

*Leave of Absence**Tuesday, May 03, 2005***SENATE***Tuesday, May 03, 2005*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence from today's sitting of the Senate to Sen. The Hon. Hazel Manning and Sen. Angela Cropper who are out of the country and Sen. Prof. Kenneth Ramchand who is ill.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency Acting President, Dr. Linda Savitri Baboolal:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI
BABOOLAL, Acting President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MS. BONNIE-LOU DE SILVA

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

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BONNIE-LOU DE SILVA, to be temporarily a Member of the Senate, with effect from 3rd May, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Hazel Manning.

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, May 03, 2005

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of April, 2005."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Angela Cropper is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

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

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of May, 2005."

OATH OF ALLEGIANCE

Senators Bonnie-Lou De Silva and Althea Rocke took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the financial year 2004 (October 01, 2003 to September 30, 2004) and on other selected audit activities. [*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 a review of the maintenance function of state buildings. [*Sen. The Hon. C. Enill*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Deposit Insurance Corporation for the year ended September 30, 2004. [*Sen. The Hon. C. Enill*]
4. The Elections and Boundaries Commission Draft Order, 2005. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]

ORAL ANSWERS TO QUESTIONS
Expenses Incurred by G Tech
on behalf of the National Lotteries Control Board
(Details of)

58. Sen. Wade Mark asked the hon. Minister of Finance:

- A. Could the Minister provide the Senate with a detailed breakdown of the various costs/donations incurred or made by G Tech on behalf of the National Lotteries Control Board for the period January 01, 2002 to January 25, 2005?
- B. Could the Minister further provide the Senate with the names and addresses of all beneficiaries from this arrangement with G Tech and the National Lotteries Control Board?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, the question refers to the operations of a company that is contracted by the NLCB to provide lottery services. The contract with G Tech and its operations is subject to confidentiality clauses which must be respected. The agreement however, provides that marketing services paid for by G Tech are the subject of review by the NLCB and accordingly, these costs are provided.

The total value of the various costs and donations incurred by or made by G Tech on behalf of the National Lotteries Control Board for the period January 01, 2002 to January 25, 2005 have been collated and I have asked that they be circulated.

Sen. Mark: I have not seen it. Read it out.

Hon. Senator: Take your time and read it.

Sen. The Hon. C. Enill: I can read it out. It is about 250.

Oral Answers to Questions
[SEN. THE HON. C. ENILL]

Tuesday, May 03, 2005

Payee	Amount
103 FM Total	\$30,647.50
62 Party Limited Total	\$5,300.00
A. Gomez Burke & Co Limited Total	\$92,531.88
Aaron Reid Total	\$3,500.00
Adrian Chandler Total	\$3,000.00
Advantage Advertising Limited Total	\$194,654.11
Advertising Agencies Association Total	\$17,250.00
Advertising Support Limited Total	\$60,000.00
Afeisha Maximin Total	\$400.00
Agent Incentive Prog-Jason John Total	\$28,330.65
Agent Incentive Progame-Variou Total	\$373,974.79
AIP Agents Total	\$131,251.00
Ample Total	\$7,430,690.57
Andes Industries Limited Total	\$98,737.85
Ansa Polymer Total	\$10,019.38
Atlantik Total	\$55,200.00
Austin Lewis Total	\$3,000.00
Baird's Rental Limited Total	\$22,382.00
Baker's Scouting Tobago Total	\$32,200.00
Balloon Decors Total	\$10,108.50
Belleviste Apartments Total	\$990.00
Bindley Benjamin Total	\$3,000.00
Bonanza Farm Riding & County Club Total	\$1,800.00
Boomerang Caterers Total	\$22,149.00
Briko Air Services Limited Total	\$92,000.00

*Oral Answers to Questions**Tuesday, May 03, 2005*

Calliston Pantor Total	\$96,000.00
Caribbean Communication Network Total	\$1,500.00
Caribbean Data Supplies Total	\$42,389.00
Caribbean Market Research Total	\$92,805.00
Caribbean Paper & Printed Products Total	\$79,191.56
Caribbean Prodigy Investments Limited Total	\$1,343,634.70
Caribbean Shade Tent Total	\$19,554.16
Carlyle Sinanan Total	\$53,700.00
Carol Wilcox Total	\$120.96
Caryl Cowie Total	\$35,500.00
CCN Limited Total	\$151,525.00
Central Properties Limited Total	\$7,700.00
Charles Baboolal Total	\$31,950.00
Charles Scott Total	\$1,000.00
Cheryl Joseph Total	\$6,000.00
Chief Admin Tobago House of Assembly Total	\$27,610.00
China Palace Restaurant Total	\$831.00
Citadel Limited Total	\$149,255.00
Claire Smith Total	\$900.00
Cliff Harris Total	\$584,952.99
Clyde James Total	\$13,700.00
Clyde James Jr, Total	\$700.00
Collier Morisson Belgrave Total	\$6,097,802.00
COTT Total	\$3,600.00
Cyan Studios Total	\$1,235.00
Daisy's Flower Shop Total	\$20,000.00

Oral Answers to Questions
[SEN. THE HON. C. ENILL]

Tuesday, May 03, 2005

DAME Sports & Cultural Club Total	\$10,050.00
Daniel Brown Total	\$1,500.00
D'Bocas Total	\$15,000.00
Delores Alexander Total	\$1,200.00
Dennis Hall Total	\$5,500.00
Dexter Thomas Total	\$126.33
Digi Data Total	\$691.91
Diversified Communication Total	\$534,418.96
Dynamic T&T Limited Total	\$630.00
Earl Daniel/Advertising Support Total	\$41,400.00
Econo Car Rentals Total	\$491.00
Edmund Ling Total	\$13,300.00
Eileen Morris Total	\$21,000.00
Erick Taylor Total	\$1,500.00
Ernest Percival Total	\$260.00
Exodus Total	\$4,000.00
Fiesta Tent Rentals Total	\$23,670.00
Fonclaire Steel Orchestra Total	\$4,200.00
Fong's Supermarket Total	\$11,000.00
Gangee Harrinauth Total	\$25,100.00
Gerard Besson Total	\$50,000.00
Giselle Francis Total	\$100.00
Graphic Impact Total	\$152,290.00
Guardsman Security Total	\$4,621.85
Haygem Tours Total	\$2,000.00
Heerala Rampatarp Total	\$1,000.00
HHB & Associates Total	\$33,350.00

*Oral Answers to Questions**Tuesday, May 03, 2005*

Hilo Food Stores Total	\$334,700.00
Hilton Total	\$13,554.59
Indo Caribbean Cultural Council Total	\$3,500.00
Innis Tyson Total	\$1,000.00
Irlanda Thomas Total	\$100.00
Island Vibe Limited Total	\$8,000.00
J.T.A Supermarket Limited Total	\$70,100.00
Jason John Total	\$7,766.87
Jason John / Petty Cash Total	\$1,294.57
Jeffrey Thomas Total	\$1,000.00
Jemma Jordan Total	\$1,000.00
Jimmy Aboud Total	\$864.00
John Gill Total	\$95,000.00
John Wayne Promotions Total	\$15,000.00
Johnny Q Sound Company Limited Total	\$35,650.00
Johnson King Total	\$2,500.00
JTA Supermarket Total	\$40,100.00
Judy Davis Total	\$900.00
Judy Price Grant Total	\$300.00
Keino O'neil Total	\$2,000.00
Ken Care Total	\$10,000.00
Kenroy Cain Total	\$30,000.00
Key Advertising Total	\$1,200.00
Key Advertising & Designs Total	\$1,660.89
Key West Liquor Store Total	\$969.00
Krishna Soogrim Ram Tassa Total	\$2,000.00
Kwesi Hopkinson Total	\$6,000.00

Oral Answers to Questions
[SEN. THE HON. C. ENILL]

Tuesday, May 03, 2005

Kyyam's Advertising Total	\$229,850.50
Label House Total	\$27,746.81
Leroy Calliste Total	\$5,000.00
Lisa Mohan Total	\$12,800.00
Louis Antoine Total	\$1,000.00
Lutalo Masiba Total	\$3,000.00
Magarete Tannis Total	\$600.00
Malick Folk Performers Total	\$3,000.00
Margaret Tannis Total	\$900.00
Maria Madoo Total	\$1,500.00
Marilyn Williams Total	\$900.00
Maser Limited Total	\$1,874.50
Mc Cann-Erickson Total	\$5,750.00
MC Inniss Paul Total	\$3,200.00
Mechandising & Special Events Total	\$92,000.00
Media 21 Total	\$460.00
Merchandising & Special Events Total	\$295,104.50
MET Wholesale Limited Total	\$10,610.83
Mical Marketing Limited Total	\$11,500.00
Micheal Gonzales Total	\$1,000.00
Micheal John Total	\$1,000.00
Micheal Salloum Total	\$381.80
Michelle Le Blanc Total	\$500.00
Ministry of Sport & Youth Affairs Total	\$15,000.00
Mount Irvine Bay Hotel Total	\$5,594.70
Mount Irvine Bay Total	\$5,015.15
Narendra Kirpalani Total	\$1,400.00

*Oral Answers to Questions**Tuesday, May 03, 2005*

Natasha Nurse Total	\$900.00
National Carnival Commission Total	\$8,042.50
Navarro's Travel Total	\$4,960.00
Neil Lee Luck Total	\$5,000.00
Nermal Gosein Total	\$1,000.00
Nigel Brown Total	\$1,000.00
NLCB Fonclair Steel Orchestra Total	\$2,800.00
Olympia Services Limited Total	\$2,179.25
Orr's Plumbing Service Total	\$10,120.00
P.J. Print Total	\$1,228.20
Papan's Party Rental Total	\$375.00
Parasram Maharaj Total	\$60,000.00
Patricia Alexander Total	\$12,255.50
Patrick Johnson Total	\$3,000.00
Paul Nelson Total	\$122,100.00
Paul Trotman Total	\$1,500.00
Pearl Eintou Springer Total	\$1,500.00
Peter Gremlı Total	\$2,875.00
Peter Gremlı Car Rentals Total	\$1,242.00
Phillip Simmons Total	\$1,500.00
Phillips Promotions Limited Total	\$107,500.00
Photo World Total	\$343.16
Photoworld Total	\$1,272.50
Plasti - Pak Limited Total	\$5,596.82
Publicis Caribbean Limited Total	\$898,809.62
Quynnton Gooding Total	\$1,000.00
R & K Rides Total	\$8,896.00

Oral Answers to Questions
[SEN. THE HON. C. ENILL]

Tuesday, May 03, 2005

Rachel Holder Total	\$5,000.00
Radio Masala Limited Total	\$3,000.00
Ramdeen Ramjattan Total	\$1,200.00
Ramlal Roopnarine Total	\$510.00
Rapid Print Total	\$2,249.40
Rasika Sonnyram Total	\$1,500.00
Ravi Pandohie Total	\$1,500.00
Rent-A-Amp Sound Total	\$466,785.00
Rent-A-Fantasy Total	\$6,000.00
Richard's Total	\$1,200.00
Ricky Ramsaroop Total	\$3,000.00
Risk Management Services Limited Total	\$8,745.00
RMS Brokerage Total	\$2,915.00
Robert Marshall Total	\$27,762.63
Rollock Car Rental Total	\$1,400.00
Ronald Ali Total	\$29,700.00
Roy Cape Total	\$20,000.00
S. Maharaj Total	\$1,000.00
Samaan Systems Limited Total	\$10,350.00
Samarro's Limited Total	\$840.00
Samman Systems Total	\$3,450.00
Sandra Des Vignes Total	\$1,500.00
Sanell Dempster Total	\$3,000.00
SASSL Total	\$28,330.00
Scrip J Printers Total	\$909,981.81
Sel Duncan Total	\$700.00
Servis Limited Total	\$62,540.92

*Oral Answers to Questions**Tuesday, May 03, 2005*

Seunarine Sinanan Total	\$700.00
Sheldon John Total	\$1,500.00
Sherma Orr Total	\$5,000.00
Sherry Ramirez Total	\$225.92
Shirley King Total	\$1,000.00
Shiv Shakti Dance Group Total	\$1,000.00
Shivannand Maharaj Total	\$2,200.00
Sign Post Total	\$85,146.46
Signature Rentals Total	\$2,175.00
Signpost Total	\$170,549.23
Silver Stars Steel Orchestra Total	\$1,500.00
Slinger Francisco Total	\$29,000.00
Senior Superintendent Tobago Police Division Total	\$10,698.00
Southex Total	\$229,370.75
Sports & Games Total	\$720.00
Standards Total	\$202,521.90
Standards Distributors Total	\$111,849.00
Stephen Cobham Total	\$30,500.00
Steve Cummings Total	\$1,600.00
Styles Brokers Limited Total	\$990.00
Surface Total	\$8,000.00
Susuan Ramsawak Total	\$150.00
SWAT Investigations Total	\$4,099.75
T&T Radio Network Total	\$7,000.00
Tangerine Publishing Total	\$9,257.50
Thaddeus Simon Total	\$4,500.00
The Boss Office Supplies Total	\$4,450.50

Oral Answers to Questions
[SEN. THE HON. C. ENILL]

Tuesday, May 03, 2005

The Hott Shoppe Total	\$4,575.00
The Resource Factory Limited Total	\$3,841.00
Thomas Peake & Company Limited Total	\$320.23
Timothy Wattkins Total	\$2,500.00
Tobago Signal Hill Choir Total	\$3,000.00
Tobago Supermarket Total	\$7,000.00
Tobago Warehouses Limited Total	\$5,304.00
Toney Williams Total	\$1,000.00
Trinidad Broadcasting Total	\$3,000.00
Trinidad & Tobago Fire Association Total	\$3,650.00
Trinidad & Tobago Red Cross Total	\$650.00
Trinidad & Tobago Television Total	\$5,750.00
Trinidad All Stars Total	\$3,500.00
Trinidad Style Company Limited Total	\$10,925.00
TT Goods & Products Total	\$2,060.42
Video Associates Total	\$593,312.75
Vikash School of Dance Total	\$1,000.00
Village Promotions Total	\$10,800.00
Vindra Doon Total	\$400.00
Vishnu Chatlani Total	\$59,200.00
Weston Rawlins Total	\$20,000.00
Winston Scarborough Total	\$1,500.00
Worldwide Steel Orchestra Total	\$3,000.00
Xtatik Total	\$43,000.00
Y.M.G. Production Total	\$367,667.45
Yafeu Osei Total	\$3,000.00
Yangatang Kaiso Tent Total	\$17,000.00

YMG Total	\$154,448.75
Zenith Services Total	\$49,392.50
Zeno Holder Total	\$875.00

2.00 p.m.

Madam President, this totals an amount of \$25,146,053.74. There is a difference of some \$4,835,426.61, which information was for the period January 2002 to June 2002, which was unavailable on soft copy. When one adds that, the amount in question, therefore, is \$29,981,480.35 which was cost during the period January 2002 to January 2005 for payments made in relation to the contract that was signed between NLCB and G Tech as it related to marketing services.

Thank you, Madam President.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate whether the sum of \$5 million or \$4.8 million was given out as donations—there is no accountability and he cannot provide to this Parliament the persons who enjoyed the \$5 million of taxpayers' money? Is he saying that he is not in a position to supply this honourable Parliament with a detailed account of those persons in receipt of \$5 million?

Sen. The Hon. C. Enill: Madam President, if I understand the question, Sen. Mark is asking about the four thousand, eight—

Sen. Mark: It is \$4.8 million.

Sen. The Hon. C. Enill: Yes. This is what has occurred. We were able to provide you with the information in summary form over the period of time because that was the data on the computer system. When I looked at the data in the way it was sent to me, it was this length in paper. [*The Minister motions with his hands*] If it is that you want to get the information in that form, where it is on a day-by-day basis, I can provide it.

Sen. Mark: No, how you have it here. [*Sen. Mark raises a document*]

Sen. The Hon. C. Enill: No, it cannot be provided so. It would be provided on a day-by-day basis. There is no summary—you could get it if you want, I could bring it for you but it is a document this big. [*The Minister motions with his hands*]

In other words, Madam President, I chose to try to summarize the data so you would get a sense as to what the totals were over the period. I can make this available to you but I will not be able to summarize it.

Sen. Mark: Okay, Madam President, I would bow to the hon. Minister's situation. We would like him to make available to this Parliament the package where all Senators could have a copy. Could he give an undertaking that at the next sitting we would have the pile that we could look through? Do we have the commitment?

Madam President: He said he would.

Sen. Mark: Madam President, could the hon. Minister state whether he is aware that this particular G Tech company is being used as a slush fund for political activities of the PNM?

Sen. The Hon. C. Enill: Madam President, the G Tech contract was signed by the party that preceded the current one in Government. The payments that are being made are, in fact, being made in accordance with the contract. The question that was raised by Sen. Mark is not known to me. I do not know how you could, basically, violate a contract?

Sen. Mark: The regime does that all the time.

Sen. The Hon. C. Enill: Madam President, the answer is no.

Sen. Mark: Through you, Madam President, would the hon. Minister not agree—having regard to the special relationship that exists between Ample, CMB and G Tech, as well as the special relationship that exists between Citadel Limited, the owner, who is the Chairman of the NLCB—that in light of these developments there is need for the Auditor General to engage in a thorough forensic audit of the accounts of G Tech—

Sen. Dr. Saith: Madam President, on a point of order.

[Sen. Mark continues to stand]

Madam President: Senator, someone is on a point of order.

Sen. Mark: What is your point of order?

Sen. Dr. Saith: Madam President, when a question is answered you could ask for a supplementary to get an explanation; to give a lecture and to make allegations is totally out of order. *[Crosstalk]*

Madam President: That is true, Sen. Mark.

Sen. R. Montano: No! Rubbish!

Sen. Mark: Madam President, the Senator is trying to cover up!

Sen. R. Montano: Definitely!

Sen. Mark: We are asking something arising out of a question—

Madam President: Yes, one second.

Sen. R. Montano: Look at what happens in the British Parliament!

Sen. Mark: This is a corrupt regime, you know, a corrupt regime!

Sen. R. Montano: Rubbish!

Sen. Mark: Trying to hide! Cover up! We are asking a question arising out of this and you are trying to—[*Crosstalk*] Call the elections, you know!

Madam President: Sen. Mark, I am waiting on you to be quiet.

Sen. Mark: All right, Madam.

Madam President: There is no doubt that supplemental questions have sometimes ended in the person asking the question giving a speech, and very often the supplementals are not being asked to elucidate further information. It has happened; it continues to happen and, therefore, if you are asking a supplemental, please do it in as few words as possible; you ask the question, Sen. Mark, do not give a speech, please, and no accusations, just ask the question.

Sen. R. Montano: But you are allowed to make the accusations in a question.

Sen. Mark: Madam President, could the hon. Minister indicate whether there exists a special relationship between CMB, Ample, Citadel and G Tech? What is the relationship?

Sen. The Hon. C. Enill: Madam President, I am not aware that such a relationship exists.

Sen. Ali: Madam President, could the Minister say whether all these expenditures come under line Item 62 of Promotions and Printing or whether it is under G Tech expenses within NLCB budget?

Sen. The Hon. C. Enill: Madam President, these are from G Tech's accounts.

Sen. Ali: Madam President, is the Minister saying that line Item 61, which for this year is supposed to be \$12 million, is separate and apart from all of this, in terms of advertising and promotion?

Sen. The Hon. C. Enill: Yes, this is specific to the company, NLCB has a relationship with G Tech for a number of services, one of which includes marketing. Within the contract, we have access to the marketing side of the information and therefore that is why we are able to bring it forward.

Madam President: That is the end of question time now.

Sen. Mark: No, Madam President, we have until quarter past two and it is now 12 minutes past two.

Madam President: It is now 14 and a half minutes past two—

Sen. R. Montano: Right, can I get a question in, Madam President? Madam President, could the Minister please explain to this Senate who or what is Senior Superintendent, Tobago Police Division who got \$10,698? Could he explain to us what that is all about?

Madam President: Minister, you have 30 seconds to answer that question, if you can answer it. Thirty seconds and I am counting.

[Minister Enill stands]

Madam President: That is 15 seconds gone.

Sen. R. Montano: In other words, do not answer the question because the President does not want the question answered, right! She wants to shut us up!

Hon. Senators: Oh good!

Sen. Mark: But I find that strange coming from—*[Inaudible]*

Madam President: Mr. Minister, please sit down.

[Minister Enill takes his seat]

Madam President: Sen. R. Montano, I am asking you to withdraw that statement. *[Crosstalk]* I am asking you to withdraw that statement.

Sen. R. Montano: Very well, Madam President, I said it; I meant it; I withdraw it!

Madam President: Sen. R. Montano, it is not the first time you have made that accusation and, therefore, I am going to ask you to leave the session for the rest of this sitting. *[Desk thumping]*

Sen. Mark: Well, Madam President, if, for instance, that is your decision, we want to serve notice that—we have been very patient here—in light of your

ruling, we would have no choice but to file a motion of no confidence in your chairmanship of this procedure.

Madam President: That is your privilege to so do, Sen. Mark.

Sen. Mark: Madam President, I am not challenging your ruling but I am simply saying that a matter as this—If this is the line that you have decided to take on a matter like this, which to my mind is quite unprecedented—

Madam President: Sen. Mark, are you making a speech on my ruling?

[Madam President is on her feet; Sen. Mark continues to stand]

Sen. Mark: No. I am not—

Madam President: Will you please take a seat?

Sen. Mark: I am not making a speech—

[Sen. Mark continues to stand]

Madam President: Sen. Mark! Sen. Mark.

[Sen. Mark sits]

Madam President: This is the third time that Sen. Montano has made that accusation and the last time I told him that the next time he did, I would act. I am now asking you to please leave. *[Crosstalk]*

Sen. R. Montano: I said it; I meant it; I withdraw it, but if you want to throw me out, no problem! I do not withdraw; I repeat it! I repeat it!

Sen. Mark: Madam President, you could run this Senate.

Sen. R. Montano: Do what you want! You are biased! You are biased and you are not running this place properly.

Madam President: Sen. Montano, if you continue—

Sen. R. Montano: You have thrown me out! I am leaving! I have nothing further to say!

Madam President: Yes, well please do it quietly.

Sen. R. Montano: I have nothing further to say.

Madam President: Mr. Marshal, would you please—

Sen. Mark: You cannot tell the Marshal to do that!

Sen. R. Montano: You do not touch me!

Marshal: I am not going to touch you, Sir.

Sen. R. Montano: You do not touch me! You do not touch me at all! But you are biased!

[Sen. R. Montano and other UNC Senators leave the Chamber]

Madam President: Please, can we have some silence so we can continue with the business of the Senate?

The following questions stood on the Order Paper:

MV Sonia

(Details of Contract and Payments of Acquisition)

- 60.** A. Could the hon. Minister of Works and Transport provide the Senate with a detailed breakdown of the terms and conditions of the contract entered into between the owners of the *MV Sonia* and the brokers International Shipping Partners?
- B. Could the Minister further provide the Senate with all the details concerning the actual payments made to date towards the actual acquisition of the *MV Sonia*? *[Sen. W. Mark]*

Mr. Michael Quamina

(Details of Services Rendered)

- 67.** A. Could the hon. Attorney General provide the Senate with a list of all the cases involving state enterprises, statutory authorities and any other state institution/agency in which Mr. Michael Quamina, attorney at law, has been retained as counsel?
- B. Could the Attorney General also indicate the amount of monies paid to him for services rendered to the State during the period June 01, 2004 to January 31, 2005? *[Sen. W. Mark]*

**National Housing Authority Housing Project
(Green Street, Tunapuna)**

- 69.** A. With respect to the National Housing Authority (NHA) Housing Project located at Green Street, Tunapuna, could the Minister of Housing provide this Senate with:
- (i) a detailed status report on the project;

- (ii) a list of the firms that tendered for the project and the details of their tender price;
 - (iii) the name of the contractor to whom the contract was awarded and the tender price; and
 - (iv) a detailed breakdown of expenditure incurred as at March 23, 2005?
- B. Could the Minister also inform the Senate of:
- (i) the number of houses and/or apartments to be constructed; and
 - (ii) the number of houses and/or apartments that have been completed as at March 23, 2005? [*Sen. S. Baksh*]

**National Housing Authority Housing Project
(Ramgoolie Trace, Curepe)**

- 70.** With respect to the National Housing Authority (NHA) Housing Project located at Ramgoolie Trace, Curepe, could the hon. Minister of Housing provide the Senate with:
- (i) the names of all the firms that submitted bids and their bid prices for the original project; and
 - (ii) the projected completion date of the original project? [*Sen. S. Baksh*]

**Raymond and Pierre
(Details of Contract)**

- 79.** Could the hon. Minister of Finance inform this honourable House of all the contracts awarded to the firm Raymond and Pierre for the period January 01, 2002 to April 12, 2005, the scope of work and the fees paid? [*Sen. S. Baksh*]

Question time having expired, questions 58, 60, 67, 69, 70 and 79 were not dealt with.

**VENTURE CAPITAL (AMDT) (NO. 2) BILL, 2004
(Special Select Committee Report)
(Adoption)**

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I beg to move the following Motion which stands in my name:

Be it resolved that this Senate adopt the Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled "The Venture Capital (Amdt.) Bill (No. 2), 2004".

Madam President, I am pleased to report on the deliberations of the Special Select Committee of this honourable Chamber, appointed to consider and report on the Venture Capital (Amdt.) (No. 2) Bill, 2004.

At a sitting of this honourable Chamber on September 28, 2004, Members would recall that the Bill was referred to a Special Select Committee of this Chamber and I was appointed to Chair that Committee. Your Committee was mandated to consider and report on the Bill within 21 days.

When the Bill was first debated in this Chamber, Sen. Mary King proposed amendments to the Bill to include a new concept of corporate venturing. However, because these amendments sought to introduce a new principle, the Senate could not at that stage have taken them into consideration.

Sen. Sahadeo, who piloted the Bill, and Sen. Dr. Saith gave the commitment that the Government would consider this new principle and if it were found to be feasible would at a subsequent time introduce the relevant and appropriate provisions by way of amending the legislation to the Bill.

The work of your Committee involved three meetings. One was held on Monday, October 18, 2004; the second was held on Tuesday, November 02, 2004, and the third and final on Thursday, March 03, 2005.

At these meetings the Committee considered written documentation on corporate venturing, which was circulated by Sen. King and sought the assistance of the hon. Minister of Trade and Industry, as well as the technocrats from the Venture Capital Investment Programme.

It was against this background that your Committee decided to focus its attention, primarily, on elucidating the concept of corporate venturing. The regulation of fund managers, as well, featured in our discussions by their registration with the Securities and Exchange Commission and the introduction of a monitoring mechanism for Venture Capital incentives, as well, featured in our deliberations.

The Committee invited the hon. Minister of Trade and Industry and technocrats of that ministry to attend its second meeting to assist the Committee with its deliberations on the issues, which was the focus of the Committee's work. At the second meeting, Minister Valley advised that his ministry had accepted the recommendations put forward by Sen. King and that the Cabinet would soon consider the proposed amendments.

At its third meeting, during the consideration of proposed amendments with the technocrats, the Committee and technocrats of the line ministry were at

variance on the important issue of the funding of the activity to be undertaken by the qualifying investee company. Strong views were expressed that the existing requirements under the Act for a venture capital company to fund the qualifying investment company by means of equity injections of capital, is a restriction that should not apply to corporate venturing. A report was given by the technocrats that in North America and Europe, debt and other types of financing were the acceptable forms of financing for the qualifying investee company.

It was the view of the technocrats, however, that the structure of the existing Act contemplated only equity financing, and that to introduce debt financing would take the concept outside the scope of the legislation. Moreover, the Government's general policy in this area is to encourage the movement away from debt financing to equity financing.

Several other issues engaged the attention of the Committee and these related to:

- The definitions of innovation, research and development and the nature of the activity innovation for which tax relief should be given;
- the need to avoid abuse of the venture capital fund which may not be used for the innovation contemplated by the amendment; and
- the need for effective monitoring of the system by the introduction of a board or advisory council.

The problems of incorporating the concept of corporate venturing with the Act proved to be intractable, and in the end remained unresolved by the Committee.

Your Committee accordingly unanimously recommended in a report circulated before in this Senate:

- (i) That the Venture Capital (Amdt.) Bill, (No. 2), 2004 should not be amended further at this time to include the concept of corporate venturing;
- (ii) that the Government should request the Attorney General and the Cabinet to undertake the necessary research to determine an appropriate legislative framework for the introduction of the concept of corporate venturing, which was found to be desirable; and
- (iii) that the Government give the undertaking to introduce, at the earliest possible opportunity, legislation along the principles enunciated by the Committee.

Madam President, since the completion of this Report, I have received further literature on the subject from Sen. King. My ministry has, as a consequence, been engaged in a process, which includes the examination of the Income Tax (In Aid of Industry) Act and the Corporation Tax Act and is looking at the question of whether appropriate amendments might be prepared to treat with the concept of corporate venturing in those statutes. Together with the Ministry of Trade and Industry work continues towards formulating the policy on this new Bill.

Madam President, I would like to thank all Members of the Committee, Sen. King, Sen. Sahadeo, Sen. Dumas, and Sen. Seepersad-Bachan, who is unavoidably absent now. We worked well together and arrived at a consensus at the end of the day; a consensus that is rare to achieve in the Senate. All Members of the Special Select Committee have signed the Report, which has been circulated. [*Desk thumping*] All Members of the Special Select Committee.

All that is left, Madam President, with your leave, is to allow me to make a brief statement on matters, which transpired in the Senate on the occasion when I was not present last week. If I may have your leave, Madam President.

Madam President: Yes.

Sen. The Hon. J. Jeremie: Thank you, Madam President.

Madam President, if I might be permitted to say just a few words on that matter. I applied for personal leave from the Prime Minister, as is normal, last week and that leave was granted. I was shocked and dismayed to learn that Sen. Mark, who is not here, unavoidably, attributed my leave from the country to the fact that I was at death's bed. That caused, Madam President, no end of anguish for my family.

I am not at death's bed, as my presence here this afternoon ought to illustrate. I, along with numerous other people in this country, face health challenges, which I deal with, and with which I treat responsibly and in a way which has so far not affected the carrying out of my duties and responsibilities to the people of Trinidad and Tobago.

I would like to reassure the Senate and the national community, and the *Newsday* newspaper, that has taken a personal interest in this matter, that I am not at death's bed and that I have none of the conditions attributed to me, not that they in themselves are conditions which one ought to be ashamed of. There are several persons in this country who have heart problems and with which I am prepared to align myself, if I had a heart condition—I do not.

With those few words, I beg to move. [*Desk thumping*]

Madam President: We can see that you are in quite vigorous health, Mr. Attorney General.

Question proposed.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, there is no debate on the Motion so there is nothing for me to reply to.

Madam President, I beg to move.

Question put and agreed to.

Report adopted.

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

Bill accordingly read the third time and passed.

2.30 p.m.

**PRIVILEGES AND IMMUNITIES
(CCJ RJLSC AND CCJ TRUST FUND) ORDER**

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, I beg to move the Motion standing in my name:

Whereas section 9(2) of the Privileges and Immunities (Diplomatic Consular and International Organizations) Act, Chap. 17:01 (“the Act”) provides that the President may, from time to time by Order, declare that any international or regional organization or agency named and described in the Order, shall to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Act:

And whereas section 9(6) of the Act provides that an Order made under section 9(2) shall be subject to affirmative resolution of Parliament:

And whereas the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004, (‘the Order’) was made under section 9 of the Act:

And whereas it is expedient to approve the Order.

Be it resolved:

That the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004, be approved.

Madam President, this Motion was presented in the other place and underwent some amendments. These amendments have been circulated, and it is for this honourable Senate to determine whether I may refer to them now or, whether I may refer to them at the end of the presentation.

Madam President, Members of this honourable Senate have before them, for confirmation, an Order entitled the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice (CCJ) Trust Fund] Order, 2004.

Section 9(2) of the Privileges and Immunities Diplomatic Consular and International Organizations Act, Chap. 17:01, provides that the President may, from time to time, by Order, declare that any international or regional organization or agency named and described in the Order shall, to such extent that may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Part II of the Fifth Schedule deals with the privileges and immunities of representatives, members of committees, high officers, and persons on missions.

Part III of the Schedule deals with privileges and immunities of other officers and servants of the organization or agency.

Part IV of the Schedule deals with the privileges and immunities of official staff and of high officers and their families.

Section 9 of the Act also requires that every Order so made, under that section, shall be subject to affirmative resolution of Parliament. The purpose of this measure therefore, is to affirm the conferment on the Caribbean Court of Justice, (CCJ), the Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund and on some of the officers of these entities, certain privileges and immunities which Trinidad and Tobago has traditionally granted to international and regional organizations and agencies operating locally.

These privileges and immunities are based on the international law and practice on the subject, and our legislation which gives domestic legal effect to those treaty-based international norms.

In the matter now before this honourable Senate, the treaties in question are the Agreement establishing the Caribbean Court of Justice, the Protocol on the Status, Privileges and immunities of the Caribbean Court of Justice and the

Regional Judicial and Legal Services Commission and the Revised Agreement establishing the Caribbean Court of Justice Trust Fund. These instruments established inter alia, either the privileges and immunities applicable to the entities concerned and their officials, or provide that agreements be concluded with the host government to govern the status and privileges and immunities of the organizations and their officials.

The Agreement establishing the Caribbean Court of Justice was signed by Trinidad and Tobago on February 14, 2001. It was ratified on October 18, 2002. Twelve member states of the Caribbean Community, including Trinidad and Tobago, have thus far ratified the agreement establishing the CCJ.

The agreement entered into force on receipt by the depository of the third instrument of ratification, the CCJ. As we all know, its headquarters are in Trinidad and Tobago. The Court is open to membership by Caribbean states other than members of the Caribbean Community.

Madam President, the Conference of Heads of Government of the Caribbean Community reached the momentous decision at the Twenty-Third Meeting in Georgetown, Guyana on July 04, 2004 to establish a Trust Fund to be capitalized in the amount of US \$100 million, the proceeds of which are to ensure the official operations of the Caribbean Court of Justice on a financially sustainable basis.

The Fund is to be managed by a board of trustees appointed in accordance with the relevant provisions of the revised agreement establishing the CCJ Trust Fund. The CCJ is designed to play a determinative role in the structured development of the CSME in the exercise of its original jurisdiction to interpret and apply to the Revised Treaty of Chaguaramas, as well as to replace the Judicial Committee of the Privy Council as the court of last resort in civil and criminal matters for member states of the Caribbean Community.

Madam President, the RJLSC, in accordance with Article 5 of the Agreement, establishing the Caribbean Court of Justice, has the responsibility for:

1. making appointments to the office of judge of the court other than that of the President;
2. making appointments of those officials and employees referred to in Article XII, and for determining the salaries and allowances to be paid to such officials and employees;
3. the determination of the terms and conditions of the service of officials

and employees;

4. the determination of appointments in accordance with the provisions of the Agreement.

Madam President, the membership of the Commission is broadly based and comprises the following persons: The President of the Court who is the chairman, the nominee of a regional body representative of the legal profession, two chairmen of the Judicial Services Commission of contracting States selected in rotation for a period of three years, the chairman of the Public Service Commission of a contracting party designated in rotation for a period of three years, the Secretary General of the Caribbean Community or the Deputy Secretary General as his alternate, as well as a distinguished Caribbean jurist appointed by the President after consultation with the Deans of the Faculty of Law of contracting parties and the Council of Legal Education. Also, there are two persons nominated by the bar or law associations of the contracting parties.

The CCJ is therefore a unique institution inasmuch as it is designated to be on the one hand, a municipal court of last resort, or the highest appellate court in the Caribbean Community for civil and criminal appeals in substitution of the Judicial Committee of the Privy Council and on the other hand, an international tribunal of compulsory and exclusive jurisdiction for the interpretation and application of the Revised Treaty of Chaguaramas establishing the Caribbean Community.

Madam President, this Order is a simple one. It seeks to confer on the Caribbean Court of Justice, the Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund only those privileges and immunities which are provided for in the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 and which have been granted in the past to other regional and international organizations and agencies operating in Trinidad and Tobago.

Paragraph 3 of the Order stipulates that the Court, the Commission and the Fund, being regional agencies shall be accorded all the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Paragraph 4 of the Order provides that the judges of the Court, members of the Commission and Trustees of the Fund shall enjoy the privileges and immunities set out in Part II of the Fifth Schedule to the Act. Subparagraph (2) of the paragraph 4 provides that members of the family of the office holders referred to in subparagraph (1) shall enjoy privileges and immunities set out in clause 2 of Part IV of the Fifth Schedule to the Act.

Paragraph 5I of the Order provides that the officers and servants of the court, the officers and servants of the Commission and officers and servants of the Fund shall enjoy the privileges and immunities set out in Part III of the Fifth Schedule to the Act.

Part III provides for immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, as well as exemption from income tax in respect of emoluments received as an officer or servant of the organization or agency.

Paragraph 6 of the Order provides that the Court, the Commission and the Fund shall possess legal capacity and such legal personality as may be necessary to allow them in the exercise of their functions and in fulfilment of their purposes to contract, acquire and dispose of real personal property and to institute legal proceedings.

Paragraph 7 of the Order stipulates that paragraph 4(1) insofar as it applies to the judges of the court, is deemed to have come into operation on August 16, 2004.

Paragraphs 3, 4(1) and 5 insofar as they relate to the Fund and its trustees are deemed to have come into force on August 22, 2003.

In conclusion, this honourable Senate recently considered and passed a Bill to give effect to the agreement establishing the Caribbean Court of Justice. It is therefore not my intention to tread upon grounds already covered in that debate. This Order simply does the following: It recognizes that instrumentalities or agencies brought into being by inter-governmental treaty to which Trinidad and Tobago is a party—these entities are entitled to enjoy the privileges and immunities set out in Chap. 17:01.

While the CCJ is not yet fully operational, both the RJLSC and the CCJ Trust Fund are operating here in Trinidad and Tobago by virtue of the relevant Treaties entered into by the Government of Trinidad and Tobago.

Members of this Senate are not being asked to make new law. They are merely being asked to confirm an Order made by His Excellency the President, in accordance with the powers vested in him by existing law. The new reality of globalization of the international economy, the widening and deepening of integration movements and the progressive liberalization of regional and international trade are propelling us in but one direction, closer co-operation and deepening integration. As an international tribunal, applying international law, in interpreting and applying the Revised Treaty, the court, in the exercise of its original jurisdiction, is indispensable for assuring the kind of legal

certainly that must underpin macro-economic stability in the Caricom Single Market and Economy.

Trinidad and Tobago sought and was successful in obtaining the seat of the court here in Port of Spain. I would point out that it was not the only member state interested in hosting the court. Some of the Members opposite would be aware of the struggle to ensure that the seat of the court remains in Port of Spain. Sorry they are not here to hear that section.

Trinidad and Tobago derives considerable economic benefit from its participation in the regional integration movement. Its nationals, natural and legal, consequently have a vested interest in ensuring that an institution such as the CCJ exists to protect their rights in the CSME or, looked at differently, to ensure the other member states honour the obligations to those nationals.

Trinidad and Tobago can only benefit economically, politically and diplomatically from acting as host for the headquarters of the Caribbean Court of Justice.

Having promoted actively the establishment of the Caribbean Single Market and Economy, the CSME, having sought the site for the seat of the court and being conscious that the dynamics of the international economic and political environment requires to deepen the regional integration movement, the Government of Trinidad and Tobago, through this Motion, intends to do its part to facilitate success of these new regional institutions by putting in place some of the legal infrastructure required for the Court and the associated entities. This is in order for them to fulfil their functions as set out in the treaties earlier mentioned.

The making and confirmation of this Order is part of the regional integration process which we have already begun. I, therefore, unhesitatingly recommend that hon. Members of this Senate support the confirmation of this Order. As I said earlier, some amendments which have been proposed were approved as presented by the other place.

Madam President, the amendments circulated are as follows:

- A. By deleting the words, "Part I" in the last line of the first recital and inserting the words "Part V".
- B. By adding after the word "approved" at the end of the resolution the words "subject to the following amendments to the Order:"

In Paragraph 4, delete subparagraph (2) and renumber paragraph 4(1) as paragraph 4;

In Paragraph 5, delete subparagraph (2) and renumber paragraph 5(1) as paragraph 5;

Delete paragraph 7(1) and substitute the following:

‘Paragraphs 3, 4 and 5, insofar as they apply to the Court are deemed to have come into operation on August 16, 2004; and

In Paragraph 7(2), delete the words “its trustees” and substitute the words “the Commission.”

I beg to move.

Question proposed.

Madam President: Hon. Senators, there are also the amendments which you can take into consideration when we debate the Motion.

Sen. Brother Noble S. A. Khan: Madam President, thank you for allowing me these few moments to share on something which I think is very close to all our hearts, and bringing the Caribbean people closer together.

I hope, as I have mentioned in the past, one would think that it should have been there long before now. There are a few comments I would like to make particularly with respect to what is contained. I do recall in the past, the question of the funding, the mechanisms that have been established in the past year, and which find the expression before us where the “Fund” means the Caribbean Court of Justice Trust Fund established by Article II of the Revised Agreement establishing the Caribbean Court of Justice Trust Fund.

To my mind, and when we think in terms of governance—I think, in the past we made mention of that and the streamlining of governance and making it more relevant to our times and to our people. It does come to my mind that not too long ago, where the former Chief Justice, the head of the CCJ, in his comment at the establishment of the Court for bringing it into being at Queen’s Hall not too long ago, had made reference to this Fund. I make mention of that because I see a relevance to ourselves. As a people, we are in a dynamic state; and the question of streamlining ourselves and making ourselves much friendlier to administration and making things happen, if we could look at this mechanism.

One would recall in our Constitution, which I know the Independent Senators quite some time ago and even the nation has been calling for some change—at least, some time has passed and we have not seen any forum established for that discussion to take place, this question of funding, in our Constitution too, would find expression.

If my memory serves me correct, and as far as the Constitution is concerned and as far as the judges are concerned, there is a similarity—there are judges there and there are judges with us; there is a direct charge on the Consolidated Fund which places available money, and I am speaking in our Constitution with respect to the Judiciary, and other posts too; I am dealing with the concept. While there is money being set aside outside and a Trust being established to spend that and to make expenses against that amount, this was looked upon as being a new mechanism where, insofar as the Independence of the Judiciary is concerned, this is a new innovative approach to it. I think that our former Chief Justice has looked upon this in a way—and he had experienced being a Chief Justice in our land under that system as one which he found was something of an improvement to the new situation he is in.

In other words, what obtains now in the Caribbean Court, the funding mechanism, to his mind is a better system to what obtains in our Constitution at present. We know for a fact that there are other areas under that mechanism that exist, the direct charge on the Consolidated Fund. Not only for the Judiciary—

Sen. Jeremie: Sen. Bro. Khan, the funding of the Judiciary is a matter for the Executive and it does not do it by way—there is no direct charge on the Consolidated Fund. The Executive assesses in every given year what the needs of the society are, what the requirements of the justice system are and it prepares a budget and tries its best to meet those needs within the constraints of the competing needs of the State.

Sen. Bro. N. Khan: Thank you Attorney General for that intervention. It is something that I am not totally unaware of, the mechanism, but there are charges that go directly to the Consolidated Fund for certain posts in the Judiciary. And also, for example, the Auditor General, and even the Service Commission, and so forth. I take the point that you were making and it is in this area possibly, if you put it into a juxtaposition of what exists and what is before us, it is a suggestion which you may consider. But I think the Executive considering it by itself, I do not think it is the way to go but in order to bring it about because there would be need for constitutional change, it is along that area I am speaking. I am putting back on the table the need for reviewing our Constitution and apparently a need, not only in this instance, but a need which I think, should be fast in moving.

Sen. Jeremie: One idea which you had espoused at the beginning is looking at the mechanism to fund the Caribbean Court, which would be by far more than charging the Consolidated Fund but setting up a trust fund and leaving the Judiciary to access that fund on its own so that the State would provide the seed

capital or, perhaps, the bulk of the capital. It is an idea which is being mooted, and we are looking at the pros and cons of it now that we have realized the success of the funding mechanism with respect to the CCJ.

Sen. Bro. N. Khan: With due respect, it is highly anticipative of the CCJ because I do not know how long they had this practice, but I agree that one can possibly explore that mechanism and that new idea. This, I think, is worthy of consideration but while we are at that, we could think in terms of the mechanisms that obtained with the first inflow when there was substantial funding and the mechanisms that were put in place, a concept of funding and how money was accessed and how the accountability went. But these are thoughts which you know are very important because the whole concept of Parliament—and if one were to look back at the “mother” Parliament; some people would like to use some other adjectives or nouns to describe it, but the whole thing emerged over money and how it is spent and getting value for money.

3.00 p.m.

When I think in terms of service for money, some of us think that, to some extent, while it may be nice to gloss when we overview the thing, I guess this is part of what the Constitution allows, the question of acting as a stranglehold too with respect to certain of these institutions when they are created and allowing them to function.

As we know, the whole question of operations hinges on availability of funds and other resources and, as has been said long ago, “He who holds the purse strings calls the tune.” This has been said before. One would think that if we were to do that as a country—I think a substantial sum has been put and one would take into consideration—speaking of the fund that is before us—that there will be times to top it up. One would think in terms of a government, if they were to go that way, like our Government, or country, if it were to go that way, there would be need for topping up, but it is a question of who controls the funding.

In this case we have what has been referred to as a trust and I take it, from what I have seen here, there are very outstanding and capable Caribbean people who would be overseeing the trust, though I see one of these persons has been under very trying circumstances in one of the other countries. I guess this is part of how we go about.

This is one of my major concerns. You said that you have considered it and that the Executive is looking at it, and that is heartening. What I would like to see, too, though they would have a say in it, is that to some extent, the whole question

of the Constitution and its amendments that have been outstanding for some time and one would think that this gives an opportunity to put it on the front burner. This is one area, I guess, when it comes about, we would be looking at again.

With respect to that, Madam President, I think, as I have said before, that it is a step forward in bringing the Caribbean people together. Our very distinguished Minister of Foreign Affairs has said that it is a simple matter. I take it he did not see it as simplistic and there is a movement towards coming together. This is a symbol of that. While it seems that, maybe, at an outer rim of the Caribbean periphery, there are attempts, through things like that to come together, one gets the feeling that, even in a more contracted way, the opposite is happening. This, to my mind, is not something desirable.

It might be interesting to explore why, as difficult as it may be. One would think that the hopes of partnership, collaboration, and cooperation are not beyond us. Again, I would like to see that on the front burner. I think it is the hope and aspiration of people everywhere, not only in Trinidad and Tobago, to seek and pursue and bring people together, so that decisions would be made in the best interest of our people.

I thank you for allowing me these few moments.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, those of us who attended the inauguration of the Caribbean Court of Justice (CCJ) would recall the very touching and moving prayer and blessing offered by Sen. Bro. Noble Khan. That, I am sure, would contribute to the longevity of the court and the ancillary institutions serving under it.

Madam President, there being no further intervention, I beg to move.

Madam President: Hon. Senators, first of all, I would put the proposed amendments:

- A. By deleting the words "Part I" in the last line of the first recital and inserting the words "Part V".
- B. By adding after the word "approved" at the end of the resolution, the words "subject to the following amendments to the Order:"

In paragraph 4, delete subparagraph (2) and renumber paragraph 4(1) as paragraph 4;

In paragraph 5, delete subparagraph (2) and renumber paragraph 5(1) as paragraph 5;

Delete paragraph 7(1) and substitute the following:

Paragraphs 3, 4 and 5, insofar as they apply to the Court are deemed to have come into operation on August 16, 2004; and

In paragraph 7(2), delete the words “its trustees” and substitute the words “the Commission”.

Question, on amendment, put and agreed to.

Question, on amended Motion, put and agreed to.

Resolved:

That the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004, be approved.

CARIBBEAN COMMUNITY (CARICOM) REGIONAL ORGANIZATION FOR STANDARDS AND QUALITY BILL

Order for second reading read.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):
Madam President, I beg to move,

That a Bill to give effect to the Caribbean Community (CARICOM) Regional Organization for Standards and Quality (CROSQ) Agreement between Member States of CARICOM, be read a second time.

This Bill seeks to give legal effect to the provisions of the agreement establishing the Caricom Regional Organization for Standards and Quality, otherwise known by its acronym CROSQ.

Caricom member states signed this Bill on February 04, 2002. Negotiation to secure the agreement of this Bill commenced under the former administration of the United National Congress, the UNC, and today the ruling government is seeking to make this agreement a reality.

Since the date of the signature, this agreement has assumed provisional status among 12 Caricom member states, including Trinidad and Tobago. As an integral part of the Caribbean Single Market and Economy (CSME), the significance of this instrument cannot be underestimated or overlooked. Benefits to both consumers and the regional commerce promise to accrue naturally, with the establishment of a regional organization trusted with ensuring quality and standards control.

The requirement for the Caricom Regional Organization for Standards and Quality (CROSQ) derives from the Revised Treaty of Chaguaramas under the governing principles of Article 67 of this treaty. This Article clearly states that the

Council for Trade and Economic Development (COTED), under the ambit of Caricom “shall in collaboration with competent agencies develop a standardization programme in furtherance of the objective of this chapter and consistent with the international obligations of the member states.”

The Article continued with the stipulation that:

“The programme shall have the following objectives:

- (a) trade facilitation;
- (b) enhanced efficiency in the production and delivery of goods and services;
- (c) improved quality of goods and services traded within the Community and with third States; and
- (d) consumer and environmental protection.”

It further states that:

“The programme shall include the following elements:

- (a) harmonization of standards and technical regulations, and transparency in the development and promulgation of standards and technical regulations;
- (b) recognition of conformity assessment procedures through mutual recognition agreements or other means;
- (c) facilitation of standards infrastructure development at the national and regional levels;”

Madam President, this Article provides the substance and foundation for the Bill under consideration today.

Based on international guidelines and requirements, a regional quality and standards control body would serve to enhance and substantially boost the work of related national agencies in Caricom countries. The provision of regional resources would make a tremendous contribution to the work already conducted, for example, by our own Bureau of Standards here in Trinidad and Tobago.

Essentially, Article 67 also anticipates increased coordination between individual Caricom member states and the regional standards body. According to section 5 of this Article:

“The Community shall promote the establishment of a regional standards body which shall, *inter alia*:

- (a) facilitate implementation of the standardization programme;
- (b) assist the Member States in understanding and fulfilling the obligations under this Treaty and other international agreements;
- (c) promote the development of national standards bodies in the Member States; and
- (d) facilitate access to technical assistance available in the Member States and in third States.”

Madam President, CROSQ was created by the member states of Caricom as an inter-governmental organization for the specific purpose of expediting the harmonization of standards, metrology, technical regulations and the mutual recognition of conformity assessment procedures covering goods and services produced or provided within the region. CROSQ shall work with the national standardization body, that is, the Trinidad and Tobago Bureau of Standards, to ensure adherence to the standards advocated in the agreement.

What are the objectives and functions of CROSQ? The objectives and functions of the Caricom Regional Organization for Standards and Quality (CROSQ) include the following:

- The promotion and development of standards and the recognition of technical regulations;
- The recognition of internationally accredited certification systems;
- The achievement of international competitiveness of regional goods and services by fostering quality in regional enterprises;
- The preservation of the environment and conservation of the natural resources of the Caribbean;
- The provision of guidance to organs and bodies of the Caribbean Single Market and Economy including, but not limited to dispute settlement. An example of this would be the facility to resolve standards-related trade issues. It includes the promotion and protection of the interest of the states parties and associate members in the regional and international fora, as well as the inclusion of the promotion of awareness for standards-related matters, including technical regulations, conformity assessment and metrology to everyone in commerce and industry.

CROSQ, Madam President, consists of an executive council, the special committee and the secretariat as established by the inter-governmental agreement signed in Belize on February 04, 2002. The secretariat is located in Barbados.

The Executive Council comprises all heads of national standards bodies in the region and these are: Antigua, Barbados, Belize, Bermuda, Dominica, Grenada, Guyana, Jamaica, St. Kitts/Nevis, St. Lucia and, of course, Trinidad and Tobago

The Executive Director of the local Bureau of Standards, Mr. Nandlal, shall also be a member of the Executive Council of CROSQ. The function of the Executive Council is to recommend standards to COTED that could either be accepted or rejected by COTED. In fact, since the provision of the implementation of CROSQ in 2002, COTED has actively dispatched CROSQ documentation at its meetings.

A special committee also exists under the Executive Council of CROSQ. This committee has direct responsibility for much of the organization's work. For example, technical matters relating to the proposal for new standards fall within the purview of this committee. It must be stated here that this committee is comprised of officers of the Bureau of Standards of all member states.

In terms of the operation of the decision-making apparatus within CROSQ, it should be noted that decisions and recommendations taken at the committee level require a simple consensus for legitimacy and passage. However, with respect to decisions pertaining to standards and related matters, the requirements of a two-thirds majority at the level of the Executive Council is mandatory.

The Caricom Regional Organization for Standards and Quality also has a regional secretariat. The purpose of this secretariat is to assist member states with building capacity. The secretariat facilitates the assistance of smaller Caricom states by drawing from the expertise of larger countries such as Jamaica and Trinidad and Tobago through their national Bureau of Standards. The secretariat is led by the Executive Secretary, who is supported by staff from member states. The secretariat performs the following functions:

- Promoting the development, harmonization, application and maintenance of standards and standards regulations;
- Facilitating and mandating standards and metrology infrastructure development at both the national and the regional levels;
- Undertaking training and promoting education and information dissemination of standards and standards regulations and participating in the activities of standardizing bodies within the regional, hemispheric and international spheres.

The preamble of CROSQ, Madam President, acknowledges the region's

extreme vulnerability to penetration of sub-standard goods in the face of increasing liberalization and globalization. The negative implications of this trend for consumer welfare and the integrity of the region's environment are patent.

I wish to draw the attention of the hon. Members to the actual words of the preamble to the agreement, which is attached to the Bill. It states:

“The States Parties:

Recognising that liberalisation and globalisation in the world economy have intensified international competitiveness in the production of goods and services;

Conscious that the Caribbean Community is extremely vulnerable to penetration by products of sub-standard quality and specifications which could have serious negative implications for consumer welfare and the integrity of the regional environment;

Aware that the establishment of the CARICOM Single Market and Economy constitutes the measured institutional response to current developments present in the international economy as a means of safeguarding and promoting fundamental values of the peoples of the Caribbean Community;

Acknowledging that the development and application of harmonised regional standards, technical regulations, conformity assessment procedures and metrology are essential for the efficient operation of the CARICOM Single Market and Economy and, in particular, the international competitiveness of goods and services produced or provided in the Caribbean Region;

Conscious also that the formulation and application of internationally accepted standards, technical regulations, international competitiveness of goods and services produced and provided in the Caricom Single Market and Economy...”

Madam President, this preamble sets the tone for CROSQ and its relevance to regional economies in a rapidly changing global economic environment.

The CROSQ Agreement was deemed necessary in the face of dramatic changes in the roles and responsibilities of Caribbean standards entities over the past decade. The advent of international developments and, in particular, the rules of the World Trade Organization (WTO) added further impetus to the need for this

agreement.

The CROSQ Agreement outlines provisions governing the establishment of standards—compliance, conformity and accreditation. These provisions recognize the discovery made by Caribbean nations that the requirements of regional and global trade agreements have made the existing regional standards arrangements obsolete. CROSQ, therefore, represents a new and improved regional standards organization for the Caribbean.

We wholly embrace this agreement, which is crucial to the CSME. Since CROSQ forms an integral part of Caricom’s institutional arrangements, participants will be responsible for its funding and resource needs. The budget for CROSQ is estimated to cost US \$170,000 annually and all member countries shall contribute to this budget. The revenues and annual funding of CROSQ shall consist of the following:

- (a) Contribution of state parties and associate members;
- (b) Donations or grants from sources approved by the Council;
- (c) Fees derived from the conduct of investigations, training courses, consultancy engagements and other services performed by CROSQ;
- (d) Fees for the use of any mark or standard mark owned or operated by CROSQ; and
- (e) The sale of Caricom standards.

The mandate of CROSQ can be identified as the following:

- (1) To develop and implement standards;
- (2) To facilitate international competitiveness;
- (3) To increase the regional and international sustainable production of goods and services in the Caribbean Single Market and Economy;
- (4) The promotion of social and economic development.

CROSQ shall facilitate the timely development of regional standards in relation to a range of products and production methods within the CSME. Where necessary, it shall also conduct investigations on issues arising out of standards and standards-related matters at the request of state parties, associate members or the Caricom Secretariat.

CROSQ shall have full juridical personality and shall be accorded in each state party’s jurisdiction, the same capacity accorded to legal persons under their

national laws. In effect, this legislation is required further to secure our initial commitment made toward the Caribbean Single Market and Economy with the signing of the agreement in the year 2002. It shall ensure the harmonization of regional institutional frameworks required for the Caribbean Single Market and Economy. CROSQ shall serve as another integrating force within the region.

What are the benefits of CROSQ to the economy of Trinidad and Tobago? The benefits for the economy of Trinidad and Tobago can be envisaged in the following areas:

- (1) National standards developed by the Trinidad and Tobago Bureau of Standards will be enhanced and forwarded to CROSQ for consideration. These standards may then be adopted by other Caricom member states and will facilitate the ready export of products by manufacturers in Trinidad and Tobago.

As one of the more advanced countries in the region, standards already accepted in this country may be submitted for acceptance within Caricom by CROSQ.

- (2) Harmonization of our standardization work plans can also help to accelerate our work. The Jamaica Bureau of Standards and the Trinidad and Tobago Bureau of Standards are in the process of harmonization of their work programmes to avoid duplication and redundancy.

At present, there is evidence that the work of the various bureaus of standards can be harmonized and shared. Territories with an advantage in a particular area of concern can be allowed to assume a leadership role in the region by assisting other countries with the development of capacity in that specific area.

The Trinidad and Tobago Bureau of Standards, for example, has developed some leadership in the area of certification and plans are in place to maintain this position in the region. Jamaica, on the other hand, has developed some expertise in managing and implementing food standards and they will assume leadership in this particular area.

CROSQ will monitor and aid in the implementation of Caricom standards by member states. Also, trading and standardization of the dissemination of information for the region is one of the mandates of CROSQ. The TTBS has adopted a leadership role in this area within the last two years with the offer of regional training courses for standards officers from member states. The duration of each course is three weeks.

Last year, the TTBS also offered a general programme. Twenty-two participants from 11 member states subscribed to this programme. This year, the Bureau focused on the area of systems and product certification which attracted nine participants from seven member states. The Trinidad and Tobago Bureau of Standards also succeeded in receiving funds from the United States Agency for International Development (USAID) and from CEPEC for the 2004 course.

A common approach to the CSME is necessary, particularly in the area of extra-regional practices. Many member states, Madam President, do not have the capacity to check and monitor quality in a wide variety of areas. Some of these areas include food, electrical items and construction material. Some assistance can therefore be provided these member states in this area by the Trinidad and Tobago Bureau of Standards.

Also CROSQ is creating a system to alert member states about the identification of problems with the quality of specific products, such as Christmas tree lights. This mechanism aims to ensure that goods rejected in one territory are not dumped in another territory lacking a quality control facility. CROSQ, therefore, shall assist in the efficient operation of the CSME and, in particular, with the international competitiveness of goods and services produced or provided by Caricom.

Harmonization as a means of dealing with the external common agencies is also essential. Most of the member states treat with common external standardization agencies such as the International Standards Organization (ISO) and the Food and Agriculture Organization (FAO). However, because of the financial constraints, smaller territories cannot attend meetings on most occasions. CROSQ shall represent the region in the international arena and, therefore, provide a forum for various member states in terms of technical assistance being received from those standardizing organizations. CROSQ shall also serve as an enquiry notification and information point for WTO-related matters on behalf of member states.

Madam President, this new organization is intended to meet the needs of CSME. It is hoped that CROSQ shall be an effective vehicle for the harmonization of various standards and standards-related activities in the Caribbean. Furthermore, it is our expectation that the organization shall provide clarity during hemispheric and international discussions that hitherto were impossible under the original arrangements. Caribbean member states believe that CROSQ shall provide more effective and efficient management of the regional standardization effort of Caricom.

With these few words, I beg to move.

Question proposed.

3.30 p.m.

Sen. Basharat Ali: Madam President, I have to confess that I really was not prepared for CROSQ today, because I expected that a lot of time would have been spent on Immunities, et cetera. Due to the circumstances, I now find myself for the first time, writing a little note about the CROSQ Bill. Fortunately, I had been through it last night and a couple of nights before, and I am able to speak for a short while on it. Personally, I think it is a very well put together schedule, the agreement itself is very well put together and I have no problems at all with the Bill itself, but I would like to speak to certain items.

First of all, let me say to the hon. Minister, I am very pleased that there is provisional application of the agreement by 12 Members; 12 out of 15 is pretty good. [*Desk thumping*] I know we have an excellent Director of the Bureau of Standards in Trinidad and Tobago, who will really be an asset to the Council as it is called within the Act. I have worked with him for many years, since I pretty well joined the government service and he had come in, and we set up the Petroleum Testing Laboratory at Cariri together, so, I have a very good relationship with him. I was telling him only two days ago that I was hoping that the CROSQ Bill would not come up today, because I have a meeting with him, set up for Thursday to talk about Metrology and CROSQ. Metrology, because we are still waiting for that Act to be proclaimed—the Metrology Act, after 11 months. Eleven months have gone since the debate in this Senate.

Let me address some of the objectives in a little different manner from how the hon. Minister did. In fact, I have to take my lead from him, because he went straight to the objectives of the Bill which are given in Article 4. And I would like to address some of the points that are there as objectives. The Bill says:

“The primary objectives of CROSQ shall be the establishment and harmonisation of standards for the enhanced efficiency and improved quality in the production of goods and services in the Community...”

The second subclause under that article is:

“Without prejudice to the generality of the provisions of paragraph 1, CROSQ shall, inter alia:

promote the development and harmonisation of standards...”

The word “standards” there was a little problematical to me when I looked at the definition. The definition is on page 7 of the Bill before us and—

“standard means a guideline approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory...”

I did have a problem with that, because I know that in Trinidad and Tobago we have many standards which are compulsory—of course there are voluntary standards—so I asked Mr. Nandlal the question: What happens if someone wants to export to Trinidad and Tobago a product for which there is a mandatory standard in Trinidad and Tobago? He gave me a good answer, for that. He said that in fact, there will be within the council, meetings where these standards, compulsory or voluntary will be classified, and those have to be agreed by COTED. If I am right, Mr. Minister, that is the answer he has given me. And I am quite satisfied that that is the route we have to go, because we are working harder and harder at putting standards together, and we would not like to think that our fellow Caricom members are trying to export sub-standard goods to us; just as we do not want sub-standard goods to be imported from other extra Caricom countries. So that was one of my first observations on standards.

The second item which the objectives address is harmonisation of metrology. Metrology, as we all know—once again I go back to definitions; definitions are always good to go back to. The definition of metrology in Article 2—I am sorry if I am a bit slow on this, Madam President, but it is because I am not that well prepared.

“‘metrology’ means the science of measurement for the determination of conformance to technical requirements including the development of standards and systems for absolute and relative measurement;”

On June 01, in this Senate, I led this Bench on the Metrology Bill which became the Metrology Act by the end of June 2004. I am sorry that the hon. Minister of Trade and Industry who should have presented this Bill is not here, because I would have been challenging him. He had said at that time, within six months that Act was going to be proclaimed, so that we would have had a Metrology Act in place. But, last week when we had some questions to answer on Bills assented to and not proclaimed there was an answer to that question. Why was the Metrology Act not proclaimed? There were two reasons given. I think one was that they still had some organizational matters to put into place, and the

second point was that they needed to sensitize the public as regards the metric system.

Madam President, from June last year to now, I have not seen anything related to metrication from any publication by the Government. Actually, the only bit of metric information I saw was on one of these little exercise books or copy books that they have. At the back of it they have tables, and there we had what is a centimetre, a litre and a centilitre, et cetera and that is the only place where I have seen anything related to metrication. So, if we want to sensitize the people of this country, then we must really have a very determined, high-powered approach to it; just as you have the tourism drive, we need the metrication drive and we need it now and not later!

Madam President, we seem to be getting desensitized as regards metric. Not too long ago, probably a month, my eyes caught an announcement of a memorandum of understanding between the Ministry of Energy and Energy Industries—I presume it was—and a US company called La Brea Nitrogen which was going to establish an ammonia and urea ammonium nitrate plant, and because the company is named La Brea Nitrogen, it is one of the plants to go into Union Estate, I presume. But what bothered me was that the figures in this big advertisement or press release, or what was it; the plant capacity was given in the short tons. I wonder how many Members here know what a short ton is? I know my friend Sen. Mary King will know, because she has dabbled in fertilizers before. If I look across, I am not sure who will know what a short ton is.

Madam President, if I had a poll I would have asked what a short ton is. It is not for sugar cane, you know, it weighs less, you get short weight. It is not short weight, a short ton is not an English ton; an English ton is 2,240 pounds. Everybody knows that; a metric ton is 1,000 kilograms, 2,204 pounds; a short ton is an American term—2,000 pounds. So, that when they say the capacity of this plant is 2,200 short tons a day, they really mean 2,000 metric tons a day plant. And I hope that our government did not sign an MOU at this stage of our life, which said that we are establishing, or we hope to establish a plant with such capacity in short tons. So, that is where we are on this.

While we are on this same question of metrication, I remember in the debate last year June 01—I remember the date very well, because it is the date that my mother told me I was born. [*Laughter*] Not the date that appears on my birth certificate—and one of the points I made at the time was that. I noted that from the point of view of where our biggest revenue comes from, petroleum, they had included the definition of a barrel. So that a barrel became a legal measurement in

fact, because we sell oil in US dollars a barrel, or whatever it is. I had made the point then, that natural gas which is now our biggest revenue earner, is sold in millions of BTUs per standard cubic foot. BTU is not defined, you can convert it, and there is no such thing as a standard cubic foot in the metric system. A standard cubic foot is measured at 60° Fahrenheit and 14.7 PSI (pounds per square inch).

At that debate, Madam President, if we go back to *Hansard* you will know that I said, that I was prepared to sit with someone during the tea break to work out an amendment to include that, so that we will legalize the sale of natural gas. Everybody talks about Henry Hub, \$7 per million BTUs in—wherever it is Henry has gas, but nothing has happened. So, I have spoken to my good friend, Mr. Prem Nandlal. I told him that I am coming to talk to him about that because I feel it is important. And it can be done at any time; even if the Act is not proclaimed, we can bring an amendment to the Act, so that when the Act is proclaimed we will be legally selling LNG, or natural gas, or whatever it is, in a unit which is in the schedule of the Act. I have very strong views on these things and I do hope that we are serious about it, that we just do not go and sign documents; we have signed a number of them, and we, as the industrial leader in the Caribbean should be taking the initiative.

Hon. Senator: So true. So true.

Sen. B. Ali: Now, in the objectives, the next term that comes up after “harmonisation of standards, metrology”, is:

“technical regulations and the mutual recognition of conformity assessment procedures...”

Let us look at the definition of “technical regulations”.

“‘technical regulations’ means regulations which specify product characteristics...”

So that is really specification of the product,

“or their related processes and production methods, including the applicable administrative provisions with which compliance is mandatory”

Safety is one of the aspects of production method, and here we are with an Act, which has been assented to since January 30, 2004—unproclaimed to today, May 03—I am really passionate about this. My friend Sen. Anmolsingh-Mahabir always says—she chooses the word passionate. I am passionate about it because I

know of people who died from accidents. [*Desk thumping*] I am always asking as Madam President will know; I asked a question about it in Parliament already: Questions to Ministers.

Hon. Senator: [*Inaudible*]

Sen. B. Ali: I will come to that. Last Tuesday, Madam President, you were not here, but there was a Motion on the Adjournment by Sen. Wade Mark on the question of the non-proclamation of the Occupational Safety and Health Act, and he gave a good presentation of what the position is, and really there are so many people who are asking, why have we not done it? From the firemen down say we should have the OSH Act proclaimed, because it is so fundamental. We are not a newly industrialized country. We have always had a system working for safety in industry.

Our hon. Minister of Labour and Small and Micro Enterprise Development gave his 15-minute response, and I can only say one word, that his contribution was pathetic. I have to say it very plain; I must have shown my ire sitting here, boiling up, while he talked his nonsense. It was nonsense. I mean who would come to this Senate and say, when we are talking about it, that he had formed a council to—I have not got the *Hansard* on it, but one of reasons given for the non-proclamation was that he had set up a little council to decide on the policy with respect to implementation.

I thought policy was the precursor to legislation, and there is no reason why—there is no policy matter involved in that Act again. He knows there are two bodies in OSHA; the Board and the Agency. We all know that and the terms of reference of those two bodies are in the Act. So there is no excuse for that really, for him to come here and say that. As I said, we have a long history and we have had good people at the level of the Factory Inspectorate; I know because I have worked in the industry. I could call names of people—three factory inspectors that I have worked with—Mr. Drakes, Mr. King and Ms. Shameine Ali; these are the people who were from the '70s into the '80s, who were there already. So how come, in 2005, he is talking about having someone who has just been trained, to come and do what; I am not sure? So I was really upset. And he still cannot give us a time as to when the Act will be proclaimed.

He read it from *Hansard*, but he read it from *Hansard* selectively, what the former Minister who presented the Bill in this Senate said. He read very selectively. I have to say that, because the former Minister in his presentation to this Senate said, “We expect that OSH Bill will be proclaimed in parts.” And in

response to Sen. Wade Mark's question, as to when can we expect the Bill to be proclaimed, he said, we expect it to be fully operational in one year. That was January 2004. If this Minister cannot do the work, get another Minister who can! That is how I feel about this.

Sen. Dumas: Point of order, Madam President. Is the Senator debating a matter that has gone before? I think we are on the border—

Sen. B. Ali: You think so?

Sen. Dumas: I am suggesting to you that this is irrelevant to the debate that we are having, and it is out of order to be debating a conversation that occurred in the past. I think we are bordering on being out of order, especially when we seek to insult the Minister. I think we should take objection to that, and therefore I suggest that we ask the Senator to stick to the business at hand.

Madam President: Yes, I think that you are right in that. You are debating a matter that has already been discussed—something that is past—and on top of that Senator, you need to be a bit more circumspect about how you refer to the Minister. So, just take note and continue, you were doing very well before. I would love you to come back to what you were talking about.

Sen. B. Ali: Thank you, Madam President, but as I said before, I am passionate on the subject and passion shows up. Okay? [*Laughter*] No, I am honest about it, passion shows up. If I was quiet and everything about it, compliant, I would just not talk about it. So I am here to defend the position, and quite frankly, Madam President, I do not think that I am in any way irrelevant because I am referring to the objectives of this schedule. That is the item. [*Interruption*] But, in any case, Madam President, I have filed today, a notice of a question on what has happened to an investigation into an accident to Shivam Harrylal, the young person who got killed. I have filed a notice on that to find out what happened. That is how I feel about this matter. Those are the items which I have recognized in this short period as to what needs to be done.

The question of accreditation is important, because we need to have international accreditation. That is why, for example, we are adopting the SI system, the international system of metric units, so that we will be in conformity with all the other countries that have gone metric. Unfortunately, the United States seems to be the one which will not be going metric for quite a long while.

On the question of, “conformity assessment procedures”, this definition says it:

“...includes any procedure used, directly or indirectly to determine that relevant requirements in technical regulations or standards are fulfilled;”

So it is connected with accreditation, and it means that in the harmonisation process, the different bureaux have to do a lot of work, and I do not know what the status of all the bureaux are; the status of the individual bureaux are in this whole process. As I said, we should take the lead if needs be; I believe the council will choose a chairman. Is that so hon. Minister?

Hon. Senator: Through you, Madam President.

Sen. B. Ali: I am sorry, Madam President, through you. I was asking whether the Chairman of the Council, I did not read it as carefully as I should, will be chosen from among the bureaux.

Sen. Gift: [*Inaudible*]

Sen. B. Ali: Thank you very much. So, Madam President, there is not an awful lot else that I can say. I have here also, on the question of safety we have outstanding another matter, the Toxic Chemicals Act Regulations, that is there also. Those are the things which are important. Madam President, let me give you an indication of how important they are.

Right now it is very difficult, and I was speaking to the chief executive of a company, who wanted urgently, to send a sample of natural gas—under pressure—to the United States, because he could not do a specific test. It was a very urgent matter, and he had to go through a great rigmarole in order to get that sample because of all the regulations, et cetera, related to movement of a container by air or whatever it is, particularly, if this thing is called a bomb. A natural gas sample is called a bomb in the language, but it is at 150 kilo pressure, and he told me that is his biggest impediment in not getting this test done. He is going to spend US \$250,000 to get the equipment, so it can be done in Trinidad and Tobago and not have to be sent to the United States. So that is a positive, he has to do it, because product specification is so important when you are in the international field.

Madam President, I will not continue. Those are the things I wanted to say, and I wanted to highlight that they are important matters; whether they are regulations for products, whether they are specifications, whether they are regulations for storage of these products. Imagine we are going to be making products which contain ammonium nitrate and safety becomes an important thing; as many people know ammonium nitrate is a fertilizer, but it is also a component of bombs. If anybody remembers, it was the tenth anniversary, I think, of the bombing in Oklahoma City, and it is ICI ammonium nitrate. ICI ammonium nitrate was the material which was put into this bomb, so you have to have very strict measures all along when you want to deal in these matters.

I wish the Bill an easy passage. I think it will get an easy passage in this Senate, and I wish that we will get serious and start implementing those that we have, so that we can say look, we have reached here in metrology; we have reached here in safety; we have reached here in dangerous chemicals; and we have reached here in pesticides, and take the lead and get it done, otherwise we will all be wasting our time.

Thank you, Madam President.

Madam President: Is there anybody else? Anybody? Okay, Mr. Minister.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Thank you, Madam President. It is clear that Sen. Ali has sounded some cautionary notes to us in terms of the potential hazards in the workplace and in the business place. He did refer, of course, to the chemical components of fertilizer and indeed, to the Oklahoma incident. I hope the nitrate was not purchased in Trinidad and Tobago. But I think his point is well taken insofar as the need for our country being more sensitized to the whole process of metrology and metrication, and I am sure that over time, as we go about the nation's business, whether it be in the schools, in the classrooms, the university, et cetera, I am sure that that sensitization will take place.

So, Madam President, with those brief responses, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

Schedule.

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

Sen. Bro. Khan: Madam Chairman, just a matter of clarification. I see the question of expenditure and accountability—

Madam Chairman: Where are you?

Sen. Bro. Khan: I cannot identify—that question of the reporting mechanisms. I see under “Functions of the Secretariat—that is on page 13, Article 10—they speak about “prepare annual and other reports for submission to the

Council”. That is (f) and (g), and also under Article 13, shall consist of how the money comes and all of that, but I do not see anything about the mechanisms—though it might be inferred—of reporting through the audit or who they report to as far as the expenditure and accountability is concerned, particularly with the money part. I would like some clarification on that.

Sen. Gift: Madam Chairman, in all of this, the Council for Trade and Economic Development (COTED) has a supervisory role and there will be a watchful eye kept on the activities of CROSQ. I am sure that ministers will not sit by and see that the rules are violated.

Sen. Dr. Saith: They report to COTED which is the ministerial council.

Sen. Bro. Khan: That is under what, in the next agreement?

Sen. Jeremie: It is in the definition section. The Secretariat is defined and COTED is defined.

Madam Chairman: That is on page 7, I think it is—the definitions.

Sen. Bro. Khan: So I guess it will appear under the regulations; regional standards and technical regulations.

Madam Chairman: Look at Article 7 which gives you the “Functions of the Council”. It most probably would be there.

Sen. Bro. Khan: Article 7, 1.

Madam Chairman: Yes.

Sen. Bro. Khan: Okay. I look forward to that.

Madam Chairman: Any other queries?

Question put and agreed to.

Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, without amendment, read the third time and passed.

Adjournment

Tuesday, May 03, 2005

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to Tuesday, May 10, 2005 at 1.30 p.m. at which time we will do Motion No. 2 on the Order Paper, followed by Bill No. 3 where we propose to immediately send it to a select committee. It shall be a procedural matter. Then we will do Bill No. 6, the amendment to the Education Act, and if we have a good day as we had today, we will do the Pilotage (Amdt.) Bill.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.10 p.m.