving trade of products and services.

What concerned me was when the Minister said that we were about to pass this Bill and, lo and behold, I did not think that we were party to any of these agreements. Secondly, I do not think that the TTBS is a member of the International Bureau of Weights and Measures. I did not see it when I listed the countries on their website. I saw that Jamaica and Trinidad and Tobago were not listed. Thirdly, this Bill hinges around what we call the “National Reference Standard”, the “Secondary Reference Standard”, the working standard.

Madam President, I was a little surprised to hear the Minister say that there are no national reference standards. So where are we starting from? You are about to establish a new legislative framework. You are about to insist that everybody must convert to the metric system. One of the aims, the objective of this Bill is to ensure that we can be compatible for the purpose of international trade, in removing these non-technical barriers, and we do not have a national reference standard. So while I know that you find this may be boring, I am trying to demonstrate why this is so important.

Sen. Mark: You are making real sense; good. [*Desk thumping*] [*Interruption*]

Hon. Valley: Just on a point of correction. I did not say that there was no national reference standard. I said the current legislation did not require a national reference standard.

Sen. C. Seepersad-Bachan: Can I ask the Minister another question, through you, Madam President? What about the secondary standard, the national reference standard, when last was it updated in terms of the SI units, can you say?

Hon. Valley: Obviously I would have to be guided by the people from the Bureau of Standards. I was simply making the point that while there is a national reference standard at present, the current legislation does not require any.

Sen. C. Seepersad-Bachan: I thank the Minister for that clarification, because it is of concern if we are to move to this. The Opposition is in support of this move; it is our Bill, of course, but the thing about this is that we must ensure that we have the facilities to support the implementation of this Bill. So many times we come here and we feel that the solutions to our problems lie in the

legislative framework, but where are the operational issues. What about the management issues and the operational and managerial plans that must go into place?

I know sometimes we say that this is a developing country, and a small country, and when we invest in this type of science we feel that we are over investing and this is only for First World countries. I want to also point out that in one of these reports the high return on investment for public moneys spent in metrology was highlighted. There is a KPMG report done by the International Bureau for Developing Countries which demonstrated that for countries which invested in metrology labs, in the National Reference Standard and in other labs, to perform the secondary standards—that could go out and calibrate et cetera—when you look at the total return on investment, there is a high return, and sometimes it is as close as \$4 billion, so there are benefits.

I also want to point out the conclusions of this particular report, before I go to the Bill. The general conclusions and recommendations of this particular report is that the removal of the non-tariff barriers to trade is high on the political agenda of countries and requires internationally recognized traceability and comparability of calibration, measurement and test results. The high-tech industry needs highly accurate measurements, sometimes requiring completely new concepts of measurements, standards and calibration facilities such as the nanotechnology field that would allow you to get down to measurements as we start to miniaturize in our industry, and the quantum based standards together with a wide application of information technology. Again, Madam President, the international recognized traceability and comparability are urgently needed in all areas of trade, industry and society, including new areas such as measurements in sectors related to the environment.

When it came to developing countries, the report also recommended that there is now a network of the World Trade Organization, the WMO, the WHO, Codex, the IFCC, the ILAC, the two I just mentioned, the ISO/TEC, which I know the TTBS is a member of and they comply with its standards and others. This network is set up to help developing countries to get their national metrology institutes registered and be part of this treaty. The main purpose of this is that you can be tested once and be accepted by all. This is how the cost comes down.
[*Interruption*]

Sen. Prof. Deosaran: Sorry to interrupt you and thank you for giving way. This is to help myself and, perhaps, other Senators, and the Minister, perhaps, could comment subsequently. As I understand it, and I am seeking assistance

from the Senator, the United States has not gone metric. I am innocent in this question; I want to be helped. How would that affect our trading arrangements and measuring devices, in that dual context, where you have a metric system, in terms of what you spoke about, and having to deal with the United States in terms of measuring, trading and so on?

Sen. C. Seepersad-Bachan: Senator, can I answer that a little further down? Let me just finish this point, because that is another issue that we must take care of when it comes to the regulatory framework. The importance of this right now is that whereas we have gone metric, the whole importance of us adopting the SI units is that we are able to benchmark ourselves against the international standard. So by having our national reference standard, which is calibrated against the international standard, that is now housed at the Trinidad and Tobago Bureau of Standards, which is now the National Metrology Institute, if that is now part of the network of countries that belong to this international bureau of institutes, then from there you can have the secondary standard, which is calibrated against the national standard. That secondary standard can now rely outside, can now be stationed outside the Trinidad and Tobago Bureau of Standards. It does not necessarily have to stay in the Trinidad and Tobago Bureau of Standards.

In the Bill it is suggested that all the standards be housed and owned by the Trinidad and Tobago Bureau of Standards, the only national metrology institute. You are putting everything in one point, creating a high degree of vulnerability. If anything happens to the TTBS, you destroy your standards and then you will have nothing to calibrate against. The Bill also allows that if your national reference standard is damaged, your secondary standard can be made a temporary national reference standard until you create a national reference standard that can be calibrated against the international reference standard.

The whole issue of metrology today is this traceability that we talked about; you can link it all the way back up to the international standard. From the secondary standard, which may be at another laboratory, if the Ministry so desires, allows and permits, that will be licensed by the Trinidad and Tobago Bureau of Standards, the National Metrology Institute, you can now have working standards that are calibrated against that secondary standard. For example, for very huge organizations, they can now have their own working standard, from which they can periodically calibrate their equipment.

What that says, as it does here in the Bill, is that your national reference standard must be recalibrated every 10 years; your secondary standard will be recalibrated every five years and the working standard every year. If you keep all

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the standards in one place then I think you are defeating the purpose of the chain, the flexibility that comes with it. The purpose of this chain was to be able to ensure that we get one testing and acceptability by all, reducing the cost and improving our competitive edge. This means that if I am a manufacturer and I said, "Listen, my equipment has been calibrated against this standard," and I can trace it back to the international standard, once I have that and I export, the other country that I export to does not have to re-measure anything that I have done, thus reducing cost.

Similarly, Madam President, for goods being exported, if we can look at those goods coming from countries with which there is traceability, then we do not have to verify based on re-measuring, which, again, would increase the cost. We can take it as is, because all your measuring devices have been properly calibrated and they are traceable, comparable and aligned to the international standard. That is the point I want to make with respect to this particular issue.

All this was done. I know that the Minister moved hastily with this Bill because of the coming of the Free Trade Area of the Americas (FTAA) and mainly too because of the World Trade Organization (WTO) agreement, Article V, which requires this conformity across barriers. [*Interruption*] Yes, Mr. Minister, but it is more than legislation and regulation. I always have a serious problem when it comes to the Government on this.

The Government laid a Bill today and expects that within six months you would have a public education exercise and all is well. You said the manufacturing sector have all converted, well they knew the Bill was coming because since it was laid in 2001 I know several institutions were in preparation for the metric system. Several of them have been since 2001. What I still do not understand is that there is this whole issue of institutional strengthening that must go with it and that is, again, the Trinidad and Tobago Bureau of Standards.

When I look at these articles here in the newspaper, I realize how unprepared we are in terms of this Bill; how unprepared we are to receive what will happen when this Bill is eventually proclaimed. The problem we have here is, if the Government knew that it was interested and was serious about relaying this particular Bill, by now I thought that it would have been running public education exercises and strengthening institutions, like the TTBS. Their own inspectors have to be properly trained, because new methods of measurement are now in place and they are no longer just a yardstick, a tape or a scale; it involves nanotechnology.

The degrees of accuracy, the error limits have become so small now because our tolerances have reduced. Again, for us to be able to conform to international trade our error limits have had to be reduced. The article stated that every 10 years we find that the error limits are reducing sometimes by tenfold; that is because there is the technology available for that. This is why it is so important to align the laboratories which have to be accredited. I know that the TTBS has been accrediting a number of the laboratories that provide calibration services.

Madam President, all those inspectors of weights and measures now have to be properly trained. They now have to address and appreciate the new technology, the new methods of measurement that are highly technical, some of them very IT based. I am not sure how much of that has been done since the laying of this Bill in 2001. The Senator raised the very important issue of the American system. One of the things that I would have hoped is that by now we would have had an idea of how many manufacturers.

I know the Bill is very clear that any such devices not conforming to the new measurement system will be in violation or any such person or body using such equipment would be in violation of the law and may be operating ultra vires. But the Minister can, by his discretion, according to clause 4, issue all these various orders published in the *Gazette*, which will give you, in connection with any of the specified classes of undertaking, classes of trades and so on.

In clause 4 the Minister left out the precious stones; they will continue with their metric carats because that is their normal use. The Troy ounce will also continue, and it is listed here in the Fifth Schedule. In the Bill it is stated that the barrel of oil measurement will remain, but that is not the only measurement. I will go as far as the service companies in the hydrocarbon industries. All those service companies, whether local or foreign-based, are driven by the US standards, and they will continue in pounds per square inch. They will continue with all their imperial measurement systems, so the Senator is correct, there will be some need for the dual system. Immediately I thought that the Minister would probably have made that class as one of the clauses within the Bill recognizing that. Is it that the order will be issued immediately?

Secondly, my concern is what will happen to manufacturers, for example, who are importing supplies from the US? What will happen when they import material from a country that still uses the imperial measurement system? How are they going to verify if they cannot use measuring devices based on an imperial measurement system? How are they going to verify that they received so many

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pounds of this particular raw material, so many tonnes of this particular raw material or so many yards of cable, et cetera? I am not sure about that. I am asking how you are going to handle that. [*Interruption*]

Hon. Valley: What happens with US and Europe trade at present? Europe uses the metric system. [*Interruption*]

Sen. C. Seepersad-Bachan: You will answer when you get to that point and indicate what operational procedures you are putting in place. You mentioned the US and Europe, but whatever they have, I imagine, will be instituted. With this particular Bill there are many operational interim systems that must go into place, because there is a transition period that we must go through. The Minister mentioned as well that there are many who are still accustomed to the imperial measurement system and there will still be need to verify. What will be the transition system required?

Madam President, one of the things I was curious about when I was going through the Bill was to find out more about the Bureau of Standards. I do not know if it has reported to any of the joint select committees of Parliament, but I would really be interested to find out what has been its operations, how it has prepared, what form of readiness it is in right now, in terms of receiving this particular Bill. At this point in time, we do not know, but the Government of the day just continues on its own merry way, passing legislation and then “vaps”, six months down the road we hear that we have a new law, no systems in place, et cetera.

This is why when I hear the business community saying that they want the Opposition’s support—Opposition support for what? We are not in government; we are not the Executive. We can only sit here and ask questions; we can demand accountability, we do not have to get it. I fail to understand, in a case like this, where we cannot understand how well the Bureau of Standards has put itself in a place of readiness to receive this piece of legislation, what the Opposition can do. This new system has very little to do with the legislation. It has more to do with the management of it, the implementation of plans and interim procedures and systems, and that is what we have no clue about.

We did not hear anything from the Minister in his opening presentation, so we really do not know. We are passing this Bill in a vacuum. We do not know what infrastructure has been put in place to support the requirements of this particular Bill. Are we reducing the competitive edge that we now have? Are we increasing the cost to our manufacturers? How was all of this done? What sort of transition period have we allowed for getting rid of all the old measuring devices? How do they get rid of them, for example? Is it going to become an environmental issue?

Have we gone through a checklist, an audit plan of what needs to be done, Mr. Minister?

This is why I fail to understand sometimes when the business community says that the Opposition needs to cooperate with the Government. The Opposition cannot tell the Government how to run its business. The Opposition does not manage the country. The Opposition is not part of the Executive. The Opposition is not in charge of an implementation plan. The Opposition cannot, at any of its joint select committees, get a quorum with Government ministers, so we have no accountability at this point in time.

We have had questions on this Order Paper for the longest while. Last week or two weeks ago I remember seeing a question for written answer and December 27 was when it was supposed to be answered, and we did not get it. So let us be serious. This is what I want the business community to tell me: What else can we as the Opposition do? We cannot do anything else. [*Crosstalk*] You are the first one, Mr. Minister, through you, Madam President, who in this very same article told the business community, “Is de Opposition.” They asked you why the Bill was outstanding. “Well, you know, we cannot get the Opposition’s support for the Bill,” but the Bill needs a simple majority. [*Interruption*] Right, you modified it; you changed one clause in it and you said that it did not need the constitutional majority. [*Crosstalk*]

It has been three years; this is 2004. This was laid in 2001. Even if you did not bring the legislation, what have you put in place from 2001 to 2004 to get us in a state of readiness? Everything is the Opposition’s fault. The Opposition is responsible for not governing the country. We are not in government, but we must govern the country. It is amazing what is expected from the Opposition.

Right now I am totally fed up, when I have to come to joint select committee meetings and they are always aborted because there is no quorum. Government Ministers do not turn up. Last two weeks we almost had an embarrassing situation where the Eastern Regional Authority turned out and after waiting an hour we almost had to cancel. Nobody considers the cost to this Parliament when money is spent to set up these meetings. What would have happened if after an hour a Government minister did not turn up? It costs the taxpayers. We have to understand today whether or not this Parliament is providing any value to the citizens of this country. [*Desk thumping*]

Sen. Mark: They are undermining the democracy.

Sen. C. Seepersad-Bachan: I want to say categorically: I am not here to just participate in the expenditure of taxpayers' money for no value and it is my humble view that this Parliament is of no value anymore to the citizens of this country, because we do not get accountability in the Chamber. We do not get accountability in the joint select committees; they are about to collapse; even the Public Accounts Committee, because we have cancelled and cancelled and cancelled. I was about to ask some questions this morning to the second joint select committee under which this Ministry of Trade and Industry falls. I would have been able to ask some questions and review, which is the job of the joint select committee; to ask questions, "Tell us, present a plan to show us whether we are ready to go into this new system." What state are we in? Is the Ministry of Trade and Industry ready? Is the Trinidad and Tobago Bureau of Standards ready? Do we have enough facilities located throughout the country? But no, we cannot ask those questions of them; we do not have any weight, and this is the purpose of the joint select committees that were set up.

While I note that my colleagues on the other side of the Bench: they heckle and treat everything so lightly; it is of no value, no importance. There is very little you can do from on this side of the House. [*Crosstalk*]

Madam President, going back to the Bill, let me just remind the Minister if he could indicate to me how he separated the powers between the legal and scientific metrologists and if there are any plans for doing that to ensure that we have the two types of metrologists within the system, either through the TTBS and the Ministry of Trade and Industry.

Moving on to the other point: the expanded powers of the inspectors. This Bill is stronger and wider in powers, because of the powers vested in these inspectors, and it requires a stronger institutional framework. When we look at some of the clauses included here, the Minister claims that the only difference between this and the last Bill, is clause 7(2)(b) which removes the constitutional limitation. [*Interruption*]

Madam 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. W. Mark*]

Question put and agreed to.

Sen. C. Seepersad-Bachan: Thank you. The issue here is that there was a change in order to remove the constitutional limitation in that clause 7(2)(b) states:

“The powers of an Inspector under this section shall in no case include the power to—

- (b) detain any measuring device or goods referred to in subsection (1)(c) except pursuant to a warrant issued by a Magistrate who, upon receiving sworn written information, is satisfied that there are reasonable grounds to believe that such measuring device or goods are on the premises;”

Madam President, to me this does not remove the requirement for a constitutional majority of this House, because it still deprives the enjoyment of property in accordance with our Constitution. One of the concerns I have here is that although offences have been created under this Bill for inspectors who violate the conditions of this Bill, meaning operating *ultra vires*, and any malicious attempt to remove devices or take records and so on will be subject to an offence, with the current situation at the Judiciary and our courts, by the time this is determined, you may have shut down a manufacturing company by seizing all its measuring devices, records, et cetera, and put it at a disadvantage. This can happen in several instances; that is why the Opposition has these concerns today. We have seen so much of that taking place. We have seen so much victimization.

What if you have a manufacturing company that wants to put another manufacturing company, his competitor, out of business, all he has to do is collude with the Chief Inspector and say, “Okay, seize all his measuring devices.” You are telling me that he would face the court, but the problem is when. When we look at what is happening in our system, the length of time it would take for that matter to be heard, the delayed process is almost like justice denied. By the time the matter is heard, the other manufacturer might have gone out of business.

3.30 p.m.

By the time the matter is heard this other guy may have gone out of business already. So I want to say outright, based on what is happening today, the political victimization that is going on—I do not know, it may be that a manufacturing company that supports the United National Congress may find itself in a situation like this. Right now we see the Anti-Corruption Bureau reporting to the Attorney General, something we have never heard of before. It is now gazetted. It was only under Glenda Morean that we saw the Anti-Corruption Bureau now reporting to the Attorney General and not the Commissioner of Police. So anything can happen in this country at this point in time. In a situation like this and in the current circumstances, I have a serious problem with vesting the kind of powers—

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and I must say that because of the current circumstances I have a serious problem with the sort of powers that are being vested in these inspectors, to enter people's premises to seize devices, to seize documents. Actually, it does not state clearly whether they are documents pertaining to measurements only. They can seize any documents; they can seize any form of records, and so on. So I have a serious problem with that and this is why I asked the question.

The Minister indicated that there would be regulations coming before this Senate. I want to know how soon does the Minister expect these regulations to be brought to this Senate? Would it be before it is proclaimed, before the Bill? Because they are saying six months, but if I know the Government's record, it might be another two years before we see the regulations and it is that regulatory framework that would outline for us the operational procedures, especially if there are any transitional procedures and interim systems. That is where it would be outlined. So I would really like to know from the Minister, through you, Madam President, what sort of time frame are we looking at to get these regulations before the Senate.

The Minister mentioned several other pieces of legislation that would be coming before this Senate, and that is the Unfair Trading Practices Act; the Anti-Dumping Act, and so on, because they must all go together. All of this I see as a package of legislation with the whole issue of the opening up of our markets, whether through globalization and the coming of the FTAA, to give some protection to our entrepreneurs and manufacturers, and so on. But again, I wonder what sort of time frame is the Minister looking at, because we have looked at this issue several times. There has been a green paper—and I think a white paper—on the unfair trading practices, and I have not seen anywhere—the Government has only mentioned; it has not at any point in time—you know, this is a Government by announcement. We never hear them any other time. We just hear: “Announcement, this is coming” and “that is coming”, but we do not know at what point in time they expect to bring effective legislation. Is it in 2007 that they are looking to bring these Bills before the House?

Madam President, I also wanted to mention one other thing, and this is again going back to the Trinidad and Tobago Bureau of Standards. I know the issues that I have spoken to so far are the mandatory requirements right now in terms of getting themselves ready to receive this new legislative framework. But there are others that would come along because the area of metrology is going to continue to develop; it is going to continue to open and technology would take over. What are they putting in place to keep themselves aware and *au courant*? Could the

Minister tell us what would be the plans for the region? Because there are also now regional bodies. Does the Trinidad and Tobago Bureau representing the National Metrology Institute now form a network with other Caricom countries and have a Caricom body, in a similar light as what we saw in the last Accreditation Bill, when we spoke about the regional accreditation body? Will there now be a regional metrology institute that can hold an affiliate position in the international network? I wonder, in that case, if that regional body can now take on the focus of keeping *au courant* and keeping with the times with what is happening in metrology and making sure that we are always on the edge with other countries, whether developing or not.

With that, I want to close my contribution and there are some other issues that we would take up at the committee stage. I say that this Bill has been long in coming. It should have been passed since 2001, given the need for us to keep our competitive edge. I know the manufacturing sector welcomes this. But once again I want to emphasize the need for some interim system, the transitional period, the public education required to ensure that we move from the old system to this new system.

I thank you, Madam President.

Sen. Dana Seetahal: Madam President, when I heard the Minister introduce the Bill—and actually when I initially saw the Bill and read the purpose of the Bill, among other things, was to introduce into Trinidad and Tobago this form, that is the international system of units, the metric system—I was really puzzled, because I thought that we had already had it. I checked with a number of people, not necessarily people who are qualified in the field as Sen. Seepersad-Bachan, and they all thought that we had the metric system, because we have been having these advertisements for years: “Trinidad and Tobago Gone Metric”. So I really thought we had gone metric. When you buy gas you see litres; when we passed legislation here to increase the prices, it was in litres; when we look at the road signs you would see all these kilometre signs now, and distances. When you go to buy cloth, it is in metres; when we weigh ourselves now, it is in fewer kilograms than the number of pounds. So I really was of that view. Obviously, that was not so.

When I went back to the legislation that we are currently governed by, which I have just had brought up from the library—which I have had to hold a little distance from me, it is so old, we would see that it is still the Weights and Measures Ordinance, Chap. 31:15 which was passed on May 18, 1939, some 65 years ago and as, I think, Sen. Seepersad-Bachan said, it really followed the English 1878 Weights and Measures Act.

Without more, I would say that I approve of this and I would definitely vote for this piece of legislation, because any legislation we still have with the word “Ordinance” should go by the way, as far as I am concerned. That means it was pre-1962 and still colonial. Any Ordinance that has woodlice and things of that kind, shows that it is no longer applicable, apart from the appearance. What the content is cannot be relevant to this day and age.

Just glancing through the old legislation you would see a section saying “a pound *avoir dupois* shall be the primary rate in the colony.” And that is the law as it stands. “A yard shall be the primary measure of length in the colony”. “A gallon shall be the primary measure of capacity in the colony.” And I take it that when we pass this Metrology Bill, these would no longer be the primary measures in capacity, in length and in weight.

This old 1939 Act did recognize in the schedule—and I think it was alluded to by previous speakers—metric capacity. So you have the conversion. For instance, where you talk about a square inch or a kilometre, you would see the reference to miles and you have the conversion. But it has strange things as well, things like grains, stones, quarters and hundredweights and all of that. So what I am understanding this piece of legislation to do, apart from the more complex issues to which my colleague referred, is to standardize the kind of measurements we have now and to legalize, as it were, the primary measurement to be metric, and there should be no contention with that and I do not think any of us can have any quarrel with it.

Insofar as the details of the legislation, when we get to the committee stage, that would be taken care of. What I thought I should mention as we are going metric and going modern and we are putting into place legislation some 28 years after it was first talked about, we should also look at other pieces of legislation, for instance, the Condominium Bill and matters of that kind. We have so many pieces of legislation that are on the books that have been passed at one time or the other and are being allowed to just lay by the wayside. This was one such piece, and it took about three or four Parliaments before it is now finally here and it is going to become law whenever it is proclaimed, and we hear in November, 2004.

What about the Condominium Act? This is not exactly on the point, but it is not irrelevant in the sense that if we are talking about something that took 28 years, do we have to wait another 28 years for the Condominium Act, or 18 years—I think the Bill was put forward some 10 or 15 years ago—do we have to wait correspondingly 20 more years? We know 20 per cent of the country now, at least, lives in a common kind of home ownership and we have nothing to govern how that operates. I am suffering from that. Many of us are suffering from that and I really call upon the Government to

do the right thing, just as they have done the right thing with this Metrology Bill that would become an Act and have put in place something that would move with the times and get rid of this 70-something-year-old piece of ordinance. I think we should move ahead in so many ways and it is time that if we are going to move to 2020 and talk about first class status, that we need to do something about our housing situation and community living. It is a shame that other ministers who should be trying to fast-forward legislation like that are not doing so. That is all that I want to say.

Thank you, Madam President.

Sen. Basharat Ali: Madam President, I thank you for allowing me to read my contribution.

Madam President: I have to mention that I did give you permission to do so.

Sen. B. Ali: Thank you, because I did not have much time to prepare it.

I am pleased to make a contribution to the debate on the Metrology Bill, 2004, which is intended to bring into force the Metrology Act, 2004. I am pleased to be here to preside over the demise of the Weights and Measures Ordinance, Chap. 31:15 of 1939.

The aim of this Bill is to bring into force the metric system of units and I do hope that we would achieve success the second time around. We were on the way there from the mid-70s to the mid-80s, but somehow the process of metrication suffered a derailment and today there are few survivors: Degrees celsius on the weather report; kilograms on supermarket labels; kilometres on the streets come to mind. In that period we were urged to think metric, but I cannot say for certain how much success we have had in this regard. Certainly many drivers on our roads must think that one kilometre equals one mile, judging from the speed we encounter in our 50 km per hour speed limit area.

I was pleased to read in the *Sunday Guardian* of May 30, the column of my fellow Senator, Dana Seetahal, who in her own succinct manner addressed the subject of road safety or the lack thereof. Madam President, if I were in your position, Standing Orders permitting, I would ask this Senate by way of a division, two questions: One, all those who know their weight in kilograms say "aye"; those who do not, say "no". The second question: All those who know their height in centimetres or metres, say "aye"; those who do not, say "no". I expect that the "aye" response to question one may be in the majority. At least, I am optimistic in that sense. But I suspect the majority of Senators know their height only in feet and inches.

I have posed these questions in the light of the April promotion by the Ministry of Health as “Health Promotion Month”, when we were being urged by the hon. Minister to keep track of our Body Mass Index. As you would undoubtedly know, Body Mass Index is defined as weight divided by height squared in metric units, that is kilograms per square metre. I hope that the hon. Minister of Health and, indeed, my good friend who proposed this Bill today, are able to quickly calculate their own BMI. You can only do that if you have answered “aye” to both questions posed earlier.

However, all is not lost. Those of us who are not experts in computers may rely on the “For Dummies” series: “Word for Dummies; Internet for Dummies” etc.

I encountered in the *Guardian* of Monday, May 17, page 27, in an article entitled: “Eating Sensibly”, a box headed: “Body Mass Index” which I immediately thought of as “BMI for Dummies”. Permit me to read the contents of that box:

“Obesity is not about how fat a person may look, but is determined by calculating his/her BMI.

The BMI is a ratio between body weight and a person's height.

Dieticians usually suggest that people keep their BMI to under 25. A BMI above 27 is considered clinically obese, while the term ‘morbid obesity’ refers to patients who are 50 to 100 per cent, or 100 pounds above their ideal body weight. Alternatively, a BMI value greater than 39 may be used to diagnose morbid obesity.

Calculating your BMI

1. Multiply your weight in pounds by 0.45: e.g 120 lbs x 0.45 = 54(A)
2. Multiply your height in inches by 0.0254: eg if your height is five feet five inches, you are 65 inches tall—65” x 0.0254 = 1.651 (B)
3. Square answer B (i.e. multiply it by itself): eg 1.651 x 1.651 = 2.7258 (C)
4. Finally, divide answer A by answer C to get your BMI: eg 54 ÷ 2.7258 = 19.81069”

So there is how you calculate your BMI and I hope that we all take that seriously and we can do that because it is part of the way to health.

Hon. Valley: Repeat it. [*Laughter*]

Sen. B. Ali: Madam President, I can have it copied so my good friend across there would know—I thought he would come here all prepared to tell me “yes, I can do it instantly”, because I know he is an economist and knows numbers and that sort of thing.

I wanted to do some research on the fate of the metrication process in the years I mentioned, that is mid-70s to '80s. However, I did not find it easy. Our own Parliament library could not help. I sought the assistance of the Executive Director, NALIS, Pamela Benson, who was able, with the aid of the Heritage Library Division, to unearth some data on the Weights and Measures Ordinance and on the work of the Metrication Board. I wish to thank the Director, Heritage Library and the Executive Director, NALIS, for their prompt assistance.

I wish to take the opportunity to pay public tribute to Mrs. Pamela Benson who was honoured on Friday, May 29, 2004 by ACURIL. In this age of acronyms, ACURIL means “Association of Caribbean Universities Research and Institutional Libraries.” At the closing session of the ACURIL conference held here, Pamela Benson received an award of excellence by being named: “Caribbean Information Professional of the Year”. I am sure that this Senate joins with me in congratulating her on this well-deserved award. [*Desk thumping*]

Sad to say, Pamela Benson will no longer be Executive Director, NALIS, by virtue of retirement on June 07, 2004. I was reminded on Saturday afternoon, while waiting for the delayed start of the cricket at 2.30 p.m., by an “Infovision” re-run of the formal opening of the National Library of the tasks that lay ahead for NALIS and the National Library enumerated in the address of the chairperson, Prof. Bridget Brereton. I am sure that these tasks are in the works, so to speak, and much still needs to be done—the cutting of the ribbon does not mean the completion of the task.

I am astounded that the Government has a policy that the head of an organization in the public service should not be a contract officer, especially for an organization like NALIS which has been established by the NALIS Act No. 18, 1998. The acronym, NALIS, means National Library and Information System Authority and is a statutory corporation, not a department or a division of a ministry. NALIS is run by a board of distinguished members of the community appointed by the President. The Executive Director is an ex-officio member of the board and is appointed by the President for a term not exceeding five years, but who is eligible for reappointment. There is therefore no reason why the term of the incumbent could not be extended.

Pamella Benson is a vibrant, competent and committed person who has done a fantastic job under difficult circumstances in the implementation of the National Library project. I know for a fact the quality and quantity of work of which she is capable. She is one of the first persons I met when I joined the public service in June 1973 and she built a rudimentary petroleum library to an energy library, second to none. Her success there led to her transfer to the Ministry of Planning and Development—

Madam President: Senator, I am really forced to ask what is the relevance to the present Bill that is under debate? I think you need to come back to the Bill, please. You started off very well.

Sen. B. Ali: Madam President, thank you. I started off by saying that NALIS was doing the research for me on metrication and this is just a little digression and I think it needed to be said.

Madam President: I think you are being irrelevant.

Sen. B. Ali: Okay, Madam President. What I wanted to say I would not say because some Member opposite is likely to invoke Standing Order 35(5)—imputing improper motives to any Member of either Chamber. So I would leave it there. But what I want to ask is: Is this the way we treat excellence? Are we really serious about Vision 2020? I am not being irrelevant because the hon. Minister in his presentation took out his Vision 2020 booklet. Or are we being myopic? My personal optical adviser tells me myopia is 20/400. I end my statement there and as you wish me to do, back to metrication.

Among the documents loaned to me by NALIS is a copy of regulations under section 59 of the Weights and Measures Ordinance. I believe 1945 is the date of these regulations. Did you know that the chief inspector of weights and measures was the Commissioner of Police, or that all gazetted and subordinate police officers were inspectors of weights and measures for the whole colony? They have, no doubt, been relieved of this responsibility, looking at section 27 of the Act where they talk about inspectors being absorbed into the system, and I do not think they mean police officers. The police officers do not seem to have a good record in the courts for the weights of certain substances, perhaps from lack of practice as inspectors or their relative unfamiliarity in conversion from pounds to kilos or vice versa.

The most significant document in metrication that I have available to me is entitled: “*Policy Statement on Metrication in Trinidad and Tobago*”, published by the Metrication Board of Trinidad and Tobago, Ministry of Industry and

Commerce, dated April 1974. The foreword to this document was written by the then chairman—and I believe the only chairman of the Metrication Board—Prof. I.D.C. Imbert. With your permission let me read the whole foreword:

“Measurement is of such fundamental importance in the area of education, science, technology, industry, manufacture, trade, commerce, consumer goods, agriculture, transportation and normal daily life that a change from one system of measurement to another has a major significance for all sectors of society. In Trinidad and Tobago we are embarking on a change from the British or imperial system of measurement (feet, pounds, gallons, etc.) to the metric system which is rapidly gaining universal acceptance and moving inevitably to become the only system of measurement in the world well before the end of the century.

This change, known as Metrication, is not just a matter of simple conversion of yards to metres or pounds to kilograms but is a major exercise of completely converting a wide range of activities and processes to a NEW system of measurement. If it is allowed to take place in a haphazard and ‘ad hoc’ manner, economic chaos and unnecessary price increases will result with serious political consequences. It is essential, therefore, that considerable investigation and analysis of the problems of metrication in all sectors of society be undertaken and comprehensive plans prepared and implemented in order to achieve a smooth, phased and co-ordinated change with the minimum of dislocation and discomfort. Public and other information programmes are also a vital element of this process.

The Policy Document herein is the first major attempt by the Metrication Board to identify the sectors of the society which need investigation and for which comprehensive plans must be drawn up. The Document also gives the terms of reference of the Board and its proposed Committees and outlines the methods and procedures whereby metrication in Trinidad and Tobago can be effectively planned and smoothly implemented. The preparation of detailed time-tables of change in the various sectors will come out of the deliberations of the Committees which shall submit them to the Board for final approval. The Board considers that the proposals contained in the Document must be accepted and put into operation as early as possible if metrication is to be a successful exercise.

I must pay tribute to Dr. N.J. Masson, Director of the Metrication Board, for the tremendous effort, spread over many months, which he has put into the preparation of the Document and the breadth of knowledge and understanding of the economy and society which it displays.

Signed: Dr. I.D.C. Imbert

Chairman, Metrication Board.

30th May 1974.”

The report itself gives us some idea of the chronology of metrication. The Government, as long ago as July 1970, agreed to accept in principle the recommendations of the report of a special committee on metrication which included *inter alia*, and I quote:

- (i) the Government of Trinidad and Tobago should adopt the metric system of weights and measures; the change to take place over a period of ten (10) years;
- (ii) the form of the metric system to be used in Trinidad and Tobago should be (based on) the International System of Units (SI);
- (iii) the Government of Trinidad and Tobago should make an early statement on its intention to adopt the metric system of weights and measures;
- (iv) a Metrication Board should be appointed simultaneously with the issue of the statement referred to at (iii) above or as soon as possible thereafter;
- (v) the Board should act as a central planning and supervising agency; it should be responsible for establishing sector planning groups and specialist sub-committees and should prepare the public for the change;
- (vi) a small unit of suitably-trained full-time staff should be attached to the Metrication Board which should co-operate closely with the proposed National Bureau of Standards.

So the first indication that we were going metric came from a report in July 1970 and I understand that the chairman of the board was appointed towards the end of 1971 and the board was fully established in 1973 as an advisory body under the Ministry of Industry and Commerce.

The report deals expansively with the terms of reference of the board and on proposals for an administrative structure based on the extensive use of standing, advisory and specific sector committees, not unlike the Vision 2020 model. The report is, indeed, a very comprehensive documentation, some 89 pages, of the

requirements for the process of metrication which, incidentally, was expected to take longer than the 10 years envisaged by the original committee. Staffing, public relations and budget requirements were addressed and evidently much work was undertaken by the board and its executive director.

Unfortunately, there is a gap in the information available to me since the next document I have cited is one entitled "*Report of Progress in Metrication*" prepared by the Metrication Board and dated September 1982. This report consisted of sectoral progress reports by sector specialists who would have been staff of the Metrication Board. With your permission, I would like to read the Table of Contents of this voluminous report:

"SECTORAL PROGRESS REPORTS

- S. 1 Education, Industrial Training & Research
- S. 2 Agriculture, Forestry, Land Measurement & Fisheries
- S. 3 Petroleum
- S. 4 Transport, Communication & Storage
- S. 5 Construction, Electricity & Water
- S. 6 Food Processing, Consumer Goods & Services Industries
- S. 7 Assembly-Type, Related and Other Manufacturing Industries"

This report gave some expected completion dates for soft and hard metrication for various sub-sectors. Significantly, for the petroleum sector, petroleum refineries and petrochemicals the bald statement on estimated completion date was: "Meaningful metrication will not be economically feasible before the year 2030." That is 10 years after Vision 2020.

The only further information I have on the subject is an internal memo to the NALIS executive director which advised that:

- (1) Cabinet by minute of October 26, 1979 mandated the Metrication Board to complete the metrication exercise by December 31, 1981.
- (2) The Board was disbanded in 1987 and its functions were taken over by the Trinidad and Tobago Bureau of Standards.

I have tried to retrace the steps taken in the first attempt at metrication which involved a lot of hard work and dedication and from which we have not seen many fruits. I hope that some lessons would have been learnt from this failed

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attempt and that we would heed the pitfalls which may have resulted in the failure.

In planning the route to metrication, we have to be conscious that the USA, the principal importer of our major revenue earner and the principal exporter of goods and services to that sector, still remains tied to imperial units and I do not see any attempt to metricize in the foreseeable future, so that we may have to go soft with metric in this area. Indeed, in the Bill there is included in the Schedule the unit of measurement “Barrel” for petroleum trade only.

As regards the Bill itself, I have very few general comments. I note that clause 1(2)—and the Minister has referred to that—provides for the Act to come into force on a date to be fixed by the President by proclamation.

You may recall in my contribution to the Private Motion on the Equal Opportunity Act on April 27, 2004, I asked a question: Why is the Occupational Safety and Health Act (OSHA) still awaiting proclamation? Today, June 01, 2004, some five weeks later and some four months since it was assented to by both Houses, I again ask that same question: Why is OSHA still awaiting proclamation? If I do not get an answer today, I would have to resort to “Questions to Ministers”, but in the presence of the hon. Minister of Information and the *de facto* deputy Prime Minister and the Attorney General, I am hoping that I would get an answer today on why the OSH Bill has not been proclaimed. Up to last night when I checked the website it was still not proclaimed.

I do not think I am being irrelevant, Madam President, because in yesterday’s *Newsday*, in a letter to the editor on page 12, under the heading: “Lack of Safety at Methanol Plants,” “one Rodney Jagsingh, a concerned estate worker” writes that he is employed as an engineer in one of the process plants on the Point Lisas Industrial Estate. The letter makes a number of allegations of unsafe practices by the contractors employed on plants owned by Methanol Holdings Trinidad Limited. I would expect that there would be some reaction from the named parties or that the allegations would be investigated by the relevant ministry. This just strengthens my viewpoint that when we pass laws, there must be early implementation, otherwise we are just wasting our time every week and sometimes late into the night.

The other comment that I had with respect to the Bill was that while the Fifth Schedule legitimizes, so to speak, the “barrel” as “a unit of capacity measurement”, there is no reference to units of measurement for natural gas, now our biggest earner of gross revenue. In this Senate and elsewhere we refer to

volume of natural gas in terms of millions standard cubic feet and its value or price in US dollars per million BTUS, which is British Thermal Units.

It may be an oversight on the part of the drafters of the Bill that there has been no reference to the measurement of natural gas and I was hoping to propose an amendment to include “one or both units of measurement in a Schedule”.

“Cubic foot” is included under units of volume in the Fifth Schedule but Standard Cubic Foot is measured at 60° Fahrenheit and 14.7 pounds per square inch (psi) and there is no measure called a standard cubic metre. Therefore, we would have to re-examine that.

I would be willing, before the conclusion of this debate, to meet with the relevant technical people from the bureau to work out an amendment to the Schedule so that natural gas measurement would be recognized *ab initio* with enactment of the legislation. With these reservations, I wish to give my support to the Bill before us in the expectation that we all would soon begin to think metric once again.

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

Sen. Robin Montano: Madam President, I do not intend to be very long this afternoon. I have always boasted and I would go to my grave holding the view that I am a democrat and a liberal. [*Interruption*] You can laugh if you like, but I am a democrat. I believe in democracy and I believe, as the Constitution says, in the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law, which is why I look at this Bill and, in particular, at clause 7(1)(c) and 7(2)(b) and also clause 7(5), and I see that under clause 7, basically, an inspector can go to a magistrate and say, “Listen, I have reasonable grounds to believe that there is a measuring device on X’s premises and I want to be able to remove this device because I believe that the device is false.” But you are going to do that behind the back of the person who is being accused.

In a thousand years that cannot be regarded as due process. If this is what we in this honourable Senate want to do—and I do not hear the debate on it so I would not debate that particular issue—and we want to deprive people of their property by doing it this way, then a constitutional majority is required. If you do not get that constitutional majority, when some clever lawyer goes—because you have gone and taken somebody’s measuring device and you are looking to fine him; and the fines are heavy; the fine can be up to \$152,000. If you say, how? Just look in the back and you would see that a fine for an offence is \$2,000, but when you look in the back again, if it is committed by a person who is working for a

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company, then there is another offence for which that person can be fined \$50,000, and then the company can be fined \$100,000. So you are looking at \$152,000 in total fines, plus, of course, legal costs and everything else, and for a small company, that could put the company out of business.

Is this what we want to do? Well, if that is what we want to do, then we need to have a debate—and I am not going to debate it this afternoon unless I am asked to, because I promised to be short. But we need to have a debate on whether we want to do it, because as it stands now, the clauses that I have referred to offend the Constitution. And do you know what? If we do not pass a good law, a clever lawyer would go to court and he is going to take the point and the court would uphold it, and then you would have some Government Minister coming back tomorrow and saying, “Well, we need a constitutional majority for this”. Then, what are they going to say? Are they going to say that the United National Congress Opposition told them so? Or are they going to pretend that, no, we never told them? So I want it on record and I want it on firm record, this Bill as it stands now, clause 7 offends against the Constitution.

4.15 p.m.

I also believe, but I stand subject to correction, that clause 17(3) offends the Constitution. I am not prepared to argue that point heavily. I would point out that this Bill is badly drafted. Clause 18(2) sets up a defence where someone can say that he was relying on information given to him by somebody else, but clause 18(2) says that he is not entitled to rely on that defence unless within the period ended 14 clear days before the hearing. What happens if the person is arrested or charged today and the hearing is three or four days from now, as happens frequently? He is served with the summons. Fourteen clear days? The citizen would now be deprived of the defence? The Bill is badly drafted. What is taking place here offends the Constitution. The rights of the citizenry are not being respected.

On that particular note, I wish to emphasize that it is good for us as lawmakers to come here and pontificate, but we must remember that the only purpose for politics and government is to make life better for the people who are governed. There is no other purpose. When we offend people's rights we commit a sin. Thou shall not commit sins. [*Laughter*] You thought I was going to say something else. “Didn’t you?” I am not going to talk about adultery or anything else this afternoon. Thou shalt not commit a sin and this is a sin. I am being serious. We must be careful about how we infringe people’s rights.

This Bill needs to be looked at again. Who can disagree with bringing the Bill up to date? We heard what Sen. Seetahal and Sen. Seepersad-Bachan had to say. Who can disagree with it? Any right thinking person who cares deeply about the liberty of a person must be worried about this. I am worried about it. If there is going to be a debate on it, I would like to have an opportunity to speak on it. I do not expect a debate on it. There has not been today and nobody seems to be concerned. I am concerned.

Thank you.

Sen. Wade Mark: Madam President, I join this debate and record our concerns on this matter. Let me welcome my colleague and friend the Minister of Trade and Industry, Hon. Kenneth Valley to the Senate. I recall when he was here some years ago and that is why I hark back to the days when he was a senator. Welcome back to the Senate. I know that the Bill we are focusing on at the present time is one which the Minister would like us to support. I think that some of the points which have been echoed on this side need to be considered by him. At the end of the day, we would like to have legislation that is acceptable to all.

I have gone through the particular clauses referred to by Sen. R. Montano. I am dealing with subclause 7(1). Subclause 7(2) gives some exemption as to what power the person shall in no case exercise. When we look at the powers that are given to the inspector for him to carry out his duties they are very wide ranging. The Minister sought to do some gymnastics as it relates to clause 7(2) in the context of the issuing of a warrant as it relates to subclause (7)(1)(c), if you are going to “seize and detain a measuring device or goods by means of or in relation to which he reasonably believes this Act has been violated”.

If you look at the other clauses the inspector has the power to enter a person’s premises, if he has reasonable cause to believe and to take possession of measuring devices or documents that are, or are to be used in connection with trade. It goes on to talk about the inspector could call or require of the person to produce and he in turn would examine any book, document or record kept in any premises or place mentioned in this subclause, which on reasonable grounds he believes contains, or is likely to contain any information relevant to the enforcement of this Bill.

Look at subclause 7(1)(a)(i). This inspector has the power to examine any vehicle he has reasonable cause to believe is being used in connection with trade and requires the driver in charge to proceed to the nearest measuring device suitable for measuring the vehicle or its contents or both. The Minister has not

made it clear to us where the vehicle is to proceed. They are to proceed to the nearest measuring device suitable for measuring the vehicle and its content. Nowhere in this legislation did the Minister indicate to the Parliament what would be the configuration of measuring devices. Where would they be located? I imagine there would be a few inspectors. This is a very serious piece of legislation.

Hon. Valley: Madam President, to assist the hon. Senator, I wonder whether I could lend him a copy of Bill No. 22 of 2001, which has similar provisions.

Sen. W. Mark: The only problem is that that required a special majority and you could not get to that particular point, as you recall.

Hon. Valley: Madam President, one can either go by way of special majority or by way of warrant. We have gone by way of warrant which has the same effect.

Sen. W. Mark: In one instance.

Hon. Valley: That is not true. It covers everything.

Sen. W. Mark: It does not cover everything. I understand what the hon. Minister is saying, but once you seek to deprive a citizen of his or her property, you are infringing on his or her rights and freedoms. I want to remind my colleague of exactly what is being said. If you look at subclause 7(2):

“The powers of an Inspector...shall in no case include the power to—”

When you go to subclause 7(2)(b):

“detain any measuring device or goods referred to in subsection 1(c)...”

He did not say subclauses 1(c), (d), (e), (f), (g) and (h). He said:

“in subsection 1(c) except pursuant to a warrant issued by a Magistrate who, upon receiving sworn written information, is satisfied that there are reasonable grounds to believe that such measuring device or goods are on the premises;”

It is referring to one clause, but I have made reference to other subclauses as 7(1) and (h) where the inspector can “require the production of and examine any book, document or other record kept in any premises”. I go on further to indicate that there is an infringement of the freedoms and rights of the citizens in terms of subclause 7(1)(i), where the inspector, like a police officer can stop my vehicle, your vehicle or any vehicle which he has reasonable cause to believe is being used in connection with trade. He stops me and then orders me because he says he has the power, to drive from Toco to maybe Charlotteville. I do not know.

Where is the nearest measuring device to determine the suitability or the content of my possession? The Minister needs to take this Bill back to the drawing table. As far as we are concerned it requires a special majority. Even though he has sought to engage in some gymnastics, in one particular clause, the reality is that it infringes on other provisions in the current legislation. I would like my honourable colleague to recognize that.

What checks and balances are there in the legislation? Where are the checks and balances to prevent abuse of power? We have not seen any checks and balances. We call on the Minister to identify the relevant clause or to bring amendments to ensure that either you have a special majority, or put in place the relevant checks and balances to avoid abuse of authority or power.

I believe that this Bill is unconstitutional and requires a special majority to be passed. This is our Bill. It was brought in 2001, but at that time it required a special majority. Instead of the PNM talking with the Opposition, they have attempted to short-circuit the process and come behind the scenes with a Bill that still requires a majority, but they are telling us that it does not require a majority.

Madam President: Hon. Senator, I see that you are now waxing very warm. I have no doubt that you would be speaking for a while. At this point we would take the tea break.

4.30 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Madam President: Sen. Mark you may continue.

Sen. W. Mark: Madam President, I was on the point as it relates to the various checks and balances that ought to be contained in some provisions of this Bill, to ensure that there is some mechanism to check or prevent abuse, on the part of these personnel operating out of the office of the Bureau of Standards. I hope that the hon. Minister would advise us of what measures he would be contemplating to ensure that there is no abuse, or if there is, what mechanisms are in the system so persons can get some redress, apart from the court that he would tell me they can access.

I go to clause 10(1) which says:

“A person is guilty of an offence who, in the course of the business of—

- (a) selling goods by quantity expressed in units of measurement sells any goods the quantity of which, subject to the prescribed limits of error, is

less than the quantity contracted to be sold or less than the quantity corresponding with the price paid or to be paid;”

No one can argue with this particular clause because we want to ensure that you get value for your dollar. My concern is, if an ordinary worker in the employ of some retail business is functioning in a position whereby that person would engage you and provide you with the relevant goods, but that person is an employee and not an employer, in this instance, when we say the person is guilty, are we referring to the employer? It is very broad and I do not know if the Minister—I see nothing in the definition to guide me on this particular matter. I raise this so the Minister can guide us accordingly.

I would like to draw attention to the fact that in many clauses of this piece of legislation, regulations are being made by the Minister and because of the importance and sensitivity of this piece of legislation, no reference is being made to Parliament. I would like the Minister to examine this particular clause. If you look at subclause 23(1), you would see where:

“The Minister may make Regulations which he considers necessary for giving effect to this Act...”

The Minister is making regulations to give effect to the provisions in this particular Bill, but there is no reference to Parliament. I believe that there ought to be some check and balance. We support that the Minister would be responsible for making regulations, but we would like it to be subject to an affirmative resolution of Parliament. We believe that in order to help him, whilst he is a very decent person, the reality is that he may not be responsible for the kind of abuse that may take place in the society, by those inspectors who might have their agenda. In an effort to safeguard the interest of the public, it would be necessary for him to ensure that there are checks and balances and Parliament would serve that purpose. I ask him to consider this particular arrangement because it is a sensitive piece of legislation. We would like him to consider that aspect of the legislation as it relates to giving Parliament some kind of supervisory power to ensure that there are proper checks and balances.

In his opening remarks he referred to his party’s manifesto. What page did you refer to when you talked about your party supporting legislation to improve?

Hon. Valley: I do not have the manifesto.

Sen. W. Mark: I was not here at the time, but in passing I heard you making reference to the fact that in the manifesto the PNM made certain commitments to the manufacturing sector.

Hon. Valley: The institutional underpinnings.

Sen. W. Mark: This was further emphasized in the budget statement by the Minister of Finance on October 06, 2003. Page 41 states:

“Amend the Anti-Dumping legislation and enact legislation relating to Fair Trading;

Strengthen the regulatory oversight of the Bureau of Standards and the Food and Drugs Department;

Enhance the efficiency of the Customs & Excise Division...”

Where are we with these very important pieces of legislation? The Trinidad and Tobago Manufacturers’ Association (TTMA) is calling on the Government to protect it from the unlevel playing field that we now have in the system. I want to remind the hon. Minister that he had indicated on January 08, that the necessary amendment to the Anti-Dumping and Countervailing Duties Act is in its final stages and had been given the green light by the Cabinet. We are now on June 01. I do not know when the legislative committee which seems to be detaining—I think the Legislative Review Committee is under the chairmanship of the Attorney General who seems to be an efficient person.

Sen. Jeremie: It is no longer under me.

Sen. W. Mark: It is no longer under you. Maybe, the Minister of Legal Affairs.

Sen. Jeremie: Neither.

Sen. W. Mark: Madam President, I would like to know who is detaining the hon. Minister of Trade and Industry? The hon. Minister of Trade and Industry made a public declaration on January 08, 2004, in which he said that Cabinet had already given the green light. That happened on January 08 and it is now June 01. The only thing that is saving the manufacturing sector at this time is the fact that the Free Trade Area of the Americas (FTAA) is not on stream because President Bush has an election to fight and everything has been placed on the back burner. It is not because of the Legislative Review Committee’s slow approach and the desire of the Minister to have it fast-tracked. It means that the manufacturers would have some breathing space, but not for long.

As we deal with the institutional underpinnings required to ensure that our manufacturing class and our citizens are not given low quality and rejected items that enter this country, I ask: What steps has the Minister taken to raise the profile

of the Trinidad and Tobago Bureau of Standards? I would also like him to let us know what steps or measures he has taken to lift the profile of the Food and Drugs Division of the Ministry of Health. All those institutions are critical if we are to safeguard our citizens from poor quality goods and rejected items of other trading nations. I would like the hon. Minister to indicate what is taking place in this particular regard.

There is an article in the *Business Guardian* dated Thursday, January 15, entitled, "The painful transition to metric". Here we were being told by Anthony Hosang, the then president of the TTMA, that unless there is a change in demand in the marketplace, the pace of change in the area of metric conversion would be considerably slowed, or words to that effect. Page 6 said:

"The fact is our biggest market is the Caricom market and they operate in imperial units, by and large, '...'"

When the hon. Minister indicated earlier on in his presentation that the manufacturing class in this country has gone metric, or words to that effect, I want to find out from him, whether he had read this article dated Thursday, January 15. The manufacturing sector through the president was saying that the demands of the market have dictated the pace of change. Whilst we are engaging in this debate, the information tells us that many Caricom countries are still utilizing the imperial system of measurement. That was dated Thursday, January 15. I have seen no denial so far. In this same article we are told that Trinidad and Tobago does not stand alone. Our most important trading partner after Caricom is the United States and they are still in-between. I think that it is very important for us to know this. As we seek to bring about this transition, I quote from another article in the *Business Guardian* dated February 26. I think this comes from Mr. Theodore Reddock, head of the Metrology Unit of the Bureau of Standards. Page 8 says:

"Will T&T measure up?"

Metrication alone is not the issue, ...but having a clearly defined system of measurement. In our present scenario it is quite possible for many different units to be used in a single production process.

The problem is the confusion of not knowing which system is dominant and to be used for official expression of quantities. This is what creates conflicts between parties and wastes time and money."

We have a Bill before us that is seeking to impose the international system of units known as the modified metric system. The reality on the ground in Trinidad

and Tobago is that there is confusion. Has the Minister taken that element into consideration as is being indicated to us in this article? You may need to use many different units, but the question is: Which system is the dominant one? Are we going to have a parallel system? This Bill is seeking to ensure that we move towards metric. As I heard the Minister earlier, he said that he would give a six-month transition period. By December, this system through proclamation and giving administrative effect to the various provisions contained in the legislation, should be effected into law. That is a major dramatic change. Habits die very hard. Whilst we had a campaign in 1980, educating the population on going metric, 80 and 20 make 100; 24 years later, you think that people understand what they experienced in 1980? Six months is totally inadequate for the transition.

I am concerned about citizens in this country particularly those in the retail business. When you go to the market on a Sunday, you would see these vendors with their imperial scales. If you want two pounds of tomatoes, potatoes, eddoes, cassava or dasheen, they weigh it on their scales. They are elderly citizens, young people or middle-aged people. Many of them do not have a clue about metric. If we are going to have a transition, people can be fined and sent to jail if they are found cheating. What is this system that would be introduced? We would be converting fully from the imperial system of measurement to the metric system. I am asking the hon. Minister: What provisions are in place to ensure that ordinary business people at the retail level are not taken advantage of? What would happen to people at all levels, not only in the market, but also the shopkeeper, the parlour owner and the butcher? How would you ensure that these people are educated? Six months? I think it is impossible.

Where are they going to advertise? We had the National Broadcasting Network (NBN), which was supposed to be the agency to bring about that kind of education. We understand from the hon. Minister that is supposed to be disposed of. We feel that an institution as important as NBN should be taken on board to engage in this campaign of education and training.

What is the state of play at the Trinidad and Tobago Bureau of Standards? We understand that there is a serious staff shortage. I could be wrong but I would like the Minister to guide us. We are going to implement legislation and you do not have trained personnel. We did not get from the Minister some kind of appreciation of the number of staff and the training that would be required. What kind of mechanisms have been established? Have these people been trained? Would they be trained? Where would they be trained? What number would be involved? Would that be contained in the regulations that are not here? We are

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passing legislation with the promise that regulations would come after. The Minister has indicated to us not to worry, regulations are on its way.

This is the problem that we have. Sen. Basharat Ali said that since January 15, we passed the Occupational Safety and Health Bill. We were given a commitment on record that by the end of March, it would be proclaimed and phased in over a period of time to bring about the transition. You have to educate the employer and the employees. Today is June 01 and even though Larry Achong is no longer the Minister of Labour and Small and Micro Enterprise Development, the Minister has not done a single thing to proclaim that Bill into law. Do you think this Bill before us would have any better treatment?

The Minister ought to bring the regulations to Parliament. I could be very flexible and charitable on this occasion and if the Minister does not want to come affirmative, we are prepared to take a negative. We feel that Parliament ought to have some check and balance on this matter. I would like the hon. Minister to consider that and to ensure that it is addressed.

We get the impression that the Minister needs to examine the ramifications and implications in more detail. We believe that the intention is good. Whilst we want to be part of the club, as the Minister has been in the forefront, I must congratulate the Government for spending, and if not, wasting taxpayers' money by going all over the world seeking to get FTAA headquarters and we cannot even produce. What are we producing to export to America except oil and minerals in its raw state? It is wasting money. Take that same money to educate and train people and give them an opportunity to understand what this is about. We want to help you but we would not undermine the Constitution of our Republic. We advise the hon. Minister to go back to the drawing board to examine this matter more closely. We have already indicated in principle that we would go along with this particular Bill. It would be very difficult for us to support a Bill that we know in its present provisions and state would impact negatively on the citizens' rights and freedoms.

I appeal to the Minister to take this on board to have it re-examined and we would be here next week God's willing, when we would be able to examine this in more detail. To rush it this afternoon with these lacunae as we have described is not the right thing to do at this time. If you want the support of the Opposition on this matter, we suggest that some of the matters we have put on the table be examined properly. We would like the hon. Minister to go back and get some proper advice on this matter. It requires a special majority. Have it invoked; come

back to the Senate and we would look at the matter and give him the necessary support.

We believe that this Bill which we brought to Parliament—had the PNM at that time not conspired with other negative forces to destabilize the government at the time, this particular Bill would have now been law. Because of the fact that it came in 2001, and circumstances that we are aware of and not to mention the hon. Minister, because he played a very critical role in the destabilization process and he is aware of what transpired then. We would like him to look at this matter carefully and we would give the necessary consideration to the provisions. We would give him the necessary support but not in the present form that the Bill is in. Take the Bill back to the drawing board and bring it back in some more sanitized state. Not the airport report. “Sanitized” is a dangerous word. I have to be very careful because since they sanitized that report we have never seen it. Somebody told me recently, as we deal with measurement of substances and mass, we believe that the Minister of Foreign Affairs needs to have a measuring device in the ministry. A measuring device is quite appropriate because it would avoid gifts from being dispatched in diplomatic pouch to other countries.

I rest my case at this time. I hope the hon. Minister would take into account some of the points that we have raised. We are prepared to debate this matter and give him the necessary support and cooperation, but not in the present form that the Bill is in.

Thank you.

Sen. Brother Noble Khan: Madam President, thank you for allowing me to share some thoughts on the Metrology Bill. A Bill such as this has opened a wide vista for us. We have heard that it has been quite some time in its making and here we have it before us. The hon. Minister in his presentation made mention of the critical situation of our country. It is critical for the infrastructure of the business sector. One would think that as we move forward in the global process, new attempts would be made for us to make entry into that new world and this is one of those initiatives. It brings to bear the question of “fast forward” as has been said by some of our colleagues. One would think that beyond this as we move forward, the need for going into new areas as this is an incremental one that holds its genesis in 1918 or 1818, when these things were first introduced. As we move “fast forward” one would think in terms of the biotechnical areas of seeking out the new type of mathematics such as binary and quantum. To some extent, this might be instructive or should give credence to what the past government and this Government have mentioned in the past in the new knowledge-based area, if we

are to think about tertiary expansion as one of the gateways to make the entry into this. I am sure that the past minister and the present Minister would move in these areas. We look forward to that.

I would like to share on what has been announced by the Prime Minister on the question of the proposed aluminium smelter plant. He mentioned that in Guyana there was the question of establishing a plant for aluminium. The measurement of important ingredients in this area might be worthy of considering. I remember in my earlier days the question was mooted about of having such a plant in Guyana and the power to generate. Aluminum takes quite a bit of electrical power. In the Second Schedule, I see questions of measurement of electricity as part of the Bill. The idea then was possibly hydro electrical power in the back of Guyana. That would not only have been supplied to deal with the bauxite, but also to push power throughout the Caribbean and give true credibility of a Caribbean people. Surplus population could have gone to Guyana because there are not many people. It would have been a mushrooming for the Caribbean people.

I remember the type of power that was needed. At that time in the early 1970s, to change bauxite to aluminium the power that was used was more than the combined power of the rest of Jamaica. That gives an indication of the kind of power you are looking at. Up north, the question of generation by hydro electrical power was a cheap source of power. We would be burning fuel if we go into that initiative. Even the smelter plant at Point Lisas, to some extent, was never viable. It only became viable when ownership had changed. We were using our source of power to generate.

If you were to look on page 38 of the Bill, you would see measurements of electrical power insofar as the institutional underpinnings of Vision 2020 are concerned that the hon. Minister mentioned. These two areas would play a very important part in directing how we would deal with these areas as we go forward. The Minister mentioned the business sector and prioritizing that legislation ahead of certain elements that might be pressing our society.

I make reference to our social sector. Within recent times pressure has been brought and it has been mentioned that this legislation has implication from outside of Trinidad and Tobago because of its global nature. The environment which is critical for our existence forms part of the global arena. Our national parks and the flora and fauna continue to remain outside the scope of our legislative structure. If we have to address these issues particularly with what is going on now, maybe, all that we are about may go to naught.

I would mention the prisons which are part of the social sector. We have the question of ancient laws from since 1912 or 1838. Forgive me if I do not recall the year correctly. It was in the century before these laws were promulgated. The question of our priority as far as the laws are concerned has obviously taken a back place. All these measurements have within them a question of justice and fair play and having some form of balance in our society. This is the nexus I am trying to link to bring to our nation some of the more pressing issues before us. If we have to build a culture, one would think in terms of one of peace and development to which I hope this piece of legislation would contribute. What about the others? In my humble opinion, we are heading to a culture of death. One could only think about what is taking place in our society.

Another important input is that while we are establishing laws and structures, it is important to know that if metrication is not properly implemented, if it would not lead to stultification and continue to build this apparent feeling of helplessness that seems to pervade our society, when it comes to development and sharing it in the society.

The change in the law would not obviously lead to a change in habit. This is an important factor that we have to consider. How are we dealing with that? If it is perceived to a great extent and I dare say, that the perception out there is that there is a big void between those who carry the sources of power and those for whom the power is meant, that participation that seems to be nonexistent in that big gap between the ruled and the ruler.

I think that these are some areas that this piece of legislation relates to. It brings the question of measurement and justice into play. When we could think of the old days of 16 ounces being equal to one pound and not speaking in terms of what we are told in the book, but in practice. We must think about the question of monitoring and ensuring what we put into the books are delivered to the people.

It does not matter how sophisticated we may be in our legislation. This morning I looked at about 92 companies in our country and their areas of influence. Only two were in the area of computer. We can think of that area as being the thrust and the advanced sector of our society. There are two balances that we have to think in terms of. One is the development of the tertiary area in mathematics, because it is one of the major areas in dealing with investigation, research and sharing what the country has. It does not matter how you think about the vaunted outflows for which we are preparing this legislation. How much reaches to our country? It is felt that much of it is in the hands of those who have

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come to invest. They must have a share. How far are we able to negotiate? How much of that will come to us? How much of what reaches us is spread down the line? If this is not done equitably or in some form of justice, we would continue to have what is before us.

Only last night I was talking about what is taking place among our young people. I am not condemning any young person. This is the reality of the situation with guns being around and called in. They do not want to deliver the guns and they are just going off. You know what takes place. I see somewhere in here measurement by barrel. I do not think that measurement by barrel would come from the barrel of a gun in the long run. One of the great leaders of the past said where power comes from. This morning on television there was an imitator carrying on with a true Chè Guevarra cap on his head and the little star. He was one of the first set of heroes that moved from the north and we are now adopting them in the Third World. This is part of our society now. One would think about what this measurement would lead us into.

In summary, while before us is a Bill that would carry us forward if properly implemented, as are so many other things that are brought before us, we feel very frustrated when the time comes for them to operate in such a way that deliverables are given, they do not exist. I would like to see sufficient attention given to this area and let us see that something is derived of which we can feel very proud.

Thank you.

5.55 p.m.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, this is just a small intervention.

It was mooted during the course of the debate that the legislation required a special majority because it derogated from the rights enshrined under section 4 of the Constitution. I believe that Sen. R. Montano was speaking to the right in section 4(a), that is, “the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law”. The rights enshrined in the Constitution are, of course, subject to exceptions from existing laws, which are contained in section 6 of the Constitution. Section 6(1) provides as follows:

“Nothing in sections 4 and 5 shall invalidate—

- (a) an existing law;
- (b) an enactment that repeals and re-enacts an existing law without alteration; or

- (c) an enactment that alters an existing law but does not derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right. ”

If you turn to the existing law, that is the Rates and Measures Ordinance and, in particular, section 26 of the Ordinance, it provides as follows:

“Every Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard, or other place within his inspection district wherein any goods are bought, sold, exposed or kept for sale, or weighed or measured for conveyance or carriage, and require the production of and examine all weights, counterpoises, measures, and weighing instruments there, and may seize and detain any weight, counterpoise, measure or weighing instrument which he has reason to believe is false or unjust or which is liable to be forfeited in pursuance of this Ordinance.”

Those are the provisions of the existing law. What the new Act seeks to do is to provide for a regime where the inspector must, in the exercise of that power, get a warrant from a judicial officer, so the question of the infringement of the section 4 right does not apply. Even if it were unconstitutional, it was contained in an existing law. It is now repeated and added protection is given by the new piece of legislation.

I just rose to make that short intervention before my colleague speaks.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Madam President. Having gotten that piece of legalese out of the way, we can deal with some of the other matters raised in the debate.

Madam President, I thank, first of all, the Senate in general for the good treatment they have afforded me this afternoon, and especially my friends opposite for their contributions to the debate and for the support they have offered. I shall attempt in a few minutes to respond to some of the issues raised. I do not know whether I am going to be able to deal with all, but I will do my best.

I will start with Sen. Carolyn Seepersad-Bachan, who wanted to know whether we have taken into consideration all that has happened since 2001 and whether it would be reflected in the regulations. I want to assure the Senator that this Bill, even when it becomes an Act, would remain a work-in-progress because this is an area of growth, as she has said, and we would have to make amendments

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to the regulations from time to time. We are aware that changes would be required. One would note that even if this legislation were passed in 2001, the regulations made thereunder might, at this time, have had to be expanded.

There was an issue also with respect to the resources needed. I want Senators to reflect on the fact, as Sen. Seetahal has said, that we all have taken it for granted that we are on the metric system already, but that does not leave out the Bureau of Standards. There are people already dealing with the metric system. They have been talking since 1980. This is one instance in which the country has gone ahead of the legislation. That does not mean that there would not be need for additional resources. Only this morning, in preparation for the legislation, I met with my staff and that is one of things with which they have to deal.

The bureau has a board and any board, at all times, must determine manpower requirements, must know exactly what it has to do and must beef up so as to deal with its assignments. The board, I can assure you, Madam President, is competent to deal with that.

There are other issues—operational issues—managing the implementation. I will admit that in the old days we did things, put them on a shelf and you never heard anything. That is not so today. That is why I said two things, and I think Sen. Mark missed part of it. The six-month period is for public education. I said also that we are phasing in the legislation, so that even when the Act is proclaimed, we will be using clause 4(5) to provide for different systems, perhaps in different communities.

A team consisting of ministry officials as well as officials from the Bureau of Standards would be charged with the overall implementation of the legislation. The Ministry has been blessed this morning. I understand that from 11.00 o'clock today, there is an additional Minister at the Ministry, which is going to help us greatly. *[Interruption]* He is my good friend, my protégé, and I am happy to have him at the Ministry of Trade and Industry. He would assist us greatly in overseeing the implementation of this piece of legislation, and others. *[Interruption]* I hope you paid yours. *[Interruption]* Which house? Let me not go there.

There was an issue also, with respect to the imperial system. Sen. Seepersad-Bachan asked: Since the United States is still under the imperial system, how will it affect our trade with the US? When we speak of the US being under the imperial system, we are really talking about the working standard level, not the national standard level. They are on the International System of Units (SI) like everyone

else, even on the secondary standard. It is at the working standard level. It is the same thing we would do with granny in Trinidad. Although the national level would be on the secondary SI, for granny and the working people, we would remain on the imperial. We would do a conversion.

In other words, the scientific people, the metrologists, would be in the back room doing those conversions. What you would see at the retail level—for example in the United States—are the pounds and gallons and so on, but in the back room there is the conversion. That is how they trade with Europe. There would be no problem with respect to that.

Joint select committees, I know, were on a tangent, but I think it is an important tangent, because we need to deal with it. I maintain that this current system of having—what is it now—about six joint parliamentary committees would never work in our system. In our small Parliament, it just cannot work. When we borrow systems from Parliaments of 600 members and attempt to have them work in our Parliament of 67 members, we would have that problem. It was a gimmick used by our friend, the last Attorney General, the guy who Sen. Mark said caused the implosion of the last government. It was a gimmick. He knows it.

Can you imagine? At that time they even envisaged the UNC chairing the committees. In other words, the government was investigating itself. The government had a majority on the committee and one of its members was supposed to chair the joint select committee. It was a sham.

Sen. Mark: Mr. Minister, I agree with your principle, but right now the Attorney General is investigating you.

Hon. K. Valley: Investigating me?

Sen. Mark: Not you per se.

Hon. K. Valley: Anyone can investigate me. They will find the same thing every time. I am not aware of that.

The central point I am making—and I think we agreed over tea—is that we would have to look at joint committees next week. We have set a meeting for next Tuesday morning at 9.30 to decide what we ought to do.

Sen. Seepersad-Bachan: Madam President, just for clarification, is the Minister saying that he wants to “re-look” at the committee system; that he is not sure it is workable for us? Is that what I am hearing? I always thought it was what we were about. I am getting a different sense. Is he committed to it?

Hon. K. Valley: I am committed to a committee system, but I have argued all along that what we need is a widening of the functions of the Public Accounts Committee and the Public Accounts (Enterprises) Committee. That is my view. I go with my own bias to that meeting next Tuesday morning. I think that if there are seven committees and a heaping set of ministers on the committee, it would never work. First of all, how can a minister investigate a department over which he has control?

We will have difficulties. I was chairman of the Public Accounts Committee (PAC) and the Public Accounts (Enterprises) Committee (PA(E)C). There are difficulties in getting quorums for those committees. Let us fight for those that have quorums and have them working properly, rather than having an abundance of committees and they never work. However, let us look at it next Tuesday morning. Right, Sen. Prof. Deosaran.

Sen. Prof. Deosaran: I think it is very unfortunate that you used the word “gimmick” in the establishment of these constitutionally provided committees. It took a special majority to establish them, if I recall rightly. It is more than that—and I hope that on Tuesday when we meet we could thresh out some of the problems.

At the same time, the problem created is also due to the fact—I say so with great respect following from what you said—that almost everybody on the other side is a minister. That is an aberration in modern democracy.

Hon. K. Valley: I do not know about aberrations. I know that the Prime Minister has certain privileges. *[Interruption]* Ha! For me to interfere with the powers of a prime minister!

I question the legality of those committees from time to time. They were not passed by any special majority. *[Interruption]* I do not even want to go there. You just have to compare them with the PAC and PA(E)C, which are protected by section 116 of the Constitution. *[Interruption]* I do not want to go there. Let us deal with it on Tuesday morning.

Sen. Mark: Those committees are enshrined under section 66(a), (b) (c) and (d) in the Republican Constitution, if the Minister is not aware. They are constitutionally enshrined.

Hon. K. Valley: Passed by simple majority, Madam President, so that at any point in time we want to get rid of them, we can just move them by simple majority. *[Interruption]* That is not what we did. Do not tell me what is my intention! When we came in, we did not take the chairmanship as a government,

we argued and said that we would put independent members as chairmen of the committees. Just respect that. We have our view. We let the committees decide. We said it could not be right for government members to chair; we would put independent members to chair them. We are going along and at this time there is an opportunity for us to look at it and we have agreed to sit and look at it. I think that is fair. Yes, we have our views concerning the committees. I think they will never work, but that is just my view.

Sen. R. Montano: Just for the record, Madam President, I sit on Sen. Prof. Deosaran's committee and our committee is working very well, whether the Government Ministers turn up or not, and we are going to be providing you with a heck of a report.

Sen. Anmolsingh-Mahabir: Madam President, the Joint Select Committee (Part I) would also be laying a report on the work we have been doing.

Hon. K. Valley: Madam President, it was an issue that was raised and I think that we should all wait on the reports from those committees, which I understand, they were saying before, were not working because they could not get a quorum. Now everybody's committee is working and would be presenting reports. Hallelujah!

Another issue raised was the Senators having problems with the powers of the investigators. My colleague, the Attorney General, has dealt with those and I do not think we need to go any further. The Senator also wanted to know what is going to happen with legal metrology and scientific metrology. The Bill deals with legal metrology. It deals with the inspector who will be carrying out the legal functions according to the Act.

Scientific metrology is behind the scenes. They are the boys who will be setting the standards of calibration and so on. They are the bright boys behind, doing their thing. That is my brief as I have it. Scientific and other forms of metrology would be carried out by metrologists who are not involved in the legal activities, for example, inspection, prosecution and so on.

The Bill makes reference to functions of the legal metrologists. The scientific boys would be behind the scenes and they would be dealing with the setting of the standards—the regulations—that would be the legal basis.

Sen. Seepersad-Bachan: The point I was trying to make is: Are you keeping them straight and distinct? I got from the Bill that they were being confused. If you keep them separate, there would be no confusion and there should be a separation between the scientific metrologists and the legal metrologists.

Hon. K. Valley: There would be that separation. [*Interruption*] As I understand it, the metrologists would set the standards and the inspectors would do the inspection. They would be under the same Bureau of Standards. One would be setting the standards; the other carrying out the standards.

With regard to regional offices, the Bureau of Standards in Trinidad and Tobago provides guidance to the different standards bureaux in the region. Trinidad and Tobago and Jamaica are the two strongest and they provide assistance to the others, and via Caricom there is that coordination of activity.

The Senator also wanted to know when the other bills would be introduced, which is a point raised also by Sen. Mark. Reading from the budget statement, I would inform Senators that the budget statement has an end life of September 30, 2004. I expect to have all the legislation into law by that time. The anti-dumping legislation has passed Cabinet, but after this, it must first go to the Chief Parliamentary Counsel (CPC) to be drafted before going to the Legislative Review Commission (LRC). The bottleneck is the CPC's office. I am not in the blame game, but we have not been training legal drafts persons in sufficient numbers over the years, so there is a bottleneck. We are doing our best to get the anti-dumping legislation, the safeguard legislation, fair trading legislation and so on, out. We should be there by September 30.

I thank Sen. Seetahal for her contribution. I think that most of us thought that we were in the metric age long ago. I give a commitment to look at what is happening with the Condominium Bill. I lived in Canada for some time in a condominium and I have an appreciation for how important such legislation is. Living with neighbours so close can be rather trying at times, if you do not have the basic ground rules by which to live.

My friend of some 20 years—I know him as Sen. Bas Ali—is Sen. Ali. There is a rich history of what happened in that period when we were building. We were all there to get the legislation on the books in the 1980s. Lo and behold, the election of 1986 did not go the way it should have gone, things happened and we were delayed by some 17 or 19 years. However, thank God it is here today!

I believe, Sen. Ali, that we gained something from that previous attempt. I know you said you have not seen the fruits of our earlier efforts, but the fact that today we accept metrication the way we do is as a result of the work done in that period. I think that is a real plus and I have noted your point with respect to natural gas—

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, in accordance with Standing Order 9(8), I beg to move that the Senate continues to sit until the completion of the debate on this Bill.

Question put and agreed to.

METROLOGY BILL

Hon. K. Valley: Thank you very much, Madam President. It is so nice to be in the Senate. In the Lower House we have to go until 7.50 p.m. before we move that Motion.

As I was saying, Sen. Ali, we have asked my people to take that on board and we will correct it.

Sen. Montano, my very good friend, I think, again, that the hon. Attorney General has dealt with the issues raised and I shall stay away from that. I know very little about the law.

Sen. Mark asked what steps have been taken to lift the profile of the Bureau of Standards and the Food and Drugs Division. I think these two organizations are quite competent to show their mantle on their own. They say by their fruit you shall know them. Quite frankly, I do not think any one person can lift the profile of any organization. We must depend on the people in that organization to show their mantle and to build their credibility. I think that the Bureau of Standards is doing that and that the Food and Drugs Division will also do that.

With reference to the article of January 15, 2004 by the former president of the Trinidad and Tobago Manufacturers Association, I am sure that, with the Senator's time in public life, he is aware that he must not believe everything he reads. Only last week, I saw a headline where I said yes I had been threatened. I looked at the headline. I said that? When did I say that? I am sure he knows that.

Speaking again about the imperial system, I think I answered that query when I dealt with Sen. Seepersad-Bachan. There is no problem, if you are on the SI system, in dealing with a country that is on the imperial system. Most of them are on the imperial system only at the working standard level, not at the national standard level.

I dealt also with the phasing in and the point that the six-month period is not a transition period as such. It is a period when we would be dealing with the

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regulations. We would be dealing with public education and, beyond that, we would be phasing in the legislation.

Madam President, unless there is any other basic issue that a Senator wants to deal with, those are the issues that I thought I should respond to.

Sen. Mark: Madam, President, is the Minister aware of the dilapidated condition of the Food and Drugs Division located on the corner of Keate and Frederick Streets? It is a dump. For a country that is seeking to become the Free Trade Area of the Americas (FTAA) headquarters, Caribbean Single Market and the Economy (CSME), that is a place that ought to be upgraded. I do not know if they want to integrate it with the Bureau of Standards? Quite frankly, it is a dump.

Hon. K. Valley: There has been an initiative to look at bringing all of them—Cariri, Food and Drugs Division and the Bureau of Standards—together, but I think they ought to maintain their own shop. However, I have taken the point. As you know, the Food and Drugs Division is under the Ministry of Health, but we would look at that. There is another point in the FTAA that I really cannot remember now.

I also want to thank Sen. Bro. Noble Khan, another friend from the good old days at the Ministry of Finance. I thank him for his contribution. I just reflected, when he was speaking about the alumina in Guyana, on the importance of leadership. They say that a country may have comparative advantage, as Guyana has the bauxite and so on, but to convert the comparative advantage to competitive advantage takes a lot of leadership. That is the reality.

Madam President, I thank you and I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

Clause 3.

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

Mr. Valley: Madam Chairman, we are deleting the word “supplementary” in clause 3(2) at the top of the page. It is a typographical error.

Question put and agreed to.

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

Clauses 4 to 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Sen. Mark: Madam Chairman, we listened very attentively to the Attorney General, but we are not convinced of his arguments as they relate to clause 7(1). We really believe that this is a matter that infringes section 4 of the Constitution and ought to carry a special majority. We maintain our position and Sen. R. Montano will elaborate.

Sen. R. Montano: Madam Chairman, I listened to the Attorney General with great respect. I think he has misinterpreted the law, but I do not think that this is the place for us to argue. I do not agree with his interpretation of section 6 and I am reinforced in my own interpretation of section 6 when I read the entire section 6 and when I look at sections 13 and 54 of the Constitution. I am really not prepared to go into a big argument about this.

I warn this Senate that I am fundamentally opposed to making laws, which can end up in the court and make some lawyer rich at the expense of taxpayers. I believe that we are making a fundamental mistake. I am prepared to back up what I say at any time, but why try to convince people who do not want to be convinced? We are making a mistake here this evening. You want to make the mistake, go ahead. I am on record and we are voting against this. Next point.

Sen. Seetahal: Madam Chairman, with respect to clause 7, subclause (5) refers back to subclause (1)(a), which deals with the power of the inspector to enter the premises. Subclause (5) talks about getting the Magistrate and Justice of the Peace to issue a warrant. I think we should put before the word "enter", the words "subject to subsection (5)".

Sen. R. Montano: Just for the record, that still does not save it.

Sen. Seetahal: I am not talking about saving it. That is your issue. I am dealing with the reference back.

Mr. Valley: Accepted.

Sen. Seetahal: "...subject to subsection (5), enter the premises."

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 15 ordered to stand part of the Bill.

Clause 16.

Question proposed, That clause 16 stand part of the Bill.

Sen. Jeremie: Madam Chairman, I would like to delete the word “only” in section 16(1). It appears to exclude the powers of the Director of Public Prosecution and the police, who would have ordinary powers in respect of offences. That is a point that Sen. Seetahal raised with me.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17.

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

Sen. R. Montano: Madam Chairman, I want to put on record—and here I am not as certain as I am about clause 7—but I am very concerned about clause 17(3) and (4). I am fearful also that these subclauses could be interpreted as being against the Constitution. I am worried about them and I want to put it on record. Accordingly, I will not vote for these clauses.

Question put and agreed to.

Clause 17 ordered to stand part of the Bill.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Sen. R. Montano: The other thing I want to point out is in clause 18(2)—“be entitled to rely on that defence unless, within the period ended fourteen days before the hearing”. That is impractical; it is not going to work and it really is most dangerous. A person can get notification, be served with the charge today and the hearing is tomorrow, even though the charge was two weeks ago. He can also be served with the charge on the fourteenth day and find himself without time. Let us say he got served on a Friday but does not get to see his lawyer until the Tuesday or Wednesday and the 14 clear days have gone and he does not have a good defence, the legislation says he is not allowed to rely on it. That has to be wrong. You only have to look at it. We should not be putting that upon him. I am against that.

Sen. Seetahal: That is a provision not dissimilar to the notice of alibi provision and in practice no court refuses leave. It is not really a provision that is enforced. It is merely meant to encourage the defendant to disclose a defence for purposes of convenience. The court would not usually enforce it because they do not want to be accused of breaching his fair trial rights.

Sen. Jeremie: Madam Chairman, we are comfortable with the provisions as they are drafted.

Sen. R. Montano: Again, I believe that that provision is against the Constitution and I simply want to point that out. I am very concerned.

Question put and agreed to.

Clause 18 ordered to stand part of the Bill.

Clauses 19 to 22 ordered to stand part of the Bill.

6.40 p.m.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Sen. Mark: Madam Chairman, I suggested that under clause 23 of the Bill, in order to safeguard the Minister from acts that the Minister may not be responsible for, the Minister may make regulations subject to a negative resolution of the Parliament, as the case may be. I have asked him to consider that.

Sen. Jeremie: We are comfortable with that amendment, Madam Chairman.

Madam Chairman: The Minister may make regulations.

Mr. Valley: Under clause 27, the Minister also makes regulations. Perhaps, we should just attach it to clause 23.

Madam Chairman: After "Regulations" insert "subject to negative resolution".

Mr. Valley: In clause 27, all that is happening is that you are appointing assistant inspectors. That is really an administrative thing.

Sen. Seetahal: Where would you put it? Would you put it in clause 23(1) and clause 23(2)? In clause 23(1), would you say: "The Minister may make Regulations, subject to negative resolution" and then say it again in clause 23(2)?

Mr. Valley: No. In clause 23:

Subject to negative resolution:

(1) The Minister may make Regulations which...

Sen. Seetahal: Do you mean that you add a new subsection to say that Regulations under this subsection shall be subject to negative resolution of Parliament?

Mr. Valley: You are a better drafter than I am.

Madam Chairman: Where does that go?

Mr. Valley: This is a new subclause 23(4). The existing subclause 23(3) will become subclause 23(4). The new subclause 23(3) will read:

Regulations under this section would be subject to negative resolution of Parliament.

See how reasonable we are, Sen. Mark?

Madam Chairman: Have you heard that amendment? Is there anything else there?

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 28 ordered to stand part of the Bill.

First Schedule.

Question proposed, That the First Schedule stand part of the Bill.

Sen. King: In the First Schedule, under “Physical Quantity, Length and Definition”

Madam Chairman: Sen. King is asking for clarification.

Sen. King: I was asking for clarification on the first item of the First Schedule. I am reading your definition, which I am really not understanding. We need to clarify that please.

Madam Chairman: This is a misprint.

Mr. Valley: The Metrologist said yes.

Sen. King: We are talking about metre not a meteorite.

Madam Chairman: He said yes. That is the definition.

Mr. Valley: I know about finance. I do not know about this at all.

Madam Chairman: Nor me. I know about medicine. They use a laser and the time it takes to travel that distance.

Mr. Valley: I am advised that the definition is correct.

Sen. Jeremie: It is correct. I checked it in the dictionary. The *Collins Dictionary* is the only one available here. It is not as scientific as ours. It says:

“The basic SI unit of length. The length of the path travelled by light in free space during a time interval of $1/299792458$ of a second.”

Madam Chairman: We learn. Is there any other matter?

Question put and agreed to.

First Schedule ordered to stand part of the Bill.

Second Schedule.

Question proposed, That the Second Schedule stand part of the Bill.

Sen. Seetahal: I would like to know if the metrologist looked at all of these already. If he did, I will take his word for it.

Mr. Valley: He said yes, you can take his word.

Sen. Seetahal: So the SI Unit name such as joule per kelvin?

Question put and agreed to.

Second Schedule ordered to stand part of the Bill.

Third and Fourth Schedules ordered to stand part of the Bill.

Fifth Schedule.

Question proposed, That the Fifth Schedule stand part of the Bill.

Sen. Ali: Madam Chairman, is the Minister going to react to my question of natural gas measurements? The basic unit of volume is standard cubic foot. The other one is the basic unit of heat which would be British Thermal Unit which could be related to base unit for energy, which would be the joule.

Mr. Valley: You want a unit of volume?

Sen. Ali: They are the two principal things. That is what you are going to get from the gas; the volume in standard cubic foot and the heat capacity in British Thermal Units. You are paying on the basis of heat. That is why I raised the question.

Mr. Valley: My technician says that he is willing to discuss it with you and we would make a suitable amendment in time.

Question put and agreed to.

Fifth Schedule ordered to stand part of the Bill.

Sixth Schedule ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Tuesday, June 08, 2004 at 1.30 p.m. There is a Motion from Sen. Mark, although it is not on the agenda for today. We will take it first, when we begin on June 08. It is the Motion dealing with the Freedom of Information Act.

Secondly, there is a Bill, which was introduced last week, which on Tuesday, would have completed 14 days. I know the Standing Orders call for 15 days. I am asking leave of the Senate, after the completion of the Motion to deal with that Bill. It is the Venture Capital Bill. I would like to do those pieces next week.

Sen. Mark: May I ask the Minister whether the Regional Health Authorities (Amdt.) Bill is being withdrawn?

Sen. The Hon. Dr. L. Saith: No.

Sen. Mark: Okay, thank you very much, Sir.

Madam President: Hon. Senators, there are two matters to be raised on the Motion on the adjournment of the Senate. I have just been informed that we will deal with Sen. Seepersad-Bachan's Motion.

Alcoa's Agreement (Transparency of Government)

Sen. Carolyn Seepersad-Bachan: Thank you, Madam President. The matter raised on the Motion on the adjournment is as follows: Failure of the Government

of Trinidad and Tobago to openly and transparently inform the citizens of this country of the details of an agreement with Alcoa for the construction of an aluminium smelter. This, in accordance with the Extractive Industries Transparency Initiative, to which this country is a signatory.

Natural gas is an extractive industry. It belongs to the citizens of this country and as a result, in accordance with the EITI, the Government of Trinidad and Tobago must at all times be transparent with the full details, in terms of the use of this particular resource.

Over the last couple of months we have seen many ads in the newspapers about the clearing of over 600 acres of land at the Union Estate. Over a duration of three months, the area has been cleared to facilitate the siting of heavy industries. To date, we understand one of the industries is the aluminium smelter.

I want to deal with this on three fronts. The first one is the environmental front. The second point is the issue of gas pricing and thirdly, the gas reserve position. Since the announcement of this aluminium smelter, there have been several calls from various quarters in terms of the environmental issues and threats of this particular plant. I want to highlight one or two of these issues. The emission from this plant is hydrogen fluoride, which is a toxic, corrosive and harmful substance to plants and animals. The threshold value for this is approximately three parts per million (3 ppm), in normal breathing air. If there is a plant process upset, the problem is, it is expected that these levels would be exceeded. We ask the question therefore, and I ask the Minister, what safety nets is Alcoa bringing to Union Estate to ensure that the threshold value of 3 ppm will be kept when there is a process plant upset? Meteorologically, Union Estate has been known for reverse winds. The residents of the area raised that issue. As a result of that, the emission of hydrogen fluoride is a serious issue to the residents of that area.

Furthermore, the emission of hydrogen fluoride on contact with water such as the sea water or the Vessigny River can cause the formation of hydrofluoric acid, which we all know is a rather dangerous substance, according to the Materials Safety Data Sheets (MSDS).

Apart from the hydrogen fluoride, the other substance that is of concern is something called the Spent Hot Lining. The aluminium is placed in an electrolytic bath and the lining at the bottom of this pot is known to be of a hazardous type material. One of the problems with this particular material is that once in a while it would have to be cleaned. When there is an upset, part of the lining will come off. In addition, during routine periodic clean ups, you would have to remove the

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lining of this bath. When this material is removed, it is known as a hazardous waste. What are the mechanisms being used for the disposal of this hazardous waste material? In other countries what has been proposed and what has been used is what we call a landfill around the plant. In the case of the Union Estate, there is no space around this particular site proposed for the construction of the aluminium smelter.

Furthermore, you cannot place a landfill next to other plants. You will be using that landfill to bury hazardous waste material.

The notion of removing this material and taking it to Trinidad Cement Limited, where it will be burnt in their kilns, was also suggested. I find this a little farfetched. I cannot imagine Trinidad Cement Limited's workers being exposed to this kind of material. Secondly, there is the risk imposed in the transportation of this material from La Brea to Trinidad Cement Limited.

The second issue that I come to is the whole issue of gas pricing. I want to quote from the *Detroit News Auto Insider* of Tuesday, May 25, 2004.

“Alcoa may build a \$1 billion aluminium smelter in Trinidad.”

The first quote I want to use out of this is:

“Alcoa Incorporate, the world's biggest aluminium maker, is considering building a \$1 billion smelter in Trinidad to take advantage of that nation's cheap electricity.”

Further, two paragraphs down.

“Alcoa has been making more aluminium outside the United States to save electricity and labour costs. The smelter would be the third major project in the Caribbean where Trinidad and Tobago has the region's largest reserves of natural gas. That makes it cheaper to produce electricity at a time when US demand for natural gas used to run power plants and heat homes is outpacing supplies.

Thirdly, according to Suzanne Stefnie, an analyst for Loom Sales and Company, it fits with their strategy of diversifying and expanding in lower cost areas, the Alcoa shares. They have always talked about being able to spend and grow in regions that are advantaged from a production standpoint.

Fourthly, Alcoa has cut production in plants in Washington, New York. Because of the high electricity prices, the company plans to build a \$1 billion smelter plant in Iceland in 2005.”

It is clear from here that Alcoa is coming to Trinidad because of the availability of cheap gas.

I want to turn to another quote from the *Energy Caribbean*. This is by the NGC Chairman, Mr. Keith Awong.

“Trinidad and Tobago multi-million dollar petrochemical development programme would come to an abrupt halt in the future if the state-owned marketer, the National Gas Company, cannot put its hands on enough gas to keep feeding into new ammonia and the methanol plants.

The gas reserves would be there, the confidence displayed by upstream operators like BPTT, BG and EOG resources, if any, but the price may be out of National Gas Company's reach.”

The challenge for NGC, according to Mr. Awong, is persuading the big reserve holders like BPTT and BG to let it buy gas at a price that continues to make Trinidad as attractive a location for petrochemical plants. I quoted from these two different documents because there seems to be a paradox. One is coming to Trinidad.

It would be interesting for us to know if there has been any gas formulas negotiated, or what sort of gas price formula would be applied to this particular plant. Right now we know that the National Gas Company lacks access to what we call the cheap gas.

During the last set of negotiations—this is a point that we have made several times from this side of the Bench—with respect to Atlantic LNG Train 4, the Government did not indicate if it was successful in negotiating on behalf of NGC with respect to the reduction in the existing gas supply contracts, which would have allowed for further reduction and spur what we call investment in downstream. This is one of the major benefits that was achieved during negotiations of the Atlantic LNG Trains 2 and 3, which is the renegotiation of the existing gas supply contracts with NGC, where we were able to get favourable gas price reduction. That is what allowed NGC to improve in its profitability and to be able to spur what we call the investment in downstream.

Madam President, I now come to the whole issue of the gas reserve. I asked the question in the Senate before. It has been stated several times. If we go to the way of a feasibility study of an aluminium smelter, because of the high capital investment required, the plant requires at least a 30—40 years guarantee in gas supply. We currently have a proven gas reserve of 20.8 TCF. I am quoting,

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because the Minister of Energy and Energy Industries loves to quote the probable and possible which is 14.4 TCF, with a proven of the 20.8 TCF. He also likes to speak of identified needs. I am quoting that from the *Energy Caribbean*, which is 30.7 TCF and unidentified exploratory resources of 28.0 TCF. What matters at the end of the day is the proven reserve, which is 20.8 TCF. With a proven reserve of 20.8 TCF and with Atlantic Train 4 coming on stream, the reserve to production ratio is less than or very close to 20 years. How is it possible therefore, to facilitate an aluminium smelter, which requires a reserve to production ratio in excess of 30 and possibly 40 years? If we do sign such an agreement for an aluminium smelter, we are talking about a reserve to production ratio of less than 10 years, depending on the consumption pattern.

What is interesting is to find out what is the type of agreement. We keep hearing about the construction of an aluminium smelter. Is it an agreement for the construction of an aluminium smelter, or is it an agreement for a feasibility study? The reason I say that is in a couple of the articles we would see that there is a project plan to be finalized. I want to categorically state, if it is a feasibility study that has to be performed, as soon as the investors are ready to look at that aspect of the agreement—the reserve position, which is the guarantee for the plant—and they send in the independent gas auditors to verify these reserves, your project is going to hit a snag. That will be the end of the project. I wonder what then is the Government's plan? Where are they getting the gas to feed this particular plant? The feasibility study will hit that snag in no time. All of this is in light of Alcoa closing down several plants in other parts of the world because of the environmental issues and energy cost.

One last issue that I would like to raise is, recently the Prime Minister of Trinidad and Tobago stated that the La Brea Industrial Development Company Limited has a clean bill of health. What has happened to the La Brea Industrial Estate? How is it that the Government, through its state agencies, NGC and NEC, has proceeded with pace and rapidity to spend millions of dollars in developing the Union Estate for the siting of the aluminium smelter and other heavy industries, for example Trains 5 and 6? The aluminium smelter would be located in the Union Estate and not in LABIDCO. How is it that no heavy industries have been sited on the La Brea Industrial Estate? If it has a clean bill of health, what has happened to this particular estate? To me, this bears testimony that no heavy industry can be sited at the La Brea Industrial Estate. The La Brea Industrial Estate is unsuitable for heavy industries.

I thank you, Madam President.

The Minister of Energy and Energy Industries (Hon. Eric Williams): Madam President, I want to thank the Member opposite for inviting me to the Senate to spend this time with you all. It seems that, clearly, she has a liking for Ministers of Energy to come to the Chamber to interact. It is my consummate pleasure and privilege to be here, at least to clear up some of the misconceptions and issues, although I wish I had more than 15 minutes. I could talk about this all night long.

That said, let me quote from some words said by our first Prime Minister in 1977, at the breaking of ground for what was then ISCOTT which became ISPATT.

“Blessed as we are with hydrocarbon resources, we have a choice to make. There have been attempts to persuade us that the simplest and easiest thing to do would be to sit back, export our oil, export our gas, do nothing else and just receive revenues derived from such exports and as it were lead a life of luxury, at least for some limited period. This the Government has completely rejected, for it amounts to putting the entire nation on the dole. Instead, we have taken what may be the more difficult road.”

I would say the high road.

“That is accepting the challenge of entering the world of steel, aluminium, methanol, fertilizer and petrochemicals. In spite of our smallness and in spite of our existing level of technology.”

The words were said by the hon. Prime Minister of the day, Dr. Williams. [*Desk thumping*]

Madam President, it points to a vision, in spite of whatever challenges one may face. I want to point out again, ever since I was a child and in and around the energy sector, I have been hearing that reserves are going to run out. Today we have more reserves, as I told this Senate before, than we have ever had before and that is going to improve. Because of the geology, the structure and potential of our basin, we have—those of us who have the vision and are willing to pay and pray the price of our vision—the view that our glass is half full, as opposed to half empty. There is more to be found.

In addition, what the hon. Senator opposite fails to recognize is that the exploration and production programme that we are about to embark upon will not only bring more reserves, but would bring a whole new methodology of local content and participation, whereby our local contractors will have that much more of an opportunity to interact in the energy sector than they have had before. This

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is evident by the fact that we have set up a new local content and local participation committee, which is a wide-ranging committee with a lot of participation from across the board, so that we can learn from the mistakes of the past.

In addition, what the hon. Senator fails to recognize is the cross-border initiative with Venezuela. We are now in a state much further ahead than anybody ever expected us to be, in terms of seeking to monetize our cross-border reserves. Indeed, as has been reported widely in our MOU with the Bolivian Republic of Venezuela and our letter of intent, we are going to seek to monetize some of that gas here in Trinidad and Tobago. Madam President, I hope that deals with the question of the whole of the reserve issue.

Let me address some of the issues. The presentation was interesting, to say the least. Originally we were asked to point out why we failed to openly and transparently inform the citizens of this country of the details. Let me give the details again. On May 24, three entities signed a MOU designed to further the process of establishing an aluminium plant. For clarity, I will now quote from the address of the hon. Prime Minister on that occasion. He said:

“Today the three parties who are signatories to the document will be signing an agreement to set forth their understanding with respect to their plans, undertakings and desires in exploring the establishment of an aluminium smelting facility and a related downstream plant which would be supported by a natural gas fired power plant. The three parties referred to are the National Energy Corporation (NEC), Sural and Alcoa.”

Following this simple ceremony, a press conference was held to further elucidate what the signing of the MOU entailed, and some of the benefits which the country and indeed, the region can derive from the successful completion of an aluminium project.

In the days that followed, there was widespread coverage of this event. Some of the coverage, as is expected, contained some journalist embellishments. There were also many comments locally, regionally and internationally, with respect to this step.

The hon. Senator read a piece from Detroit and failed to mention that Alcoa's international share price appreciated 1.8 per cent. Clearly, the international community understands some of the implications of this. Be that as it may, the hon. Prime Minister's statement at the opening is factual.

The MOU is an agreement by the contracting parties to further the process towards the establishment of an aluminium smelter. Essentially, the parties have agreed to come up with a project proposal by the end of 2004. The MOU gives effect to this agreement by the parties. In this connection, I want to present for the information of the Senate, as we have already done widely in the local, international and regional arenas, the following conditions of the MOU. The MOU commits the parties: Sural, Alcoa and the NEC, to:

- The development of a 250,000 metric ton per year aluminium smelter, with an anode plant and associated facilities, at a cost of approximately US \$1 billion.
- Fabrication facilities by both Sural and Alcoa, with the Government being invited to be an equity partner in these facilities.
- Availability of metal for smelter downstream fabrication, in support of the local manufacturing sector.
- Alcoa and the NEC to take the responsibility for the development of the smelter on a 60:40 per cent basis.
- The downstream fabrication plants will be developed by Sural, the Government, Alcoa and NEC.
- Availability of 100,000 metric tons per year of metal to the NEC, in accordance with the NEC's equity share of 40 per cent.
- Long-term alumina supply from Jamaica and/or Suriname.
- Smelting technology to be chosen by the NEC and Alcoa.

I wish to add that Alcoa has been asked to consider the requisite alumina from Guyana. They have agreed to do so.

In the MOU, Alcoa has the following obligations:

- Alcoa specifically will supply the alumina.

For clarity let me point out that there is bauxite, which is the ore in the ground, which is then processed to become alumina. Alumina is taken into a smelter to be made into aluminium. It is the aluminium that then goes into fabrication. I make that point because what we are seeking to build is the entire value chain here in the region. This is something that had not been attempted before. Before, there was talk about a smelter or alumina facilities. Here we are talking about the entire value chain. When we balance it out—as the Senator wanted to point out the price

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of natural gas or electricity—there is value in putting the entire value chain not only in Trinidad and Tobago, but including our Caricom members. One recognizes that there is a considerable amount of value to be added in this particular proposal as opposed to any that has gone before. It continues:

- The alumina sources are preferably from the Caribbean and Suriname, for a term equivalent to the term of NEC's obligation to ensure a supply of power to the smelter.
- Alcoa would, based on its extensive experience in the smelting business, provide a leading role in the construction, operation and management of the smelter.
- Alcoa would provide expertise and resources to facilitate obtaining the necessary environmental approvals for the smelter and the additional fabrication facilities.
- Alcoa would provide resources to inform NEC and the national community about the impact of a smelter in the community and on the environment.

Indeed, Madam President, this plant will require a Certificate of Environmental Clearance (CEC), as any other plant.

- Alcoa would consider, in a timely fashion, the establishment of the additional fabrication facilities.

The MOU commits Sural to the following obligations. Sural is a Venezuelan concern that is in the fabrication business. Among other things, they make wheels for high-end vehicles such as Mercedes Benz, BMWs and cars of that sort. Maybe not specifically those brands, but cars of that sort.

- Sural will enter into agreement with NEC to pursue their participation in the fabrication facilities and for the supply of metal from the smelter for use at such facilities.
- Sural shall have the fabrication facilities in operation on/or prior to the availability of metal from the smelter provided. However, the investment decision to construct the smelter by the smelter owners has been made in time for Sural to act upon it.

- The NEC will commit to providing the necessary infrastructure requirements, including required electricity, marine facilities, water and sewage and natural gas.
- Additionally, NEC will facilitate the grant of appropriate fiscal incentives to the parties and/or the operations comprising the aluminium complex for projects of this size and nature.
- Facilitate the granting of necessary approvals and permits for the smelter and provide metal for use in the fabrication facilities and the additional fabrication facilities, at a price discounted at a target of 10—12 per cent of the corresponding London metal exchange price.

A significant commitment by all three parties will be pursuant of all efforts in following an aggressive schedule which provides for eight months on investment decisions.

Madam President: You have three minutes more.

Hon. E. Williams: I have pointed out again, this approach is different from the past. It is an integration of the various elements of the aluminium value chain and can bring additional local value-added, both in the upstream E&P and in the entire aluminium value chain. It spawns a new industry, not only in Trinidad and Tobago, but the region. This may also cause us to have export ability as well.

Given the terms and content of the MOU, we on this side of the Senate, are at a loss to understand how such a straightforward and simple MOU, among the three parties identified, could be interpreted by the hon. Senator as a failure of the Government to inform the citizens of the country, especially since all the facts with respect to the MOU were brought to the public's attention.

Just as Alcoa's share price has gone up, Trinidad and Tobago and Caricom's equivalent share price will go up, because of this particular activity, assuming that we can bring it to fruition. That is what the MOU allows us to seek to find out.

Madam President, with respect to openness and transparency, the facts speak for themselves.

I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.25 p.m.