

SENATE*Tuesday, June 22, 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. Hazel Ann Marie Manning, Sen. Wade Mark and Sen Prof. Ramesh Deosaran from today's sitting of the Senate. I have also granted leave of absence to Sen. The Hon. Rennie Dumas, for the period June 21—29, 2004 and Sen. Mary King, for the period June 17—July 19, 2004.

SENATORS' APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency 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 Hazel Manning is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 22nd June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Hazel Manning.

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 15th day of June, 2004”

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, June 22, 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 Rennie Dumas 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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 22nd June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Rennie Dumas.

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 15th 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: DR. TIM D. GOPEESINGH

WHEREAS Senator Wade Mark 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,

TIM D. GOPEESINGH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Wade Mark.

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 21st 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: DR. KIRK MEIGHOO

WHEREAS Senator Professor Ramesh Deosaran 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, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KIRK MEIGHOO, to be temporarily a member of the Senate, with effect from 21st June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Professor Ramesh Deosaran.

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 17th 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.

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, June 22, 2004

TO: MS. ALTHEA ROCKE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with effect from 21st June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Mary K. King.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 17th 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, Dr. Tim D. Gopeesingh, Dr. Kirk Meighoo and Althea Rocke.

PESTICIDES AND TOXIC CHEMICALS (AMDT.) BILL

Bill to amend the Pesticides and Toxic Chemicals Act, 1979, brought from the House of Representatives [*The Minister of Health*]; read the first time.

FOOD AND DRUGS (AMDT.) BILL

Bill to amend the Food and Drugs Act, Chap. 30:01, brought from the House of Representatives [*The Minister of Health*]; read the first time.

ORAL ANSWERS TO QUESTIONS

Madam President: Hon. Senators, Sen. Wade Mark is absent, therefore, I seek leave of the Senate to deal with questions Nos. 84, 85, 96, 97 and 98 first.

Piarco Airport (Runway Overlay Project)

84. Sen. Sadiq Baksh asked the hon. Minister of Works and Transport:

With respect to the Piarco Airport Runway Overlay Project could the hon. Minister indicate:

- (i) Whether the contractor was given an “extension of time”?
- (ii) If the answer to (i) is in the affirmative, on what basis was the “extension of time” given?
- (iii) What is the new completion date for this project; and
- (iv) Was any liquidated damages charged for any delays in the works?

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, I rise to reply to question 84. With regard to (i), to date an extension of time has not been approved as no formal application has been made by the contractor. However, the contractor has submitted June 30, 2004 as the revised date for substantial completion of the project and has been advised to apply for an extension of time which has been evaluated by the consulting engineer on the project and considered by both the Airports Authority of Trinidad and Tobago and the Ministry of Works and Transport.

- (i) The answer to (i) is in the negative.
- (ii) The revised date for substantial completion is June 30, 2004.
- (iii) The question of liquidated damages for delay has not been addressed by either the consultant or the client at this time. When details of the contractor’s application for extension of time are received, all issues contributing to the contractor’s inability to meet the original completion date will be closely examined, at which time, the issue of liquidated damages or whether it arises will be considered.

Sen. Baksh: Since no extension of time was given, on what basis is the contractor continuing to submit June 30 as the completion date for the job?

Hon. F. Khan: We have been working close to the contractor. I think there was some tardiness on the contractor’s part in the non-submission of a formal application for the extension of time. We have been very stern with him. My understanding is that post the answering of this question, he has submitted an application for extension.

Sen. Seepersad-Bachan: Since there has been an application for the extension of time, would you not say that it is anticipated that there will be some cost overrun or liquidated damages?

Hon. F. Khan: There will be cost overrun, but I would stay away from liquidated damages. When I answered the question last week, I did indicate the

reasons why the project was delayed. Obviously, I do not want to repeat it. There is a third question coming up, which will deal with all the variation orders. I guess you can ask questions at that point in time.

**Runway Overlay Project
(Contract)**

85. Sen. Sadiq Baksh asked the hon. Minister of Works and Transport:

With respect to the original contract for the Piarco Airport Runway Overlay Project, could the Minister state:

- (i) whether there was any increase in the contract sum;
- (ii) if there was an increase, would the Minister state which clause in the original contract allowed for this;
- (iii) whether there were any variation orders issued under the contract for additional works and if so, what were they; and
- (iv) whether the performance bond was seized for failure to perform in accordance with the contract?

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, I spoke privately to Sen. Baksh. I seek your indulgence for a one-week deferral.

Question, by leave, deferred.

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I seek the Senate's concurrence to have questions 96, 97 and 98 answered next week, as the answers are not yet ready.

Madam President: Hon. Senators, the answers to these questions would be ready in one week.

Sen. Seepersad-Bachan: With respect to question No. 96, I would imagine this deals with the members of the Natural Gas Task Force. This is readily available information. I fail to understand why the Government would have a problem answering this question.

Sen. Dr. L. Saith: I do not think the Government would have a problem. The answers would be ready next week.

Madam President: The answer is not ready so we would have to wait until next week. Therefore, we can go back to questions Nos. 60, 61 and 62.

The following questions stood on the Order Paper in the name of Sen. Carolyn Seepersad-Bachan:

Natural Gas Export Task Force

- 96.** A. Could the hon. Minister of Energy and Energy Industries advise the Senate what is the role and function of the Natural Gas Export Task Force?
- B. Could the Minister provide the Senate with the names, professions and of any affiliations with private entities of the members of this task force?
- C. Could the Minister provide the names of projects undertaken by this task force which are currently in the conceptual and/or developmental stage?

**World Scale Ethylene Complex
(Building of)**

- 97.** A. Could the hon. Minister of Energy and Energy Industries inform the Senate if the Government of Trinidad and Tobago or any State Agency has signed a Memorandum of Understanding (MOU) or is in the process of negotiating for the building of a world scale ethylene complex in Trinidad and Tobago?
- B. If the answer to (a) is in the affirmative, could the Minister provide:
- (i) the name/names of the company/companies with whom the Government has either signed the Memorandum of Understanding (MOU) or with whom they are presently negotiating; and
- (ii) state whether the firm KENESJAY or any of its principals were involved in the negotiations/discussions leading to the signing of the agreement? And if they were, what was their role/function?

**World Scale Ethylene Complex
(Submission of Proposals)**

- 98.** A. Could the hon. Minister of Energy and Energy Industries indicate to the Senate if any other company/companies, either local or foreign, have submitted proposals for the building of a world scale ethylene complex in Trinidad and Tobago?

- B. If the answer to (a) is in the affirmative, could the Minister indicate whether these proposals were evaluated by technocrats of the relevant ministry/ministries prior to commencement of negotiations or to the signing of a Memorandum of Understanding (MOU)?

Questions, by leave, deferred.

Sen. Sadiq Baksh: Madam President, may I seek your indulgence to have the questions posed by Sen. Mark deferred until he is present?

Madam President: All right, those three questions are also deferred until Sen. Mark is back in the Senate.

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

**Unemployment Relief Structure
(Management Structure)**

60. A. Could the hon. Minister of Local Government provide the management structure of the Unemployment Relief Programme (URP) inclusive of the Women's Programme in Trinidad and Tobago?
- B. Could the Minister further provide:
- (i) the names;
 - (ii) qualifications
 - (iii) salaries; and
 - (iv) other conditions of employment of all persons permanently employed by the URP particularly those positions from labourer or to director in URP women's section over the period January, 2002 to March, 2004?

**Barbados and Trinidad and Tobago
(Maritime and Trade Matters)**

61. Could the hon. Minister of Foreign Affairs give a detailed account on the impact of the maritime and trade matters that are adversely affecting friendly relations between Barbados and Trinidad and Tobago?

**Barbados and Trinidad and Tobago
(Diplomatic Notes of Protests)**

- 62.** Could the hon. Minister of Foreign Affairs table the several diplomatic notes of protests received from the Government of Barbados and the responses of the Government of Trinidad and Tobago to these notes and protests?

Questions, by leave, deferred.

ARRANGEMENT OF BUSINESS

Madam President: I have been advised that there is a ministerial statement to be made by the hon. Minister in the Ministry of Finance, Sen. The Hon. Christine Sahadeo. I have granted leave for the statement to be made at 4:00 p.m. Accordingly, this item is deferred until that time.

**POLICE SERVICE REFORM BILLS
(WITHDRAWAL)**

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, in accordance with Standing Order 61(a), I seek the leave of the Senate to withdraw the Bills:

1. A Bill to make provision for the efficient management of the police service, to consolidate, amend and revise the law relating to the police service and for other related matters;
2. A Bill to establish an independent body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters; and
3. A Bill to amend the Constitution by providing for the establishment of a Police Management Authority and for other related matters.

These are listed on the Order Paper as Nos. 1, 2 and 3 under the heading: "Bills Second Reading".

This is being done to facilitate the debate taking place in the other place. Thank you.

Sen. Baksh: This is an unprecedented action. I am happy to see that the Government recognizes the need for wider consultation, thus, the removal of these Bills from the Senate.

Sen. R. Montano: Before we leave this matter, I do not understand. The Senate deserves an explanation. What is going on? The Government spent \$6

Police Service Reform Bill
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million or \$7 million on an advertising campaign. All of a sudden the Bills are being withdrawn to go downstairs in the other place, where they know they do not have the requisite majority. What is happening? Why is the Government doing this?

Madam President: Senator.

Sen. R. Montano: This is an abuse!

Madam President: Hon. Senators, please.

Leave granted.

**EQUAL OPPORTUNITY LEGISLATION
(PROCLAMATION)**

[Fourth Day]

Order read for resuming adjourned debate on question [March 23, 2004]:

Be it resolved that the Government takes immediate steps to have the Equal Opportunity legislation proclaimed and fully effected in the Republic of Trinidad and Tobago. [*Sen. W. Mark*]

Question again proposed.

Sen. Robin Montano: Madam President, I have to ask myself this afternoon: Why are we debating this Motion? It is not for the reasons that the Government might wish to propagate. Quite seriously, why? In the 21st Century, it ought to be self-evident that the Equal Opportunity Act is a necessary piece of legislation. In the 21st Century, we should be doing away with 19th Century and early 20th Century thinking and put it far behind us. We should be coming forward and saying: “Look, it is under section 4 of the Constitution.” The Constitution states:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without recognition of rights and discrimination by reason of race, origin, colour, religion or sex, the freedoms, namely—

- (a) 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;
- (b) the right of the individual to equality before the law and protection of the law;”

The Constitution goes on. I am not going to read the whole section. Everybody either knows it or ought to know it. Why are we here this afternoon? Answer, we

are here this afternoon because an Act called the Equal Opportunity (Amdt.) Act, 2001 was passed and assented to on June 11, 2001. It was necessary to set up an Equal Opportunity Commission under this Act, which was assented to, promulgated and brought into law. To date, the Commission has not been assented to.

We find ourselves in the extraordinary situation where Kenneth Surat and others brought a case before the High Court asking that the Equal Opportunity Commission be set up. What was so extraordinary about this case was that you found the State; the proud Republic of Trinidad and Tobago, going to court to deny its own legislation. In my entire life, I have never heard this. I recall the Bill of Rights that was passed when they cut off the head of Charles I, approximately 400—500 years ago. One of the things that the Parliament said then was that one of the reasons for his execution was that no king would ever again deny his own legislation. No king should ever deny his own legislation. What does the proud Republic of Trinidad and Tobago do? They go to court and say to the court: “Hey, yuh know what? This Act is unconstitutional. Court, please strike it down.” Holy cow! Where are we? What happened? What am I missing? There is a disconnect.

Madam President, there is an appeal. [*Interruption*] I am hearing the court struck it down. Like all good democrats, I accept the ruling of the judge. I could not disagree with him more. I think he is as wrong as anything. I will wait to hear what the Privy Council and the Court of Appeal say. I would say it publicly; I think the judge is wrong. It is my democratic right to disagree. It is my constitutional obligation to obey the order, which I do. It is my freedom of expression and right to say I think the judge is wrong and I say so today. He is wrong. It cannot be right. There is an appeal. One of the grounds for the appeal is that the learned judge erred in law, in permitting and/or holding that the Executive arm of the State could disavow its own legislation on an application by the appellant’s applicants, for redress on the basis that their fundamental rights, as guaranteed to them by the Constitution of Trinidad and Tobago, were and are being contravened, because of the failure of the Executive arm of the State to implement the Equal Opportunity Act.

There is no one. I have searched the Internet and spoken to other lawyers. There is no precedent that I know of, in the world where a state has gone to court to strike down its own Act. What has happened is, if a government comes in and it either disagrees with a piece of legislation, or it feels that there is a flaw in the legislation, for whatever reason, the government brings an amendment to the

legislation, or it repeals the law. That is what should have happened. If this Government disagrees—

Madam President: Hon. Senator, let me interrupt you for a moment. I want to draw to your attention, Standing Order 35(8), which states:

“The conduct of the President of the Republic of Trinidad and Tobago, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion moved for the purpose;...”

Please avoid bringing judges or magistrates in any disrepute in this Senate.

Sen. R. Montano: Madam President, let me make myself clear, I was not bringing his conduct into disrepute. I was not questioning his conduct. What I was questioning, as what I am entitled to question, was his ruling.

Madam President: I made that ruling Senator, please continue.

Sen. R. Montano: Very well, I will continue. What a government does, when it feels that there is something wrong with a particular law, is that the government either goes to Parliament and fixes the flaw; or if it does not like the law, it repeals the legislation altogether. In this debate, we have had obfuscation. I have not heard one Government Minister—I have read the *Hansard* of all who have spoken so far—say categorically: “We are for the Equal Opportunity Act. We consider that there is a flaw in it. This is the flaw. We are going to fix it. This is what we propose to do.” There could easily be an amendment to this Motion, which could repair legislation just like that. It is not difficult to repair this legislation. Assuming always, of course, that as the case winds its way through, the first instance judge is upheld. It is not difficult. We are not hearing anything, instead we are going around and around in circles. I keep on saying and I will say it again until I am heard, there is a disconnect in the society. At every turn, there is a disconnect between the rulers and the ruled.

We come here week after week and the Government talks. When you hear the Government talking, all is well in the Kingdom. Wine and roses. Yes. I will say it again and again. It is relevant to this debate. Yet, when you go outside you hear the cries of bias.

Look at the *Newsday* of Friday, June 18, 2004.

“PM mum on policewomen

PSC hits hiring bias

Prime Minister Patrick Manning has failed to say whether he supports more women serving in the Police Service, according to the Report of the Police Service Commission (PSC)..."

The article continues to speak about bias in the police service. Now it is coming on the other side.

"Dumas accuses UNC of 'rank discrimination'

Local Government Minister Rennie Dumas said the former UNC government had practised 'rank discrimination' by deliberately withholding funds from PNM-controlled municipal bodies."

I am not on the issue this afternoon as to the veracity of the complaints or whether or not it is correct to say that the Prime Minister has failed to say whether he supports more women in the police service or not. I am not on the issue of whether or not Minister Dumas is correct in his accusations of rank discrimination. Obviously, we are going to say no and he is going to say yes. That is not the point. The point of the matter is, these two examples are examples of what could have been handled by an Equal Opportunity Commission. That is what it is about.

There are advertisements such as this one in the *Business Guardian* of Thursday, June 17, 2004:

"UTC announces its Executive Management Team"

When you look at the photograph of the Executive Management Team—there is not one Indian in the photograph. Now question. We have heard the accusations about rank discrimination. If we had an Equal Opportunity Commission, you would not have the accusation being left up in the air with half the population believing it is true and the other half sounding like this: "Uh, uh, uh". You would not have it. What you would have is a commission sitting and saying—to anyone who complains about the ethnic composition of this management team, looking at the fact and saying—yes this is evident, or no, it is not. You would have the issue dealt with. That is the point.

I do not wish to debate this afternoon, whether or not this is indeed evident. At the end of the day, how do we know? One side of the country would say yes, it is and the other side would say, no it is not. How will we know, unless there is a bona fide, independent commission that can investigate it? How will you know? You are not going to know it. This is the point. If we get it wrong and we continue to get it wrong, we will set terrible precedence. The country will continue to go in the way it is going. There will be all kinds of problems.

The Ministers of Education and Labour are both out of the country on a Commonwealth Parliamentary Association Conference in New Zealand, at a time when the education service is in crisis, teachers are marching and injunctions are being granted. Which is more important? That is the very serious disconnect I am talking about. There are complaints about education in the Equal Opportunity Act. We saw \$7 million being spent by the Government to educate the public on the Bills that were withdrawn from the Senate. [*Interruption*] I do not know. Is it \$10 million, \$5 million or \$7 million? Pick a number. Millions of dollars are spent and the Bills are withdrawn with absolutely no explanation. That is education of the public. What is happening? It comes back to what I am saying about the serious disconnect in the society and a failure to understand.

Madam President, I went to England. When I say “went to England”, I mean on the Internet. I looked up the Commission for Racial Equality. This is what they had to say. I downloaded some comments they had. They were reporting major failings in police schemes, designed to improve race equality. The Commission for Racial Equality reports that more than 90 per cent of the police race equality schemes examined by the CRA failed to meet minimum legal requirements. The Commission for Racial Equality announced today:

“What is clear from our initial findings is that the police service has a long way to go in addressing race equality.

Under the Race Relations Act, all police forces and authorities have a statutory duty to produce a race equality scheme. We are concerned that, despite significant efforts and expense being put into diversity training, there appears to be little evidence that this training is giving officers an understanding of what constitutes racial discrimination and how it can lead to an abuse of police powers.”

Except for the names and a few other changes, the story here in Trinidad and Tobago could be the same one. We have all heard many, many complaints of racial inequalities in the police service. What better place to have these complaints dealt with than by an Equal Opportunity Commission? Why do you not want it? Either these complaints have validity, or they do not. When we leave them up in the air, we exacerbate the divisions in an already terribly divided society. It is our duty. We are the Senate of the proud Republic of Trinidad and Tobago. I have said that before and I will say it again. It is our duty to try and pull this country together, not to drive it apart.

When we fail to do our duty: when we fail to have an Equal Opportunity Commission, what we are doing is effectively giving the racists among us the

opportunity to make cries of discrimination. I will tell you frankly, when I read Minister Dumas' statement on Friday and I heard the Vice-Chairman of the PNM, Mr. Donaldson, on Sunday night, my own personal impression was that this was merely a tit for tat sort of thing: "You are yelling discrimination, so we are going to yell discrimination back at you." I personally did not take it seriously, but here is the kicker, that is my bias. That is my perspective. Am I right? I do not know. They are going to say that I am wrong. My side would say yes I am right. How can we tell, if there is no Equal Opportunity Commission, an independent, impartial body to stand and say: "Hey, you know what? Whoever you might happen to be, discrimination from UNC, PNM, ABC or LMNOP, in whatever form and whoever it comes from, is wrong." You only have to look at it to see that is correct! UNC discriminating, "yeah right", says the UNC. PNM discriminating, "yeah right", says the PNM. So what, there is no discrimination in the society? Hello! Where are we living? Wake up and smell the coffee in modern day, 21st Century, Trinidad and Tobago. Why can we not turn around? Let us assume, but not accept, that the learned judge was correct, why can we not turn around and say: "Okay, fine, there is a problem. Let us fix it." The Government talks about coming together to fix the country. Assuming that the judge is correct, what would be needed would be a two-thirds majority to fix this law. We will give it to you. You have it. What is the delay? My questions are specific and on the point. I am not going off into the sky talking about slavery as Hon. Abdul-Hamid did.

2.15 p.m.

Madam President, I am not dealing with two, three, four, five, or 1,000 years ago, I am dealing with today, the 21st Century, in the year 2004. Why are we not dealing with the problem of discrimination head-on? I could give all sorts of reasons, they would sound political and, frankly, they will be political. I do not wish to make a political speech this afternoon. I want to persuade my fellow Senators and the country that we need equal opportunity legislation of one kind or another. Why the delay?

I remember the then Attorney General, Glenda Morean, saying, in essence—and I am using my words—"There is a problem with the Bill and we are looking to fix it." In so many words, that is what she said. If my memory serves me correctly, that was around October of last year; it is now June 22, 2004, the day after the longest day of the year in the northern hemisphere and the shortest night. What happened? Where is it? It is a simple thing to fix, simple, simple, simple; one sitting in the Lower House, one sitting in the Senate. In fact, not even one sitting; this thing could go through so quickly, like liquid Ajax down the sink.

What we get instead is a lot of politicking, obfuscation and going around the mulberry bush, like the famous carpenter who chased the famous weasel. [*Interruption*] I have the feeling that I am mixing up my nursery rhymes, but it has been a while. [*Laughter*] I think everybody got the point: We need equal opportunity legislation; it would do a lot to redress the imbalances in the society. I am not speaking of just today. I am speaking of tomorrow, next week, next month, next year. I am speaking about 20 years from now. I am speaking on behalf of all the right-thinking people of Trinidad and Tobago who want a better country.

We have with us this afternoon, as you probably can see in the Strangers' Gallery, some young children. I will not call the name of the school, but look at them. This is our future. It is these young children who tomorrow will lead us. It is these young children who tomorrow will be running this country, when we are old and walking around on walking sticks. It is these young children who will have to look after us in our old age. It is to these young children that we must leave a better Trinidad and Tobago. Senators, we owe them, all their brothers, sisters, cousins, friends and everybody else a better Trinidad and Tobago. One of the ways of doing it is by coming together and making certain that the equal opportunity legislation is brought into being, one way or the other.

Our purpose in bringing this Motion was to do just that. It was to highlight the problem. At the end of the day, we will accept virtually any amendment to this Motion that effectively brings the Act into being, that effectively corrects the lacuna in the law, assuming that there is. Why do we have to wait for the long, tortuous process of the court to go through? The matter will go to the Court of Appeal, my guess is maybe by the end of the year, early next year. After that, you better believe that for whoever wins the other side will appeal, and then it would get into the Privy Council, so we are probably about two years away from a final decision. Why does the Senate of Trinidad and Tobago have to wait for that? We are the Senate; we make the laws. Our friends on the other side of the road interpret them, but we make them. Why do we have to wait two years for them to tell us something? I am not interested in the rights or wrongs of the court case. I am interested in the law. I am interested in a better Trinidad and Tobago.

As far as I am concerned the debate is a simple one. If you ever want to understand a problem go back to the basics. Are you for or against equal opportunity legislation? It is simple. I have not heard one Government Senator say unequivocally, "We are 100 per cent behind the Bill; there is just a bit of a problem and we feel this, that and the other." If they did that, we would say

immediately, “Okay, what did you say the problem is?” What is the problem? Let us fix it now with this Motion; we can do anything we want; we make the laws. Let us fix it. Why not? We can suspend the Standing Orders. We can do anything we want for the betterment of Trinidad and Tobago. So why do we not do it?

Ugly and unnecessary suspicions arise, but the truth is that the Government does not want equal opportunity legislation; that is the truth. The only conclusion I can come to is that they do not want it. In fact, I will pause for a moment. I invite anybody in the Government to stand and say that you are with me, “We want it and we will fix it.” I pause. [*Interruption*] [*Sen. R. Montano takes his seat*]

Madam President: The Government will have its opportunity to speak.

Sen. R. Montano: I was just giving them an opportunity to say yes or no. If they said, “Yes,” I would sit and say, “Great, let us fix it now.” I pause again. [*Sen. R. Montano takes his seat*]

Sen. Dr. Saith: If we say yes, you will stop talking?

Sen. R. Montano: Yes. [*Laughter*] Madam President, I believe I have proven the point. I made a very serious invitation. I am not going to speculate this afternoon. I am going to throw stones, boulders. I am going to climb to the top of El Tucuche here and pelt the boulders down. I am not going to do it this afternoon, and I am good at that.

This debate is not about trying to score political points. It is about making the Republic of Trinidad and Tobago better for the citizens and the children. That is where I am coming from this afternoon. I want a better Trinidad and Tobago. I condemn racism and discrimination in all their forms. A man should be judged by his actions and words. A man should not be judged by the colour of his skin or the texture of his hair. A man should be judged on merit. [*Interruption*] If you agree, then do something about it, because, unfortunately, the power does not lie with us. If the power lay with me, overnight we would have this done. It does not lie with us; it lies over there. We want to make this country better.

Madam President, I will end as I began. Why are we here? Why are we debating this Motion? It does not make sense. The truths contained in this Act are so self-evident that we should not have to be debating this. There should not have been this court case or this huge appeal with one, two, three, four, five, six, seven grounds of appeal and counting. Why are we tying up our law courts when we could fix it? For no good reasons, and the reasons that are not expressed give rise to ugly and unnecessary suspicions.

This afternoon I say, “Fellow Senators, we all want a better Trinidad and Tobago; we all want to see the country come together; we all want the terrible divisions, that all of us feel, to stop; we want to go back to the days that these children are now enjoying, when you could play with your friend, no matter what race or caste he is.” Supporting this Motion and putting the law in order is one good, helpful way of doing just that.

Thank you.

Sen. Dr. Kirk Meighoo: Madam President, it is an honour to speak in this Senate today and to be able to call the Senators my colleagues, if only for a day. I am an insider, at this moment, but I will probably be an outsider again afterwards. Please bear with me a little, this does have relevance, but it brings to mind ancient Athens. In that original democracy all citizens met in assembly in the Parliament; everyone was an insider. Their assembly was 21,000 people, every citizen went. They had a council of 500 which was a government. They were chosen by lots. Citizens served one year for a maximum of two years. That meant that everybody had some experience in the life in government. They were against elections, because it favoured the rich, the powerful and the famous. It was a participatory system where everyone got to be involved. That is how I feel today; I am here today.

I brought up the world’s first democracy, not just for the historical interest or for the benefit of the students out there in the visitors’ gallery, but it is very important for today’s Motion. This Motion raises very fundamental issues which I think have not really been dealt with in the debate, as I have heard or read in the *Hansard* records. There is something greater than even the particular Bill we are talking about, because the fundamental issues apply whether we are talking about dangerous dogs, firearms, recognition of a trade union or the environment. It has to do with more than just this Bill about equal opportunity. The fundamental issue raised by this Motion is the power and authority of Parliament, the representative body of all the citizens of Trinidad and Tobago. That is the fundamental issue which we must not lose sight of.

Parliament has passed an Act; the President has proclaimed it, yet the Executive refuses to implement it. The Executive is of the opinion, and it is supported by the court ruling, which one must admit, that the Act was unconstitutional. This puts us in a quandary, because the Executive may be right, that it might be unconstitutional. However, even if the Executive is right, it does not have the right to make that determination. Why is this? In a democracy—which is what we are trying to institute in Trinidad and Tobago, but I think in

many ways we fall very short—the Prime Minister and the Cabinet, the Executive, are responsible to the Parliament. It is right here in section 75 of the Constitution:

“There shall be a Cabinet for Trinidad and Tobago which The Cabinet shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefore to Parliament.”

This is fundamental to a democracy, for it is Parliament that represents the people of Trinidad and Tobago, not the Prime Minister and his Cabinet. We can confuse that very much in this country. The Prime Minister and Cabinet do not represent the people of Trinidad and Tobago, they are indirectly elected. [*Desk thumping*]

It might sound very fantastic to us who are so used to these types of authoritarian relations. Let us imagine a company with a board of directors and a chief executive officer (CEO). The CEO has no authority to ignore the directors. If the directors give a directive to the CEO he or she and the management team must implement those decisions. If the CEO or the management team find something wrong with the decision or the directive given by the board, they do not have the right to just ignore it. Their responsibility is to take it back to the board and explain why this is unconstitutional or against principle or policy. This is the function of the Executive.

Remember that the Prime Minister and Cabinet are the CEOs and managers, and Parliament is the board. The Prime Minister and Cabinet are merely a committee of this Parliament. The voters in Trinidad and Tobago elect parliamentarians and then out of the Parliament we choose a committee from a formula. The formula is: The person who commands the greatest support; that is merely a formula. We are not like the United States; we do not elect a George Bush or John Kerry. We did not elect Mr. Panday, Mr. Manning or Mr. Robinson as Prime Ministers. We elected them merely as constituency representatives. We gather in the Parliament and then the representative who commands the majority is the Prime Minister. The people who have elected Mr. Manning and Mr. Panday live in Couva North and San Fernando East; the rest of us have elected our own representatives, who meet in this Parliament. This is a fundamental point.

The Prime Minister and Cabinet are merely a committee of Parliament and they are responsible to the Parliament, as stated in the Constitution. It is not the other way around. We believe that somehow the Parliament is subordinate to our committee, but that is backwards; that is the exact opposite. Unfortunately, the reason we think so is because of our colonial arrangements. To use the analogy of the company once again: For 160 years we had a CEO operating without a board

telling it what to do. When we became independent we wanted to be a democracy. We said, "Let us make a Parliament," but all our CEOs, no matter who they were—and I am not blaming any particular one—have continued to ignore the Parliament, and this is a fundamental opposition to the principle of democracy.

If we take this specific instance and its implications, even if the Prime Minister and the Cabinet are right about the unconstitutionality of the Act, can a CEO in a company simply decide on what is constitutional or unconstitutional on his own? They do not have the right. Imagine the confusion every time Parliament, who is the master, decides to pass a Bill and the Prime Minister and Cabinet says, "Well, we think this is not right; it is not in accordance with our policy, for some reason or the other," that would cause total confusion. Parliament would be revealed for the waste it sometimes seems to be or justify the disrespect that it has garnered from the population.

The first principle of management is responsibility. The Prime Minister and Cabinet are responsible to the Parliament. I have laid out the principle, but they have violated it. So what do we do? What recourse is there? There is a Motion being presented and I am making my contribution. But in a company, what would the board of directors do? The board would haul the CEO and the management before it and hold them to account. In Britain, for example, even though you have a Labour majority in the Parliament, they still brought Tony Blair to account for what went on in Iraq, for the Hutton enquiry report and the death of the civil servant, et cetera. Even though the Prime Minister commanded the majority, the parliamentarians conscientiously represented the interest of the nation and said, "You must account for your actions, because you must respect the Parliament."

If Parliament had this resolve, this backbone, it would do that. It would bring our Prime Minister, the Cabinet and those who are responsible to account. But will that ever happen here? I somehow doubt it. Is Parliament really living up to the responsibility which Independence thrust upon us? For example, if the CEO insisted, "I am not going to carry out this decision, it is wrong," without any explanation or refused to even sit in front of the board of directors, the board could move to get rid of him, which is why we have in the Constitution a provision for a motion of no confidence, because you have no confidence in a committee out of your own members.

We have Members across the floor who are part of the Government and they have to earn our confidence and the confidence of the Parliament. If Parliament was conscientious about its dignity, role and authority, it would seek to, perhaps,

pass a motion of no confidence, if this committee was a runaway. Unfortunately, it seems that most of our committees, our executives, are runaways.

That said, there is a genuine problem. The present Executive does have an important valid point and we must acknowledge it. Although we are supposed to be the representatives of the citizens of Trinidad and Tobago, we fail in our duty to properly represent the citizens of Trinidad and Tobago. For instance, the *Hansard* record suggests that Members do not conscientiously deliberate in their understanding of the public good, which is why we are supposed to be here. Why do I say that? Because we see that people vote in blocks; that is not true debate. For example, if someone across the Benches were swayed by my argument, he would be constrained not to vote according to his understanding of the public good, because of the tyranny of party politics. Parliament then is made a mockery, because this is the place where we are supposed to talk about these things frankly, where we are supposed to discuss these things and give and take. It is not where I have my side and the others have their side, so Parliament becomes violated daily.

Parliament rushes through bills which are clearly without sufficiently wide support. The Equal Opportunity Act, though passed by Parliament, had some serious objections raised to it by the then Opposition and by Independent Senators, which did not seem to be adequately taken care of. There were six bills presented to Parliament over three years in the House of Representatives from October 1998 to May 2001. So the Bill was brought six times and withdrawn three times. It was amended by both Houses twice each. One of the Members in the other House declared, after the Bill was passed, "One of the first things we are going to do when we get into government is to undo and repeal this rubbish." This is on page 242 of the *Hansard* of October 02, 2002.

Madam President, one of the then Members of the Opposition, who is now a minister, was suspended during the debate and the vote was carried through. You have clearly showing here that the Parliament was used to ram through legislation and not arrive at something that everybody could agree on and, therefore, when the Member said, "One of the first things we are going to do when we get into government is to undo and repeal this rubbish," effectively, that is what is going on now. What kind of Government do we have? A government where you have a whole set of judicial reviews before the courts; where you have laws that do not work; nobody listens to them if they do not like them; where people ignore policies that they do not like and they do not agree with. They say, "That is a UNC law; that is a PNM law; that is a PNM Constitution; that is a UNC Constitution." It wastes taxpayers' money; it wastes Government's resources and it adds up to bad government, which is what we are plagued with.

Equal Opportunity Legislation
[SEN. DR. MEIGHOO]

Tuesday, June 22, 2004

We have to realize when we talk about Parliament and governing parties that the Sabbath was made for man and not man for the Sabbath. Government was made to serve the people and not be its master. The parties were made to serve the people and not be their masters; the representative of the people is Parliament. Unfortunately, the Parliament has failed to be a responsible House of debate. It has been a place where people who are in the majority ram everything through, as quickly as possible; serious deliberations do not occur; people vote in blocks, one way or the other. They do not exercise their God-given conscience and their responsibility to represent the citizens of Trinidad and Tobago.

Parliamentarians must carry out their roles responsibly and effectively. Parliament must not be used to ram down legislation that is going to be later ignored or repealed. We cannot be talking about a PNM Government, a UNC government or a UNC Parliament and all that sort of thing. Leadership in a democracy is not domination. That is the old colonial way that we seem to just never get rid of. Finally, Parliament must assert its authority over the Prime Minister and the Cabinet, in the interest of all the people of Trinidad and Tobago; not only in the interest of the governing party and arrogant majoritarianism, no matter what party is in power. The Cabinet must act responsibly, which means it must be responsible to the Parliament.

I wish to support the Motion on this very fundamental point about the supremacy of Parliament and the responsibility of the Prime Minister and the Cabinet to the Parliament. I hope that Parliament, in the interest of democracy and the people of Trinidad and Tobago, represent the people conscientiously and give good government, finally, to the people, rather than majoritarianism, ramming things down people's throat and having people ignore them and saying, "When we get in Government we are going to repeal that." That type of immature governance is really keeping us back as a nation.

I thank you.

Madam President: Let me take this opportunity to congratulate Dr. Meighoo on his maiden contribution in the Senate. We look forward to having you again.
[*Desk thumping*]

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, I too add my voice of congratulations to the illustrious Sen. Dr. Meighoo. He seemed to have preened up quite a bit since our recent visit to Ecuador, when we attended the General Assembly of the Organization of American States.

We have before us a Motion seeking to have the Government take immediate steps to have the equal opportunity legislation proclaimed and fully effected in the Republic of Trinidad and Tobago. I will address this Motion from the international perspective and also, the domestic perspective.

On the international plain, organizations and persons involved in promoting development now acknowledge that one of the indispensable components of development is good governance. Societies, particularly developing ones, need the stability, certainty and predictability that come with good governance. Increasingly, good governance is being seen as a critical factor that separates successful States from those that have failed or are failing. Trinidad and Tobago is not a failed State nor, for that matter, are we failing. Indeed, with Vision 2020 as our guide, we are well on the way to achieving the kind of success that the people of this country rightfully deserve and shall have.

One of the essential attributes of good governance is adherence to the rule of law. This requires due fidelity of the supremacy of the Constitution. Under our Constitution, Parliament makes laws and the courts interpret them. The Judiciary determines whether laws passed by the Parliament are in conformity with the Constitution. No government should knowingly act in a manner inconsistent with the Constitution or the law. Likewise, no government should knowingly pass laws that are inconsistent with the Constitution, without seeking to treat with that inconsistency in the manner provided for in the said Constitution. No government that is committed to good governance and adherence to the rule of law should knowingly circumvent the Constitution, which is the supreme law.

The constitutionality of the Equal Opportunity Act has been the subject of a recent judgment by the High Court of Trinidad and Tobago. In dismissing a motion to have the Government implement this Act, the learned judge of the High Court found as follows, and I should like to quote his findings verbatim. *[Interruption]*

Sen. Dr. Gopeesingh: Madam President, in the same way that you quoted the Standing Orders for Sen. R. Montano, I think the hon. Minister is now going to speak about the learned judgment of the court matter; so what applies to Sen. R. Montano must apply to Sen. Gift. Would you be kind enough to adjudicate on that matter?

Madam President: He is quoting the judgment and not criticizing. That is the difference. The judgment is public, so he is not criticizing the judgment, saying that the judge made an error or that he did agree with it; he is quoting the actual judgment that was made.

Sen. R. Montano: Actually, Madam President, if I might intervene here; if that is the case then your reasoning would be incorrect. Without trying to put my friend down, I see no harm in Sen. Gift quoting the judgment, but if you are saying that he is quoting the judgment in support then, equally, I should be allowed to criticize it. But speaking for myself, I have no problem with him quoting the judgment; he can go ahead and quote it, but it simply makes the point.

Madam President: Please continue.

Sen. The Hon. K. Gift: My reason for quoting the judgment is solely for the illustration of this honourable Chamber:

- “a. That there is nothing in the Constitution, neither is there any principle in Law, which prohibits the State from proffering the unconstitutionally of an Act of Parliament in defence to a constitutional motion.
- b. The Act is clearly unconstitutional in several respects and there are also serious doubts as to the constitutionality of some of its other provisions. In these circumstances, the protection of the law does not and cannot include the right to enforce or to insist on the enforcement of a law which is itself inconsistent with the Constitution.
- c. As an alternative to (b) above, the State is not bound to enforce a law, which, on very good and substantial grounds, it finds to be unconstitutional, and by such inaction, no one is deprived of any ‘illusory’ constitutional rights.
- d. The argument that the failure of the Government to implement the Act has rendered nugatory the special jurisdiction conferred by Parliament to the High Court and the Court of Appeal under the Act is without merit, especially since the mechanism used to confer such jurisdiction violates certain fundamental constitutional principles.”

We should note that the first preambular paragraph of this Motion refers to section 4 of the Constitution of the Republic of Trinidad and Tobago, which provides for all citizens the right to equality of treatment from any public authority in the exercise of any function, the right to equality before the law and the protection of the law. These rights are set out in paragraph (d) and (b) of section 4 of the Constitution. The second preambular paragraph notes that both Houses of Parliament have already passed the Equal Opportunity Act into law. In fact, the original Act was finally approved in the House of Representatives on October 02, 2000. An amendment of Act No. 5 of 2001 was assented to on June 11, 2001.

The operative part of this Motion calls upon the Government to take immediate steps to have the equal opportunity legislation proclaimed and fully effected in the Republic of Trinidad and Tobago. It would seem to me the juxtaposition of the first and second preambular paragraphs of the Motion suggests that there exists some sort of lacuna in the Constitution, which used to be filled by the Equal Opportunity Act. I am not aware that citizens have any difficulty, at this time, in giving effect to and seeking redress for infringement of their constitutional rights provided for in section 4 of the Constitution. This is an invalid linkage. Indeed, if there is a link, as the Motion seems to suggest, then it would have been incumbent on the then Government—and we know who was in office at the time—to amend the Constitution to achieve the objective set out in the Equal Opportunity Act. The then government chose not to proceed in that way. The result is that the Act has been adjudged to be unconstitutional.

Trinidad and Tobago is a party in good standing in respect of the major international human rights instruments. I believe it is worth the while to read them into the record. This gives the international perspective, to which I referred at the beginning of my intervention. The country is party to:

The Universal Declaration of Human Rights

The International Covenant on Civil and Political Rights

The International Convention on the Elimination of all Forms of Racial Discrimination

The Convention on the Rights of the Child—

And we have a lot of children here today

The International Convention of Economics, Social and Cultural Rights

The International Convention on the Suppression and Punishment of the Crime of Apartheid

The Statute of the International Criminal Court

The Convention on the Elimination of all Forms of Discrimination Against Women

The Convention on the Prevention and Punishment of the Crime of Genocide.

Madam President, the Universal Declaration of Human Rights declares therein that all human beings are born free and equal in dignity and rights to which persons are entitled, without distinction of any kind such as race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status.

The International Covenant on Civil and Political Rights, for example, recognizes that each person is entitled to participate fully in the public life of his community. They include freedom of thought; conscience and religion; freedom of expression; freedom of peaceful assembly; freedom of association and freedom to take part in public affairs, to vote and to have access to public service. The Covenant also recognizes specific equality rights not to be discriminated against in the enjoyment of those rights; to be equal before the courts and the law and entitled to equal protection before the law.

Trinidad and Tobago also subscribes to the American Declaration of Rights and Duties of Man. *[Interruption]*

Sen. R. Montano: You are too experienced to be reading your speech.

Sen. The Hon. K. Gift: I want to get the titles accurately. The Caricom Charter of Civil Society and the Integrated Development of the Caribbean Community, which was issued on July 04, 2003 in Montego Bay on the occasion of the 30th Anniversary of the signing of the Treaty of Chaguaramas, to which we all subscribe. Trinidad and Tobago has already signalled to the international community its commitment to combat discrimination in all its form. *[Interruption]*

Sen. R. Montano: Stop reading and talk.

Sen. The Hon. K. Gift: If we were to accept this Motion as presently drafted, it would be tantamount to a challenge of the authority of the courts to pronounce on the legality of the Equal Opportunity Act, in particular, and other legislation in general. We cannot, on the one hand, be faithful to one of the fundamental pillars of good governance, that is, adherence to the rule of law, and on the other— *[Interruption]*

Sen. R. Montano: Madam President, on a point of order. The Minister is now too experienced a parliamentarian to read his speech. The Standing Orders dictate that speeches not be read. I would ask that he be prevented from reading.

Madam President: I agree that the Standing Orders say you should not read your speech, but I would make one comment here: If I were to object to every Member of this Senate who proceeds to read his or her speech, then I would be objecting to 60 per cent or more of the Members of this Senate. *[Desk thumping]* Except for people like Sen. R. Montano, who speaks without reading—

[*Interruption*] give him his just due—the majority of Senators do read. So on this occasion, I will allow Sen. The Hon. Gift to continue his contribution, but since we are now on this Standing Order, in future any experienced Senator who reads his or her speech, I will object.

Sen. The Hon. K. Gift: Madam President, these are really speaking notes from which I am extracting. [*Laughter*]

Madam President: Maybe if you kept your head up a little more.

Sen. The Hon. K. Gift: This brings me to the point made earlier by Sen. R. Montano by the photograph he displayed. I remember sometime ago his colleague, the mover of this Motion, approached me in this hallowed Chamber with the question of the lack of evidence for equal opportunity for people in the diplomatic service of Trinidad and Tobago. Indeed, he went on to say that there was a great imbalance in the designation of foreign service personnel and, particularly, at the level of heads of mission, that is our ambassadors and high commissioners. I am so sorry that he is not here today, because I want it to be reflected in the record. I took the opportunity then and pointed out to him that contrary to his belief that we have had a very significant number of people in our foreign service, and I am talking about heads of missions, carrying such last names as Ali. [*Interruption*]

Sen. Dr. Gopeesingh: Ethnicity again.

Sen. The Hon. K. Gift: You raised it.

Hon. Senators: You raised it!

Madam President: A Senator has the right to respond to anything said by another Senator.

Sen. The Hon. K. Gift: I do not have photographs, but I have names. I believe that since we are dealing with the evidence either would suffice.

I have to put the record straight for Sen. Mark. I pointed out to him that we in this Government have never discriminated on the basis of ethnicity insofar as heads of missions are concerned. [*Desk thumping*] Indeed, when I recited to him the last names of many of our ambassadors and high commissioners, such as Sinanan, Ramcharan, Naimool, Abdullah, Lutchman, Permanand, McKenzie, Ali, Aboud, Rambissoon and Maniedeo, he said, “Boy, I did not know there were so many of the other side in the Government.” So this goes to show that the argument presented by the other side certainly has no footing; it has no ground. [*Crosstalk*] I believe it is on very marshy soil that we should be treading on if,

indeed, we are to get on with the business of this Government, which is the business of non-discrimination. There is equal opportunity for all and we believe that policy will never change.

Madam President, I thank you for this opportunity and I hope that the other side would have learned something from it.

Sen. Prof. Kenneth Ramchand: Madam President, let me begin by congratulating my temporary colleague and longstanding friend on his maiden contribution and, particularly, on his singing that sad song about the abuse of Parliament by the Executive, which the Independent Senators have been singing week after week for many years.

I had originally intended to use Sen. Mark's Motion to argue about particular sections of the Equal Opportunity Act, which, as you know, was proclaimed on January 31, 2001, three years ago. Please remember that, Madam President. As you know, the Act purports to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status and to establish an equal opportunity commission and an equal opportunity tribunal.

I wanted to refer to the interpretation where, strangely, it is taken for granted that we all know what sex means in relation to status and where all that is offered is the gratuitous statement that sex does not include sexual preference or orientation. This negative interpretation virtually invites people to discriminate on the grounds of a person's sexual preference or orientation. I sincerely hope that by the time another Equal Opportunity Act is drafted, lawmakers will not encourage the society to continue its hypocrisy or blindness on the subject of homosexuality and lesbianism.

On September 28, 2000, in the debate on the Bill, I made a plea, not for gay rights, but simply for the removal of the phrase that gave licence to victimize and discriminate against people on the grounds of their sexual orientation. There was a certain amount of childish and nervous sniggering while I was speaking to the point. In his contribution, Sen. Prof. Kenny was stirred to castigate us. This is what he said and I believe that I would like to repeat it:

“So I would leave the subject of age discrimination and move to the subject of a bit of basic biology to lead up to what Sen. Prof. Ramchand was talking about.”

Madam President: You are quoting from?

Sen. Prof. K. Ramchand: I am quoting from *Debates of the Senate*, Thursday, September 28, 2000. Prof. Kenny continued:

“I was frankly rather disturbed and distressed that when he introduced the subject there was a lot of laughing and twittering, the sort of thing that is like little children in primary schools, they talk about you and so forth, and then they start snickering. This is a very, very serious issue, the question of human sexuality and the relationship of the individual within society.

Let us face reality: homosexuality in the human species goes back to the dawn of time; it is a reality. Sweeping it under the carpet and criminalizing it does not do anything. It is well known in many societies where studies have been done that you can estimate proportions of the particular sample that you are dealing with that is either homosexual or lesbian...”

In many cases, it comes out to one in 10 or one in 20.

“If you take a Chamber of this size and the number of people in here, the probability is extremely high that there may be people in this Chamber, they may not be here now, or in the public gallery who are homosexual.”

I do hope that when this Bill comes back, we would be more mature on a subject like that.

I want to speak also on the need to add age in the definition of status in relation to a person. The status includes sex, race, ethnicity, geographical origin, religion, marital status and disability. The omission of age means that a person will not be protected by this piece of legislation from being discriminated against on the ground of age. I think next time around we have to include age.

Thirdly, I want to refer to the discrimination built into the Concordat by the notorious provision that allows principals in denominational schools to select 20 per cent of the intake without any regard to the order of merit in the passes. Dr. Eric Williams made an analysis of the effect of this provision and concluded that it gave places to pupils of a particular religious denomination who had done less well than those who were not being given a place. The pupils being disadvantaged belonged to a different religion and tended to be of a lower socioeconomic status, coinciding roughly with ethnic origin. I feel that if the Equal Opportunity Bill comes back to the Parliament, we have to look at this element of the Concordat. I do not want to cause ruction and say, “Destroy the Concordat,” but certainly the time has come for us to look at that 20 per cent provision.

If we do have another go at producing an Equal Opportunity Act we will have to recognize that scientifically there is in the species *Homo sapiens*, only one race. We will also have to recognize that ethnicity does not coincide with what we

loosely call “race” and that most Trinidadians belong to overlapping ethnicities. So there are some very unscientific definitions we will have to talk about and clean up. For obvious reasons I am not going to go into these subjects in detail.

I want to remark, however, that court proceedings in 2004 are no excuse for the failure to put into effect legislation that was proclaimed as long ago as January 31, 2001. If we are told that the Government was unhappy with the legislation as proclaimed, then a new bill or amendments to the Act of 2001 ought to have been brought to Parliament well before 2004. Last week I spoke about Cabinet’s undermining of Parliament. I have to repeat it. The Executive is the servant of Parliament. Once an Act is proclaimed, it is the duty of the Executive to act expeditiously and not frustrate the will of the Parliament. Such breaches undermine the institution of Parliament and the democratic tradition it symbolizes.

I do not understand how parliamentarians can sit in Parliament and say nothing about the usurpation of the power and privileges of the Parliament by the Cabinet. [*Desk thumping*] I guess I understand it. The Executive comes out of the Parliament and the Executive will not move a motion of no confidence against itself and the poor, craven, non-Cabinet members, whose only desire in the world is to become a Cabinet member, would not say a word.

I accept the view that discriminatory practices exist in our society. If even they did not exist, the perception that they do requires that we take action, including legislative action against them. I am especially happy that we are thinking in terms of an equal opportunity commission and a tribunal, since these will make it possible for persons of limited means to seek redress, in cases where they feel they have been discriminated against, without incurring massive legal costs. [*Desk thumping*] As I said in the debate of 2000, I accept all of this with a heavy heart.

3.15 p.m.

Madam President, the reason I support equal opportunity legislation of some sort, with a heavy heart, is that I do not think it had to end up like that. I still believe what I said in the debate of 2000 and I uncharacteristically would like to quote myself.

I am quoting from the Senate debate on Thursday, September 28, 2000. It says:

“I agree with Sen. Daly that this country and this region has been, for centuries, an arena for the meeting of peoples and cultures; even before Columbus but, with the arrival of Columbus, this process got

internationalized. In spite of all the tribalism that politics may have introduced, in spite of a lot of the ignorance we have about one another, I still think this is a country that is the *avant-garde* of multiculturalism of the fusion of a people out of diverse cultures. We are still the world's most startling, brilliant and productive example of unity in diversity.”

Madam President, because I believe that about our society I am sorry that it has to come to the point of our needing to establish equal opportunity legislation.

There are alternatives, and as usual, I believe that the answer to most of our problems lies in education. But only if we insist that in addition to skills training and the building up of knowledge, education must include the culture of the feelings, it must include the development of conscience, it must include the encouragement of curiosity, it must include teaching people to think, and it must include an understanding of the necessity for a social contract among the members of a society.

It is a very difficult order to provide proper education for everybody. If there were equal access to the same educational opportunities, quality parenting, no poverty so that no child would be at a disadvantage because of poor nutrition, unsatisfactory housing and amenities and a general lack of comfort, and if the policy of Government were to make sure that there was no scarcity of opportunity, then we would hardly need equal opportunity legislation. Maybe I am talking about living in heaven or paradise.

We live in a society that can hardly be described as one in which there is a reasonably fair distribution of resources; a society that very largely serves the trinity of greed, materialism, and individualism. In the period since independence we have seen breakdowns in family life, a loss of a sense of community, a loss of the work ethic, a loss of taking pride in one's work. We have seen the lack of any sense of national purpose that might bind and bond us as a people. We have seen the collapse of order; we have seen an upsurge of crime, violence and a loss of the sense of the sacredness of human life.

Look at an example, Madam President—

Madam President: You are not reading, are you?

Sen. Prof. K. Ramchand: I am referring closely to my notes, Ma'am.
[*Laughter*]

Madam President: You would remember my ruling a few minutes ago.

Sen. Prof. K. Ramchand: Yes. Ma'am, I thought that ruling about reading meant that you must not sound like you are reading. [*Laughter*] But I do not want to contradict you.

Madam President: Unfortunately, you are sounding as if you are reading. Go ahead, you are doing very well.

Sen. Prof. K. Ramchand: We have seen callous disrespect for the people who teach and take care of our children; people to whom we have entrusted the shaping of the next generation and the making of the future of our society. We have seen attempts to turn parents and students against their teachers, the very parents who are able to go out and work because the teachers are minding their children. Do you realize that when you deprive teachers of their just deserts you might actually be practising discrimination against women who make up about 75 per cent of the teaching force?

We have seen the State making short-term use of the Industrial Court to bluff and bully teachers into feeling that if they take leave to which they are entitled that they are carrying out an industrial action. If we want civilized country status, why do we not give people their money and proper working conditions?

Sen. Jeremie: Madam President—

Madam President: Is it on a point of order?

Sen. Jeremie: It is a point of order under Standing Order 35(b), I think. It is the one which protects the conduct of the President of the Republic, Members of the Senate, or of the House, judges, or other persons engaged in the administration of justice. There is an injunction at present, I believe.

Madam President: Were you criticizing the—

Sen. Prof. K. Ramchand: I was not criticizing the Industrial Court, Madam President. I was merely saying that the Government had made use of the Industrial Court.

Madam President: Please continue, Senator.

Sen. Prof. K. Ramchand: Thank you very much, Madam President, and I beg your pardon, Sir. But at least, I got it said.

As I said last time, there are a few bandits in every profession who do not perform and are intent on grabbing all they can for themselves, but the majority of teachers are decent people who operate heroically and with good nature.

If we believe in the rights of the child, and in a future for our country, why do we not give these miracle workers their money? Why haggle over a few million dollars when—to use a common illustration of waste of resources—the State has a habit of using taxpayers' money to prosecute people and ends up having to pay cost and compensation afterwards?

Madam President, I am really upset about this, so please excuse me. God and I do not like to see advantage. As I said, it is with a heavy heart that I support the equal opportunity legislation. I am driven to agree that our society has changed so much in the last 50 years that legislation against discrimination and victimization is necessary if we are to make an attempt to recuperate and become the kind of society that will look as if we were going to be in the 1950s.

At this point, I want to add to the argument by reading a letter received from an old friend, I call him the "Concerned Cedrosian" and he wrote me last week. With your permission, I would like to read his letter. Now I could read.

Dear Kenos

I know that sleep knits up the ravelled sleeve of care but I don't know how a man could prop himself on his knuckles and look safe and smooth like a baby when the shadow of the vortex stealing across the sky like a burial shroud, and all of we walking through the valley of the shadow of death with no rod and no staff to comfort we.

But one time always turning into another time, that is how time really is, and as I look on your face in the picture that the chineyboy from the *Guardian* take I see the keskidee-chest child everybody in the village calling Superman (because you reading all them comic book Johnny King lending you and you decide that that is the mas' you born to play) zooming up and down the road from Crab Island to St. Marie.

Everybody know you, and what is worse everybody know your mother Miss Edna, so before Samrajee mango sink down good in your belly, or the stone all you rain on the old lady roof screaming 'Roseanna you soucouyant' finish dancing on the galvanise, the news of your thieving or pelting done reach Edward Street to your mother already and hibiscus whip from Miss Pope fence waiting home for you whenever you reach.

I don't have to tell you it have African, Chinese, Indian and White people in the village and all kinds of mixtures in the brew. We knew difference and we enjoyed one another's difference. We had prejudice and stereotype but we had no

discrimination. Nobody had any investment in race. We knew where everybody was working and living. We knew who was who, who was Chundia son and who was Kenneth mother. If a fowl missing you know who thief it. If wickedness going on in the night you know who was doing it. When it have bazaar or cricket everybody going.

Memory is a witch who could seduce you to live with she in a past that she self invent, a past that have no sorrow and have no pain, but if you brave and honest, memory could also be the voice of God reminding you of what you used to be and what you could of be before you lose your innocence and your hope and you pass through the wide gate to walk the comfortable road.

If I remembering those days now is not because I want to live in the safe prison of an idealized and sanitized past, although no one could blame me if I prefer that to the jail that is life in the politicians and criminals republic, that is our country today. You is the literary man, I don't have to remind you how Shakespeare saw and suffered these things five hundred years ago: 'Each new morn, new widows howl, new orphans cry, new sorrows strike heaven on the face...' For all that, I don't want to live in the past.

The first time I hear that this country getting an Equal Opportunity Act, I pull up. I looking at the present. I remembering the past. I ask myself how we reach where we reach, I ask myself how it come to this. I am a thinking man. I want to read this Equal Opportunity Act.

Madam President: Senator, are you still quoting from that letter?

Sen. Prof. K. Ramchand: Yes. "De man write meh a long letter." [*Laughter*]

Madam President: Somebody wrote you that letter, or you wrote that letter?
[*Laughter*]

Sen. Prof. K. Ramchand: I cannot reveal the identity of my correspondent.

I am a thinking man. I want to read this Equal Opportunity Act.

But I living in the bush and the pitch road from Cedros to the Red House is ten times rockier than the road from San Fernando West to the seat of the Colonial Governor, the Colonial Governor that one amongst us think he is a reincarnation of.

So it have no way I getting to read the Act for myself. I have to depend on the papers and the radio, which is a hit or miss affair, like depending on Gayle and Ganga. But from what I reading and hearing, I form the impression that this is a

thing that happen because African and Indian can't get along with one another, that this is an Act to stop Indian from denying opportunity to African if Indian in power and to stop African from denying opportunity to Indian if African in power.

This is a funny place. I don't think you could make sense of it if you concentrate on race. A Naipaul character say: I not lucky with my own people and that is true. And in *The Mystic Masseur* the Hindus, the Muslims and the Presbyterian Indians can't form a political party at all. If it had Pentecostal Indians in them days, like how it have now, they would have bawl. You friend Kirk has said it: if a man go up for election as a leader of a African party today he go lose his deposit. So what you talking about race in this society?

Kenos, I don't think them historians in UWI understand our history at all. Point number one: none of them notice that the independence negotiated by middle-class politicians reversed the democratic process that the labour movement began. What is worse it robbed us of the possibility of discovering and creating new forms of organization and participation, forms of national unity that resided in the popular movement.

Madam President: Are you still reading the letter, Senator?

Sen. Prof. K. Ramchand: I am still quoting.

Ask Rhoda Reddock about the role of women in the labour movements.

Madam President: The tone of the language has changed so drastically that I was just wondering.

Sen. Prof. K. Ramchand: Sometimes the writer lapses, Madam President.

Ask Samaroo and La Guerre about cooperation between White, Blacks and Indians in the labour movements. We was finding our way to a genuine politics. We was heading up to be one people. The Niger, the Ganges and the Seine.

In the colonial days, opportunity was scarce and the working people as well as those who couldn't get work—African, Indian, Chinese, Portuguese, French Creole, dougla, mulatto, hakwai and every other mix, male and female, country and city, these ordinary people, Kenos, banded together in ways that persuaded the colonizer that universal adult suffrage, one person one vote was the way to go.

A writer from Jamaica call the thing a New Day, and one from Trinidad call it A Brighter Sun.

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And then what happen? We lost it. Things get modern, things change and we didn't understand how the War, the Americans, British university education, the opening up to the larger world all of that start to accelerate in the 1950s and it was changing us for better and for worse and we didn't understand it and we still don't understand it because we don't know ourselves. We don't know where we come from and we can't make up we minds where we going.

What the labour movements was reaching for was turned into a speech day prize. Those who were making a genuine revolution were flung into captivity as an electorate to be manipulated.

First the labour leaders were politicians.

Then came the lawyers and the men with University degrees, the validating elites trained in colonial schools. Williams, Adams, Manley, Burnham.

And that was the end of the democratic revolution, that was the end of the movement of the people, that was the beginning of the tyranny. Hear Eric Roach on how the legacy was lost and the old heroes reduced.

I am quoting from a poem by Eric Roach, from a book called *The Flowering Rock*. The poem is called Littering Earth's Centre.

“Once Busta worked a Kingston
mob combustible, and Butler,
shouldering Cipriani out,
lit fires in oil and canes
to give their sad slave labour today's meaning.
Moved men make miracles,
the rest churn lies
and history fells them like dead forest trees
and rots their sodden memories like leaves.”

That is how the legacy was lost, and the old heroes reduced.

Kenos I getting tired boy I tired write but I thinking hard about this Equal Opportunity talk, I thinking hard about this race and ethnicity talk, I thinking hard about this discrimination and ethnic cleansing talk. Is all talk.

Kenos, you want to know what is the real enemy of equal opportunity? You want to know what dividing the people of this country? You want to know what turn people into mindless fanatics? You want to know what take the place of the nation and the village? You want to know what destroy community? I go tell yuh.

From the time we begin to understand that Government is big business and once you control the business you could give your friends and supporters money and contracts so they could continue to support you, you can buy and sell and build and breakdown because you control the purse, once we begin to see government as opportunity a perverse politics start up. Everybody join a side, I does call it a syndicate.

The occasion for the politics of transformation was turned in an opportunity for the exercise of power and patronage. Subscribing to the political party has taken the place of belonging to the nation. Teaching little children the traditions of the party take the place of opening young minds to the richness of our complex national identity. The cynical politics of power has taken the place of a politics of liberation and human development.

Kenos, is party politics that killing this place. Unless we look hard at the workings of party politics in our society since the 1950s we will continue to widen the gap between rich and poor and we will continue our undemocratic march to dictatorship and tyranny. Mark my words Kenos. Dixi. I have spoken. Those who have ears to hear let them hear.

Thank you, Madam President.

Sen. Dr. L. Saith: Madam President, I congratulate the Senator on the brilliant letter he wrote to himself. [*Laughter*] Having read many of those letters, Kenos, in the *Trinidad Guardian* over the years, I see that you have retained your literary skill, Senator.

Sen. R. Montano: Madam President, before we start, there is a matter I would like to get cleared up from the Minister of Foreign Affairs because he may have misled the Senate.

Did the Minister of Foreign Affairs say that there was a racial balance in the foreign service, which is what I understood him to be saying? I have received certain information, which says that in the embassies in Washington and Ottawa there are no Indo-Trinidadians and in London at the present time, there is only one Indo-Trinidadian. What did he say?

Madam President: Sen. Montano, I think the best thing for you to do to get the proper information is to file a question.

Sen. R. Montano: Madam President, I am trying to deal with it here and now because I do not want to mislead the Senate. I thought that the Minister's point—when he was criticizing me for waving this advertisement, [*waves a paper*], and he was also criticizing Sen. Mark, who is not here—was that there was no racial imbalance or inequality in the foreign service. And it has come to my attention that in fact, in the Washington Embassy and the High Commission in Ottawa, there are no Indo-Trinidadians and in London there is only one Indo-Trinidadian.

Sen. Dr. Saith: Madam President, it is with some sadness that I rise. If Sen. Montano wants to use the Senate to flout racial—[*Interruption*] Let me finish, please. —discrimination then he is free to do that, but I would advise my hon. colleague to ignore him because I do not think that we want to come to this Senate and say how many Indians or Africans were in the ministry in 1996. That is not the process we want to go through, and I plead with Sen. Montano not to make this Senate a place where we start counting the racial breakdown year by year in every Government department. That is not doing us any good. They were in office for six years and he knows that.

Sen. R. Montano: I did not start it. It was the Minister who started it, and this is my point.

Madam President: Whoever started it, I do not think we should continue with it.

Sen. Brother Noble Khan: Madam President, the question of the Equal Opportunity Commission is one that I think is part of the evolution that a country like ours has followed and is following the pattern which the world scenario has set for us.

My memory goes back to the early 1990s when a committee referred to as the Race Relations Committee was established and chaired by a very distinguished person in the Ministry of the Office of the Prime Minister and basically there were six members in that committee: Three were from the African community, two from the East Indian community, and one was from the Muslim community.

We had very good response from the Prime Minister and I recall when he had established this committee, he had allowed us a great amount of freedom and it was just after the big incident of what was referred to as the Watt's Riot in America where there were racial riots and burnings and he said he did not want this to take place in our country.

We met regularly and the Minutes went to him, and if there were any questions we asked, there was quick response to them. That established his concern of the matter and a very important point and that is, when you want things done, try to get them as close to the source of power. That had always existed with previous Prime Ministers, and I guess with those who came after and it worked.

We made recommendations and I recall some of them that go way back to the time of Columbus as our worthy Professor had made reference to, and I would like to think of Trinidad and Tobago as pre the coming of Columbus, and I know in our family we keep that tradition. We think in terms of it before Columbus coming and that has continued.

The elements of some of those negatives that existed at that time, which were inherited from the slave indentures, the colonial experience remained in our legal books. And even when we became independent, they continued to be there, and even after this committee I suspect many of them are still on those books.

This was particularly important as far as the Race Relations Committee recommendations were but one of the most salient important points that came out of it, was that the dispossessed people and those who were discriminated against were people of African and East Indian descent, and there should be attempts made to remove some of these discriminations that were existing.

They were substantially in the area of the economics of the land and many shoot-offs in the area of the social interaction. I have heard it today and even before, that if we were to look in many of these commissions that we have, the State boards, and the areas where decisions are being made as far as our country is concerned, one would find that people from different structures between these two major groups—for example I was born and grew up in East Dry River, I still live in Laventille. How many people from these areas find themselves on these boards, or for that matter, in the back of Felicity, Barrackpore or in the back of Charlieville? I know Charlieville has produced some very brilliant people, not only for the Caribbean, but for the world. How many serve in some of these areas where the decisions are being made with respect to our country?

3.45 p.m.

Now it is also my own feeling that when we think in terms of the accumulated wisdom of our country, it is not the monopoly of anybody, be they in here or outside, or even some of these decision-making places which I have mentioned which float up, but it is the bedrock of our people. This continues to be so. I do

not know if making laws, even those that have been put off to some other time, or even this one that is before us which was shot down but still exists in some form, would go to really make our country into what our worthy Professor has said, one in which one would think in terms of opportunity and we could definitely build a society of which we could be proud and even the rest of the region and the world.

I do have hope and we do work towards that end, but I would think that what I have seen here and the feeling I am picking up that the question of the Equal Opportunity Commission—and even what has been quoted out of one of these documents—is to be shot down; “shut” and “shot”. I really think that much work has gone into it and the people who were represented on these six groups that I am speaking about were really a cross section of our country, and whatever elements emerged out of this committee, many of which find expression in this law, if that “shut” or “shot” were to take place, I think it would be a very terrible thing to do. It would definitely be, again, historically, from the social aspect, even if it is just a short while we have been independent, and there are certain overflows that take place and are still in our psyche—if this were to happen, I think there would be a reinforcement into very many negatives that would just carry on into the next generation and that would not go well as far as feelings of belonging, of being able to be in a position to contribute.

I remember a song played; it was a very beautiful song that said: “This land of mine”, I think it was. It formed part of the exodus and the person who had composed that song was a friend of mine who was in the United Kingdom at the time. I think that is a world song. So we could also go to what we ourselves have created in song. This is part of the society, part of the culture, which informs and it is very important to listen to what people on the ground say, be it in song, calypso, chutney; not some of the negatives that come out of the calypso or chutney. But if we were to sift it out, we would be hearing part of the echoing of ourselves. These are important aspects when I think in terms of the Equal Opportunity Commission and what it means.

I would like to check back on my notes, but you can see they are not too very amplified as far as writing is concerned. I refer to the question of the institutions and the inadequacy of institutions as they obtain. I would not go too much into that because there are two aspects of it. Inherent in institutions there might be problems and also the problems of people who are supposed to operate the institutions.

If you would permit me to extend my congratulations to our dear new Senator, when he had, in a very eloquent and very scholarly way, had shown how an

institution could go off. That, in itself, could become institutionalized, but we hope again.

The question now of the mechanisms for achieving, we could think in terms of processes again. We can put systems in place and they do not operate correctly. I would like to touch on something which possibly because you are involved, I would not like to touch on, and that was yesterday. It is part of an institution which I have been associated with for some time and do make contribution to, and others make by far more superior contributions to whatever I make, and that is the Inter-Religious Organization of Trinidad and Tobago. Quickly, I would just remind ourselves that five of the major traditions in our land form the IRO: the Christian, Muslim, Hindu, Orisha and Bahai communities. Within each of these groups are subgroups. For example, among the Hindu community there might be eight groups; the Muslim, three—different numbers—but we have been able to some extent to come together to meet and discuss things not only at the national level, but beyond. Of course, as elsewhere, there would be ups and downs, but there are certain principles we allow ourselves to adhere to and the chief one is being on the spiritual plane, which is an important aspect. This has some relation when we think in terms of equality, but here you have a group because of its diversity, being met on an equal platform.

The question of bringing that element of—I like to use the word—spirituality, where our moral and ethical values are based within our traditions, should be allowed to permeate. I am aware that we start with a prayer here. Our Constitution recognizes God as the Supreme and I am sure each of us acknowledge that also, but I seem to get a disconnect not only here, but even at the world level. Some attempt was made at the world level to bridge that element, where in the United Nations an attempt was made to bring pre-eminent spiritual leaders together and have that influence within that forum. That started in the millennium year 2000.

We have practised it to some extent and the people on the ground practise it to some extent, but if we could allow these elements to permeate throughout the society and to reinforce when we are dealing with matters that are before us—the self is very important. We cannot escape the self. This is structurally important, but how we direct the self from the pole of selfishness towards an element of selflessness, I think could be a big challenge. Even all these discriminations that these equal opportunities lack, would definitely have to, for what it stands for, if we could definitely bring that element of living for others—at least I would take it that we all preach and feel that way and move towards that way, but do try to

achieve it—I think we would go a long way. In the meantime, however, elements such as this law which is before us, I think would go a long way, because there has to be some way where we can relate and connect with each other. At the moment, I do not think that exists too well. This has overflows to what we have heard and I would not go into the negatives that permeate our society.

There is definitely need for this Act in some form or the other. The way I understand it is that it has been torpedoed or it does not come out through some legal process, but what it stands for and what it would definitely achieve, I do not think anyone here would deny that. If we could get together under the element of partnership, of collaborating, of cooperating definitely to make something where the people could have that confidence—repose that confidence in something—I think if that were to take place, that confidence would build up into those who have ensured it and that is ourselves here.

So, Madam President, allow me to express my thanks again for allowing these few moments. Thank you.

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, you would remember that we deferred a statement by the hon. Minister in the Ministry of Finance, Sen. Christine Sahadeo. I would now ask her to read her statement.

CARONI (1975) LIMITED (VOLUNTARY SEPARATION OF EMPLOYMENT PROGRAMME)

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Madam President, before I begin, let me also extend a warm welcome to Independent Senator, Dr. Kirk Meighoo and Sen. Althea Roche. [*Desk thumping*]

I am authorized by the Cabinet to make the following statement on the status of the commitments made by the Government of Trinidad and Tobago to former employees of Caroni (1975) Limited under the enhanced Voluntary Separation of Employment Programme (VSEP).

You would recall that in 2002, the Government undertook a comprehensive review of the local sugar industry, in the context of the global issues of efficiency and competitiveness of that industry. As a result of that review, the Government formed the judgment that Caroni (1975) Limited, in its existing corporate form, would have been unable to discharge efficiently and effectively its principal functions, that is, sugarcane cultivation and sugar production, as well as the management of its considerable real estate holdings.

The Government remains convinced that the sugar industry in Trinidad and Tobago could only survive under conditions which are dictated by sound economic, financial and technical criteria. The sugar production aspect of the operations of Caroni (1975) Limited did not reflect those considerations. For this reason, the restructuring arrangements led to the establishment of a wholly-owned state enterprise: The Sugar Manufacturing Company Limited (SMCL).

The Sugar Manufacturing Company Limited is purchasing sugarcane from private farmers and is producing sugar for its preferential and local markets.

In order to effect the downsizing of the sugar industry, and consistent with Government's announced policy, the Board of Caroni (1975) Limited in February 2003, offered its employees an enhanced Voluntary Separation of Employment Package (VSEP). By August 02, 2003, all 9,007 employees had availed themselves of that VSEP offer in which the company sought to minimize the burden of the restructuring on those employees and their dependents by not only ensuring that the components of the VSEP were fair and humane, indeed, they were considered the best offer ever made to separated employees, extending additional support to employees in various aspects of their lives. Accordingly, the Government made 11 commitments to those former employees of Caroni (1975) Limited. Let me identify these commitments for the benefit of the honourable Senate.

Firstly, severance payments were made in accordance with the Collective Agreements negotiated between Caroni (1975) Limited and the respective unions and associations representing the employees. Accordingly, severance payments amounting to \$339.0 million were made to 7,870 daily-paid employees and \$226.8 million to 1,137 monthly-paid employees on their date of departure from that company on August 02, 2003. These severance payments for both monthly- and daily-paid employees amounted to \$565.8 million.

Secondly, the Government decided to offer a monetary enhancement calculated on the basis of the age of the employee on the date of the enhanced VSEP offer, that is, February 17, 2003. Accordingly, we paid monetary enhancements of \$98.8 million to daily-paid employees and \$73.0 million to monthly-paid employees. That is to say, the sum of \$565.8 million to which I referred earlier, was paid in addition to that on their departure date of August 02, 2003.

The 9,007 former employees of Caroni benefited from a total of \$737.6 million in severance payments and monetary enhancements.

The third commitment: The Government of Trinidad and Tobago reduced the effective tax burden on VSEP recipients by enacting legislation to increase the tax-

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exempt lump-sum in respect of severance payments from \$100,000 to \$300,000. As a result of this legislative action, all 7,870 daily-paid employees received their severance and monetary enhancements tax-free and so did many monthly-paid employees.

In addition, the Board of Inland Revenue agreed to waive the requirement that daily-paid employees file up-to-date tax returns before receiving their severance benefits. In the case of the monthly-paid employees, the BIR provided a complement of tax officers at the offices of Caroni (1975) Limited to assist monthly-paid employees in filing their tax returns to allow them to receive their severance payments on August 02, 2003. In the case of those monthly-paid employees who did not file their tax returns within the prescribed period, the BIR allowed Caroni to pay 50 per cent of their severance entitlements pending the completion of the filing process.

With respect to the fourth commitment, Madam President, on May 13, 2004, Government met its commitment to the 7,870 former daily-paid employees that their severance and monetary enhancements would be recalculated as at February 17, 2003 upon the conclusion of negotiations for a new Collective Agreement for the period 2002—2004. Now that this agreement has been settled, those workers would benefit from a further payment by the Government of Trinidad and Tobago before the end of July 2004.

By the same token, a similar commitment was made to the 1,137 monthly-paid employees in respect of their severance benefits. On May 18, 2004, this commitment was fulfilled when two associations representing certain monthly-paid staff executed new Collective Agreements for the period 2002—2004 and for which payments would be made, as I said before, by the end of July 2004.

At present, there remain two other associations representing monthly-paid staff which have not yet settled their Collective Agreements with Caroni (1975) Limited. On the basis of these agreements that have been settled to date, the Government of Trinidad and Tobago would pay out the sum of \$56.8 million to the former daily- and monthly-paid employees of Caroni (1975) Limited

The Government made a commitment that the pension-eligible former employees would receive their pensions on the due dates. At present, all pensionable former employees are receiving their pensions through a Caroni coordinated framework. Caroni (1975) Limited is also working assiduously with the various stakeholders to ensure that pension arrangements are placed on an actuarially sound and credible basis. This framework is expected to be in place by

October 01, 2004 and would be coordinated by a group of insurance providers, independent of Caroni (1975) Limited.

Government has committed itself to provide counselling and financial advisory services to separated daily- and monthly-paid employees to provide the necessary guidance, counselling and support services both before and after their separation from the company in order to ensure a comfortable transition. These services are actively being provided to the former daily-paid employees by a number of consultants. The monthly-paid employees have already completed their three programmes which provided:

- (I) group counselling in the areas of managing change, managing investments and job search strategies;
- (II) individual sessions which were held to offer psychological and financial counselling; and
- (III) financial advisory services by way of a one-day fair involving 15 financial institutions.

I wish to place on record the fact that 85 per cent of the monthly-paid employees participated in at least one of the three programmes.

The Government of the Trinidad and Tobago could not bypass the opportunity to actively participate in the retraining and retooling of such a vital and potentially dynamic section of the human resource base of this country. As a result, we committed ourselves to set aside \$20 million to fund a wide range of programmes covering professional, technical and vocational training for former daily- and monthly-paid employees.

Madam President, of the 1,137 former monthly-paid employees, 566 have indicated an interest in accessing training in several areas including agriculture, technical skills, academics, computer literacy and health, safety and the environment. With regard to the remaining 571 former employees, steps are being taken to encourage those former employees to take advantage of the training opportunities offered by Caroni (1975) Limited.

To date, 1,213 of the former daily-paid employees have successfully completed a wide range of courses including:

- Carbon Steel Welding
- Pipe Fitting and Fabrication
- Construction Electrical

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- Industrial Mechanical Maintenance
- Building Construction Trades
- Agriculture
- Occupational Health and Safety
- Computer Repairs
- Small Gas Engine Repairs
- Air Conditioning and Refrigeration
- Engineering (Diploma Courses):
 - Mechanical Engineering
 - Chemical Engineering
 - Electrical/Electronics Engineering
 - Instrumentation

Through their chosen training and retooling programmes, the Government of Trinidad and Tobago is ensuring that these former daily- and monthly-paid employees of Caroni (1975) Limited, would now be able to participate actively in this growing economy, particularly in areas where the demand for high-value skills now exceeds supply. Indeed, the trainings opportunities provided will, in no small measure, allow these former employees of Caroni (1975) Limited the opportunity to advance themselves.

Madam President, the Government of Trinidad and Tobago is determined to encourage these former employees who have not offered themselves for retraining to think again. To this end, Caroni (1975) Limited, in collaboration with the Employers' Consultative Association (ECA), has embarked on a concerted outreach programme in which they would conduct community walk-about during the period June 2004—November 2004 to engage in discussions with these former employees to assess their specific training needs and to determine how these could be facilitated. The walk-about are scheduled to take place in certain areas on the following dates:

June 24, 2004	-	Basta Hall
July 29, 2004	-	La Gloria
August 26, 2004	-	Jerningham Junction

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September 23, 2004	-	Felicity
October 28, 2004	-	Caroni
November 25, 2004	-	Bronte/Petit Morne

I therefore take this opportunity to invite all those former employees of Caroni (1975) Limited, who have not yet done so, to take steps to participate in these programmes. These community walk-about would bring about all the information and assistance to communities in which these former employees reside and would facilitate their eventual participation.

Furthermore, Caroni (1975) Limited is also taking steps to assist graduates in the various training programmes in securing employment through its Job Placement Programme (JPP). To this end, Caroni (1975) Limited has developed a Skills Bank of its former employees which would be accessed by potential employers as they seek to fill vacancies.

Hon. Senator: How many employed? [*Crosstalk*]

Madam President: You know, Senators, it is the custom of this Senate to at least allow Ministers to give their statement and to listen to what is being said. I am interested in what she is saying and I think there are other Senators in this House who are interested. [*Desk thumping*]

Sen. R. Montano: Madam President, it is also the custom of Ministers when they are giving statements to give real information and we are not getting any information.

Madam President: Please continue.

Sen. The Hon. C. Sahadeo: Madam President, if some of our Senators would listen, I am sure they would hear and they would learn.

The Government is in no doubt that, through our training, re-tooling and Job Placement programmes, the future of the former employees of Caroni (1975) Limited who make use of the opportunities provided, would find they have marketable skills in this expanding economic environment.

The Government's eighth commitment was to offer on a priority basis, the lease of a lot of land to each employee who on January 01, 2003, did not own a house. You would no doubt appreciate that in discharging its obligation, Government needed to be assured that the sites on which those lots could be allocated satisfied all the established technical criteria for the identification and development of residential lands in Trinidad and Tobago.

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Having done so, through a land use and capability study, we are now taking steps to establish the required residential lots on certain sites in Caroni and to ensure that residential lots are allocated in a credible and transparent manner. A final list of eligible applicants is expected to be ready by July 07, 2004.

The ninth commitment of this Government is to provide certain former monthly-paid employees with the option to purchase the company house which they occupied as at January 01, 2003 as part of the terms and conditions of their employment. This is at an advanced stage of being executed. On exercising this option, the houses would be offered at the market purchase price less 1 per cent for every year of service up to a maximum of 20 per cent. I hasten to add that those monthly-paid employees who exercise this option would not be entitled to priority access to residential lots.

Government's tenth commitment was to give priority access to lands for agricultural purposes to former employees of Caroni (1975) Limited who indicated an interest. We have now identified 17 locations from which we can make such distributions.

We also recognize the need for undertaking the necessary infrastructural work required for agricultural activity and to that end, the Government has decided that the Ministry of Agriculture, Land and Marine Resources would develop those sites on a phased basis with the first phase comprising 900 acres in four locations: Waterloo, Reform, Exchange and Caroni.

In its eleventh commitment, Government agreed to ensure that no employee would leave Caroni (1975) Limited on August 02, 2003 without having a clear understanding of his/her benefit package. I wish to announce that as part of Government's commitment to the former employees, Caroni (1975) Limited settled, to the satisfaction of its employees, 4,000 queries from its various employees.

The Government of Trinidad and Tobago recognized the potentially challenging effects of the downsizing of Caroni (1975) Limited. As you can see from all that I have said, that Government has made a determined effort to minimize the impact and ensure that those employees are well poised to embark on a productive and prosperous future.

This is why we have gone beyond our obligations under the VSEP as demonstrated by our community walk-about and Job Placement Programme. Such major programmes of adjustment are not without their human cost and to assist in addressing these, we have forged alliances with a number of NGOs

including: the Diabetic Association of Trinidad and Tobago, the Centre for Drug Prevention, Rehabilitation and the Development of Healthy Lifestyles (HEAL), Alcoholics Anonymous and the South Cancer Group, to provide related counselling and support.

This Government, in committing itself to this extensive programme of support for necessary change, continues to demonstrate we are a caring and socially responsible Government. We have kept our promises.

I thank you, Madam President. [*Desk thumping*]

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to Tuesday, July 06, 2004, at 1.30 p.m., at which time we would debate the Venture Capital (Amdt.) Bill.

Madam President: Hon. Senators, there is a matter to be raised on the Motion for the Adjournment and I think it would be to our benefit if we were to take that matter now and then we would adjourn the Senate and go to tea.

Environmental Pollution (La Brea)

Sen. Carolyn Seepersad-Bachan: Madam President, the matter that I raise this afternoon is the failure of the Government of Trinidad and Tobago and its state agencies, the National Gas Company and the Environmental Management Authority to address the environmental concerns of the residents of Vessigny and the surrounding areas of La Brea.

The La Brea villagers woke up one morning to find that the forest which surrounded them and the lake in which they fished, bathed and did their laundry, had vanished. Like a thief in the night, the National Energy Corporation, (NEC), a subsidiary of the National Gas Company, cleared the dense vegetation of the Union Estate, close to 700 acres of forest.

I want to quote from the Environmental Impact Assessment Report which states that there is dense vegetation covering 70 per cent of the proposed site and that these forests are an important ecological asset, particularly in the light of the present rate of deforestation in Trinidad. These forests represent a substantial resource for fauna, as evidenced by the large number of animal species documented on the site. Of the 10 mammals recorded on this site there are the howler monkeys, the Tyra porcupine and the anteater. I just quote these three because these are the ones that are sensitive and are threatened.

The Environmental Management Authority granted a Certificate of Environmental Clearance to the NEC. When the three contractors were engaged in clearing the site, they approached it from the three sides and as a result, the howler monkey, which is a threatened species and sensitive to noise and so on, actually fell from the trees, also the porcupine. What ended up happening was the porcupine and the howler monkeys were just chopped and placed in the back of trucks and removed from the site.

In addition, I want to show you what was also on this site. This is what they call the silk anteater. All of these had no chance of surviving that onslaught of that forest and they are now extinct from that area of the forest. The workers with the contractors indicated the stench that emanated from that area because of the wildlife which could not survive and had no way of escape because of the way in which the contractors approached that site, in terms of clearance. It did not allow for the easy migration of these animals into other areas of the forest.

What bothers me in all of this is why in the first place did the Environmental Management Authority, knowing the type of animals, the fauna in this area, ever grant a CEC without first discussing this in detail with the various NGOs? It was required that the NGC/NEC contact all the various NGOs with a view to rescuing this wildlife. But I want to ask the NEC, because I have contacted the various NGOs and they have not been contacted by the NEC, including the Field Naturalist Club, the Caribbean Forestry Association, the Wildfowl Trust, the Zoological Society, and many others, too many to list here this evening.

The area was also noted for orchids and as we would know, not one of these orchids could have been saved based on the way this area was cleared. The Orchid Society of Trinidad and Tobago would have been interested in going to the site and rescuing, at least saving as much of the orchids as possible. I ask again, in terms of the flora for that area, whether or not the Orchid Society, the Botanical Gardens or the Herbarium were contacted. I wish to hear that this afternoon.

It is also important to note that the residents of this area, given the type of forest, the type of vegetation, fauna and flora that we are dealing with, actually discussed with TIDCO the possibility of setting up, what they call, an eco-tourism park. It was carded for eco-tourism. Again I ask: Why did the Environmental Management Authority ever grant the Certificate of Environmental Clearance to the NEC?

To add insult to injury, the EMA granted the CEC to the NGC but when I checked the violations, there have been 11 violations of this Certificate of

Environmental Clearance. The NGC/NEC failed to minimize the amount of sediment migrating offsite, including using such measures as silt traps and others. This has resulted in the total silting of the Vessigny River. My understanding from the residents is that the Vessigny River is now full of mud. The Vessigny River empties into the sea waters, the coastal area and the Vessigny beach.

Other such violations, again too lengthy to list this afternoon, include no submission of the schedule of works to the EMA. This was a requirement in the CEC, for example, their schedule of works for the well abandonment programme, the realignment of the Vessigny River, the clearance activities. These schedule of works should have been submitted to the EMA. Approvals from other state agencies, including the Ministry of Energy and Energy Industries, were also to be forwarded to the EMA. That was not done.

I am reading from the violations to the CEC. I know that the EMA has served the NEC with this notice of violation. Others include the buffer zones that were supposed to be maintained, 100 metres wide, around the Southern Main Road and the residential areas. No such buffer zones were maintained. During the clearance exercise, the contractors, with their equipment, moved almost to the backdoors and up to the front porches of the residents, and the vegetation was supposed to have remained.

Another issue which I thought was rather alarming was that all the trees, the vegetation and debris that were supposed to be removed and dumped at an approved site, were all burnt. I wonder why did the Environmental Management Agency ever give approval to this particular estate, noting clearly that in the EIA it is stated that in the north block there would be the siting of the aluminium smelter; in the south block would be the siting of the ethylene complex and in the southwest block, the petrochemical plant such as urea, ammonia, et cetera. Where the aluminium smelter is sited is upwind of the residents. It is towards the northeast. We know meteorologically that there have been reverse winds and the residents, therefore, would be downstream.

I think it was about two weeks ago I raised a matter again on the Motion for the Adjournment and I indicated the dangers of the effluent from this aluminium smelter. I indicated the dangers of fluoride poisoning. For example, when we have hydrogen fluoride being emitted, more than three parts per million, that could cause, what we call, fluorosis, a chronic poisoning which leads to the softening of the bone and muscle tissue.

Furthermore, contact of that effluent with water, such as the Vessigny River and the sea water, could cause the formation of hydrochloric acid and we all know

the dangers of that. Again, I fail to understand why the Environmental Management Agency granted a Certificate of Environmental Clearance, given these factors. I also want to understand from the Minister how the Environmental Management Agency could also have given approval for the Vessigny River to be used as an area where the discharge from these plants would be removed, given that this Vessigny River goes into the Vessigny beach and we know the number of Trinidadians that actually populate that beach. I fail to understand, again, knowing the type of contamination of our coastal waters, why the EMA gave this approval.

It is clear from the Environmental Impact Assessment that the Vessigny River is earmarked for this purpose.

4.30 p.m.

What happens if the Certificate of Environmental Clearance (CEC) is not granted for an aluminium smelter, because of the issues I just raised? What happens after this Government has spent \$250 million of taxpayers' money in the development of this estate? What happens then, if you are told that the aluminium smelter cannot be located there? It is clear that the Environmental Management Authority (EMA) would have no other choice but to rubber-stamp the siting of any such plant in that area.

I raised this issue because we have just been through the La Brea Industrial Development Company (LABIDCO) issue, where we know that no heavy industry can be sited there. If the Government was so confident about the success of LABIDCO it would have sited the aluminium smelter there. I challenge the Government to site some heavy industries in that area. It is a known fact. You claimed your project was a big success. Let us see you site some heavy industries there, given the geotechnical studies and the reports. I want to see the Government do this.

We know that there are the abandonment programme and the plugging of the wells. They have started plugging wells in the area. After one of those wells has been plugged, it has already shown seepage, a similar problem they experienced when they tried to plug the wells in LABIDCO. I want to know if the same problems would plague this particular project in Union Estate. It is my understanding that Trains 5 and 6 have been sited at this particular estate. After all this, do we again recognize that we have made a mistake after spending \$250 million and we have destroyed an ecological asset? We have destroyed the fauna and flora. The challenge for the Government is to site these proposed plants at LABIDCO.

Thank you.

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Madam President, it is unfortunate that my colleague, the hon. Senator cannot respond. I am wondering whether the hon. Senator forgot that there was a time when her government was going to have a smelter plant and whether she is aware of where they were to construct it. Maybe, on another occasion she can answer that.

I would like to indicate that I know this honourable Senate is aware that there is an established procedure under the Environmental Management Act to be followed, as it relates to addressing environmental concerns for the implementation of development activities, falling within a range of designated activity areas. For large projects, normally, the requirement would be the Certificate of Environmental Clearance, which as the Senator said is issued by the Environmental Management Authority. There is a particular process that is involved as it relates to the issuing of that certificate which normally requires consultation between stakeholders and interest groups. Depending on the nature of the project and the likelihood of a negative environmental impact, an environmental impact assessment is sometimes required.

As it relates to the Union Hall Industrial Estate, the agencies involved in its establishment are Petrotrin; Palo Seco Agricultural Enterprises Limited; the Forestry Division of the Ministry of Public Utilities and the Environment; Highways Division of the Ministry of Works and Transport; the Water and Sewerage Authority; Town and Country Planning Division and the Environmental Management Authority.

With respect to the industrial estate at Union Estate, La Brea, the application for the Certificate of Environmental Clearance was submitted by the National Gas Company (NGC), on February 14, 2003. In response to that application, NGC was required to undertake the environmental impact assessment which involved consultation with stakeholders.

Some concerns were raised under the Environmental Impact Assessment (EIA) which included the establishment of the base line conditions for the site ranging from the physical, ecological and socio-economic environments; the abandonment programme for the decommissioning of the oil wells; the remediation of the site in respect of contaminated land and water courses; the removal of derelict equipment; the disposal and treatment of hazardous waste; the geotechnical survey of the site; the hazard and risk assessment of the estate; and the valuation of potential impact to the various aspects of the site environment.

The Environmental Impact Assessment was evaluated by several State agencies including those I mentioned a while ago, together with the Point Fortin Borough Corporation; The Ministry of Labour and Small and Micro Enterprise Development; the Ministry of Energy and Energy Industries; Fire Services Division and the Forestry Division.

Based on the recommendations of these various agencies and the review of the Environmental Management Authority, the CEC was granted for the following activities: the clearing, excavation, grading or land filling on an area of more than two hectares during a two-year period; the establishment of a paved area of more than 450 metres during a two-year period; the establishment of a road of more than 14 kilometres in length; the establishment of a facility for the treatment and disposal of hazardous substances; the establishment of a land drainage system for a parcel of land of more than one hectare during a two-year period; the establishment of a flood control system for a parcel of land of more than one hectare during a two-year period; and the realignment or modification of a river system.

An important element of the environmental impact assessment was the whole issue of consultation with the residents. The first meeting was held at the La Brea Community Centre in September 2003, with 61 residents attending with persons from Sobo Village, Vance River, Vessigny Village, Point D'Or, Rousillac and Union Village. A follow-up meeting was held on December 09, 2003 involving residents from the same area. Several issues were raised and the mitigation measures proposed by the Environmental Management Authority included solid waste disposal; some construction activities; management of heavy traffic and settlements; control of site run-off; careful monitoring of the activities associated with contaminated soil and water remediation and reclamation operation; effluents, air quality and noise control.

The Certificate of Environmental Clearance also requires the conduct of a well abandonment programme, which is being carried out with the approval of the Ministry of Energy and Energy Industries in order to mitigate against hydrocarbon pollution. The mobilization of contractors' equipment took place in April 2004, and the site clearing commenced on April 14, 2004. Consultations have continued with the residents with respect to their concerns after the receipt of the Certificate of Environmental Clearance. The village council executive meets every Thursday at the Vessigny Secondary School, to discuss problems concerning their communities and the NGC and the Environmental Management Authority would attend these meetings from time to time and give information as it relates to the concerns raised by the residents.

The Environmental Management Authority has expressed some concerns as informed by residents, with regard to the site clearing operations to which the recipient of the CEC, that is the NGC has submitted a written response to the Environmental Management Authority. NGC is expected to meet with the EMA as early as tomorrow with regard to the response by the Environmental Management Authority.

With respect to the CEC for the 100 metres buffer zone raised by the Senator, NGC is in compliance with this condition.

With respect to the removal of the vegetation from the site, NGC proposes to undertake a reforestation programme in keeping with NGC's adoption of the no neck loss principle applicable to wet lands, as has been tried with the National Environmental Policy Framework for Trinidad and Tobago. In this regard a reforestation exercise, even though not prescribed in the CEC, is being considered. In addition, a dam for recreational purposes would be constructed as requested by the residents of La Brea.

In relation to the aluminium smelter plant, the issue was raised as early as the first consultation for the environmental impact assessment in respect of the Union Estate and has continued thereafter. The major environmental concern by the residents in this regard is the emission of fluorides. As a good corporate citizen, the NGC would adhere to the back neck principle use of the best available technology, as enshrined in the National Environmental Policy Framework for Trinidad and Tobago.

Currently, aluminium smelting technology uses the Sauberg method as well as the pre-baked anode technology. A memorandum of understanding was signed between the National Gas Company and Alcoa on May 24, 2004, for the conduct of a feasibility study for the establishment of an aluminium smelter at La Brea. Meetings were held with the residents as follows: on May 21, 2004, a meeting was held with the Vessigny Village Council at the Vessigny Secondary School; on May 24, 2004, a meeting was held with the La Brea community leaders at Cara Suites. Aluminium experts were present to address their specific environmental concerns on the smelter. On May 26, 2004, a meeting was held with the residents of Union Village and environs and aluminium and environmental experts were present to address the residents' specific concerns with regard to the smelter.

Subsequently, Alcoa has submitted an application for the Certificate of Environmental Clearance to the Environmental Management Authority for the establishment of an aluminium smelter at La Brea. In response to this application,

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the Environmental Management Authority has requested among other things, the submission of details of the technology to be used and the mitigating measures consistent with the proposed technology. Further to Alcoa's application for the Certificate of Environmental Clearance, Alcoa would be required to conduct a detailed environmental impact assessment prior to the construction of an aluminium smelter in La Brea, in order to identify the mitigation measures necessary to protect human health and the environment.

I have sought to indicate the procedure for the granting of the Environmental Impact Assessment and the Certificate of Environmental Clearance. I have detailed all that was done and what is still being done by the Environmental Management Authority, to address the environmental concerns of the residents of La Brea with respect to the establishment of the Industrial Estate at Union Estate and the proposed construction of an aluminium smelter on this estate.

Thank you.

Madam President: Hon. Senators, before we take the adjournment, let me officially welcome our two new Senators, Miss Rocke and Dr. Meighoo who has already spoken and whom we have acknowledged.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.45 p.m.