

SENATE*Tuesday, November 23, 2004*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**PAPERS LAID**

1. The financial statements of the Estate Management and Business Development Company Limited for the year ended September 30, 2003. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Intellectual Property Office for the year ended December 31, 2003. [*Sen. The Hon. C. Enill*]

VENTURE CAPITAL (AMDT.) (No. 2) BILL**Select Committee Report****Second Interim Report****(Presentation)**

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I beg to lay on the Table the second interim report of the select committee of the Senate appointed to consider and report on the Venture Capital (Amdt.) (No. 2), Bill, 2004.

ORAL ANSWERS TO QUESTIONS**Piarco International Airport****(Repaved Runway)**

1. **Sen. Robin Montano** asked the hon. Minister of Works and Transport:

Could the Minister inform the Senate:

- A.
 - (i) Whether the newly repaved runway at the Piarco International Airport presents any risk to aircraft landing and taking off?
 - (ii) Could the Minister give full details of the potential risks, if there are any?
- B. Whether any airlines and/or pilots and/or aviation authorities, in Trinidad and Tobago or elsewhere, have complained about the quality of work done on the runway?

- C. If there have been complaints, could the Minister give full details of the following:
- (i) The names of firms, corporations or authorities that have filed complaints;
 - (ii) The nature and extent of the complaints;
 - (iii) The dates that the complaints were received; and
 - (iv) The replies made to firms, corporations or authorities that have filed complaints.

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, I rise to respond to question No. 1, as posed by Sen. Robin Montano, and to inform this honourable Senate that in response to A(i), the Civil Aviation Authority had advised that the newly paved runway at the Piarco International Airport does not pose any risk to aircraft landing and take-off.

In response to part A(ii), based on (i) above, (ii) does not apply.

In response to part B, subsequent to the cessation of works in June 2004, official complaints were received from British West Indian Airways Limited (BWIA). British West Indian Airways Limited has complained to the Airports Authority of Trinidad and Tobago that its pilots have reported that on take-off and particularly on the landing roll of the A340 air bus aircraft, the recently resurfaced runway is bumpy and can be felt in the aircraft as the series of jolts can best be described as a washboard effect.

Madam President, The Trinidad and Tobago Civil Aviation Authority, having itself received complaints from BWIA, has written to the Airports Authority of Trinidad and Tobago expressing its concerns about the area of runway unevenness in the runway profile.

On March 04, 2004, BWIA Airways Limited wrote to the Airports Authority of Trinidad and Tobago expressing its concern about a specific area of roughness located at the eastern end of runway 10.

On March 10, 2004 the Trinidad and Tobago Civil Aviation Authority wrote the Airports Authority of Trinidad and Tobago on the topic of 'Runway Unevenness' and instructed the Airports Authority of Trinidad and Tobago to take appropriate action.

On May 25, 2004, the Trinidad and Tobago Civil Aviation Authority wrote the Airports Authority of Trinidad and Tobago on the current state of the runway,

instructing the Airports Authority to take appropriate action and to advise on the remedial action to be taken and the time frame for completion.

On May 06, 2004, BWIA International Airways also wrote the Airports Authority of Trinidad and Tobago on the subject of the newly resurfaced 650 metres located on the western end of runway 10. BWIA also took the opportunity to enquire about the concerns expressed in its letter dated March 04, 2004.

On June 14, 2004 the Trinidad and Tobago Civil Aviation Authority held a meeting with the Airports Authority of Trinidad and Tobago to discuss the runway resurfacing project.

Madam President, the Airports Authority of Trinidad and Tobago, by letter dated April 02, 2004, replied to the Trinidad and Tobago Civil Aviation Authority's letter of March 10, 2004 stating the root cause of the uneven surface and indicating how the quality concern would be addressed. The Trinidad and Tobago Civil Aviation Authority received a letter dated May 28, 2004, from the Airports Authority in reply to its letter of May 25, 2004. In this letter, the Airports Authority, as advised by its local consultant, indicated that surface testing of the first 650 metres confirmed that the smoothness met International Civil Aviation Organization (ICAO) requirements. The contractor was, however, required to repair the joints of the 650 metres to reduce the washboard effect identified by the pilots. Subsequently though, on August 13, 2004 the consultant changed its position advising that the surface completed to date, that is, the 1800 metres which is inclusive of the original 650 metres referred to above, did not meet ICAO requirements. It is to be noted that the total length of the runway is 3,200 metres.

Subsequent to these letters and following visual observations, the Trinidad and Tobago Civil Aviation Authority became concerned whether the finished surface met ICAO and its 14 standards. Assistance was accordingly requested from the United States Federal Aviation Administration in conducting an assessment of the evenness, grade and transverse slope of runway 10—28 at Piarco International Airport. The Federal Aviation Authority has since submitted its report which confirmed inconsistencies in the surface of the runway. As a result of the report of the FAA consultant, the Airports Authority of Trinidad and Tobago has engaged the services of a runway pavement expert to develop a remedial action plan.

Sen. R. Montano: Given that the airport runway poses no risk whatsoever to the aircraft, would the Minister please now answer the part of the question No. 1, that is to say, C (ii), the nature and extent of the complaints. Would the Minister kindly explain to this Senate if there is no risk to the aircraft, what exactly were

the pilots complaining about with the washboard effect? Is it true that the dials were jumping all over the place? Is it true that they are complaining that this washboard effect is going to be a potential damage/danger to the aircraft in both take-off and landing, the most critical points? Is this true?

Hon. F. Khan: Madam President, there is a matter on the adjournment on this topic and I will have 15 minutes to delve into some further details. Added to that, there have been six questions that have been posed on this very matter by Sen. Wade Mark which is due for answering in the coming week, but I will, in fact, respond to Sen. Montano.

As Minister of Works and Transport, I have been very open with this matter. I brought this matter to the public domain indicating the surveys that were run by the FAA consultant who indicated that the newly relaid runway surface did not meet ICAO Annex 14 specification. Meeting the specification, how you translate that into whether there is a risk in landing and take-off as it relates to safety, is determined by the Civil Aviation Authority which is established in law here—the hon. Sadiq Baksh himself piloted that legislation. They are an autonomous body and the Director General of Civil Aviation could shut down the airport runway in the morning. The Act gives him that authority. And while we admit technically that there is some unevenness and grave issues which we are going to correct, the issue of whether civil aviation thinks that the risk is great enough to cause a tangible risk that will warrant its action in terms of intervention, in terms of safety, and with the oversight of the Federal Aviation Authority and ICAO, that is the basis on which the Civil Aviation Authority is saying that it poses no risk to exact landing and take-off.

Sen. R. Montano: Madam President, with the greatest of respect, the Minister still has not answered the question. The first question is this: is there any risk to aircraft? There could be a risk to aircraft with the fact that the washboard effect could make the dials go bad but the aircraft can still take off and land. The other part of the question says, the nature and extent of any complaints received

I have not heard the nature, or the extent. The only thing I have heard from the minister is the washboard effect. Is the Minister saying that the only complaint has been the washboard effect, full stop; because I would warn him about the dangers of misleading the Senate? What is the total and complete nature and what is the extent of the complaints. I know that he has received more than that.

Hon. F. Khan: Madam President, the complaints and the report of the FAA consultants are two different things. I am not covering up anything. We have admitted—the gist of this question and it is the last response I will make—the

Minister of Works and Transport who is the line minister for the Airports Authority has admitted to the national population that the repaving works done by the contractor and supervised by the consulting engineer did not meet ICAO specification as it relates to grade and smoothness. However, the Civil Aviation Authority has deemed that even though we have not met specification, and we have now a technical plan to remedy that situation, the airport runway does not pose any risk to the landing and take-off of aircraft.

Official Ports of Entry

2. Sen. Robin Montano asked the hon. Minister of National Security:

- A. Could the Minister provide the Senate with the names of all the official ports of entry into Trinidad and Tobago which are manned by Customs and Immigration officials?
- B. (i) Could the Minister state if it is possible to enter Trinidad and Tobago legally without going through one of the named ports?
- (ii) If the answer to (i) is in the affirmative, could the Minister state the circumstances which would render such an entry legal?

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, Members of this honourable Senate, according to the information provided by the Immigration and Customs Authorities, there are 43 official ports of entry where customs and immigration officers are stationed to facilitate the arrival and departure of passengers and import and export of cargo. These ports of entry comprise 41 seaports and two airports. The seaports include 12 ports appointed by the President under the Customs Act, Chap. 78:01, 10 in Trinidad and two in Tobago. Twenty approved places of loading and unloading appointed by the President under the Customs Act, Chap. 78:01, all in Trinidad; nine sufferance wharves appointed by the Customs and Excise under the Customs Act, Chap. 78:01, all in Trinidad. There are two airports, one in Trinidad and one in Tobago. These facilities are defined under the various legislation as follows:

The term “port of entry” as defined in the Immigration Act, Chap. 18:01 of the laws of Trinidad and Tobago, as any place in Trinidad and Tobago prescribed for the examination of persons under the Immigration Act. In the Customs Act, Chap. 78:01, section 2 of the laws of the Republic of Trinidad and Tobago states:

A port is defined as:

“any place, whether on the coast or elsewhere, appointed by the President by Notification, subject to any conditions or limitations specified in such Notification, to be a port for the purposes of the customs laws, and any customs aerodrome, whether within a port or not shall be deemed to be a port for aircraft”.

An “approved place of unloading and an approved place of loading” mean respectively any quay, jetty, wharf or other place, including any part of an aerodrome, appointed by the President by Notification to be a place where coastwise or imported goods or goods about to be carried coastwise or exported may be unloaded or loaded.”

A “sufferance wharf” is defined as: “any place other than an approved place of loading or unloading at which the Comptroller may, in his discretion, and under such conditions and in such manner as he may direct, either generally, or in any particular case, allow any goods to be loaded or unloaded.”

A list of the names of all ports of entry has been distributed for the information of hon. Senators.

With respect to the presence of customs and immigration officials at these ports of entry, hon. Members should note that according to information provided by the Comptroller of Customs and Excise, the Division has officers stationed at all seaports and airports when these seaports are in operation. Notwithstanding the normal hours of work, whenever these seaports and airports, ports of entry are required to work outside normal hours, customs officials are assigned for duty there. The operations of immigration are similar to that of Customs and Excise, in that at all ports of entry immigration officers are stationed where immigration services are required.

With respect to the immigration officials there is a 24-hour immigration presence at 11 of the 12 seaports. The remaining seaport, Scarborough, is provided with the services of an immigration officer on a needs basis. In the case of either a sufferance wharf, or an approved place of loading and unloading, if, as part of business of the owner or operator of that facility, wishes to also use that place for the embarkation and disembarkation of passengers and other persons, then the Comptroller of Customs and Excise will, in accordance with Regulation 97 of the Customs Act, appoint a part of that place to be the place for the examination of passengers, baggage and ship stalls. Similarly, in accordance with section 34 of the Immigration Act, the owner/operator of the facility or his agent shall make a request of the Chief Immigration Officer to provide immigration services as

needed. In the case of the two airports, both customs and immigration officers are present on a continuous basis.

With respect to part B(i), it is not possible to legally enter Trinidad and Tobago without going through one of the 43 ports of entry which are identified in the list which has been distributed.

With respect to part B(ii), since the answer to B(i) is in the negative, this part does not apply.

Foreign Nationals (Work Permits)

9. Sen. Wade Mark asked the hon. Minister of National Security:

Could the Minister give a detailed breakdown of the number of work permits granted to foreign nationals to work in Trinidad and Tobago between the period January, 2002 to March, 2004?

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, the honourable Senate is advised that for the period January, 2002 to March, 2004, the Ministry of National Security issued 6,935 work permits to foreign nationals as follows:

January to December 2004; 2,912; January to December 2003, 3,285; January to March 2004, 738. A breakdown of the work permits issued for the period January, 2002 to March, 2004, which details place of birth, present nationality, employing organization, profession/occupation to be followed in Trinidad and Tobago, as well as date of issue and duration of the work permits has been provided to the Clerk of the Senate for perusal of hon. Senators.

Sen. Mark: Madam President, I do not know if the hon. Minister had gone to question No. 10, because I was dealing with question No. 9.

Sen. The Hon. M. Joseph: I do not think you wanted me to read the whole list.

Sen. Mark: No, I did not expect that.

Issuance for Work Permits

10. Sen. Wade Mark asked the hon. Minister of National Security:

Could the Minister provide the following information as they relate to the issuance of work permits:

- (i) the names of the foreign nationals who were granted work permits;

- (ii) the names of companies which employed them;
 - (iii) the skills, professional, technical or managerial services they are expected to provide;
 - (iv) the duration of each work permit;
- B. Could the Minister inform the Senate of the criteria used in assessing applications for work permits;
- C. Could the Minister indicate what measures are being taken by the Government to ensure that nationals are properly trained to replace those foreigners?

The Minister of National Security (Sen. The Hon. Martin Joseph): With respect to 10A(i to iv), this honourable Senate is advised that a list has been circulated to hon. Senators of the 6,935 persons obtaining work permits for the period January 2002 to March 2004. The list details place of birth, present nationality, employing organization, profession or occupation to be followed in Trinidad and Tobago and date of issue and duration of each permit.

With respect to part B, the following criteria must be satisfied by the Ministry of National Security before a decision is taken to issue a work permit to a foreign national:

- accurate completion of the necessary application forms and payment of relevant fees;
- evidence of qualifications of the applicant, police certificate of good character on behalf of the applicant;
- verification that the applicant is in the country legally and is not in the prohibited class;
- verification of advertisement of the vacancy locally and/or internationally;
- verification that the proposed employer is registered to operate in Trinidad and Tobago;
- existence of proposals for the transfer of technology to nationals in the particular skill area or areas;
- recommendation by the relevant ministries, organizations, agencies such as TIDCO, THA, Supervisor of Insurance and the Central Bank, et cetera;
- in the case of a business, evidence to indicate that the investor can make a substantial investment that will generate significant economic activity and provide employment.

With respect to part C, having regard to the fact that an estimated 95 per cent of the work permits issued relate directly to the energy sector, the Ministry of Energy and Energy Industries has instituted a programme to monitor the employing companies so as to ensure that the knowledge and expertise held by expatriates are transferred to nationals of Trinidad and Tobago within the period of validity of the work permit. In this regard, the Ministry of Energy and Energy Industries has established a data-base with the names of all the understudies in the respective companies and maintains close contact with them as a means of verifying that they are properly equipped to carry out the functions of the office upon the repatriation of the foreign nationals.

Madam President, thank you.

Sen. Mark: Madam President, could the Minister indicate to this honourable Senate whether he is aware that nationals of this country, at least, given the number of persons who are engaged in work here in this country, that is foreigners, whether he could share with this honourable Senate the number of nationals who are used as understudy to these 6,000-plus foreigners at this time in the Republic?

Sen. The Hon. M. Joseph: Madam President, I am sorry, I will not be in a position to answer that question. If that is posed as a question I certainly would provide the information relevant to the understudies.

Sen. Mark: Madam President, through you, could the hon. Minister indicate whether he is aware that this work permit exercise has now assumed business proportions and there are a lot of corrupt activities involved in the issuing of work permits contrary to the criteria that the Minister has outlined?

Sen. The Hon. M. Joseph: I am not so aware, and if it is that the hon. Senator has information that will allow us in any way to pursue some of the issues he raised with respect to corruption in the issuing of the work permits, I will appreciate if the hon. Senator can provide this to us so that we can follow up the matter.

Sen. Mark: Could the hon. Minister indicate to us whether he is satisfied as Minister of National Security that every effort is being made to ensure that nationals are, in fact, trained to overtake at some point in the future, jobs that are currently occupied by foreign nationals?

Sen. The Hon. M. Joseph: Madam President, I indicated that to the honourable Senate. I indicated that the majority, especially as it relates to the transfer of skills—that requirement of the transferral of skills—that the Ministry of Energy and Energy Industries has a mechanism in place to deal with the whole

question of understudy because we recognized that was an area of abuse, and they are tightening up that particular area.

Sen. King: Madam President, thank you. I would also like, through you, to ask the Minister when work permits are being granted to foreign employees, whether we give their employer a time limit within which they must train nationals?

Sen. The Hon. M. Joseph: The answer is yes.

Sen. King: Could I get the time limit please?

Sen. The Hon. M. Joseph: I do not have the time limit before me. I think the time limit may vary from area to area. But time limits are, in fact, provided and it shows up especially when they come for renewal of work permits.

Written part of the answer lodged in the Parliament Library.

**Trinidad and Tobago High Commissioner
(United Kingdom)**

11. Sen. Wade Mark asked the Minister of Foreign Affairs:

- A. Could the Minister state whether the Trinidad and Tobago High Commissioner to the United Kingdom has taken up occupancy in the official quarters provided for that office holder?
- B. If the answer is in the affirmative, could the Minister inform the Senate of the date the High Commissioner commenced occupancy?
- C. If the answer is in the negative, could the Minister provide the Senate with a detailed breakdown of the cost of providing accommodation, meals and official entertainment to the High Commissioner of London since her commencement of official duties?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, Her Excellency, the High Commissioner for Trinidad and Tobago to the United Kingdom, has been unable to occupy the official residence for the following reason:

The official residence at the time of her assumption of duty on November 30, 2003, was in a state of disrepair and so was not habitable. It is still undergoing refurbishment. As a result, Her Excellency has had to be accommodated in temporary quarters. The response to the first part of the question being negative, then I would go to the third part.

Her Excellency is not provided with meals. The expenditure on accommodation and official entertainment is as follows: November 30, 2003 to December 10, 2003—hotel: £14,210. December 11, 2003 to September 27, 2004—rental of flat: £80,500. From December 18, 2003 to September 27, 2004—official entertainment: £4,614.

Presentation of credentials: £6,628; Ceremonial Day: £4,782. This comes to a total of approximately £110,636.

2.00 p.m.

Sen. Mark: Madam President, could the hon. Minister indicate to this honourable Senate what is the cost of refurbishment to the official residence? What period of time will it take to have the repairs completed?

Sen. The Hon. K. Gift: Madam President, as I said, the repairs are still ongoing. We do not yet have a final figure with respect to the repairs. So far, the official expenditure with respect to refurbishment is approximately £1,000,000.

Sen. R. Montano: And you do not know how much it is going to cost?

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate what is the estimated cost of expenditure for the complete refurbishment and repair of the official residence of the high commissioner? There must be an estimated cost.

Madam President: Hon. Minister, do you have an answer?

Sen. The Hon. K. Gift: Madam President, for the record, let me put this situation with respect to the residence in a certain perspective. The official residence of the high commissioner is located on prime property, and the property is fully owned by the Government of Trinidad and Tobago. The building was acquired about 35 years ago. Over a period of time, repairs to that building were minimal, until the start of the restoration work this year. The roof of the residence had deteriorated to such an extent that the company with which the residence is insured indicated that it would reject any claims for damages resulting from a faulty roof. We have to bear in mind that this property stood unoccupied for more than three years, and that was since the departure of the last high commissioner under the UNC administration. The building suffered quite a state of disrepair as a result of it being unoccupied.

Madam President, one knows, for example, that in tropical climates such as ours—and there are just two seasons—buildings do suffer quite a bit of wear and tear when they are unoccupied. We are dealing with a case in London where there are four different seasons in a year, and this property was unoccupied for more than three and a half years. With respect to the cost of repairs, we have not been able to

come up with a final figure because the work is ongoing. I can tell this honourable Senate that it is money well spent on a property belonging to the people of the Republic of Trinidad and Tobago.

Sen. R. Montano: Would the Minister please give us the name of this contractor and the terms and conditions? Is the Minister telling this Senate that the Government of Trinidad and Tobago has handed a blind cheque to a contractor to repair this building? Was the contractor NH International? [*Desk thumping*] [*Laughter*]

Sen. The Hon. K. Gift: Madam President, I think that company is a local company. I do not think that NH International has any operation at the Government's property in London. However, if the hon. Senator wishes to get details of the terms of the contract then that could be made available. At the present time, I do not have those details with me since it was not envisaged in the response to this question.

Sen. Mark: Madam President, through you, I asked a specific question and that was: Could the hon. Minister provide this Senate with an estimated cost of expenditure for the repair and refurbishment of the property? There must be an estimated cost. Is the estimated cost available?

Sen. The Hon. K. Gift: Madam President, I wish the other side would listen when this side speaks. I made it absolutely clear in my last intervention that if the other side wishes to have a copy of the contract that would be made available. I also emphasized that I did not have that information in my possession today. That information could be made available to the other side, if they are so interested.

Sen. Mark: We are interested and we would like to have that information next week Tuesday. Madam President, may I also ask the hon. Minister, through you, whether he can provide this honourable Senate with information concerning the purchase of three spanking new Mercedes Benz for the high commissioner?

Madam President: Senator, you know that is a new question. Is that question here?

Sen. Mark: Madam President, yes. That is all part of the question. [*Laughter*]

Madam President: Senator, I am sure that if you bring the question, you would get an answer.

Sen. Mark: Madam President, I also posed the question with respect to official entertainment. Did the Minister answer that question?

Hon. Senators: Yes.

Sen. Mark: How much is the amount for official entertainment? Could the Minister kindly repeat it for us?

Sen. The Hon. K. Gift: Madam President, for the purposes of the record, and since the goodly Senator may have been distracted, I did indicate that for the period December 18, 2003 to September 27, 2004, £4,514 were spent on official entertainment.

NATIONAL LOTTERIES (AMDT.) BILL

Bill to amend the National Lotteries Act, Chap. 21:04 to alter the definition of “financial year” [*The Minister in the Ministry of Finance*]; read the first time.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I seek the leave of the Senate to deal with Government Business instead of Private Business at this time.

Question put and agreed to.

VENTURE CAPITAL (AMDT.) (NO. 2) BILL

**Special Select Committee
Second Interim Report
(Adoption)**

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

That this Senate do adopt the second interim report of the special select committee of the Senate appointed to consider and report on a Bill entitled the Venture Capital (Amdt.) (No. 2) Bill.

Madam President, the work of the committee is advanced, but it is not yet finished. I beg to move that we consider this matter in a further 21 days’ time.

Question put and agreed to.

Report adopted.

**REGIONAL HEALTH AUTHORITIES
(AMENDMENT OF THE FIRST SCHEDULE) ORDER**

Sen. Wade Mark: Madam President, I beg to move the following Motion standing in my name:

Whereas it is provided in section 3(3) of the Regional Health Authorities Act, 1994 that the Minister of Health may by Order subject to the negative resolution of Parliament amend the First Schedule which lists the names and boundaries of Regional Health Authorities;

Regional Health Authorities
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And whereas by Legal Notice No. 245 an Order made on the 13th day of August, 2004, by the Minister of Health dissolved the North West Regional Health Authority and in its place created the North Regional Health Authority and the North Central Regional Health Authority;

And whereas the said Order known as the Regional Health Authorities (Amendment of the First Schedule) Order, 2004, was laid in the Senate by the Minister of Health on the 21st day of October, 2004;

And whereas the addition to and configuration of the Regional Health Authorities as contained in the said Order do not allow for the efficient delivery of health care to the citizens of Trinidad and Tobago;

Be it resolved that steps be taken to have the Regional Health Authorities (Amendment of the First Schedule) Order, 2004, annulled.

Madam President, may I say from the outset that I want to formally welcome back to this honourable Senate my colleagues, both Sen. The Hon. Dr. Lenny Saith, as well as Sen. The Hon. Christine Kangaloo. We missed them both and we are glad that they are back in one whole piece. [*Desk thumping*] We hope that all would be well in the coming months and years for our two colleagues. We make no distinction when it comes to sickness. We all have to care for each other when it comes to sickness. [*Desk thumping*]

Once again, I also want to take this opportunity to welcome my hon. friend, the hon. Minister of Health, Minister John Rahael, to the Senate, but this time we are dealing with a very important matter and that is the health care services of the nation. Madam President, as you are aware, the Government is seeking to split the North West Regional Health Authority into the North Regional Health Authority and the Central Regional Health Authority.

Madam President, in 1994 when the PNM introduced the Regional Health Authorities, at that time, the Act created five Regional Health Authorities, namely, the North Regional Health Authority, the South West Regional Health Authority, the Eastern Regional Health Authority, the Central Regional Health Authority and the Tobago Regional Health Authority. But, as you are aware, the rationale at the time for introducing this particular Act was to decentralize operations of the Ministry of Health, particularly, as it related to the delivery of health care from the Ministry of Health to the Regional Health Authorities.

Of course, at the time, the second rationale provided was to move employees from the public health sector away from the jurisdiction of the Public Service

Commission to the RHAs, which were given the power to hire, fire, discipline and to transfer personnel within their jurisdiction. The idea was really one of integration and rationalization of the health care system.

It is a fact that since the RHAs were introduced into this country in 1994, to this present time, health care under this present administration is in a total mess. Indeed, as we speak, health care in this country is in absolute crisis.

I wish to advise this honourable Senate that there was a loan governing this particular Health Sector Reform Programme. This programme involved a loan of some US \$192 million from the Inter American Development Bank. Of course, with respect to this particular arrangement, we had some counterpart funding. The total sum involved was over TT \$1 billion. This particular programme has been going on for a number of years. This programme was predicated on the principle of non-duplication of services, among other things, and hence the reason the pediatric services from the Port of Spain General Hospital were centralized and transferred to the Eric Williams Medical Sciences Complex. This was done under the UNC administration in 1997.

Madam President, as I said, one of the reasons for doing that had to do with the loan that we had entered into with the Inter American Development Bank. The Inter American Development Bank specified, in a very clear way, the non-duplication of services. That is why we found it a bit strange that the Minister would seek, at this time, to truncate the North West Regional Health Authority into two regions.

Now, we believe that this particular truncation or splitting the North West Regional Health Authority into two regions would be against the tenets on which the Health Sector Reform Programme was based. Of course, the Minister would be aware that this programme was initiated by the then PNM in 1994.

We are not convinced that at this time the splitting of the North West Regional Health Authority would bring about the kinds of synergies, economies of scale, rationalization and the unavoidable duplication of services in the system.

We believe that this approach by the Minister of Health is going to add to the institutional bureaucracy, and we would have another layer of officials. Once the Government goes down that route—if this Motion is allowed to be passed, or if we do not prevent the Government from proceeding along its present path, or if we are defeated this afternoon—we are going to have the creation of another board of directors; another layer of top management; another layer of middle management; and then the cost that would arise from such bureaucracy that the Minister of Health is about to impose on this nation.

Regional Health Authorities
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I want to remind the Minister that as the Government speaks to the issue of developed nation status, he has to be mindful of the emerging tendencies and developments that are currently taking place in the developed world. For a country such as ours, given a population size of 1.2 million people, we would like to advance that there is no need for a fifth RHA. We believe that there is need for merely three RHAs, namely, North, South and Tobago. There is no need for a fifth RHA. That is why the UNC took a conscious decision with respect to the IDB Health Sector Reform Programme loan where the IDB emphasized the need for non-duplication of services and sought to integrate both the Central Regional Health Authority and the North Regional Health Authority, and the end product was the North West Regional Health Authority.

Madam President, the Minister wishes to go back in times. Maybe the Minister is a back-in-times party man. In Britain, where there are 60 million people, they have now reduced its 20 regional health authorities to a mere eight regional health authorities. That is developed nation status that we are looking at. This is what is taking place in Britain.

My information revealed that in Canada, PriceWaterhouse had been contracted by the Federal Government to engage in rationalization of the health care institutions in that country. There are already signs of the consolidation of hospital services in that nation. In one area where there were about 34 hospitals, that amount has now been reduced—in terms of administration—to three or four under that particular programme that is being executed.

In developed countries, efforts are being made to consolidate and merge health care institutions in order to promote better management, but in Trinidad and Tobago, millions of dollars are being spent on management under the stewardship and watch of the hon. Minister of Health and the PNM administration. They are moving backward. In fact, they are in the “douendom”. “Yuh looking forward and yuh leg backward, or yuh leg backward and yuh face forward.” That is how the PNM is operating.

So, there is a Minister of Health who is not a “douen” but, apparently, he is caught up in “douendom” and he is taking the country backward. The world is moving forward in seeking to rationalize and integrate health care services but, in Trinidad and Tobago with a population of 1.3 million people, we are seeking to expand the RHAs.

Madam President, it is incomprehensible what the hon. Minister and his administration is attempting to do at this time. This would not bring about anything

that his administration is seeking to provide. I will give examples of the total mess that is called “health care service” in this country, under the watch of the hon. Minister of Health, Minister John Rahael.

Madam President, we have argued, and we are going to argue this afternoon that we do not need more RHAs in the country, but we have to do a proper diagnosis to strategically determine what are the main factors and reasons for the poor health care delivery that our citizens are being subjected to. There are 6,000 to 8,000 surgical cases outstanding in this country. People have to wait an entire year and sometimes two years to have their surgeries done in a country where the Government is boasting of a \$28 billion budget. We have a “Caribbean Santa Claus” Prime Minister who goes about the Caribbean handing out moneys to his friends for integration but, in Trinidad and Tobago, basic health care services are absent in this land.

The question is not more Regional Health Authorities. That is not the issue here; that is not what is required. The issue here is incompetence! We have an incompetent administration—a lot of party hacks that are stacked on these RHAs’ boards; they do not know their head from their feet; and all they are doing is having a rollicking time. I will demonstrate the festivities that they are engaged in. They are having a great time and they are not taking care of the patients.

The hon. Minister is a fellow who likes to talk and boast. Madam President, with respect to the \$109 million that went missing in the North West Regional Health Authority—they failed to submit your taxes and your health surcharges to the relevant authorities—the Minister went on television and he also told the newspaper that heads would roll and he would take action. The Minister also said: “Do not blame me, blame the Permanent Secretary.” The Permanent Secretary went ahead and blamed the North West Regional Health Authority. They were just passing the buck.

Madam President, do you know where that \$109 million went? That money went in the employment of 170 persons in the North West Regional Health Authority, including 70 persons in the administrative structure.

Sen. R. Montano: Corruption!

Sen. W. Mark: Who gave the all-clear to the North West Regional Health Authority to utilize taxpayers’ money in order to employ 170 persons? Who did that?

Sen. R. Montano: That is jobs for the boys.

Sen. W. Mark: The point I am making is that this is not a question of limited RHAs, but a question of incompetence, mismanagement and square pegs in round holes. That is what is taking place. There is a Minister who comes to the Parliament and tables an Order seeking to split the North West Regional Health Authority into two regions.

I will argue that what is needed is proper management. I think what is also needed is the appointment of competent board members; competent directors; and people who must be selected on the basis of merit and not on the basis of political affiliation or association. That is what is taking place. That is why Sen. The Hon. Dr. Lenny Saith and Sen. The Hon. Christine Kangaloo had to migrate. I am sure that if they had remained here they would have perished. We do not have proper health care facilities in this country. I do not blame them because I will do the same thing. The Minister of Health is in charge of providing proper health care services, but he abdicates his responsibility: “Do not blame me, blame the RHA; blame the Permanent Secretary; and blame everyone else except the Minister.” He is Pontius Pilate, he does nothing wrong. Later I will tell you something about the Minister.

Madam President, we need competent boards; and we need competent management. There is a Pan American Health Organization Report of 2004, which I am going to share with this honourable Senate, recommending, not the creation of more RHAs, but the fixing of the problems. There is a management problem; there is an incompetence problem; and creating more RHAs will not solve the management and incompetencies in the health care system. The Minister of Health, who is a very astute businessman, will not even do that in his own business, but he comes here to engage in extravagance, insofar as taxpayers’ moneys are concerned. If he has a business—and he has many businesses in this country—do you think he would do that? No. This is about jobs for the boys.

Madam President, how is the splitting of the RHA going to bring about more effective accountability? Let the Minister tell this honourable Senate today how the splitting of the RHA is going to bring all the workers under one umbrella. The Public Service Commission has one set of workers and the RHA has another set of workers. How is creating a fifth RHA going to deal with effective accountability and the unification of all the workers under one umbrella body?

When we consolidated the North and Central Regional Health Authorities into the North West Regional Health Authority, we had widespread consultation with all the major stakeholders like the doctors, the trade unions and the nurses. They agreed that there was need to consolidate. Could the Minister indicate to us whom

he consulted with before he came to this Parliament to table this legal notice? Who? The Minister must tell us.

We had consultation with the major stakeholders. We did not impose anything on the population. We want the hon. Minister to tell us, because the doctors and the trade unions that are involved never supported five RHAs. They wanted two RHAs. We are still saying that three RHAs could work in Trinidad and Tobago. The Minister of Health, visionary as he may be—maybe he is seeing other things, but not proper health care for the nation. Who were involved in these consultations? When did these consultations take place? What was the end result of these consultations?

There are reports on the desk of the Minister of Health. For example, the Minister has a PriceWaterhouse report on how to transfer public sector workers to the RHAs. That is currently on the desk of the Minister of Health. *[Interruption]* Do not talk about Hamza; we are talking about you.

Madam President: Senator, please, talk to me.

Sen. W. Mark: Tell the Minister to give me some peace. He is a guest here. *[Interruption]* I am treating him properly. I would like the Minister to open the report by Ernst & Young on how to deal efficiently and effectively with management at the Eric Williams Medical Sciences Complex and, by extension, the North West Regional Health Authority. The Minister has been in office for a couple of months now. I understand that the Minister is doing well in many respects, but not helping the poor people.

Madam President, there is also a task force report that the Minister has on his desk which is dated 1999, dealing with the reduction in the waiting time for surgeries. The waiting list is too long and that is why Sen. The Hon. Dr. Lenny Saith and Sen. Christine Kangaloo had to leave here. The waiting list for poor people is too long. Madam President, 6,000 to 7,000 persons are awaiting surgeries in this country. *[Interruption]*

Madam President, there is a task force report dated 1999 dealing with the reduction in the waiting time for surgeries. The Minister has that report on his desk. We want the Minister to dust it and get to work with the report. Why is the Minister not dealing with that report?

Madam President, there are a number of problems affecting the institution. Over the years, even though there were limitations involved with respect to the Health Sector Reform Programme, we sought our endeavour best to work with

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what we had inherited from the PNM when we took up office in 1996. We would like the Minister of Health to at least follow in our footsteps and do not blame other persons.

We consolidated the North Regional Health Authority and the Central Regional Health Authority into the North West Regional Health Authority, and the Government is seeking to split this authority into two regions. How is the Minister going to assure the population that when that is done we are going to get benefits? Has the Minister worked out the cost of this new integration process? Could the hon. Minister provide us with the information with respect to how much this is going to cost the taxpayers of this country? Could the hon. Minister indicate to this Parliament whether the splitting of the region was budgeted for? Where is the Minister going to find the money, since the Prime Minister boasted in his 2005 budget statement that with effect from January 01, 2005 there would be free medical services at the Eric Williams Medical Sciences Complex? The Prime Minister said that.

I understand that the Eric Williams Medical Sciences Complex collects about \$200 million every year. Is the PNM prepared to subsidize that \$200 million? Can people now get free heart surgeries? Is that what the Prime Minister and Minister of Finance is saying? Is the Minister of Health saying that? He is already backing down. I have an article where he told the entire country that the health plan would not work. He told us that. This Minister is backing down already. He is making all kinds of excuses why the health plan cannot work.

So, in the Prime Minister and Minister of Finance's budget statement of 2005, the country was promised a gift—Knowlson—of free medical care with effect from January 01, 2005. I am sure that you would welcome it; the nation would welcome it; and I would welcome it. So we wait with bated breath to ensure that the Minister's mandate would be effected efficiently and effectively on January 01, 2005. People are waiting on January 01, 2005 to go to the Eric Williams Medical Sciences Complex to get all the free health care services that “Caribbean Santa Claus”, the hon. Patrick Manning, promised the people of this nation. We are getting a gift for the Christmas.

Madam President, what is the role of the Ministry of Health in this matter? You would appreciate that the Ministry of Health has the responsibility under the RHA framework to plan, to formulate policy, to provide finances, to monitor and to evaluate. There is a structure in the Ministry to facilitate that process.

I found it very strange that the Minister of Health told this country that he was not aware that the \$110 million was not remitted to the Inland Revenue

Department, and a financial statement is provided to the Ministry of Health on a monthly basis. Where was the Minister of Health when these reports were being submitted? He is the chairman of a steering committee. Madam President, do you know that the Minister chairs that steering committee and he has a Permanent Secretary who is exclusively devoted to the RHAs. He also has another Permanent Secretary who meets with all the Chief Executive Officers and Chairmen of all the RHAs.

How could the Minister be meeting frequently—unless he is busy doing other things that you and I are not aware of. He is busy doing other things, so he cannot attend to the business of the nation as far as health care is concerned.

Madam President, we need leadership at the level of the RHAs; we need competent managers at the RHAs. We do not want PNM cronies to litter these boards. If a fifth board is created the board is going to be packed with PNM cronies who do not have a clue about health care—just as they mamaguyed the population and told them that the Community-based Environmental Protection and Enhancement Programme (CEPEP) contractors would turn out entrepreneurs one day, and that is not going to happen. These persons have not been trained for that purpose.

2.45 p.m.

So if square pegs are put in round holes what do you expect to get? You cannot plant cassava and get Rahaël; you have to plant Rahaël to get Rahaël. In other words, you have to recognize that the solution to the problem is proper management. We need competent officials to run the health care services in the country.

Madam President, whilst patients are dying on a daily basis from a lack of proper health care facilities and improper health care at the hospitals in our nation, whilst all this chaos is taking place, there is a highly incompetent board in the North West Regional Health Authority, an institution that remained almost three years without an appointed CEO. Just a couple of weeks ago one was appointed and that same incompetent board has time to send home senior managers. They cannot pay their utility bills to the Inland Revenue department, but they can muster almost \$200,000 to buy tickets for themselves and their top administrative staff to go to parties and have a good time and the Minister presides over that. The hon. Minister is presiding over corruption.

Madam President, while this board of the Regional Health Authority, particularly the North West Regional Health Authority has a good time employing

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all kinds of people they ought not to be employing, over 25 to 30 babies died at the Mount Hope Medical Children's Ward under the watch of the Minister of Health from some disease called enterobacter and the Minister was in charge. He cannot even remember; he suffers from amnesia conveniently. That is the “do not blame me Minister”. Do not blame him for anything.

There was a report issued in 2002 by the company, Ernst & Young dealing with financial policies and procedures for proper accounting at the North West Regional Health Authority, it also dealt with inefficiencies and mismanagement there. What has the Minister done? Has that manual been implemented to deal with proper accounting principles and standards? What is taking place? The Minister comes to this Parliament via an Order seeking to get us to agree to split the North West Regional Health Authority into north and central when he has not dealt with the basic problems impacting upon health in the system.

Madam President, I want to advise the Minister that he should pay attention to some serious matters in the Regional Health Authority instead of presiding over matters, which to my mind, warrants a commission of enquiry. We have information of all kinds of hanky-panky arrangements taking place in the North West Regional Health Authority. All kinds of contracts worth hundreds of millions of dollars are being issued to a company called Siemens through a local representative organization called Bio-medics Technology. I have instances of all these contracts, and all the equipment they were able to enjoy in terms of favourable treatment.

Madam President, of course, the Minister said the Central Tenders Board finally allotted and awarded these contracts in question, but the specifications and evaluations were done by in-house personnel and it led the Central Tenders Board to inevitably support the awards as proposed by the evaluation committee. We are talking about the cauterization at the Eric Williams Medical Sciences Complex valued at \$22 million which was awarded to Siemens, and that organization has a local agent in this country called Bio-medics Technology and dialysis services and machines are being awarded to the friends and families of this regime.

Madam President, there are about five contracts that we would like the Government, the Integrity Commission and the Commission of Enquiry into the Health Care Sector to investigate. [*Crosstalk*] “I ain’t dealing with CDAP yet, ah coming to that.” So take it easy.

All I am saying is that this particular matter requires a commission of enquiry. Why is the same company getting all these awards? Are there not other

competitors? I want Sen. Dr. Lenny Saith to look at the matter; it is a very serious one involving health care in this nation, and I advise the hon. Minister to monitor the situation because he is not doing so.

Madam President, the Tobago Regional Health Authority, and particularly as it relates to the Scarborough Regional Hospital, is another area that the Minister of Health needs to pay attention to. Is he monitoring that particular project in Scarborough, Tobago? I would like to provide a letter so you can see what is happening at the Tobago Regional Health Authority via this hospital project that is now raging in controversy.

Do you know that that hospital in Scarborough is supposed to cost \$113 million? We understand to date, the foundation has not been completed but there is a cost overrun of over \$25 million. Is the Minister of Health monitoring that? What is he doing?

I have a letter written by Stantec Consulting International Limited and the *Sunday Express* had a story on it written by Pryor Beharry. This letter is saying—and I want to make a copy available to all of my colleagues in the Senate to let them see what is taking place at the Scarborough Hospital.

There is a group called Stantec Consulting International Limited, hired by the Inter American Development Bank and the architects are responsible for the supervising aspects of this project. It is signed by Dan Zak, the Site Architect and it is copied to Nipdec, Andy Palmer from Nipdec, Martin Riley and a number of other persons whom you will see.

Mr. Zak, who is hired by the Inter-American Development Bank to ensure that the money allocated to the Scarborough Hospital is used for the purpose it was allocated for, has this to say in a letter to Mr. John Connon, Managing Director of NHIC:

“In accordance with Sub-Clause 6.9 Conditions of Contract we herein require the Contractor to remove Mr. Peter Morris from the site as soon as possible but no later than November 15, 2004 and to appoint a suitable replacement person.

The removal of Mr. Morris has become necessary, among others, for the following reasons:—

- a) Failed to conform to provisions of the Contract—On his own admission the Acting Project Manager has over a period of time removed materials from the site without the knowledge and approval of the Engineer/Architect.”

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This is what Dan Zak is saying to John Connon, the Managing Director. He is saying that Morris has been consciously and deliberately removing materials from the site over a period of time without the knowledge and approval of the Engineer/Architect. Where was that material going?

It goes on to say that Mr. Morris:

“b) Failed to conform to provisions of the Contract—The Acting Project Manager persists in submitting unsubstantiated claims for payment.”

Madam President, they are not only removing materials from the site, but they are now compounding the matter by submitting unsubstantiated claims and I would like you to connect the dots in this matter: The NHIC, which is the agency that is now on site, the foundation at the Scarborough Hospital with an overall cost overrun of \$25 million has not been completed and, NH International (Caribbean) Limited, in a letter dated October 14, 2004 writes to the ICC International Court of Arbitration.

Madam President, just imagine “dey t’iefing materials from the site, and taking it to some other location.” “In addition to t’iefing materials dey tell the same Zak he has to pay for the materials dey moving.” So they are making unsubstantiated claims. “Moneys dey ain’t earn, dey t’ief material and then saying, yuh must pay me for t’iefing.”

Madam President, this is a criminal matter and I want the Minister of Health to take note. I want this letter circulated to all my colleagues.

Madam President: Senator, I hear what you are saying and I wonder if all of this is really relevant.

Sen. W. Mark: I am talking about the Scarborough Hospital, Madam President; this is the Regional Health Authority. This is about a \$1.3 billion loan that you and I and our children will have to pay back over the next 20 years. That is the amount of money the project is costing the Health Sector Reform Programme, and out of that amount \$135 million has been allocated to the Scarborough Regional Health Authority.

Madam President: Just be moderate in your language. I do not like the use of the word “t’iefing”.

Sen. W. Mark: Madam President, I apologize. They simply borrowed it, and they will bring it back later. [*Crosstalk*] We will talk about that on the hustings. [*Words expunged*]

Sen. Yuille-Williams: Madam President, clearly, we are not going to go through this again, and I am asking you to have the reference to the gentleman's name in this context removed from the record please.

Madam President: Senator, I think you should withdraw the name of the person you just mentioned.

Sen. W. Mark: Madam President, may I inform you that it is on record in this Parliament—

Madam President: Not in this Parliament.

Sen. W. Mark: Madam President, if you suspend the Senate for a moment, I would get the *Hansard* record which says that. [*Words expunged*]

Madam President: Okay, fine, continue.

Sen. D. Montano: Madam President, on a point of order, what Dr. Rowley said was that he had paid for all the materials that had gone to his site. It had nothing to do with the origin from where they came. Putting into the *Hansard* what the Senator says is grossly misleading.

Sen. W. Mark: Madam President, we can argue this and I can get the records too.

Madam President: I suggest to the Reporter that what was said about Dr. Rowley by Sen. Mark not be included.

Sen. W. Mark: Madam President, I want to share with you a letter that was written by NH International (Caribbean) Limited to the ICC International Court of Arbitration dated Thursday, October 14, 2004 and addressed to Jennifer Kirby. It says:

“Dear Sirs,

Re: New Scarborough Hospital Project—IADB Loan 937/OC-TT

Arbitration of Disputes—Case #13 455/JNK

We acknowledge receipt of your letter dated 12th October 2004 concerning recent correspondence in this Case to which we respond as follows:

The parties have not agreed to the appointment of a Sole Arbitrator as yet and, unless there is subsequent agreement to do otherwise, a three member Arbitration Tribunal should be appointed.

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We see no reason why NIPDEC should not respond to our Request for Arbitration by the date proposed, namely Monday 8th November 2004. The issues in dispute have been the subject of extensive correspondence so that the disputes are well known to both parties.

We propose that a copy of the Answer by NIPDEC to our Request for Arbitration be delivered to us directly in Trinidad and Tobago to avoid courier costs to and from Paris in France.”

Madam President, and they are calling for an amicable resolution to this problem. The point I am making—

Madam President: Sen. Mark, I interrupt to let you know that your hour will expire in five minutes.

Sen. W. Mark: Thank you, Madam President. Here is a situation at the Scarborough Regional Hospital site where materials are being removed, substantial claims are being advanced that cannot be backed up, NHIC is taking Nipdec to the ICC International Court of Arbitration and there is already a cost overrun of \$25 million with only the foundation stone being established.

Madam President, this matter is serious and it involves taxpayers’ money. This is contrary to the provision of the Larceny Act and the Proceeds of Crime Act.

Sen. Jeremie: Madam President, on a point of order. The matter to which Sen. Mark refers is before an international court. Unfortunately, the substance of much of his contribution is not before the court and I do not think he is misleading the Senate, but the issues before the International Court of Arbitration are really within a very narrow compass and it has absolutely nothing to do with the removal of material from one site to another. He may wish to reconsider that remark in the context of what is actually before the International Court of Arbitration.

Sen. W. Mark: Madam President, I am glad for the Attorney General’s intervention, but what I am saying is that the removal of material and the submission of unsubstantiated claims constitute a breach of the Larceny Act, the Proceeds of Crime Act and the Prevention of Corruption Act, and it is contrary to common law. [*The Attorney General stands*]

Madam President, may I conclude? I just have about three minutes and the Attorney General is eating into my time. I am saying that these developments are very serious and I think the Attorney General of this country ought to intervene in this matter because it is contrary to law.

Sen. Jeremie: On a point of clarification, I will like to correct the Senator on a few matters. Firstly, he is concluding without having the benefit of the conclusions of any of the investigations which are currently under way and this matter is being seriously investigated by multiple agencies. So he is concluding on—

Sen. W. Mark: Madam President, I am fed up listening to him, I want to continue.

Madam President: Mr. Attorney General, you have the opportunity to reply if you desire. I do not think that in two or three minutes you can say what you have to say. You will have to make a contribution if you wish to clarify those matters.

Sen. W. Mark: Thank you, Madam President. In my conclusion, may I suggest that this is a very serious matter and the reason I raise it is because it is in the context of this Motion. Moneys are involved and the Minister has come with an Order to split the North West Regional Health Authority into central and north and we do not believe it is the correct approach to bring about the efficiencies in the process, and that the poor, the oppressed, the exploited and downtrodden will benefit by this arrangement. As a result, we are calling on this Senate not to support the splitting of the North West Regional Health Authority into north and central, and we are calling for an annulment of the Order that was tabled in this honourable Senate in October this year.

So with your leave, I appeal to my colleagues to revisit this particular matter, look at it objectively and comprehensively and see the fallacies of the argument advanced by the Minister of Health which was already in the public domain through press reports.

Madam President, with your support and your leave I also appeal to the hon. Minister to look at this matter in the context of proper and decent health care, efficient delivery of health care services, and to ensure that we do not have duplication of services which are really contrary to the provision of the Public Sector Health Reform loan which was issued by the IADB.

Thank you.

Sen. S. Baksh: Madam President, I second the Motion and reserve my right to speak.

[*Seconded by Sen. S. Baksh*]

Question proposed.

Sen. Dana Seetahal: Madam President, having listened to Sen. Mark, and having looked at the Order, it is my honest feeling that the Minister of Health should explain to the Senate what he hopes to achieve by separating the North West Regional Health Authority into two health authorities.

For the past years, it has not been unusual for us to get up one morning or every month and hear about a strike by doctors in one health authority or the other, and it is always something to do with salaries, terms and conditions, improper equipment, and if it is not the doctors it is the nurses.

Madam President, I have relatives working with the health authorities and I have heard tales of doctors having to work with those green stuff they put on all torn up—I do not know what it is called—and we are supposed to have so much money that every week when there is a national disaster, they just have to ask for international aid and Trinidad and Tobago is there.

Now, it is good to help one's neighbour and it is said that the sign of a good person is to do unto others as you would like them do to you and so on, but it has also been said—and notably in many of the talk shows recently—that charity begins at home.

The fact is, if our health service is so apparently poor that doctors and nurses cannot get the scrub uniform and basic things to deliver babies; if every week we have to hear about these strikes, people are not satisfied. We see headlines in the newspapers saying not to go to the hospital this week and so forth. It happens every month, so when do we go?

Operations are put off and I know of persons who have waited months for an operation and cannot get it, people with diabetes who have to get part of their legs cut off cannot get it. So it seems that there is really a crisis in the health sector and it may be that this measure is aimed somehow at making it more efficient but I cannot see how, and I would like to know.

Madam President, one element of that lack of proper management, as Sen. Mark referred to, is that earlier this year \$106 million which was supposed to be paid in income tax and health surcharge was not and it was used for salaries. One would have thought if you are hiring personnel, in the normal course of events one ought to get approval for the posts. This is how it is done. That is why there is a shortage of staff in the departments of the DPP and the Solicitor General, because there are no approvals for posts. Here you have people employed and then you have to take money which is supposed to go to the board under the Income Tax Act, Chap. 75:01 and it is not going there .

Sometime ago I said that that failure to pay that \$100-odd million was a breach of the Income Tax Act, and an offence under the Collection and Recovery of Taxes. I do not propose to go into the specific sections because there are so many, but there are a variety of offences under this Income Tax Act, which point to the kind of circumstance we are talking about where employers do not pay what they are supposed to pay and the limitation period is seven years.

3.15 p.m.

As it stands now, it would seem to me that whoever—and this is a company we are talking about; it does not have to be a specific individual—whether it is a legal person, a company or individuals who use those funds outside of their remit—what it was supposed to be—would be liable under the Act. Not to mention, of course, we have heard talk in the past of misbehaviour in public office, and it would seem to me to fall clearly within that kind of offence. We do not know that it was fraudulent, so it may not amount to fraudulent conversion, but I have heard nothing—and I still have my ear to the ground when it comes to criminal investigations—of any investigation into this matter.

People might say that, “Well, we know it was used to pay salaries”. That may be so, or that may be rumour. But even if it is so, it is wrong and it is illegal and something should be done about it. What is to stop every employer in this country who is taking out income tax from his employees to hire somebody else and pay that person, and continue doing that? What about all that revenue from the budget documents we looked at? About one quarter of the money in that budget comes from taxes, you know. So if this is never going there, as revenue, what about all the roads and everything that we are supposed to be funding?

It is really ridiculous to think that a government institution should be doing something like this and getting away with it. I heard subsequent to this that people had resigned or moved. Is that enough? That is not good enough. Can you just do something that is wrong and leave? We have been talking about a culture where, if a police officer or a member of the armed forces does something illegal, he is transferred. This is, in effect, the same kind of thing, if the State would allow this to go on.

So I think we need to have answers now as to what is happening there. Is it to be tolerated? Is it being sanctioned? What about the criminal offences?

Secondly—and I am making this very short because it is really not a difficult thing to talk about; we just want to know what is going on here—we have had a Commission of Enquiry which was appointed under the Commission of Enquiry Act, Chap. 19:01 to look at the health services. Although

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the Act does not specify a time limit—and it cannot, because you do not know what is happening—for people to sit, what is the point of having a commission of enquiry that has never sat; that as far as we know, has never met? We have had a subsequent commission of enquiry which has been appointed and we have heard of their meetings and what is going on. But it is disgraceful, to say the least, that a commission of enquiry should have been commissioned, months now, when we were calling, some of us, for a commission of enquiry into the prisons—nobody bothered with that, but you have a big commission of enquiry, a red herring, it seems to me, into the health service and nothing is being done. Why are they sleeping on it and why are we tolerating that? One would have thought, with the allegations of the kind that I have mentioned, with the strikes that are going on, that the people would have gotten tired; that people would have been demanding some action. But it is passing strange that apart from a few souls, I have heard very little about this and I think it is time we found out what is going on with the Commission of Enquiry into Health. Are they meeting secretly somewhere that we do not know? That must be it.

So these are the questions that I think we need answers from the Minister who is here, and more poignantly, we need to find out what is happening with this whole functioning of the RHAs. All of these were commissioned to provide for us better health care and delivery, and I venture to say that apart from, perhaps, the hospital being painted sometime ago, we have not seen much more than that.

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

Sen. Prof. Kenneth Ramchand: Madam President, I have a brief contribution, tenuously, but crucially related to the Motion. When the Regional Health Authorities were first founded, I took a very cynical view because I could see no way in which the creation of the Regional Health Authorities would make the delivery of health care any more efficient, and I anticipated some of the kinds of union and labour problems that arose as a result of the creation of the RHAs.

Since then, I have stopped thinking about RHAs, but the present Motion has given me an opportunity to make one of my old points, which I would make in due course. If the creation of the RHAs is to allow for the efficient delivery of health care to the citizens of Trinidad and Tobago, then the arguments I have heard, both today and in the past, for more RHAs, or for fewer RHAs, have been equally unpersuasive and unimpressive. No reasons, it seems to me, were ever given in this particular case for splitting the NWRHA into two. Is the reason administrative? Can you show that it will improve health care? No reasons have appeared in the press and I expect the Minister will address that issue when he speaks. But, crucially,

ever since the establishment of RHAs, no connection has been established between the creation of RHAs and the delivery of health care—no connection at all.

Now a clue as to what might really be needed is perhaps to be found in the present intention of the Order of 2004 to make two smaller units out of the previous one. I will come back to that. One reason there appears to be no connection between the creation of RHAs and the delivery of health care is that the RHAs began as having more to do with authority or management, than with health care. They are Regional Health Authorities. That is where the emphasis lies. It is how you play the power.

Health care involves making careful assessments of the needs of the population, especially the poor, the uninsured and the uninsurable. Many of our retirees are uninsurable—making careful assessments of the needs of the population and making provision for swift emergency services 24 hours a day, close at hand. So that if a person in Cedros needs emergency services, these must be available in the region that includes Cedros. They do not have to get an ambulance and break their necks to take him to Port of Spain, Mount Hope or what have you. So the needs of the country require swift emergency services 24 hours a day, close at hand for each citizen.

Another need is a ready supply of medication. Do not say the hospital does not have and the pharmacy is closed; wait until tomorrow. Another need is to create a capacity to carry out all but the most technical procedures at hospitals in each region. If you really want to deliver health care to all our citizens, then you cannot just have two, three or four hospitals. You need at least a dozen hospitals that can deliver almost everything, except the most technical kinds of procedures.

You cannot separate health care from a broader care for the whole society in almost every field, and I suspect that you suspect my drift. I am an advocate of equal development for each region in Trinidad and Tobago and this means that you have to look again at the whole country and, if necessary, make a new map of regions into which the country naturally falls, and then you put into each region all the things that are necessary for the well-being and economic development of the people who live in that region. Once you have done so, you have the basis for the establishment of regional health districts; you have the basis for the establishment of regional educational districts. I find it very absurd, you have Regional Health Authorities with one set of boundaries and regional educational districts with another set of boundaries; local government another set of boundaries. So we really have to sit down and establish the regions and then create a coherent system.

I have said before the subdivision of our country into regions has created implications almost everywhere, for the development of our roads. We have a road

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system that was originally and initially designed: all roads lead to Port of Spain, and we are still suffering from that. It created implications for equitable economic development for the management of traffic, for the control of crime, for the creation of employment, for the recreation of community and for effective local government and, of course, all of this, for the delivery of health care.

So my point is a very simple one: that we cannot conceive of health care all by itself. The difficulties we are having in education, health care and in transport all point to the need to have another look at this country, Trinidad and Tobago, and to create regions which will then form the basis for the development of whatever enterprises, whether it is health or education, that we want to develop. I wish that the Government would think about this.

I thank you, Madam President.

Sen. Mary King: Madam President, I really had hoped that the hon. Minister would have responded to the mover of the Motion so that we could have debated whether there is sense in what he is attempting to do. However, in my budget contribution I also discussed the issues of the health service and said at that time—which is not so very long ago—that we really have to rethink the Regional Health Authorities because what we have in place now is certainly not working. We have to do something else. Now, one assumes—and I am sure the Minister would tell us whether we are right or wrong—that the Order is meant to try to bring about some improvements in the management of the system that we now have in place, because we know that it is chaotic. We are in a crisis.

I listened to Sen. Wade Mark on this Motion and he is complaining that we should be trying to minimize duplication of services, but if one really looks at what is happening in the country today, I think we need to have a multiplicity of services and a multiplicity of centres where people can access these services, because at this time we really do not have any proper servicing for the people of Trinidad and Tobago, whether it is the operation systems, the surgical systems, the obstetrics systems, the laboratory systems and do not mention the pharmacy systems, because we have now got complaints at the joint select committee level that the pharmacies are not getting the CDAP drugs; that all the CDAP drugs are going to the private sector and, therefore, that is really placing a skew on the supply and the people, really, are not always able to access a pharmacy when they normally would go to a health centre or to one of the hospitals. So I think the Minister has to clarify whether they have removed CDAP totally from the public health system, as this seems to be what is coming to us as Members of the committee looking at the health services.

One of the issues which I think stares us in the face is the issue of the professionals at all levels in the hospital systems, or should I say, the lack of professionals at all levels of the systems, and I include here, the boards. Do we really choose people for the boards who actually have got some experience in management, in finance and possibly in public health systems? I do not think from what we are hearing that we do have a proper cadre of professionals at the board levels of the Regional Health Authorities and we have to, obviously, start to put in place—and I think we have done it already by starting to look at the shortage of doctors and we have brought in the Cuban doctors and the UN doctors. There are some complaints, but I am sure that there would be complaints at all levels. Whoever we bring in there will be complaints of one or two just not fitting into the culture or fitting into the system. But we really have to look at the numbers of professionals that we have at the levels of providing service. Do we really have enough midwives? Do we really have enough trained nurses? I do not think we have. What are we doing about that? Are we going to start to import them so that we can train our own, or are we going to wait 20 years until we train our own? We just cannot wait for 20 years until we train our own people.

We do not have sufficient management people within the systems and we have too many professionals doing clerical work, whereas in most hospitals across the world—and we also have to talk about the police service because it is there as well—they are bringing trained managers into positions of administration. We are not using a police officer, a sergeant, a nurse as a theatre sister to actually run the wards and do the administration. We have to ease these people up for the work that they are professionally trained to do. I think these things have to be taken on board when we are re-planning our Regional Health Authorities, because that we must do. To just give us a Central and a North out of the North West region, I do not think our job has stopped. I think we have to do a lot more than that.

We are having several complaints about the laboratory systems. Private work is going on during the day and public service work going on in the evenings and the Government is being charged large sums of money for overtime. All of these issues have to be faced. It is not just a matter of splitting it in two and saying, “Let us hope it works”. It would not work. So we have to do something very serious about it.

When we get down to patients being discharged from hospital, we do not have enough after-care service. We have patients who are running back to clinic, maybe not being seen when they do go back, and we really should be having proper after-care in a person's home with proper social workers and proper health visitors

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getting into the system and looking after our people. So I really hope that the Minister, when he sums up, will give us some hope that we are really trying to manage and improve the system and that we are looking at professionalizing it, given that we have a vision for our country for 2020. We only have 16 years and it is a very short time.

Thank you very much. [*Desk thumping*]

Sen. Brother Noble Khan: Madam President, I would like to share some thoughts on what is before us. I think that there are some major principles which come to mind. Firstly, we are in the area of the health sector and my mind goes back to my own time when there was a health department run by officials under the colonial regime, and slowly that was changed into a Ministry of Health, and subsequently, a sort of centralization organization that dealt with the care of people as far as health is concerned.

Subsequently we saw a change taking place, apparently, as far as concepts are concerned, which I would like to refer to as an element of decentralization. Perhaps the concept of decentralization was current at the time and we had hoped that that in itself would have yielded the desirable results of giving good health care to our people, but I think it might be a little more complicated than that. But the concept of decentralization is still one that is before us and I think it is still an area for debate, so to speak.

We have seen that within recent times one administration had pulled it differently; another administration had brought it back together and now we are seeing it again being split, that is with respect to the North West region that is before us. But even if we were to deal with a concept of decentralization, especially in a massive structure as government and governance, one would have to take into consideration other elements that impact on whatever we are doing.

I would like to touch on one, which is the question of the financial area where, still, though we may create—and we have done that—an organization that seems to be decentralized, the question of the financier's control still remains to be highly centralist. That has been one of the chief reasons, as we have heard expressed here by all the Senators, making reference to questions of the availability of funds in some form or the other, because without funds we know nothing could be done.

The question of decentralization—one of the arguments was that you would be putting the decision-making at a level where the action has to take place, but here, if we were to keep the control of the finances—and we know how rigid this still is

at the central level—the question of decentralization there is but a farce. So this is one area where I think we would have to look at if we want to make any valid improvements, if we were to have some concept of decentralization. Because though we are moving back again—one was split into two and now we are taking two to make one, so we are having a reverse—

Hon. Rahael: It is the other way around.

Sen. Bro. N. Khan: It is the other way around, sorry. So this in itself leaves questions to arise as to why. I think that has been asked and we look forward to that.

The next area of it is the question of staffing. Again, even that has not been resolved in an amicable way, because at one time you had the Ministry of Health and all the people who are now in the regional bodies, to some extent, being central civil servants, so to speak. The question of the smooth turnover, I do not think that has been achieved yet. There are elements still knocking. So this, again, is another area. If we cannot address the whole concept of our funding and staffing in a relevant way, well, God help us. So these are two major areas we have to look at if we have to make any headway insofar as giving proper service to our people is concerned.

This, in itself, does not only rest with respect to the area of health. One would think in terms of the other regional bodies, for example, the local government bodies. You have elements of this still existing. So the overall look within the total system needs to be definitely of a high priority, and this, to my mind, gives rise to a weakness in the whole system that we have. Of course, even from the early days we have heard of planning and this in itself was hoped to deliver so much good to us, not only at our local level here in Trinidad and Tobago and the Caribbean, but even at the universal level, at the global level.

This, again, points to, if we are definitely going to do something, there must be a mobilization of our people's mind. I do not think that has been really achieved to any great extent. This is an important aspect, because if we do not have the support—and I have repeatedly mentioned the question of collaboration, cooperation and participation. I guess all of us here have our feet on the ground, and the real reason some of these things never really lead to fruition could possibly be what is the real intention behind all these structures that we are putting in place. Because, basically, I am sure we have heard it here—Senators have mentioned it and if you step outside there you would hear it—that the health service is fractured; it is not delivering. The basics of the country—law and order—there are big

question marks over it, and yet we have plenty money going around. I would come back again to the question of money.

I have made mention of this already. At a simple level, if we were to look and see how our ratios with respect to what we spend, for example, in goods and services as against, let us say, personnel expenditure; if we were to look at some of these health institutions and see the skewness of so much going into certain areas as against what is supposed to be going—because if you do not have money to go into the drugs, the question of paying plenty people is a great waste of time. So again, if you could bring that into balance, if you are going to have people, give them what they need to work with. This is one way that we could look at it.

I know, perhaps, in this area the way our accounts and reporting systems are structured, this might not become very evident, but this is possibly an area where we could address as far as the management techniques that may be available. This, I think, is a very important aspect if we are to go forward, because we would just be spending plenty money, as we had been doing over the last 42 years or so, yet it is very difficult. We are obviously running a backward race, because people will tell you that at one time they could have gone to the hospital and got some drugs. Now it is a big question mark. Even now the Government is attempting to—perhaps because of some initiatives which I think we had suggested to the Minister of Finance at one stage, that this is a way to go, and we have seen it coming into being. I am not claiming that it was initiated by ourselves, but there was a crying need for that, and there are crying needs for many things, but we see that is one that has been implemented, but yet it is not delivering. So there is, therefore, need to watch the management in that area.

I have pointed already to the question of the funding; I have pointed already to the question of the staffing. With respect to the institutions as they are—Port of Spain—I think the last hospital was built in the '50s or thereabout. Some of the health centres were put in place, but the question of having buildings, we may have some people there, but the type of service they are supposed to deliver is totally inadequate, if any is being delivered at all. That is, at least, how some people may feel.

I remember when PAHO first came to Trinidad, it was somewhere in the 1960s and the question was raised by the PAHO people that we may have a surfeit of doctors because of the way the management was in place at the hospitals. But when you look at it, the number of hours they were spending with patients, it means to say that if the system had changed around, you may have had a surplus of doctors

for the number of patients that were being attended to, even at that time. I do not think it has changed much now. If you want treatment to be taking place; if you want a recipe to end up in the dead house, so to speak, you go to a hospital. That is how we feel outside there. If you want some treatment—well, of course, the global scene that we are seeing now, you go to one of the private hospitals or, maybe, as some people mentioned here, you cross the waters.

This is a conversation that took place a few years ago between me and a doctor: “Brother Noble, you think you could go to Miami?” I said: “Doctor, I cannot make that.” He said: “All right, I will send you to one of the best in Trinidad.” I happen to be here now. But the first preference was to send me outside. He was a good doctor and I would take it that he was looking at what was best for his patient. I think that might have been reinforced more now in our country. What is taking place outside? Plenty money is spending. In one of my earlier contributions I said the ice is melting. When I used the term, “the ice is melting”, it was the ice at both the north and south. The waters would keep coming, and you know what the end would be.

I believe that all our people are honest and pursuing a path, but there appears to be a lack of cohesiveness in what we are about. That might be a human failing and an area we have to address.

3.45 p.m.

In terms of playing with paper and making laws, we have been subjected to many one-page matters since I have been in the Senate. I am not unaware of what had been taking place years before. These one-page things that come before us have big implications. As a little boy when I got cuts while flying kites and pitching marbles, I went to the health office on Nelson Street. There were two bowls; one with yellow liquid and the other with red. You could have had a cut as long as from your toe to your ear, you would get one of the waters. It was the same with the tablets. There would be six tablets and whatever the problem you would get one. We have moved away from that.

One of our doctors came back to Trinidad in 1916. He had retired from the service, but being a good person he was still in the health service. He was reprimanding some young doctors. He used to speak rough but he was a soft person. He told them, “All yuh young doctors now come back here and yuh want to charge plenty money. In my days it was 4 cents to see a patient and everybody only drinking bush tea.” As part of the defence mechanism people have started to go back to that. Some will call it herbs. Perhaps, that might be the real thing.

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When we reach the point of the hope of a nation after 42 years, bringing out people hoping that they will lead us, when we have to drop back to this, it is complete deception and betrayal. You have plenty money and skills and yet you are unable to deliver. If you go to the hospital you will see it. I do not know if we hope that splitting or joining will help us. We have reached far with regard to skills.

The week before somebody introduced a scholar winner to have a discussion on corruption with me. One of the things I brought to her attention was that where a decision lies, it is an area of corruption. It becomes more so when you are not dealing with your own. I brought to her attention the question of trust. Each of us is in a position of trust and all that we have possession of we should use them in the best way. Because of the system it becomes endemic. When I speak of corruption I am not only talking about stealing but also within the personality of how we should go.

I come back to the question of intention when we do all this. I come back to the iron law of oligarchy. It is important to deal with this because if we do not conceptualize it, we would be spinning top in mud. In 1948, the iron law of oligarchy was relevant then and it is so now. We have passed through a bit of Marx. Some of the great concepts have been shifted around in sociology and psychology and they are still relevant. With the iron law of oligarchy, when we get into positions, particularly of trust, we hold a position that whatever the means to stay there we would use. This is one area that could guide our minds.

I will touch on what our system has; our control mechanisms and how we deal with staffing. Keep in mind that the major goal of giving a good service to our people is still beyond us and it appears to be highly illusive. What is before us may cause a multiplicity of problems to emerge. I share these thoughts and hope that by the grace of God something will be derived from it, when we could really give our people the type of service that we think they would be satisfied with.

Thank you.

Sen. Robin Montano: Madam President, as I have said many times in this Senate, if you ever want to understand a problem, go back to basics. There is always the question of benchmarks. The entire country believes that the health service system is in a mess. We know that the Minister would speak some time today and the basic questions for him to answer are: Whose fault is it? Why is the health service in a mess today?

If the Minister wants to play politics and say that is because of what the UNC did three years ago, that is fine. Today is November 23, 2004. When do you start

taking responsibility? Who are the person/persons or organizations responsible? How would the making of more Regional Health Authorities help administer the health service of this country? What are you hoping to achieve? What benchmarks would the country be given today? How are we going to see an improvement? Will we see it in one week, a month, or three months?

Assuming that this Motion fails, that is to say that the Government succeeds—this Motion has to be passed by negative resolution which means that all the Independents, the Opposition and the Government have to support it. Madam President, as you are aware, I am not trying to teach you your job; you must vote for the status quo which means that if it is a tie vote, the Government wins on this particular issue. It is not a question of the Government winning. The Government can win the Motion. This Senate may fail to change the direction, but tomorrow morning after we have failed, assuming that the Government comes in, how would we be better off? This is a serious question that has to be answered. The Minister can say that by making this Motion fail and doing what we want to over here, you will see this and that happen and the health service would be better.

How would the people of Trinidad and Tobago for whom we speak in this Senate, be better off? Explain it to me. Will the flood victims get better attention? Health problems are arising with the flood victims in central and south Trinidad. Will the disastrous flooding in the country that has destroyed homes, livestock, human lives—On Sunday a woman was washed away and ended up dead not far from where I live. How will this help that?

Let me tell you a little story. It relates to the inefficiency of the RHAs. On or about August 06—forgive me if I am wrong because I am speaking without the benefit of notes. I remember it was a Friday—I left my office around 10.00 a.m. to go to a meeting. We hired a night watchman for the chamber that I am in. As you are aware, I have suffered a number of break-ins. If one wants to whistle and wonder how these break-ins occurred when I alone suffered them, that is another story and I am going off track. He is a very nice, helpful fellow. I know him as Strauni. When I reached the bottom of the stairs I saw Strauni's head resting on the last stair and he was unconscious. A couple of secretaries came out. We did not know what had happened. Somebody called an ambulance. To be fair, the ambulance came in about 25 minutes. For Trinidad and Tobago one would consider that acceptable. Just as an aside, the Mayor of New York said that is unacceptable for New York because the longest response time is nine minutes. Here, people will say at least it came.

In the meantime Strauni partially regained consciousness and told us before he slipped back into unconsciousness that he drank disinfectant. How much he drank?

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We did not know. It was enough to make him fall unconscious. This was awful. That 25 minutes felt like 25 hours. When the ambulance arrived I was pacing back and forth. What did the two workers from the South West Regional Health Authority do? They strolled. They did not run up the corridor. It is as long as from you to where the ushers are sitting. I yelled at them, "Hurry! A man is dying!" You think that made any difference? The man and the woman strolled. I yelled at them to bring their stretcher. The woman said, "Mr. Montano, we have procedures to go through." The man is dying and they are going through procedures. I cannot tell you how long they stood trying to question Strauni who was drifting in and out of consciousness.

I told them, "Get the stretcher please!" A long time after the woman told the man to get the stretcher. What does he do? This is the joke. He strolled back and I yelled at him, "Run! Can't you run?" He said, "No." Later on I found out that one of the secretaries who was out at the time came back and saw the man offloading the stretcher. She told the South West Regional Health Authority investigator who came more than one month later, that she thought that there was no urgency because she asked what was going on. The man chatted with her for a while. He strolled back with the stretcher. Look at the Minister laughing! [*Words expunged*] That was the attitude.

Madam President: Senator, you were going good all the time. We are interested in your story. Please continue with it.

Sen. R. Montano: I used the phrase deliberately because that was the horrible attitude of these people. Who is Strauni? A nobody and a nothing; a little man; not important. Whether he lived or died was unimportant. He is a human being. I get upset every time I think about it. I am not going to apologize for being upset.

Sen. Dumas: Madam President, the point of order is unparliamentary language. As a Member of the Senate, I feel that Sen. Montano is overdoing it.

Madam President: What was the word?

Sen. Yuille-Williams: Let the [*word expunged*] die.

Madam President: Oh! I did not hear that. I am very sorry. Sen. Montano, would you please withdraw that word? I know in your upset you may have used it, but withdraw it. Please control yourself and continue with your contribution. That word should not be put into the record.

Sen. R. Montano: Madam President, I agree.

The point of the matter is that whether we expunge the word or not, that was the attitude of those people. It was absolutely despicable. That was the problem and why I used the word to bring it home to this Senate.

I went to my meeting and arrived late and upset. I decided to telephone to find out. I telephoned the North West Regional Health Authority and gave the number of the ambulance. They told me it was the South West. I telephoned the South West and asked to speak to the supervisor. She was not there. I said Sen. Robin Montano. I was deliberately using my rank then. As far as I was concerned I am a parliamentarian and this was unacceptable whether we are in 2004 or 2020. In a developed country those people would have been fired forthwith.

I telephoned to speak to the supervisor but the person was not there. I left my cell and office numbers. They did not call back. The Monday morning I called again. I could not get anybody. I was told that the supervisor was Ms. Joanne Salazar. She was not calling me for love nor money. A day or two later about the Tuesday, I wrote to the Minister giving him a full report and had the letter delivered by hand.

Madam President: May I remind members in the gallery that there should be no laughing or loud speaking or else I would have to ask you to leave. Please continue.

Sen. R. Montano: Thank you. I wrote the Minister and I am still awaiting the courtesy of a reply. I wrote Minister John Rahael and the letter was delivered by hand. I get nothing. I asked him for the names of these people.

On the Thursday or Friday I got a telephone call from Ms. Salazar. What did she say to me? Listen, Mr. Minister. It gets worse. Ms. Salazar said, "I am calling because of your letter to the Minister. We have investigated this matter and the facts are not as you have related them." I said, "You have investigated this matter?" She said, "Yes. We have investigated the matter but the facts are not like that. The fellow was quite coherent." Lie! Sorry that is unparliamentary. Let me withdraw it. I realize it is unparliamentary. A terminological inexactitude! [Laughter] "We have investigated the matter. He was quite coherent." Terminological inexactitude! "There was nothing really wrong with him." Terminological inexactitude! We took him to the hospital and he was discharged. There is good news to the story. Strauni lived. Thank God.

I asked, "Did you interview any of the people in my office?" She said, "It is not our habit or custom to interview bystanders when we receive complaints." The extent of the investigation is that she talked to the two persons about whom I was

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complaining and they gave a story. She said that was perfect. That is 2020 vision for you! I refused to accept that. That did not happen and I want the names of those persons. She said, "We can't give you that." I asked, "Why not?" She said, "Company policy." I asked, "Why? Is it national security?"

I ask the Minister again, can you give me the names of these people? If not, why not? Why can the Senate not know these people? Are they ashamed of these proud members of the South West Regional Health Authority who were doing their work, letting the poor man die? An expletive is more appropriate for their attitude towards him. Who made this policy? She said, "I cannot tell you that." I asked, "Can I speak to your boss?" She said, "He is not here right now."

Eventually I spoke to the general manager and the chairman. They promised to conduct an investigation. Approximately one month later, investigators turned up at my office. I asked them for the names of the people and they said that they did not know. I asked, "Will I hear from you again?" They said, "Yes, of course, Mr. Montano." Have I heard from them? It is snowing in El Tucuche right now.

Nobody has done anything. To the best of my knowledge and belief these people have not been disciplined and they deserve to be. I understand from Sen. King that sometime ago she had Ms. Salazar at a joint select committee. She asked Ms. Salazar for the names of these people and Ms. Salazar refused to give the names to the select committee. She said that Sen. Montano was abusive. Why did she not call the police if I was abusive? What is the big secret? It is no wonder things are falling apart.

I spent many years of my life in Canada and England as a student and young lawyer. In my experience of living in those two developed countries, more than 30 years ago, that behaviour was unacceptable and would have rendered instant dismissal, much less in 16 years time. We are expected to wait until 2020 to fix things. How will you fix things when you do not fix this? Why can we not know the names of these people? If I knew the names I would say John Smith and Sally Brown ought to be fired. I ask him now: Have they been fired? If not, why not? They ought to have been fired and the matter is extremely serious. Why? Because it is symptomatic. When the South West Regional Health Authority investigators came to my office, they asked every secretary if they would like to get sick in this country. They said no. They asked why? The answer was that they did not like how those people behaved. What did you think of the attitude and response? It is their words I have repeated this afternoon that I have been ordered not to repeat. That is totally and completely unacceptable. This is not something from "I hear"

but from personal experience. What is happening? If you refuse to fix that, is it because they carry PNM party cards? I can think of no other reason these people have not been disciplined. Is there another reason? I was there. What a pity!

Look at this. *Express*, Friday October 08, Hospitals to make you sick. PAHO Ministry of Health Report on Trinidad and Tobago's institutions. The report was critical of the management of wards and the cleanliness of the hospital environment. Inefficient management of wards and institutions; poor hospital sanitation and hospital compounds are laden with discarded furniture. The report found that patient care management was lacking as was evident by poor infection remedial symptoms.

Express dated October 17:

“Hospital of Creepy Crawlers

An eight-foot-deep, vermin-infested ‘crawlway’ under the San Fernando General Hospital has been identified as the main cause of a rat and cockroach infestation in the kitchen, wards and offices at the institution.”

Trinidad Guardian dated Saturday, August 07, 2004, editorial headlined:

“Rahael stars in soap titled ‘Don’t Blame Me’

For another thing, Minister Rahael should not be permitted so lightly to dance away, unscathed, from what has been described as a ‘scandal’ in his portfolio.

He didn’t deny it happened under his watch, but he promptly pointed the finger to other watches under former Health Ministers—PNM Colm Imbert and UNC Hamza Rafeeq...

This was a stellar ministerial performance in the soap opera called ‘Don’t Blame Me,’ sub-titled ‘I’m not responsible,’ a well-known T&T caricature of the Westminster model of ministerial responsibility.”

If you ever want to understand a problem, go back to basics. I started by asking: By allowing the Government to have more Regional Health Authorities, how will that improve the health care system? By putting more administrative personnel on the ground, how will that help administration? What will that cost? If a CEO costs \$100 a month and you have three that will cost \$300 per month, you will have to pay more. If his assistant will cost \$100 per month, you will be paying out \$400 or \$500 per month, then the secretaries and so on. It multiplies out. What do we get for that?

Do we need more services? Yes. As Sen. King said we need more midwives. Instead of paying another manager to sit at a desk and drink coffee, how much does

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a midwife cost? Does she cost as much as a midwife's salary? You buy them if their salaries are good. How much does it cost to train? How much does a nurse cost? Do we not need more nurses? How much does a doctor cost? Do we not need more doctors? Instead of putting one new manager, should we not put one new nurse or doctor or midwife as the case may be? Why are we doing this? How much does it cost to rent more premises? How much do the computers, desks and scrubs cost? Where is the benefit?

In a real debate the Minister would have stood up immediately after the mover of the motion to reply. *[Interruption]* Whether or not it happened yesterday is not the point. You are afraid of responding. The Minister is clearly afraid of responding to the charges. People like the Independent Senators would then have a chance to listen and balance and there would be arguments and answers. I will bet dollars to doughnuts that you will hear the Minister continue with the soap opera that the *Guardian* has so aptly titled, "Don't Blame Me". I will bet dollars to doughnuts that we will hear the Minister give all kinds of excuses and shots at the Opposition. There will be politicization but at the end of the day, the hard questions will remain. The hardest question of all is: What are your benchmarks assuming that we are unable to persuade you which would not be surprising, and it goes through, which would not be surprising because you have the numbers? Might does not make right.

The mere fact you have the power to do something does not mean it is the right thing to do. The mere fact that you have the power to give away our money and fix the other islands before Trinidad and Tobago does not mean it is right. The mere fact that you are talking about Southern Caribbean integration when there are poor people in this country; people being swept to their death in Maraval; I am not talking about central Trinidad, and do not talk about Tobago. Two weekends ago Tobago suffered terrible rains for about six hours. A woman was killed. Her house collapsed. I get confused now. In Trinidad and Tobago there is so much disaster. They say that giving government to the PNM is like giving sex to little children. They know that it is important but they do not know what to do with it. *[Laughter]*

Madam President: Senator, you need to be more moderate in your language.

Sen. R. Montano: Yes, Madam President. The fact of the matter is that we are seeing something that is extremely serious. We are seeing the collapse of our health system. We are getting platitudes and all kinds of excuses but we are not getting any real comfort. You are not getting it anywhere. It applies even in the private health care sector. Without prejudice to any investigation of the parents of our late

Clerk Dawn Dolly, of a free choice, I will never go to St. Clair. St Clair Medical Centre is one of the worst run places you could ever go to. I am speaking from personal experience. The health care in St. Clair Medical Centre is awful.

We are seeing deterioration in the health care; our hospitals are going through; the nurses are acting up; the doctors are constantly complaining; the systems are falling down; the pharmacists are complaining. Everybody is complaining. At the end of the day, it is always, do not blame me. The soap opera continues.

In the budget debate I asked several simple questions. Do you believe that the health service today is better than it was one year ago? Do you believe that the health service will be better in one year's time? Simple questions, requiring yes or no. The Minister says yes. Very well. Tell that to the general public. It does not matter what we say here. Too often we come with the belief that we can score points and win the debate here not understanding that the general public is listening and observing what is being said. I will say what I said two years ago in the Senate.

It is not in our interest that this Government fails. If this Government fails, Trinidad and Tobago fails. It is not in the interest of Trinidad and Tobago that any government fails. We are here to provide a voice to say to the Government, look at what you are doing; think again; what you are doing is not right, when it is not right. We are here also to provide an alternative government so that the people of Trinidad and Tobago can look and see. To the people of Trinidad and Tobago, when we are discussing health care I ask: Do you believe that the health care system was better managed under the UNC or do you believe that it is better managed under Minister John Rahael and his PNM Government?

Thank you.

ADJOURNMENT

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I beg to move that the Senate do now adjourn to Tuesday November 30, 2004 at 1.30 p.m.

Sen. Mark: I was told by the Clerk that the 40-day period to have this Motion debated would be up on Thursday. I want to inform you that if the 40-day period expires and we have to come back to debate this under Private Members' Motion, that would be at the end of the following month. The whole Motion would become null and void. It must be debated and concluded within the 40-day period. If the Minister is moving to have this matter adjourned she must give you and the Senate the undertaking that it will be debated next Tuesday, otherwise we would have to stay under the law of the country to complete the debate today.

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Madam President: I expected that you and the Government would have discussed that matter. That is not a matter for me to determine. I know that there is another reason for the adjournment. The Independents have to leave at 4.30 p.m. because they have to attend a function. I do not know what discussions you have had. It is the Government's prerogative to move the adjournment.

Sen. Mark: I agree that it is the Government's prerogative. We have a Private Members' Motion dealing with a negative resolution of Parliament. This is not an ordinary motion. This derived from an Order tabled in this Parliament. I understand from the Standing Orders that if 40 days go by and we do not conclude this matter, the Motion would become null and void. We will come back to debate something that will have no effect. The Minister must give us the undertaking that if she is adjourning the sitting, which she has a right to do—I want to inform you that I have a letter that says that we have two Motions on the Adjournment. Could you get an undertaking from the Minister? We can suspend and go behind the Chair.

Madam President: Hon. Senators, I was not aware that there was a time limit to this and all the other complications. I am now talking to the Clerk to get some advice. I will suspend the sitting for tea and ask that you discuss the matter to decide what you are going to do. We will return at 5.10 p.m.

4.30 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

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

Mr. Vice-President: There are matters to be raised on the Motion for the Adjournment of the Senate. The first is by Sen. Wade Mark.

Sen. Mark: Mr. Vice-President, before we suspended for tea, there was the question of when we would continue the debate. The Acting Leader of Government Business had moved that the Senate be adjourned. We need to get an undertaking from the hon. Leader of Government Business in accordance with the Standing Orders and May's *Parliamentary Practice*, when we would complete this debate.

Mr. Vice-President: Sen. Mark, the Leader of Government Business has given me the commitment that the Adjournment has been moved and she will contact you by tomorrow. The way I have interpreted what she said is that it would appear as though she is considering a compromise. I think you should wait on that.

Sen. Mark: Mr. Vice-President, are you saying that the Acting Leader of Government Business will contact me? This is a matter for the Senate. I do not want to have any private discussion.

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Sen. Yuille-Williams: You are quite right. I will deal with the Clerk of the Senate.

Mr. Vice-President: She will contact you through the Clerk.

Sen. Mark: Mr. Vice-President, this is a very serious matter. It deals with our Standing Orders and May's *Parliamentary Practice*. I do not want a situation where the Acting Leader of Government Business will contact the Clerk and then the Clerk will contact me. This is a matter involving the procedures of the Senate. You must have a very important say because you uphold the Standing Orders which are very clear. The Acting Leader of Government Business should give the Senate an undertaking that we shall be continuing the debate on this matter at the next sitting, or if she is not doing so, she must give an undertaking that within the period of 40 days, even if that period had passed, it would not count.

I am appealing to you that this is a serious matter. I got the impression from the hon. Acting Leader, that is why I do not trust her. She told me that she is on adjournment. We need to get a commitment from the Vice-President who is in charge of the Senate and responsible for our Standing Orders and May's *Parliamentary Practice*. Based on her attitude I cannot depend on her. I do not have confidence at this time. I sought to contact her to discuss it and she walked out on me. The President asked me to meet with the Acting Leader of Government Business to settle this matter, so that we can say to you that there is agreement and there was no discussion.

Sen. Yuille-Williams: Mr. Vice-President, I do not know what he is trying for. The press has left. That is not true. I was walking there, he asked me and I said, "You had not even told me about this." The statement that he is making is not correct and I do not see the need for that at this time.

Sen. Mark: Mr. Vice-President, I would like you to rule on this matter. It is a very serious matter.

Mr. Vice-President: Sen. Mark and hon. Members, I have already explained to you that the Acting Leader of Government Business gave me a commitment. I think you should wait on that. I do not think that you should go to the point to say, "I do not trust this and that." I honestly believe that she is making an effort to have this situation dealt with.

Sen. Seetahal: Mr. Vice-President, I have looked at our Interpretation Act which talks about the procedure for negative resolution.

It basically says that if there is a motion for an annulment, it should be brought within the prescribed time. The prescribed time is the time in the Standing Orders. We have no prescribed time in our Standing Orders, so it would have to be the

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English time.

At page 678 of May's *Parliamentary Practice*, it is stated:

“The period during which a negative resolution in relation to a statutory instrument may be moved is standardized at 40 days in respect of either the negative procedure for annulment, or the negative procedure for preventing further proceedings...

In the House of Commons, it has been increasingly difficult since the mid-1960s to ensure that all ‘prayers’ are debated, despite long-standing undertakings that special measures could be taken to deal with exceptional cases where a debate could not be arranged within the statutory period.”

It was accepted and still is accepted that this undertaking could have been given, that you would have the debate if you could not deal with it in that time.

“Two solutions have been devised. The first is the practice of debating motions taking note of an instrument, calling for its withdrawal, or otherwise disapproving of it, notwithstanding the elapse of praying time.”

There is a practice of debating motions calling for their withdrawal outside the time. The footnote says:

“For a case where debate was resumed on a motion praying that an instrument be annulled notwithstanding the elapse of praying time between the adjournment and resumption of the debate, see *ibid* (1965—66) 35,”

There is precedence for that. It can be done. We can say that we will follow the practice of debating the Motion notwithstanding the lapse of the time between this adjournment and the next time. I believe that Sen. Mark is seeking recognition that we will adopt this practice. I think that he wants that assurance.

For my part—I do not know if I speak for my colleagues on the Independent Bench, but during the break we agreed—having regard to the fact that if this Motion is not permitted to be debated whenever it next comes up and without the agreement of the Government that it would recognize the practice, then it would fall into nothingness and we would have wasted our time. It is a very important Motion as we know. The assurance that we will follow the practice is what is asked and sought. I do not see any reason for hesitation and I hope that the Government side will give the assurance that they would follow the practice.

Sen. Yuille-Williams: Just as Sen. Seetahal read May's which she had available to her, I need to have some advice available to me at this time.

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Remember, it is only at the last minute that I recognized what was happening. You have to give this side that opportunity. I told the Clerk—because he said that he has to send the Order Paper—and Sen. Dr. Mc Kenzie that I need that time and I would contact him to let him know. Because of how everything else happened with the haste and knowledge, we need time. You do not force people here. People need time. I have a responsibility and I consider myself to be a very responsible person. Because of that I need time to do what you have done and to consult on it. I have not taken any books from the library. I need time so when I make a decision everybody can accept it. That is what I asked.

If Sen. Mark had recognized who we were, he would have spoken to us. Having not done that, we decided to find our way to deal with it. I am now dealing with it in a manner in which I am comfortable as leader and shows that I am a responsible person. I think that the Senate should understand what I mean.

If Sen. Seetahal had not read that, it would not have been brought to my knowledge now. We will not be pushed in a direction. I have spoken.

Sen. R. Montano: Mr. Vice-President, assuming but not accepting, that Sen. Mark handled the situation badly, then, accept the apology from our side. I am trying to move the situation forward. I am trying to endorse what Sen. Seetahal said. When I listened to the Minister, it struck me that it was more out of pique than anything else. We are here on the nation's business. Pique should not be allowed to rule what is right or wrong. It is a simple matter.

Let us assume but not accept that the Standing Orders are such that we cannot debate this beyond next Tuesday, who are we? We are the Senate of the Republic of Trinidad and Tobago and we cannot suspend our Standing Orders to allow debate on this admittedly very important Motion to continue? Why did we waste our time on the Motion this afternoon?

5.25 p.m.

It is simply a question of getting the business of the Senate done. Mr. Vice-President, if there has been a sin committed on this side let me, for this side, apologize. Now that we have moved beyond the sins of the Opposition—real or imaginary—can we deal with the issue? Let us not deal with it out of pique. We are asking a very simple question, Mr. Vice-President.

Speaking for myself, I would accept an undertaking from the Minister if she said: Look, I cannot promise next week Tuesday, but I do promise that we will not take the point on the next occasion when this comes up and the matter has lapsed

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because of time. We do this in the courts all the time. We say: Okay, I will do this and I agree that I would not take the point. If you do not want to give us a promise for next week Tuesday, then give us the assurance that you will not take the point of the Motion's lapse so that everybody can go home. This is all we are asking. We are not insisting on next week Tuesday. If that impression came across, let me humbly apologize for it. We are, however, asking: Will you give the assurance that we can conclude?

Sen. Yuille-Williams: Sen. R. Montano, your colleagues have to leave. I said we would act responsibly, let us leave it at that.

Mr. Vice-President: Hon. Senators, as I have said, we have two matters to be raised on the Motion for the Adjournment. I also said the first was by Sen. Wade Mark, however, Sen. Mark and Sen. Baksh have agreed that Sen. Baksh will go first.

**Piarco International Airport
(Uneven Surface of Runway)**

Sen. Sadiq Baksh: Mr. Vice-President, I thank you for allowing me leave to raise the matter of the imminent danger to the travelling public as a result of the poor quality and uneven surface of the runway at the Piarco International Airport.

Mr. Vice-President, I assure you and hon. Senators that I have not raised this matter to gloat at the errors of the present administration, the lack of leadership of the Minister of Works and Transport, nor the poor handling of this particular matter. I have raised it because of the importance of the safety of both national and international passengers using the Piarco International Airport.

When this matter first came to the attention of Senators on this side, I immediately called the Director General of the Civil Aviation Authority to enquire about the request made to us by members of the aviation fraternity. I further followed it up when I was invited by the party to speak at a public meeting. Mr. Vice-President, because I understand the importance of not raising an alarm, I wrote to the Director General of the Civil Aviation Authority enquiring whether the unevenness and the scrubbing-board effect at the Piarco International Airport posed a problem to the instruments and to the landing gears during both landing and take-off at the airport, not knowing that as early as March 04, 2004, BWIA wrote to the Civil Aviation Authority.

Mr. Vice-President, we did not have a formal reply from the Director General of Civil Aviation Authority but we had information that we received from the

department saying that they were dissatisfied with the quality of work undertaken by the contractor. As I said, Mr. Vice-President, this was as early as March 04, 2004.

In their reply, according to the Minister in his reply on March 10, 2004, the Trinidad and Tobago Civil Aviation Authority wrote to the Airports Authority of Trinidad and Tobago on the topic of the runway unevenness and instructed the Airports Authority of Trinidad and Tobago to take the appropriate action.

We learned eight months later that the Chairman of the Airports Authority said he had no real authority. Although he was the client, it was reported that he said he had no authority to investigate, to assist, to stop or to ensure the correction of this particular job. It was well reported and confirmed here in the answer by the hon. Minister today.

Mr. Vice-President, you will recall that we asked a question in July 2004 to which the Minister provided the answer. The point I am making is that after the reports of the poor quality work on the runway, the Central Tenders Board approved the variation. The Minister said by letter dated May 14, 2004 the Central Tenders Board variation in the sum of \$7 million, VAT inclusive, was requested. It was requested on May 14, which was after the reports of the poor performance in March. They approved the variation by letter some time in June.

The point I am making, Mr. Vice-President, is that even after the first bit of work was done outside of the stipulated time and without taking the proper due diligence in terms of the quality of material to be used on the runway, there was a variation. In fact, the contractor would have seemingly benefited by a 40 per cent increase in variation in an upward way for poor performance.

We heard in a previous answer that the Minister stated that BWIA was to be blamed for this increase in cost because it was their peak season. What the Minister did not tell us is that if the contract was completed in the allocated time, it would have been in the off-peak period. Therefore, the question of the peak period only arose because of the extension of time given to the contractor.

Mr. Vice-President, in addition to that, the contractor also got an increase in excess of \$2 million because he had to import materials from Canada. But also included in the bid was that all materials and labour was the responsibility of the contractor who was required to meet the specifications. That is as per instruction of the tender's clause 10 of the contract. Mr. Vice-President, instead, the contractor was paid an additional sum for importing the aggregate and this aggregate still did not meet the specifications necessary.

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Mr. Vice-President, it was unfair to the other contractors who were not allowed this opportunity. I am aware that, at least, two other contractors that submitted a bid on this job had all the aggregate that met the specifications in place. They, in fact, worked—one worked at the Crown Point Airport and Mr. Vice-President, you use the Crown Point Airport runway and if you were to compare that with the runway at Piarco you could tell the difference without having the knowledge of the International Civil Aviation Organization (ICAO) officers.

In addition to that, the performance bond of the contractor should have been confiscated for non-performance. The retention should also have been seized. The contractor did not have the experience. When this particular contract was awarded to the contractor, they had not worked on any runway in Trinidad and Tobago or in any other part of the world. No experience at all. Worst, Mr. Vice-President, they have no experience in the use of Trinidad Lake Asphalt (TLA) materials.

The runway was so uneven that all the airlines operating on the runway complained at one time or another to the Ministry of Works and Transport; to the Director of Civil Aviation or to the Airports Authority. They wanted to make sure that if they had any mishap they would have recorded their displeasure. It was simply a case—although no accidents had yet occurred—of the unevenness of the surface. When an aircraft is landing or taking off there are sensitive equipment that with the slightest variation could send a wrong signal and, therefore, cause problems to the equipment. Mr. Vice-President, continuous landing and take-off on that particular runway could cause excessive wear and tear. And whereas parts would have to be changed at specific times in the aviation industry, assuming that all the runways met the International Civil Aviation standards, there would have been a situation where there would have been wear and tear of an abnormal nature.

I was very pleased today to hear the Minister give the assurance of the integrity of the runway. Mr. Vice-President, if the Minister wants to take on this responsibility—he was very guarded in terms of saying that he was informed by the Civil Aviation Authority. If that is his information, I know that he would not come here and tell us something that is not true. In all my dealings with the Minister he has always brought across what the technocrats in the Ministry would have told him, but the buck stops with the Minister and he has to take responsibility for that particular action.

I am also aware that efforts were made to correct some of the joints that caused the scrubbing-board effect. Although the Minister told us that on some occasions on the runway—there would have been rain, bad weather and again, because the

job was intended to be done in the off-peak dry season but it went on; it is still not completed and the cost is still running—they used a method of reheating the TLA material to even some of the surfaces.

Mr. Vice-President, a technical report, which the Minister will receive shortly from within his ministry, will tell him that it is not recommended to reheat the asphaltic concrete pavement, especially in an airport runway, which experiences loads well in excess of a highway. Reheating of the already set asphalt concrete pavement would lead to a loss of volatiles and early oxidization of the bituminous binder. The effect of this oxidation is a reduction of the cohesive qualities of the binder and could cause the dislocation of aggregate from the surface.

At critical areas of the runway such as touchdown and take-off points, this loss of aggregate is extremely detrimental to aircraft operations. Reheating of the asphaltic concrete could lead to a reduction in the properties of the material, which in turn could cause a reduction in the dynamic elastic modulus of the wearing surface layer.

The effect of this is that the surface loses its elasticity and flexibility and would not be able to respond to repeated traffic loading as it was designed to respond. This could lead to premature destruction in the surface with subsequent deterioration.

Mr. Vice-President, I raise this matter in the public interest. I advise the Minister that if, in fact, the asphalt was reheated that he consult with the engineers at Trinidad Lake Asphalt Limited, who would give him the same information that I now have. He should also consult with the experts in the ministry, because the reheating of asphalt, especially this very high quality material that is recommended for runways around the world must be taken into consideration. In addition to that, there are enough complicated issues leading from this particular contract and the manner in which this contractor handled this matter.

For airport runways around the world, on-site mixing of materials continue to be recommended. We have a case in which TLA materials were used, moving them from Point Lisas to Piarco. During this two-hour period you would have a number of delays somewhere along the line. The results from the test revealed that the quality of the materials deteriorated significantly. I am not sure what reasons were given but quite probably it is because of sedimentation taking place because of the lack of agitation of the material in transit to the runway.

Mr. Vice-President, I have brought this matter to alert the Minister to take the necessary precautions because if, in fact, these joints were reheated and a plane

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should touch down at the right point, at the wrong time, we could have a disaster that we do not wish to occur in Trinidad and Tobago. It is for that reason alone that I have brought up this matter.

I thank you very much, Mr. Vice-President.

The Minister of Works and Transport (Hon. Franklin Khan): Mr. Vice-President, I really want to take this opportunity to thank Sen. Baksh for raising this matter, and in all sincerity for the professional manner in which he has just articulated his position. Most of what he has said is pretty accurate. I will not attempt to rebut what he has said from a technical point of view, but to put this whole airport runway in context so that we can understand that we are really reading from the same page and we are really trying to operate in the national interest for a project that really, in my opinion, has gone technically wrong.

There is no attempt by this side and by me as Minister of Works and Transport and, by extension, the Government to cover up any aspect of the airport runway repaving project. To back up, Mr. Vice-President, there are three issues governing what is going to happen and what is actually happening, there is the issue of technical flaws in the performance of the work; there is an issue of contract administration and there is a fundamental issue of how we solve the problem.

Mr. Vice-President, this contract was awarded to Jusamco Paving Limited in June 2003 at a cost of some TT \$23.3 million. The consulting engineering firm is Geotech Associates Limited, and the client is the Airports Authority of Trinidad and Tobago. To those of you who have been involved in contract management, it is the contractor, the consultant and the client. Within that tripod if something goes wrong that is where we have to allocate culpability and blame and there is a procedure to do that. I do not want to prejudge and say it is Jusamco Pavers' fault, that it is Goetech's fault or that there was not enough oversight by the client itself, which is the Airports Authority of Trinidad and Tobago.

Mr. Vice-President, I draw one example. The biggest issue of mismanagement of a project that has ever hit this country over the last five years or so—everybody in this country knew that the contractor was playing the fool. I hope that is parliamentary language—was the Comlysa Lain matter. Sen. Baksh was the Minister of Works and Infrastructure—the UNC time—and the people of south Trinidad agonized for two years. Everybody in this country knew that Comlysa Lain was not delivering on the contract. If I were the Minister of Works at that time, as Sen. Baksh was, I would have determined the contract of Comlysa Lain and this is what he did. Everybody in the country at the time was happy that

Comlysa Lain was fired. I want to inform this honourable Senate that when Comlysa Lain—which was part of European funding of the project went to arbitration in London, the State lost the matter. The State lost the matter because we got carried away; we knew Comlysa Lain was wrong but procedurally, under the FIDIC contract, which is what we are now faced with, there are certain procedural steps that would have to take place before we deal with the issue of who is culpable.

There is a team of lawyers who has been engaged by the Airports Authority, I keep a close monitor on them, and we will deal with that contract management issue as to culpability in the very legal position. We do not want to take the decision—which rightfully the Senator did, as I have said, if I were in his position at the time I would have fired Comlysa Lain—only to find out that the State has to pay \$20 or \$30 million in compensation. Mr. Vice-President, contract management is being handled in the way that it is supposed to be handled.

There is the issue of a bad runway that does not meet ICAO specification and there is a thorny issue of—again I want to be abundantly clear that there is no attempt to cover—whether the technically flawed runway surface is “sufficiently bad” to pose a serious risk to the landing and take-off of aircraft. The jurisdiction of that decision lies solely with the Civil Aviation Authority of Trinidad and Tobago. The Civil Aviation Authority of Trinidad and Tobago has stated that it poses no immediate risk to the landing and take-off; although they brought to the attention of the hon. Minister that it did not meet ICAO specifications. Because of the urgings of the Civil Aviation Authority, Mr. Robert Flynn was brought in. This is the report I have here, Mr. Vice-President, from Mr. Robert Flynn. It is entitled: “Pavement Profile Measurement and Assessment at Piarco International Airport Runway”. He did articulate that the resurfaced part of the runway did not meet ICAO specifications for grade and for smoothness/roughness. Mr. Robert Flynn, Federal Aviation Administration, Airport Technology Research and Development Branch, Airport and Aircraft Safety R&D Division, Atlantic City International Airport, New Jersey.

Mr. Vice-President, the Federal Aviation Administration (FAA) is well on board as to what is happening. The FAA is responsible for federal aviation administration; they are seeking America’s interest. The International Civil Aviation Organization (ICAO) headquarters in Quebec, Canada, is seeking international civil aviation interest. They are well aware of all these reports and of what is happening. American Airlines fly into Trinidad; Continental Airlines fly into Trinidad, if there was a threat to a risk that was unacceptable, it is obvious that

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FAA and ICAO would have intervened. As the Minister of Works and Transport, I have to assume that the Civil Aviation Authority knows what it is doing. There are no attempts to cover up anything from my ministry or this administration, by extension.

Having said that, Mr. Vice-President, it puts us on the fairly even keel to know that we really have some time—not an inordinate long time—to rectify the problem technically. Mr. Vice-President, that is where I would like to focus in the coming months.

Mr. Vice-President, based on the preliminary report from Mr. Robert Flynn, he had recommended that we procure the services of Roy D. McQueen & Associates, Ltd., which is an airport/runway/pavement expert operating out of Sterling, Virginia. We have taken that advice and the Airports Authority has procured the services of Mr. McQueen and through his company, he has just about completed a detailed technical review of the airport runway.

Mr. Vice-President, what I failed to say a while ago is that after Mr. Flynn's report, which recommended a detailed and full topographic survey of the runway pavement, that survey was completed; all the data was handed over to Mr. Roy McQueen and he has completed a detailed evaluation of the runway surface. On December 15, he will be presenting to the Airports Authority a final technical evaluation of the flaws of the runway surface and a detailed engineering design as to how to remedy the two key areas: grade and roughness. As I have said, detailed engineering designs and drawing as to what procedure we should do; what type of contract supervision, the type of experts we should have and the type of equipment we should procure, even if it is equipment we do not currently use.

Mr. Vice-President, when that report is received in the middle of December, as Minister of Works and Transport, I will be at a major decision mode. I want to guarantee this Senate and the nation that we will move with dispatch to implement the recommendation of McQueen to correct the problems of the airport runway. We will have a major decision to make at that time. At that time, based on legal advice, we may or may not be in a position to determine the contract of the current contractors or the consultant.

As a matter of fact, under FIDIC we have instructed the consultant to advise the contractor as to the defects notification—where the work has been defective. That notice went out, I think it is about two months ago, the contractor has responded with respect to the defects notification and that is currently being reviewed and that is the time we would have to take a decision. Under the contract management

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component we would want to go along FIDIC principles so that we would not expose the Government inordinately.

Without prejudging the situation, Mr. Vice-President, come middle of December, we may well find ourselves in a position where time is of the essence and I may want to move with dispatch to technically remedy the flaws on the airport pavement but under the terms of the current contract my hands may be handcuffed. [*Interruption*] I cannot answer that question at this time but I want to assure this honourable Senate that this Minister of Works and Transport will always act in the public interest. [*Desk thumping*]

The matter has been receiving my undivided attention. As Minister of Works and Transport, I have many nightmares and headaches to deal with on a day-to-day basis. I want to give you the assurance that this is number one on the list. I have had sleepless nights about it, Mr. Vice-President. I think I am very close to a solution and as I said, come December 15, or on or about that time, I would be at a major decision mode at which time, I want to give this honourable Senate the assurance, that this administration and this Minister of Works and Transport will act in the public interest.

I thank you, Mr. Vice-President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.52 p.m.