

*Leave of Absence**Wednesday, September 20, 2006***SENATE***Wednesday, September 20, 2006*

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 to Sen. The Hon. Christine Sahadeo who is ill and Sen. Angela Cropper who is out of the country.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency Prof. George Maxwell Richards, T.C., C.M.T., PhD, President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Christine Sahadeo is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Christine Sahadeo.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20th day of September, 2006.”

OATH OF ALLEGIANCE

Sen. Joan Hackshaw-Marslin took and subscribed the Oath of Allegiance as required by law.

CONDOLENCES**Sen. Nathaniel Crichlow and Sen. James Manswell**

Madam President: Hon. Senators, I have been informed of the passing of two former Senators: Sen. Nathaniel Crichlow and Sen. James Manswell, so I would give the Senate an opportunity, at this point, to express their condolences.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, on behalf of the Government Senators, I welcome the opportunity to pay tribute to two former Senators of Trinidad and Tobago, Mr. Nathaniel Elliott Crichlow and Mr. James Isaac Alexander Manswell, both of whom passed away on Monday, September 18, 2006.

The trade union movement has played a historic role in the social and economic development of Trinidad and Tobago. Indeed, it is possible that, were it not for its emergence and influence, our country would not be as advanced as it now is in terms of balanced development. Our two former Senators were stalwarts of labour who made sterling contributions to the trade union movement in this country. As a result, they both received national awards for their life's work.

These were, indeed, outstanding citizens of this country. They brought to the Senate, among other concerns, the voice of the workers of the country. They made immeasurable contributions to building and leading for many years, two of the outstanding trade unions in the nation, the Public Services Association and the National Union of Government and Federated Workers (NUGFW). The continuing importance of these organizations to the nation's welfare is testimony of the enduring contributions of those whom we mourn today.

Both gentlemen were committed to the welfare of the workers and the best interests of the nation. Often, in the midst of apparently irreconcilable differences between employer and workers, they were always able to bridge the divide and ensure the harmony that comes from the satisfactory conclusion of negotiations. They advanced the cause which they espoused, but never forgot the context and the reality.

Consequently, on most occasions, after sometimes very heated confrontations, the country emerged with a win-win situation. In this way they contributed to the remarkable social stability that this nation has enjoyed and which is at the heart of the progress that we continue to make in the face of local and global challenges.

Madam President, if you would permit me to just interject on a personal note; I have worked with these two gentlemen, not in the trade union capacity, for a number of years, and we became personal friends. When Trintoplan was formed in 1971, as you know, the trade unions owned 25 per cent and they still do, and Mr. Manswell and Mr. Crichlow were the directors representing the trade unions on that board. I was the Managing Director at the time, and I worked very closely with these two gentlemen for a number of years and, as I said, we became close friends.

In the case of Mr. Crichlow, when the union, the National Government and Federated Workers Trade Union took the bold decision, at that time, to go into building houses for their members, they set up a committee called NUGFW Construction Company, and I was given the honour of being the only non-union member to sit on that board. We worked a lot and I would miss them on a very personal basis.

Madam President, may we, therefore, remember them with love and gratitude. Our wish for both of them is eternal reward and we extend our sincerest condolences to their families and friends who mourn their irreplaceable loss.

Thank you very much, Madam President.

Sen. Wade Mark: Madam President, Trinidad and Tobago has lost two very important stalwarts and veterans of the national labour movement, because of their enormous contributions to the Republic of Trinidad and Tobago, during their lifetime. I would crave your indulgence to put on the record of the Parliament the contributions of both to the national development of our Republic. I would begin by sharing with the Parliament the contribution of Mr. James Isaac Alexander Manswell.

Madam President, he became a member of the Civil Service Association (CSA) on July 01, 1947 when he was appointed to the civil service. He was a man of many parts for all seasons. It is recorded that he attended some 10 primary schools during his early years of development, before ending up at what was known as Osmond High School, under the famous principal, Mr. Murray.

Madam President, James was an A-class table tennis player during his golden era, or during the golden era of the game, and with the trio of Ossie Wilson and Lyle Williams they became the unbeatable trio. He was also a champion in public debates. He became the head of the League of Literary and Cultural Clubs of Trinidad and Tobago, and he was also a member of the National Youth Council. In 1961, he became the full-time General Secretary and the first public officer to leave his job to become a full-time officer of the CSA in 1961.

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Consistent with his organizational skills and abilities, the CSA membership skyrocketed and their offices were relocated from St. Vincent Street to larger rented offices on Edward Street, Port of Spain. Through his astute leadership and foresight, the CSA purchased properties at Piggott Street in Tobago and at Abercromby Street in Port of Spain. During this particular period, James Manswell played a very important role in the formation of the Caribbean Public Service Association, which he became General Secretary of from 1970 to 1981.

Madam President, he represented Trinidad and Tobago as a trade union representative at the ILO or at ILO conferences in Geneva. He was also the President of the Trinidad and Tobago Labour Congress, and as we all know, he served as a Senator in this honourable Parliament for a number of years.

Madam President, he was the repository of knowledge with respect to labour education and labour laws of this country and, to my mind, that is legendary. He was a resource person to many students of the Cipriani Labour College and even the University of the West Indies. He made a great contribution to his country and to the union which you would know was renamed the Public Services Association. This is now a premiere organization and trade union not only in Trinidad and Tobago, but in the Caribbean as a whole.

Madam President, as it relates to Nathaniel Elliot Crichlow, he was the second of four children. He was born on May 12, 1922. "Natty" as he was popularly known, was one of the finest and most dedicated, committed and visionary leaders of the national labour movement since the era of Tubal Uriah "Buzz" Butler and Adrian Cola Rienzi. He was an absolutely cool, compelling and unassuming individual.

Madam President, not only did Nathaniel Crichlow contribute to the trade union movement, but he contributed to culture, social and community life. He has left his footprints indelibly on the trade union movement. He could be described as the statesman of the trade union movement; a scholar in his consistent articulation of workers' rights and workers' interests.

He served as a Senator for several years in this Parliament. During his long stint in the Parliament, he served on several committees. He retired in 1985 from the trade union movement, and that is from the National Union of Government and Federated Workers (NUGFW). He served on a number of state boards and this gentleman, this human being, a great citizen of our republic who has now passed on was responsible for the formation of the National Union of Government Employees (NUGE). And with the Federated Workers Trade Union (FWTU) in the 1960s came this powerful united and merged trade union known as the NUGFW.

He was instrumental in establishing the Co-operative Society. He was responsible for establishing the Maracas Bay Pavillion, a supermarket on Eastern Main Road and he was largely responsible for purchasing a huge estate at Tumpuna Road for the union. Madam President, it was under his leadership that the union was able to acquire properties at Queens Park East, 145 and 147 Henry Street which is the current headquarters of the union. He was also responsible and played a big role in establishing the southern division office, the eastern division office in Sangre Grande and the Tobago office in Tobago.

Madam President, it is important to know that Nathaniel Crichlow was critically instrumental in securing the 40-hour-work-week for local government employees. He introduced the Cost of Living Allowance Article for daily-rated workers in 1976. He negotiated health and life insurance benefits and retirement benefits for several thousands government employees. He forced employers in the private sector to justify dismissals and those are recorded in the industrial agreements under disciplinary procedures.

He convinced the Government that the principles of social justice should be enshrined in the 1962 Constitution. These principles were enshrined in the Constitution word for word, arising out of the Queens Hall Convention which was held on April 25 to 27, 1962. He successfully advocated for the establishment of the Cipriani Labour College and the Institute of Industrial Research, that is, the Caribbean Institute, (CARIRI) Madam President, he was instrumental in promoting a social security system manifested in the establishment of the National Insurance Board.

Madam President, Nathaniel Elliot Crichlow was an ardent advocate of the steelband movement. He was a pioneer of the steelband movement and served as the First President of the Steelband Association. As Sen. The Hon. Dr. Lenny Saith said, in alliance with the SWWTU, Natty, as President General of NAFU, established a major housing project at Real Spring and also at Lopinot for workers of these unions. He represented the trade union movement at many international labour conferences in Geneva between 1964 to 1985. He served in many senior capacities in the national labour movement: President of the Labour Congress and he also served as the President of the Caribbean Labour Congress or Congress of Labour.

Natty played a very crucial role in the unification of the trade union movement when the Trinidad and Tobago Labour Congress and the Council of Progressive Trade Unions became the National Trade Union Centre in 1991. He served as a director for some 30 years on the National Insurance Board. Madam President, he shaped and developed social insurance in Trinidad and Tobago.

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Nathaniel Crichlow was not only a giant, but he will be remembered for his great contributions to the labour movement. He, to many of us, was an icon of the labour movement. He was firm, frank and knowledgeable. Today we celebrate the life of not only an icon, but also a trade union giant; a great statesman and an elder of the national trade union movement.

Madam President, it is coincidental that both James Isaac Manswell and Nathaniel Elliot Crichlow passed away last Monday. The United National Congress (UNC) extends its profound condolences to the families, friends, relatives, the trade union movement and the trade unions that they both represented and served very well. We wish to extend to them our deepest condolences.

Madam President, may Almighty God grant to both James Isaac Augustus Manswell and Nathaniel Elliot Crichlow eternal peace and rest as they both enter another realm of existence. May their souls rest in peace. [*Desk thumping*]

Sen. Prof. Ramesh Deosaran: Madam President, we are obliged, and on behalf of the Independent Senators we, too, wish to convey our heartfelt sympathy to family and friends of the late Mr. Manswell and Mr. Crichlow.

Madam President, in recent times, it cannot escape our notice the frequency with which we have been paying such obituaries. Perhaps, it should be seen as a grim reminder of our own lives, all of which would also end sometime, except that we know not exactly when.

I, therefore, see this passing of the two gentlemen as a reminder of our own selves, but more to the point the way my colleagues and myself see these two gentlemen, reflect the passing of a significant era in the labour movement of this country following in different ways on the heels of Tubal Uriah Buzz Butler, Andrew Cipriani and Cola Rienzi themselves, forming a previous generation of labour leaders which charted the way forward, not only in terms of revision of the legislation—the master and slave legislation, but also those very oppressive legislation. With respect to Mr. Manswell and Mr. Crichlow, their contributions are also equally memorable. It is my hope, in some way, that not only their lives, generally, but the contributions they made to the growth of labour democracy in this country should be properly recorded for generations to come.

The contribution of both labour leaders was seen most significantly, and should be remembered accordingly, in framing the Industrial Stabilization Act and after the Industrial Relations Act, especially the latter one, which is a memorable piece of legislation under which we still function.

Madam President, we should also remember, just as Mr. Manswell and Mr. Crichlow have passed away, part of their generation also belonged to the late Carl Tull, Mr. George Weekes and St. Elmo Gopaul. As we witnessed the passing, I would like to encourage our current labour leaders to, perhaps, take a lesson or two from the manner in which they conducted, not only themselves, but the art of negotiations.

Madam President, I say so because I was a student of both gentlemen at the Cipriani Labour College, in my more youthful and curious days seeking knowledge at the hands of the masters. At Cipriani Labour College, both Mr. Manswell and Mr. Crichlow lectured to me. I remember, quite significantly, Mr. Manswell telling us, in one of his lectures, that the society is not structured to prove fairness; you have to fight for it. It was only later on when I attended university and did other courses in social sciences, it occurred to me how very truthful and accurate, out of experience, Mr. Manswell's words were. Fairness, like justice and democracy, does not come easily. You have to always struggle for it. That is why labour leaders always have to struggle for what they believe is rightfully theirs.

Mr. Manswell was an expert in the art of negotiations, because what he did for the Public Services Association has contributed to the strength and force that that union now enjoys under the new leadership of Mrs. Jennifer Baptiste-Primus.

Madam President, of course, you know there are many other things that we could say, and most of them have already been said, but I believe if you refer to the resumes of both gentlemen, they speak a lot of what they have done and what could be used to inspire the younger generation of labour leaders.

So, on behalf of my colleagues, I wish to extend our heartfelt sympathy, once again, to the family of these two gentlemen.

Thank you. [*Desk thumping*]

Madam President: Hon. Senators, let me join with the Members of this Senate in extending condolences to the families of former Senators James Alexander Manswell and Nathaniel Crichlow both of whom died on Monday, September 18, 2006.

Sen. Crichlow was a PNM Senator from 1963 to 1965 and then, again, from 1976 to 1986, while Sen. Manswell was an Independent Senator from 1976 to 1981. I did not have the pleasure of meeting Sen. Manswell, but I remember Sen. Crichlow who was then a member of the National Insurance Board at a time when that board fell under the ministry of which I was then the Minister. I certainly remember him as being a very distinguished person with a lot of knowledge.

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They both had distinguished careers in trade unionism and both received national awards for this. These two men served their country with distinction at numerous levels and were involved in their communities and the culture of our nation. There is no doubt that our pool of national-minded citizens and our pool of men with great experience has, indeed, been severely weakened by their passing.

May God grant them their well-deserved rest and give their families the strength to deal with the loss.

I have directed the Clerk to convey the sentiments of this Senate to their families.

Could we please stand now for a minute silence?

The Senate stood.

**COMMITTEE OF PRIVILEGES
(Presentation)**

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, thank you very much. I beg to lay on the Table the following reports standing in my name:

- (i) Interim Report of the Committee of Privileges of the Senate on a matter of privilege raised by Sen. The Hon. Joan Yuille-Williams; and
- (ii) First Report of the Committee of Privileges of the Senate (2005-2006 Session) on a matter of privilege raised by Senator Wade Mark.

**ORAL ANSWERS TO QUESTIONS
Back-yard Abortions
(Eradication of)**

67. Sen. Wade Mark asked the hon. Minister of Health:

Could the Minister inform this Senate whether the Government intends to eradicate “back-yard abortions” by repealing and re-enacting updated laws governing the practice of abortions in Trinidad and Tobago?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, under the laws of Trinidad and Tobago abortion is illegal. It is an offence to procure or cause to procure an abortion. The Government does not intend to amend the laws governing the practice of abortion in Trinidad and Tobago at this time.

Madam President, section 56 of the Offences Against the Person Act, Chap. 11:08 states:

“Every woman, being with child, who, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and any person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, is liable to imprisonment for four years.”

Section 57 provides:

“Any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child, is liable to imprisonment for two years.”

The solution to the problem is, therefore, not legislative; it is rather effective policing of medical practitioners engaged in this illegal activity. This is the responsibility of the police service and also the Medical Board of Trinidad and Tobago.

Sen. Mark: Madam President, I would like to ask the hon. Minister whether he is aware that there are over 10,000 abortions every year in this country and whether the hon. Minister could indicate to this Parliament why the State, through its security services, has not taken action against the perpetrators of this particular development that this Government does not support. Could the hon. Minister indicate to us why 10,000 abortions are taking place every year in this country?

Sen. Dumas: That is four questions.

Sen. Mark: You have corruption—see about corruption in your ministry.

Sen. Joseph: Did you take your medication today?

Sen. Mark: No, I am not fit as you.

Sen. Joseph: You need to take something before you come here.

Madam President: Senators, if you start this early, I do not know what is going to happen before the end of the day. Everybody, please, control yourself. Thank you.

Sen. The Hon. Dr. L. Saith: Madam President, I am not aware of the figure of 10,000 abortions. I really find myself in a difficult position in answering this question. I am sorry the Minister of Health is not here to provide the additional information.

Sen. Mark: Madam President, through you, could I ask the hon. Minister, whether in the future the Government intends to update the legislation that governs the actions and activities of persons in Trinidad and Tobago who apparently are committing illegal acts when they commit abortions? Would the Government be taking steps, in the not-too-distant future, to upgrade and update legislation so that women can have the freedom to conduct their affairs and to exercise choice in this democracy?

Sen. Dr. Gopeesingh: As with the rest of the world.

Sen. The Hon. Dr. L. Saith: Madam President, I thought I answered that question, but I would repeat the answer again: Under the laws of Trinidad and Tobago abortion is illegal. It is an offence to procure or cause to procure an abortion. The Government does not intend to amend the laws governing the practice of abortion in Trinidad and Tobago at this time.

Sen. Seetahal, S.C.: Madam President, I have heard what the Minister said and we all know that it is the law of Trinidad and Tobago, and it is an offence under the Offences Against the Person Act. My understanding of the question was not that, and the follow-up question was, in light of the fact that there are numerous abortions in Trinidad and Tobago—research by ASPIRE has been done and it has been published and there are women who have suffered permanent injuries, as a result of some back-street abortions—what does the Government, as the Executive arm of the State intend to do— whether it is to enforce the laws or protect women and infants to be? The legislation that is not being enforced, is difficult to enforce and it is having a negative effect on the society. That is the point.

Sen. The Hon. Dr. L. Saith: Madam President, again, I find myself in a difficult position. I think the answer indicated that, at this time, the problem is not a legislative problem. There is a law and effective policing by the police and by the Medical Board, as at this time, is the way to enforce what the Senator is saying.

Madam President: One more question. Go ahead.

Sen. Dr. Gopeesingh: Madam President, I want to supplement Sen. Mark's question. Would the Government indicate whether they intend to deal with any issues related to women who have been subjected to rape, incest—*[Interruption]*—it follows on that—and who may be seeking termination of pregnancies or abortions by someone, and whether the Government intends to address the question of women

who have been raped, and whether it is the question of incest and where the pregnancy endangers the mother's life as laws are being passed around the world to take care of those situations?

Sen. The Hon. Dr. L. Saith: Madam President, I wish I could answer the new question. I would suggest that such a question should be posed to the Attorney General. [*Interruption*]

Sen Mark: He is the worst Attorney General we have ever had.

Madam President: Sen. Mark!

**Details of Memoranda of Understanding/Agreements
(ALCOA and ALUTRIN)**

68. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

- a. Could the Minister provide to the Senate copies of the Memoranda of Understanding and/or agreements entered into between the Government of Trinidad and Tobago and ALCOA, and the Government of Trinidad and Tobago and ALUTRIN, regarding the establishment in Trinidad and Tobago of alumina smelter plants? and
- b. Could the Minister also state the exact price that the Government intends to charge the companies for the use of the country's natural gas?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I regret that an answer to this question is not yet available. Part of the problem is that such agreements are between two parties and there is a confidentiality clause in these agreements. We are seeking legal advice on how much we could release and who would be the parties to release it. I am not in a position to answer the question at this time.

Sen. Mark: Madam President, I know that he would be able to answer the question in the next round, according to what he has said, but I want to ask the Minister, through you, whether there is not a document that is public that has not been tabled in this Parliament outlining the terms of agreement between ALCOA and the Government of Trinidad and Tobago and ALUTRIN and the Government of Trinidad and Tobago. Is there a document that could be made available to Trinidad and Tobago on the terms of those agreements?

Sen. The Hon. Dr. L. Saith: Madam President, I indicated that the question specifically requested copies of the MOU and agreements entered between the Government and a third party, ALUTRIN in one case and ALCOA in the other. We are seeking to find out whether, in fact, we could lay it and if we could lay it—whether we have to take out some of the things—what the Minister in waiting—*[laughter]*—is requesting is whether a statement can be made, and if that were the question, we would be able to answer it. I know the Senator would file the question again and, by that time, I should be able to report to the Senate.

Sen. Prof. Ramchand: Madam President, it is just a supplementary question on the same issue.

Madam President: All right, go ahead.

Sen. Prof. Ramchand: From the question, I want to know whether we have Memoranda of Understanding or agreements. In other words, I want to know if what exists is reversible. Could the Minister, at least, tell us that? Is the arrangement with ALUTRIN reversible? Is the arrangement with ALCOA reversible?

Sen. The Hon. Dr. L. Saith: I will be speaking from memory, so do not hold me to it. Even the Memoranda of Understanding are sensitive. Certain things must happen by a certain time and then persons would have a chance to withdraw, if things do not happen.

Hon. Senator: What happens to ALCOA?

Sen. The Hon. Dr. L. Saith: ALCOA has a chance to withdraw because it is a process. I keep saying that you do not get up one morning and say that I am going to build a \$1.5 billion smelter. There is a process.

Sen. Prof. Ramchand: I am glad to know that, at this stage, it is just MOUs.

DESALCOTT Contract (Termination of)

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

Could the Minister state:

- a. Whether the Government of the Republic of Trinidad and Tobago has terminated the contract entered into between itself and the Desalination Company of Trinidad and Tobago (DESALCOTT);

- b. The date such termination was effected;
- c. The precise reason for the termination; and
- d. The effects of the termination of the contract with DESALCOTT on the ability of the Water and Sewerage Authority (WASA) to fulfil its mandate?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I am not seeing the Minister. I have to assume that the answer is not ready.

Sen. Mark: Madam President, I thought the Attorney General would have been in a position to answer this question on Desalcott. I know that you are very infamous in that particular area.

Madam President: All right, Sen. Mark. Thank you very much. The Minister is not here and if she were to come later in the sitting and she has the answer, we would give it. Could we move on, please?

FIREARMS (AMDT.) BILL

House of Representatives Amendments

Sen. Mark: Madam President, before the Minister speaks, yesterday I had asked Sen. The hon. Dr. Lenny Saith if we could deal with the Motion as the last matter. I was having some difficulties in accessing the notes from the other place. I should get them during the course of this sitting. I would like to urge him, seeing that we would be here very late—around 11.00 p.m. to 12.00 midnight; we would like to suggest that we deal with that matter as the last item. There are some very limited changes that I would like to propose to him.

Sen. Dr. Saith: Madam President, I have no objection doing it at 4 o'clock tomorrow morning.

Madam President: In that case, we would move on.

PILOTAGE (AMDT.) BILL

Order for second reading read.

The Minister of Works and Transport (Hon. Colm Imbert): Madam President, I beg to move,

That a Bill to amend the Pilotage Act, Chap. 51:02, be read a second time.

Madam President, I hesitate to say this is a simple Bill. I said that in the other place and we had a six-hour debate. So, let us hope that things would be a little better in this place. [*Laughter*]

Pilotage (Amdt.) Bill
[HON. C. IMBERT]

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As you can see, this Bill has two clauses of which one is the title, so that we are essentially referring to one clause. The purpose of the Bill is to amend the Pilotage Act, Chap. 51:02 to allow Trinidad and Tobago to comply with this obligation under the Revised Treaty of Chaguaramas to establish the Caricom Single Market and Economy (CSME) and remove discriminatory provisions relating to Caricom nationals.

In accepting the Revised Treaty of Chaguaramas and incorporating it into our domestic law, which this Parliament has done, we also agreed that if there was anything in our domestic legislation that was discriminatory in the sense that it did not afford Caricom citizens national treatment, in terms of access to goods and services and rights and privileges and so forth, we agreed as a country that we would seek to remove all provisions in our legislation that are discriminatory and would hinder the free movement of Caricom citizens, and hinder the right of Caricom citizens to provide services in the various territories.

Now, the Pilotage Act is a very old law, which has been in existence since 1939. Under the Pilotage Act, in order to become a ship's pilot—by the way, we are talking about ship's pilot, because in the other place I had to make that point and that only prevented a three-hour debate on planes, trains and automobiles. It was two hours. [*Interruption*] In this particular case, we are dealing with ship's pilot. What the Bill seeks to do is to allow all Caricom citizens to be eligible to become ship's pilot in Trinidad and Tobago.

At the present time, in order to become a ship's pilot it is necessary—this is in Chap. 51:02, the parent Act—that you are required to be a Commonwealth citizen. In fact, that is in section 28. There are two Caricom countries, Haiti and Suriname who are not members of the Commonwealth and, therefore, citizens of Suriname in particular—Haiti's status is still in a bit of abeyance, in terms of full membership and full access to Caricom, but Suriname is a full Member of Caricom and, therefore, at the present time, if this legislation is passed by this House, this would facilitate citizens of Suriname and allow them to become ship's pilot if they meet the necessary qualifications.

Madam President, just let me go through this because there are issues that were raised previously that I think we need to address. In order for someone to be a ships' pilot—I am reading from bye-law 3 of the Act.

“A person shall not be licensed as a pilot unless and until he satisfies the Authority that—

- (a) he is a Commonwealth citizen;
- (b) he is, at the time a licence is first granted him, more than twenty-five and not more than forty years of age;
- (c) he holds a certificate as a Master Mariner issued by the Government of Trinidad and Tobago or an equivalent or higher certificate;
- (d) he has served an apprenticeship of not less than six months with the Pilots' Association...;
- (e) he has produced certificates of good conduct and sobriety from persons by whom he may have been employed during the three years immediately preceding his application for a licence;
- (f) he has satisfied...by the Authority—
 - (i) that he is medically and physically fit;
 - (ii) that his eyesight is normal...;
- (g) he has satisfied the examining committee constituted under these Bye-laws that he has a satisfactory knowledge of local conditions and the Regulations affecting the pilotage areas for which he has applied for a licence including—
 - (i) his skill in handling ships;
 - (ii) his knowledge of navigation...;
 - (iii) the courses and distances between any two places within the limits of such pilotage areas;
 - (iv) the rise, velocity and set of the tides;
 - (v) the depth and character of the soundings;...
 - (vii) the banks, shoals and other dangers;"

So, it is not a simple thing. In order to become a pilot you have to meet all the criteria.

A ship's pilot, as I indicated previously, is a person who assists in the navigational and safe conduct of ships in and out of harbours and restricted waterways. Every ship that navigates within specific ports, harbours and channels in Trinidad and Tobago must operate under the control of a licensed helmsman or a pilot in accordance with the Pilotage Act.

Pilotage (Amdt.) Bill
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The Pilotage Authority itself has the responsibility, under the Act, to oversee all matters relating to the licensing and conduct of pilots and the safe pilotage of ships in Trinidad and Tobago. The authority is allowed to make or amend the bye-laws that I have just referred to.

The members of the authority are appointed by the Minister, under the parent legislation in section 4 and that involves the harbour master; representatives of the Shipping Association and the Pilots Association, Port Authority and other persons holding certificates as master, home trade, equivalent certificates, a barrister or solicitor, a person qualified in economics and so forth; so that the membership of the Pilotage Authority is quite comprehensive.

As I indicated, the authority has several responsibilities but, in particular, the responsibility to license a pilot; to determine the qualification for a pilot's licence; limiting the number of pilots to be licensed and providing for disciplinary measures, training, standards and examinations for examining masters and mates who apply for licence and certificates; fixing the rate of payment for pilotage services and ensuring that investigations are conducted when there is an accident or an incident.

So, this is a very simple Bill as this would allow citizens of Suriname to apply to be pilots and then subject them to the requirements of the law and the conditions established by the Pilotage Authority and the bye-laws.

Madam President, I also thought, since this is flowing from the Revised Treaty of Chaguaramas that I should give an update on the free movement of workers within the CSME. Now, Trinidad and Tobago is one of three Member States that is CSME-compliant ahead of schedule and has had in place basic infrastructure for single market compliance for sometime, since the end of 2005.

A number of legislative changes have been made. Amendments have been made to the Immigration Act to facilitate the movement of labour. I am advised that over 800 skills certificates have already been issued by the Minister of Foreign Affairs to enable five categories of wage earners to access free movement, mainly university graduates, media persons, sport persons, artistes and musicians.

In addition, by virtue of the Immigration (Exemption from Work Permit Requirement) Order, 2005, self-employed persons, that is persons providing service on a temporary basis or persons wishing to establish a commercial presence are able to exercise the right of free movement from Caricom into Trinidad and Tobago.

In terms of travel, non-Caricom queues have been established at ports of entry, and the Caricom Passport is scheduled to be introduced towards the end of this year or in 2007.

At the 27th Meeting of Heads of Government in St. Kitts in July, 2006, in keeping with the objective of the free movement of all Caricom nationals by 2008, the Heads agreed to the addition of nurses and teachers to the approved list of skilled Caricom nationals who can access free movement, and to further consider artisans, domestic workers and hospitality workers pending an agreement on the procedures for certification and accreditation of these categories of workers.

Individual states within Caricom however, are free to enter into bilateral arrangements for the movement of artisans and hospitality workers. So, in summary, nurses, teachers, university graduates, sport persons, media persons, artistes and musicians can now move within any of the 12 participating Member States and engage in economic activity using a certificate of recognition of Caribbean community skills qualification.

With respect to further updates, Trinidad and Tobago has also implemented the common external tariff (CET) about six years, and we are moving towards the removal of 21 restrictive or discriminatory measures found within our laws. Several years ago, we abolished foreign exchange controls and there is no restriction to capital market activity in Trinidad and Tobago.

In addition, Caricom nationals, as I indicated earlier, can exercise a right to establish a commercial presence in Trinidad and Tobago. Since 1997 there has been an agreement on the transfer of social security benefits and since 1994 there has been an agreement on double taxation.

In 2004, the Accreditation Council of Trinidad and Tobago was established. It has now set up a framework for the investigation of degrees and certificates to allow persons again to move freely within the region.

There is the Fair Trading legislation before the Legislation Review Committee of Cabinet, at this point in time, and this legislation when enacted—the Fair Trading legislation—should provide Trinidad and Tobago with a framework for competition law, again, all geared to facilitate the movement of corporations and persons establishing businesses within these territories.

The Bureau of Standards is the agency that has been given the responsibility for looking at quality in terms of products and services and, finally, the Caribbean Court of Justice has been established and it is functioning.

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So, that the matter before the Senate today is simply part of this entire matrix. It is intended to allow persons from just two countries, but specifically Suriname, in the first instance, to apply to be ship's pilot and when they do so they would have to subject themselves to all of the requirements of the Pilotage Act and the Pilotage bye-laws.

I would ask this House to agree with us on this very simple matter. I beg to move. [*Desk thumping*]

Question proposed.

2.30 p.m.

Sen. Wade Mark: Thank you very much, Madam President. Let me welcome the hon. Minister of Works and Transport once again to this honourable Senate. As the Minister indicated in his presentation, the purpose of the Bill is to amend the Pilotage Act, which is a very old piece of legislation as he admitted. I see it is 1939 and we are in the 21st Century, so we would expect the Minister to come back very shortly to introduce a comprehensive revision to this very dated piece of legislation.

We are told by the hon. Minister that the purpose of the Bill is to remove restrictions; to remove discriminatory practices or provisions as outlined in the explanatory note, as it concerns Caricom nationals who are not citizens of the Commonwealth. And because of that absence of commonwealth citizenship, they seem to have been denied the opportunity to provide pilotage services according to the explanatory note. He has anchored his presentation in the context of the Revised Treaty of Chaguaramas and its main element, that is, the CSME framework.

He has indicated that two Caricom countries or two Members, one is not fully integrated into the family of Caricom, Haiti, I think; and we have Suriname which is supposed to have full status within Caricom. He is seeking to get approval from this honourable Senate to allow him and the Government to employ or to facilitate, I should say, the employment of pilots—as he said it is not for aircraft, it is for ships. We are aware of that, it is not about monorails; it is not about private jets. We are aware that it is about ships.

So, Madam President, to the hon. Minister's perspective it seems to be very straightforward and simple. But he did state in his presentation, some matters that we would like to clarify, or to seek some elaboration from him when he is winding up his contribution.

First of all, I would like to ask the hon. Minister whether there is, in fact, a shortage of pilots in the Republic of Trinidad and Tobago and is this measure designed to increase the supply of pilots, so that they can navigate and they could assist ships entering our harbour space?

Hon. Imbert: You want to ask me now?

Sen. W. Mark: No, you would do that when you are winding up because we have that information that there appears to be some shortfall in the supply, not by many. I would like him to indicate to us the role of UTT in this regard because I know that is a university where there is no transparency; there is no accountability; hundreds of millions of dollars have been pumped into UTT and the czar of UTT accounts to no one. But I would like him to tell us when he is winding up, what is the role of UTT in training persons who may be interested in pursuing that particular programme; and exactly what would be their chances of being employed, given the fact that we are now taking measures to allow persons from Haiti and Suriname to enter Caricom and in this instance, to be allowed to become pilots within the Republic of Trinidad and Tobago.

He made an astonishing announcement or statement and I thought that the hon. Minister of Foreign Affairs would have been keeping this Parliament up-to-date on the number of the Caricom nationals who are being granted certificates of entry into this Republic and are competing with our nationals for jobs. From what the Minister has said, over 800, or thereabouts, certificates have been issued to Caricom nationals to work in this republic; our information is that there are many more Caricom nationals working here.

We understand Jamaica is leading the pack in terms of the number of Caricom nationals who are currently employed in this country. So, I do not know if the Minister of Works and Transport has his figures right, maybe the Minister of Foreign Affairs can intervene at the appropriate time and let us know what the true facts are. We would also like the hon. Minister to provide this Parliament with a breakdown of the number of Caricom nationals; the various fields that they have come to be engaged in over the last few years; and which countries are they originating from? We would like to know what is the exact breakdown of Caricom nationals in this country.

He also indicated that under the Immigration (Exemption from Work Permit Requirement) Order of 2005, several self-employed persons have entered the Republic of Trinidad and Tobago from Caricom. Now, Madam President, it is the duty of the Minister of Foreign Affairs, if not the Minister of Trade and Industry

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to keep this Parliament updated; to keep the Parliament current with decisions being taken by the Executive, even if it is on a quarterly basis or bi-monthly basis or biannual basis, we ought to be getting facts from the Ministry of Foreign Affairs as to how many nationals from other jurisdictions within Caricom are entering the Republic of Trinidad and Tobago.

Madam President, we do not have a clue, and to make it worst, we are told by the hon. Minister of Works and Transport at the last Heads of Caricom Conference in St. Kitts/Nevis, the Caricom Heads took a decision to allow nurses and teachers to have free movement as we had artistes, journalists and musicians, et cetera. Now, we are part of Caricom, so if a decision like that is taken, we would expect—we do not get reports, this regime does not report to the Parliament—

Hon. Imbert: [*Inaudible*]

Sen. W. Mark: You cannot come here accidentally because you have some Bill called the Pilotage Bill and you have to fly out tonight to some destination unknown to us, and come here to hustle us and now telling us, for the first time, just by accident he is bringing us up-to-date.

Madam President, we do not want to be treated in that way. We want to get regular information from the Government of Trinidad and Tobago on what is taking place and it must not be an accidental intervention by the hon. Minister. If he had not to be here today; if he did not come here today to deal with this particular measure, how would we have known about what he would have said, when we do not have information available to us in the Parliament?

So I would want to urge not him, because he is innocent, because remember this hon. Minister did not know that the Hon. Hazel Manning and the Hon. Patrick Manning went on a test flight. He said that. He said that, so he is an innocent “fella”; innocent gentleman; innocent Minister. He is ignorant; he does not know that there is a link between monorail and private jet, he is innocent. But anyway, Madam President, let me get back to this Bill.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: No, he is flying out; I do not know if he has a licence. But, Madam President, these are matters on which we would like to get some answers. We have no difficulty in nurses, because we have a shortfall and in teachers coming from Caricom to Trinidad and Tobago, but at least, keep the Parliament abreast. We have also been informed by the hon. Minister, that we are going to have shortly domestic workers coming.

Sen. Dr. Gopeesingh: That is a problem.

Sen. W. Mark: We have so many domestics here or maybe we have a shortage of domestic workers that we are now opening the doors for domestic workers. I have no problems with workers coming to Trinidad and Tobago. In the UK, when I passed through London recently, there was a big crisis in the UK, dealing with Romanians, Bulgarians, Polish citizens who have now invaded Britain. They have lifted and they have tightened—I should say, Madam President—all their activities or measures to dissuade commonwealth citizens from going to London, but they have opened their doors to their kith and kin from Eastern Europe whilst commonwealth citizens from the Caribbean are getting difficulty to enter, even to remain in London. So, as I said, we on this side understand the need for workers to move within this so-called trading area, economic trading area, that is called Caricom, but I think the time has come for the Minister to pay attention to the issue of national security. He may not be the person in charge of national security, but this is a national security issue as well.

We have an association called the Pilots' Association; it is not fully—it has been around for some time. We understand, and again the Minister must tell us, that there are some major amendments that his Ministry is considering right now as it relates to this Pilotage Act. We understand that the Pilots' Association is currently studying those proposals and they are about to make recommendations to the hon. Minister and the Government. So in other words, this is really a stopgap measure. The Government if our information is correct, is about to engage in a more comprehensive revision of this particular measure.

Madam President, if at the moment as the Minister indicated, any certain categories of workers can enter each other's territory, that is Caricom territory, he has mentioned those; we are now talking about pilots, is this measure that we are debating today already in force in other Caricom countries? Pilots, the measure, is it for instance that in Barbados, Jamaica, Guyana or Dominica, there are already measures in place to facilitate the entry of pilots to operate in their country; or is it as usual Trinidad and Tobago is taking the lead and hoping that others would follow? We did not get that from the hon. Minister.

Madam President, in a period where this world is under serious threat, not only by international terror, but by the policies and practices of many countries, particularly the rich ones, we have to be very careful how we entertain workers in this instance, pilots. Number one, there is a language barrier, a language problem. As you know, the Haitian speaks French and the Surinamese speaks Dutch. We are not too sure and the Minister has not indicated to us, what mechanisms are

going to be put in place to ensure that there is a system that would properly screen and monitor these new entrants into our system. He has not indicated to us what mechanisms have been put in place or would be put in place, either at the Ministry of National Security, the Ministry of Foreign Affairs or in his own Ministry to ensure that if this measure is successfully piloted, that persons who are coming into Trinidad and Tobago, as pilots, would be properly monitored and screened.

We want to know the role of the Ministry of National Security in this particular instance. We have had too many instances. The United Kingdom as you know, had to shut down operations for a week or two, because of international threats to airplanes that were discovered through their intelligence services. Apart from the drug trade that we have to deal with, we have to be very careful that this free movement of labour is not exploited to the detriment of our national security in Trinidad and Tobago. Therefore, we need to know what provisions are going to be established to ensure that national security is given priority when we talk about the movement of these people into our country. We are not too sure what is being done in that regard and we would like the hon. Minister to let us know what is being addressed in this area.

Another area of concern to us is what we would like the Minister again to clear up. We have had a tradition as it relates to employment policy, where if you are coming from countries outside of Trinidad and Tobago, you are required to have a work permit. Under the CSME, people are moving in and moving out and they are replacing locals in the job or labour market. We would like to know if this dichotomous situation still obtains. We would like to know if there is still a work permit system in the country or whether that work permit system has been liberalized.

Madam President, I want to elaborate on this point further. As I understand it, when someone comes from abroad to work in this country, there has to be a shortfall or a lack of supply of the requisite skills and expertise in the particular area that the company is seeking to invite foreigners to work in Trinidad and Tobago. It therefore means, that when you come into Trinidad and Tobago, you have to establish in your company, what is called an understudy, so that there could be an easy transference of the skills, the expertise of the particular individual who is working in that particular industry or company or area of responsibility. So that after five years, I, as an understudy to this foreigner would have been able to grasp and imbibe, and in fact, almost begin to appreciate and inculcate the skills, knowledge, abilities and talents of this individual, so I can now replace that person, so in the future, we would not have to bring in another individual.

I am asking the question, in the case of Caricom nationals, we have abolished work permits because we are told by the hon. Minister that under what is called the Immigration (Exemption from Work Permit Requirement) Order, 2005, so there is an Order that the Minister of National Security has, in fact, established in 2005 which would allow citizens of the Caricom family to enter Trinidad and Tobago as self-employed without work permits. That is what I understand from this particular Order.

But I would also like to find out from the hon. Minister of Foreign Affairs, what is going to happen to these 800 persons who have been granted certificates of entry into our country? Is it going to be a situation where these individuals who are coming into Trinidad and Tobago, would come in with their families? Would there be any transference of skills? Or, is it a question of a completely free movement of citizens from Caricom country to another Caricom country?

Madam President, we need to know because the other thing that the Minister did not tell us, and we understand that the Heads of Government would want to look at, is the whole issue of the movement of unskilled labour. When is that measure going to come into play? We understand that Caricom Heads have assigned the Prime Minister of Dominica to look into that particular issue, to facilitate the free movement of unskilled labour from one territory to another territory. We do not know when that measure is to be effective.

As I said, we have no difficulty with workers coming from one island or one territory into another territory. What we would like to know, is to what extent does the traditional employment policy, as it relates to work permits, apply in the context of the Revised Treaty of Caricom or the Revised Treaty of Chaguaramas?

If he goes outside of the Revised Treaty of Chaguaramas, Sen. Dr. Saith would agree with me, that work permits that are issued to persons outside of Caricom are being totally abused. I do not think there are sufficient mechanisms in place to properly monitor the activities of these institutions and organizations that are permitted to import labour into our country and in the process, deny nationals of their God-given right to equal opportunity once they have their necessary qualifications and experience to compete in the labour market.

3.00 p.m.

Madam President, we also understand the Minister to have said, some time ago, and he could probably clarify for us, that a number of restrictive measures located in the areas of establishment services and capital, have been identified and have been removed or are about to be removed. I would like him to share with us,

when he is making his closing remarks, what are those restrictive practices that he made reference to in another place and in the newspapers. We would like to know whether he would elaborate for us what these restrictive practices are that are going to be lifted and implemented under what is called "establishment services and capital". What are these 21 restrictive measures that are about to be removed?

We are for putting workers first. We are for putting the interest of the people of Trinidad and Tobago first. As a pro-worker government in the waiting, we would like the Minister to tell us whether this Government is engaged in a practice, through the measure that is being piloted here today, that would give the workers of our country second or third place to persons coming from other jurisdictions, whether it be from Haiti or Suriname.

We understand that this so-called University of Trinidad and Tobago (UTT) is a loose canon, a runaway horse; no accountability and no transparency. Hundreds of millions of taxpayers' dollars pumped into that institution and, to date, there is no legislative framework to govern its operations. One man, the tsar of the UTT, determines everything at that institution. I think the time has come to put measures in place to put these people under severe scrutiny. You cannot have this thing taking place. It is my understanding that there is a maritime faculty or service section within the UTT and we are training people, including pilots, because that is not the responsibility of the Pilots' Association. It does not have the capacity to do it, at any rate; it is a very poor organization and is located in some ministry. I understand you have to look hard to find its location.

We understand that given the shortfall we have today, within the next five or six years, we would need about 50 pilots, but we understand there are about 26 available. We also understand that the UTT is engaged in a training process, as it relates to pilots. When these pilots are trained and come on to the labour market, are there going to be any restrictions? Is there going to be some restriction to ensure that our nationals are given first preference or is it going to be a free-for-all? Are we going to have Surinamese and Haitian pilots competing with our national pilots or is it automatic that once I am qualified and am able to meet all the standards set by the Pilots' Association I would be given a licence before someone from Caricom? That is what I believe. I hope that the Minister is in support of making sure that pilots who are trained, qualified and meet all the standards in Trinidad and Tobago, are given first priority in terms of access to jobs.

While we are in support of Caricom, while we are committed to the single market, we are yet to reach the economy. We are still on a single market, one-legged arrangement. I suspect in the next 15 years we would get to the stage of the single

economy that they felt they would have reached very shortly, but they are yet to reach there. Although we are in support of these things, we would like to emphasize the need to put nationals of Trinidad and Tobago first. We would want to see that workers who are trained and qualified and have the experience and expertise, be given first priority in these particular matters.

I also want to bring to your attention a situation and this is where I would raise the matter of national security. We have to be very careful. There is a struggle in the world today for domination. We have to be very careful that in our haste to bring about Caribbean unity, we do not undermine or take for granted our national security. I want to emphasize that.

The National Security Minister needs to be a little more proactive in this particular arena. Would you believe that some nationals of this country got on a flight from Piarco, "gone" to Tobago and when they were leaving Tobago to come back here, there was a particular aircraft that was rented or leased by the Tobago House of Assembly (THA)? When you get on that plane, when your name is Wade Ali, the security apparatus on that plane has a system. They say, "Wade Ali; you are a terrorist!" They tell you to leave the aircraft; you cannot board. I know of citizens who were denied the right to come back to Trinidad because the flight that they boarded was controlled by Americans.

Hon. Imbert: "What dat have to do with ships?"

Sen. W. Mark: I am talking about security here. Just as you can have it in the context of a flight, you could have it also in somebody inspecting a ship or getting into a harbour to guide and safely navigate a ship; you can have challenges. That is why I am saying to the Minister—who I know came here to leave early, because he has a flight to catch. [*Interruption*] [*Laughter*] "I doh know; you seem to be a pilot." [*Laughter*] You are on a flight.

Sen. Dr. Saith: He is piloting the Bill.

Sen. W. Mark: We know he is piloting the Bill.

We want to know what are the checks and balances in place to ensure that our security is, in fact, looked at and is intact.

The other issue we would like to raise is: How meaningful is this piece of legislation? When this legislation is passed, does it mean that pilots from Suriname and Haiti would now be able to be employed in this country?

Hon. Imbert: You asked that question four times already. I run out of ink.

Sen. Abdul-Hamid: He has jet lag; he just came back.

Sen. W. Mark: We are concerned about these matters and we would like the Minister to address those matters in his winding up. [*Crosstalk*]

Madam President, we have doubts about the workings of this particular measure. We have doubts about the Government's ability to monitor and supervise this particular provision. We call on the hon. Minister to ensure that this Parliament is kept abreast, on a regular basis, of activities surrounding this measure. We have already called on the hon. Minister of Foreign Affairs to provide this Parliament with an update of what has happened in the context of all those certificates issued so far.

We hope that the Minister would be able to respond to a number of our concerns and clarifications that we have sought.

Thank you.

Sen. Basharat Ali: Madam President, I am pleased to join the debate on this Bill. Let me say, at the beginning, I do consider it a very straightforward amendment. It is, in fact, to keep within the objectives of the Caricom Treaty and the Caribbean Single Market and Economy (CSME). I support the amendment, but I do have one little item. Having read the amendment, I would like us to check it; there may be a typographical error in clause 2(c) (2)(b). I believe the last word should be 7(1)(1). It looks like 7(1)(1), but I think the section being referred to there in the parent Act is 7(1)(1). I would like the hon. Minister to have this checked. If you go back to the parent Act you would see.

Hon. Imbert: There is no 7(1)(1).

Sen. B. Ali: Madam President, notwithstanding my support, I do so with a certain degree of diffidence, because I am strongly of the view that the Pilotage Act of 1939, as amended from time to time, and included in the bye-laws that were also amended from time to time, is archaic. It does not adequately take into account the technical developments in the world of international shipping, especially in the field which is the lifeline of our country, that is, the movement of petroleum and its products in the international trade in which we are engaged.

It does not take into account issues of safety, environmental protection and security in and around our ports, which are part of the new world order. I would like, with your permission, to give a little review—and I would be brief on it—of what has happened in the field of shipping of petroleum and petroleum products since 1939 to now. It is very revealing.

Madam President, 1939 was the year when war was declared on Germany. In fact, the Act was passed in December, when war was declared in September of 1939. At that time, a large vessel carrying crude oil or its products would have

been about 20,000 tonnes with a draft of about 10 feet; so it would be in relatively shallow water. As time has gone by, we have seen a vast change in capacity and requirements for the shipping of crude oil and petroleum products; particularly the shipping of crude oil.

In the 1960s, for example, we had what you called "medium range vessels", 25,000 to 45,000 tonnes. Then when the Suez blockage came, there was an immediate reaction to it. The effect was to look at larger vessels for shipping. By the 1970s, we were looking at larger vessels, which were called "long range vessels". Those were from 45,000 tonnes to say 160,000 tonnes. Then we went into the age of the supertankers where we had the VLCCs, very large crude carriers, which were 160,000 to 320,000 tonnes and, ultimately, to what I would call the ULCCs, the ultra large crude carriers, 320,000 to 550,000 tonnes. All those developments were catalyzed, to a certain extent, by events like the blockage of the Suez Canal, which meant that vessels had to go around the Cape of Good Hope to get to even Europe and the east coast of America. So the vessels were being built larger and larger for the economy of transportation.

A large carrier, for example, of the ULCC class, would require 95 feet of water depth. To that extent, in the United States where there were no ports with that depth, we would get crude oil coming from the Middle East or Far East into the Atlantic into transshipment stations where they lightened the vessel or put the cargo into smaller vessels to meet the requirement of harbours in the United States. That is an operation which has been taking place for years.

Large vessels like the ones I have described meant multiple increases in risks, particularly of pollution of the marine and coastal environment. A greater focus had to be placed on design criteria and safety procedures for mitigation of such risks. Notwithstanding these precautions, we know that some major disasters have taken place. I do not think we could ever forget Exxon Valdez and the Torrey Canyon disaster. My friend here said that there was one off Tobago, but the other two were the major ones internationally recognized.

We have seen in Trinidad and Tobago, the use of buoy moorings for handling large importation of crude oil and exports of fuel oil. Presently, we have two single buoy moorings (SBM) on the east coast of Trinidad and we have conventional buoy moorings at Point Fortin; not recently, because Point Fortin has not been used as a transshipment port for a short while. It is still there; it is capable of taking cargo or bringing in crude oil of 70,000 tonnes. Those on the east coast are much bigger; they are taking vessels of the VLCC capacity. We have a lot of movement of large quantities, through dredge harbours, in some

cases. In Point Fortin, for example, we have dredged harbours or in situations where they are well away from the shore, the single buoy moorings have pipelines connected to them. I note that we do not seem to have any compulsory pilotage areas assigned to the east coast of Trinidad, either Galeota or further north, up the east coast to BHP Billiton. It is something I would ask about as we go along.

Our export of crude oil is by these SBMs. The Petrotrin refinery is an importer of crude oil; it imports some 90,000 barrels. In the days of Texaco, there was what was called single point moorings, which took in very, very large vessels, but now Petrotrin imports crude oil from conventional berths within the Pointe-a-Pierre harbour.

Let me turn briefly to other products. We had no inkling that we would be in that business in 1939 and it seems we have done very little since then to take into account the shipping of products like ammonia and methanol. Ammonia exports take place in refrigerated ships. The cargo is at minus 33 degrees Celsius. If you think of water as zero degrees Celsius, you must know how cold that is already. We ship from our Point Lisas Port and Savonetta Pier some 400,000 tonnes mainly to the US markets.

Similarly, we ship chemical grade methanol, which is a product that only started in Trinidad and Tobago in 1984, I think. Methanol is a very volatile product; it boils at 65 degrees Celsius. Methanol is shipped in clean tankers and in sizes right now up to about 30,000 tonnes. We ship from the Point Lisas area something of the order of 550 tonnes of methanol. Hazards: methanol is highly flammable and toxic; ammonia is also highly toxic. We have the safety elements to be considered for vessels moving in or out, especially a berth like Point Lisas which is a very busy one, handling solid materials going to ISCOFF, handling containers, handling urea and those liquid products which are listed as dangerous chemicals, well controlled.

The newest product we have had in our field is liquefied natural gas, which is shipped at minus 160 degrees Celsius. The tanks there provide for containment at that temperature. The first shipping for that was in 1959. The first little carrier was, in fact, listed as a converted World War II freighter. It was a test carrier for shipping that. We have seen various designs of vessels for shipping this product. There are a number of different designs, so you have to be very familiar with the design characteristics from the different shipbuilders.

The majority of LNG carriers are presently in the range of 70,000 to 100,000 cubic metres. The largest LNG carrier was delivered in January of this year with fully laden capacity of 147,000 cubic metres. Madam President, LNG production at our design capacity should be some 15 million metric tons a year, if we assume

use of 100 cubic metre tankers, approximately 325 shipments per year. Basically, one ship per day would be taking place from the Atlantic LNG berth, which is different from the Point Fortin berth.

The Atlantic LNG berth is designed to handle vessels up to 130,000 cubic metres. The hazard for LNG is implosion. If you rupture a tank with refrigerated LNG at minus 160 degrees Celsius, there is, firstly, implosion and with vaporization the risk of explosion. So it is a very hazardous material and needs to be taken care of by all handlers, whether they are producers, a production company or the people who handle marine facilities or, indeed, pilots who have to bring in these vessels into a dredged harbour to be tied up.

Are our laws related to pilotage adequate to ensure safe and secure handling of ships moving these products? Let me highlight a few areas. Are we sure that our schedule of compulsory pilotage covers us satisfactorily? We know that schedule starts with Port of Spain, to San Fernando, to Point Lisas to Pointe-a-Pierre, to La Brea, to Point Fortin, to Brighton and some more to come, maybe. Are we sure that the compulsory pilotage coverage is sufficient? In other words, should the east coast of Trinidad also have compulsory pilotage? If it is not compulsory pilotage, it becomes optional pilotage.

It is my understanding, notwithstanding the fact that is not a compulsory pilotage area, that both companies, bpTT and operators and BHP Billiton are still using pilots to connect up to their single buoy moorings. They realize the importance of having people to do these things and the liability for them in terms of safety and otherwise is pretty large.

I refer to the Atlantic LNG berth, and looking at the description of the Point Fortin harbour, I have to ask a question that needs to be looked at: Is the LNG berth covered by the description of Point Fortin harbour in the Second Schedule? It is very simple. They describe the harbour there as within half a nautical mile and they say it is from the northern side of the shore to certain boundaries indicated. I am asking that question because it is important. That certainly would be a compulsory pilotage area. It is, in fact, for all intents and purposes, but the Bill should so reflect.

Is Scarborough no longer a compulsory pilotage area? Looking through all the amendments, there was one amendment, which was deleted in 1989 or thereabouts. Is it possible that Scarborough is no longer a compulsory pilotage area? Whether it should or should not be, is for the people to answer. Are we satisfied with the personal requirements for pilots: sobriety and good character

certificates? What about being drug free? Is it not an important part of today's world that pilots should be drug free? Are they being tested each year, apart from the physical and medical, when they go for their annual medical certificates for a renewal of their licences? I am only asking the questions for those items. [*Desk thumping*]

Are we satisfied that there are adequate provisions to ensure that new applicants have the requisite knowledge and skills associated with the safe handling of vessels within their purview? Those are the questions on the criteria for new applicants. Are we satisfied that the examining committee, as defined in bye-law 28, is adequate to measure the suitability of new applicants? Are there measures for continuing professional development of pilots to keep them abreast with new technology and design criteria for handling vessels?

I note that mention was made of the Accreditation Council and the UTT, but I think this needs to be formalized. If these things are there, I do not know. Is it sufficient that drunkenness is the only reason, other than neglect of duty, et cetera, for committing a serious offence punishable by jail? Section 26 of the Act refers to that. If you are high on drugs and you damage the port, your vessel or people, are you not coming under this section? They are not drunk. Drunkenness and sobriety is what the Act so far refers to.

I am being a little facetious; section 28 of the Act makes it an offence to sell tea but not coffee. Can you open a Starbucks or a Rituals, but you cannot open a Dilmah or Lipton? That is what this Bill is saying.

Is the Harbour Master, as described in the Act, still a post? The Harbour Master, who is the chairman of the Pilotage Authority in the definition, means the Harbour Master of the Port of Spain harbour. I know for a fact that we have a Director of Maritime Services; a very charming lady, in this particular case. Is that now the post? I presume she is the Chairman of the Pilotage Authority, but I do not see anywhere where they made any changes in the Act to give effect to this new position of Director of Maritime Services.

Are pilotage dues, last amended in 2000, reflective of the duties and responsibilities of pilots? Are pilots licensed for all areas and, if not, what are the criteria for issuance of licences for different areas? These different areas may reflect the need for different skills, knowledge and experience. This is a question I need the hon. Minister to answer. The law provides for issuing licences for different areas. Are all our pilots, or whoever they are, now licensed for all areas and, if so, how do they choose them? I know the master pilot is the person who chooses the pilots to go to any location, so what are the criteria for choice? Do they have the necessary knowledge for all the harbours they are handling?

I am of the strong opinion that we do not need any revisions of the Act before us. I think we need to repeal this old Act and polish it off clean. [*Desk thumping*] I have heard from very responsible sources that there has been a full draft of a new Pilotage Bill. This draft has been with the Chief Parliamentary Counsel for some time now. I would like to know whether that is the approach being taken.

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

Finally, Mr. Vice-President, we must act fast, because we do not want to wait until there is a disaster, at any of our ports in Trinidad and Tobago or our harbours. We do not want to wait until there is a disaster, when we start appointing a commission of enquiry to find out what went wrong. We need to go now.

Thank you.

Sen. Raziah Ahmed: Mr. Vice-President, in debating this Bill, I want to focus on something different to what my colleague, Sen. Mark focused on. He focused on the Caribbean Single Market and Economy (CSME) and Caricom. I would like to draw our attention to clause 2(b)(2), first of all, and to enquire whether that (2) is the appropriate numbering.

Secondly, I would like us to observe this subsection which reads:

"The Pilotage Authority may grant a pilot's licence to a person who is a national of a Member State or a Commonwealth citizen."

I want to focus on the aspect of the Commonwealth citizen. The Bill opens this up to all 53 or so countries that comprise the Commonwealth. While I have no problems with wanting to include all 53 Commonwealth countries, why are we restricting ourselves to only the 53 countries? If we are to achieve developed country status, we must display an independence of thought and include the other oil rich economies in the world; places like Kuwait, Qatar and the United Arab Emirates. This is where the emerging new economies of the world are.

It used to be that India was a backward country; now it is the leading economy in the entire Commonwealth. Therefore, if we are going to make an amendment, I want to recommend to the worthy Minister, that in this enlightened age, we ought not to continue to confine ourselves to only those countries that were formally the English gentleman's club. We need to understand what is happening in world markets. We need to understand where the great and grand opportunities are for investment and trade. Therefore, we need not restrict ourselves to 53 Commonwealth countries in addition to the Caricom countries.

In fact, the Minister did make a point of saying that our laws have no restriction to capital market activity. I am asking that the restriction to Commonwealth countries be removed as backward and aligned with the old British Empire system. I would like to know whether or not particularly leaving out certain countries, may not continue some level of discrimination against people, especially from the Middle Eastern market and the new rich countries of the world, like Saudi Arabia.

While I agree that the law is very old and needs to be updated, I find myself wondering if in light of our national air passenger service failure—the whole company has to be transitioned with a new name, a new brand and all of that—if there is any intention on the part of the Government to enter into State passenger shipping for Caricom nationals, to carry passengers as a means of filling the gap that the failure of BWIA would create, unless the Government hastily reconstructs and transitions the new organization. Would there be a dire need for passenger shipping among Caricom countries? Would we, perhaps, have to revert to shipping to go to England, the United States and so on, if we are unable to return a national air carrier to a good business sense in this country?

Mr. Vice-President, I thank you for this opportunity to make my recommendations.

Sen. Prof. Kenneth Ramchand: Madam President, I did not intend to speak, but I heard things yesterday and today that have set me thinking along certain lines.

When we discussed the Caribbean Court of Justice recently, I supported the Bill, but hinted that we would do better to spend our money on advancing the integration movement in the consciousness of the ordinary people, rather than on expensive institutional and administrative arrangements that have little effect on the mass of the population. Mr. Vice-President, I think you were here.

I went so far as to propose that if we were genuinely committed to a single economy—Nobody likes to talk about what we mean by a single economy. A single economy means a common currency. A single economy means that there is a body of persons looking at the joint economy of the whole region and making decisions as to what should be done where. So a single economy is not just an empty word. A single economy has very serious implications for the integration movement. A single economy means that although we do not have a formal federation, we are working towards a common law federation. So if you believe in a single economy, it is a responsibility of the better off countries to help the ones that are not so well off to develop their economies.

In that debate I suggested that we should spend our money helping the Caribbean Single Market and Economy (CSME) countries to free their economies from the crippling energy bills they have. The way to do so is to help them to

substitute solar, wind and sea energy for the oil and gas that they just cannot afford. Only if their economies are thus liberated, would they be able to develop further and become worthy partners in a single economy.

What does Trinidad and Tobago mean by a single economy? What do we mean by the integration movement? We have to make up our minds. We have to talk among ourselves. We have to talk to the people of Trinidad and Tobago. When I heard in yesterday's debate that before we take money from the Contingencies Fund to alleviate distress in other CSME places, we should take care of Trinidad and Tobago's distress first and when I hear Sen. Mark raising questions about national security and job security for Trinidad and Tobago nationals, I get a strong feeling that there are matters in our minds. There are matters in the air that we need to clarify. We have to talk among ourselves and with our people about what we want, otherwise we are doing foolishness that is going to redound disastrously.

Are we moving towards an association along federal lines or do we want trading arrangements? If we want trading arrangements, do not mamaguy people with talk about single economy and integration movement. Say that we want to establish trading arrangements and partnerships among ourselves and then it could be shark eat shark and shark eat sardines.

I must say that I have misgivings about the influx of persons from other CSME territories and places like China, who come here as workers and then remain as settlers with families. We are putting pressure on the roads. We are putting pressure on the land. We are putting pressure on our space, on our schools, on welfare, on the food supply. That is what we are doing. We could only accept this if we have a plan. If the plan is to create a West Indian nation, if that is the will and wish of the other CSME States, those Caribbean Heads of Government should sit and face reality and speak the truth among themselves. Do not come here and talk to us about CSME and integration movement and all they are doing is setting up trading arrangements.

I get the feeling that we are legislating for Trinidad and Tobago's economic expansion. We are legislating for Trinidad and Tobago's market shares in the other CSME territories. I get the feeling that we are very interested in a Trinidad and Tobago imperialism and the price we are foolishly being willing to pay is freedom of movement of CSME peoples into Trinidad and Tobago. I believe that this policy would backfire.

Our Trinidad and Tobago character has been shaped by the Cedula of the population of the late 18th Century, when people from many different islands came here and our multinational character was established. In the late 1950s and

late 1960s, we encouraged an influx of people from the other islands and we still have not digested or assimilated them. I have a feeling that a lot of the social ills in our country have to do with the fact there is a lumpiness in our stomach for not having integrated those people and their marching into Trinidad, was accompanied by the immigration of many of the more traditional Trinidadians.

So we are still suffering the trauma of what we did in the late 1950s and 1960s. Now we feel that we would solve our labour problems if we bring in people from the other CSME territories and it does not matter because we own the bank; we own the insurance companies. We own land. we own the hotels; we own the developments over there. But who is we? "We" is not the people of Trinidad and Tobago. "We" means the persons who have those investments abroad and who can live in two places. But those of us who live here, want to live here and cannot live anywhere else, we are paying the price for this economic expansionism that is masquerading as commitment to the integration movement.

I call upon the Government to think of the future stability of our country; the welfare of our ordinary citizens; the patrimony of our children and grandchildren and let us make up our minds. Do we want something like a federation again or do we want to set up trading alliances? If we want to set up trading alliances, we would have to put in place the safeguards called for by Sen. Mark. We would have to take care that the people of Trinidad and Tobago have job opportunities, job security and facilities for their development. If we have to go our own way, we cannot disadvantage the mass of our population to allow an economic expansion by people in the higher echelons of our society.

Mr. Vice-President, I thank you.

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, I want to seek some clarification on a few issues related to this Bill. Firstly, would the hon. Minister indicate the purpose of the Pilotage Authority which grants licences for all pilots. One of the areas for the Authority is to limit the number of pilots to be licensed. If you look at the Pilotage Authority, they have a number of responsibilities: the licensing of pilots for the purpose of conducting ships within compulsory areas; the making of bye-laws; determining the qualifications of candidates for a pilot's licence and pilotage certificate and limiting the number of pilots to be licensed.

In this Bill it states:

"The Pilotage Authority shall not grant a pilotage certificate to a master or mate of a ship—

- (a) unless he is a national of a Member State...
- (b) where he is prohibited from holding such a certificate by virtue of any bye-law made under section 7(1)(1)."

Pilots are professionals and, of course, professionals work from year to year and they have their qualifications renewed on a yearly basis or they have a renewed membership by their association. Just like in other professions, such as when we discussed the whole question of the Pharmacy Board Bill where we looked at bringing pharmacists from abroad; they had to be certified or licensed in their country of origin. That Bill was passed recently, because we made sure they had to be licensed in their country of origin.

It is important for the hon. Minister to indicate to us what methodology is going to be used by the Pilotage Authority for granting licences to pilots coming from abroad. Do they have to be certified from their country and have their certification current? That is an important point, whether the certification should be current. Somebody could be practising as a pilot and he has not practised for a number of years. He may not have had his certification renewed. He may apply to come to Trinidad and in the intervening period, he might have had some difficulties; for example, he may be an alcoholic. Something might have happened during the intervening period. It is important when the Pilotage Authority certifies someone, it must have some information and background as to whether that person is certified in the relevant country before coming here. We are speaking about Suriname. That is the first question.

I heard the hon. Minister mention that Caricom passports would be given in 2007, but for the sake of the World Cup cricket, just last night on television, one of the World Cup's legal men indicated that the Caricom passports would be given at the end of this year. [*Interruption*] Just make note of it and when you are winding up you could answer. If this is not done early, we would have some problems. I was not going to ask about it in the context of the Pilotage Act, but as you mentioned it, it is important. You could clarify it in your response when the Caricom passports would be given. Perhaps you could communicate with the Minister of Foreign Affairs who may be able to give you more definite information.

It would have been good for the hon. Minister to give us some background information as to what the situation is as far as pilots in Trinidad and Tobago are concerned. This is something we need to bring to this Senate. When you are piloting a particular bill, it is important and fundamental that we understand the

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basic information, so that we know the necessity for certain things being done. The information we would probably need is: How many pilots are there in Trinidad? What is the requirement we should have to satisfy? What exists in the Caribbean and, therefore, where are we going in terms of the number of persons we need?

The hon. Minister has indicated that there are about 800 certificates given to Caricom nationals to work in Trinidad. [*Interruption*]

Mr. Imbert: You want me to clarify that one?

Sen. Dr. T. Gopeesingh: Would you indicate or your colleague, the hon. Minister of Foreign Affairs, how many certificates have been issued in Caricom, as a whole, and how many certificates have been given for Trinidadians to work outside of Trinidad and Tobago in other Caricom countries? We could get an idea as to the emigration and immigration of citizens, based on the five areas we are looking at. These are the questions that I would seek some clarification on in the winding up of the hon. Minister.

Thank you, Mr. Vice-President.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Vice-President, I would start in reverse order, if you do not mind. I was really going to answer the questions posed by Sen. Dr. Gopeesingh as he asked them, but I would answer the last one now. I am advised that there were 877 skills certificates issued in Caricom. When I spoke about 800, I may have given the impression that this was in Trinidad, but there were 877 in total, within Caricom, of which for Jamaica there were 216; Montserrat, five; St. Kitts, seven; St. Lucia, 58; St. Vincent, 30; Suriname, 17; Trinidad, 255; Barbados, 77; Belize, two; Dominica, 33; Grenada, 28; Guyana, 138 and the Bahamas, 181.

4.00 p.m.

Sen. Dr. Gopeesingh: What period was that?

Hon. C. Imbert: I am advised this was between 2001 and 2006. I cannot give the precise month in 2006, but the information I have is there are 877 in the entire Caricom: Jamaica, 216; Trinidad and Tobago, 255. I may have given the impression that the 800 were confined to Trinidad and Tobago but I have now received this more detailed information. I do not know if that clarifies it.

Sen. Mark: Are there any other Caricom nationals outside of the 200 who are in Trinidad and Tobago working the system illegally? I am just trying to find out from you whether, based on your information, there are supposed to be in Trinidad and Tobago roughly 250.

Sen. Montano: That is not what he said.

Sen. Mark: I just want to get clarification. Any time there is an excess of that number of Caricom nationals here, they are here illegally?

Hon. C. Imbert: Thank you, Sen. Mark. I was wondering if you would allow me to catch my flight. That was a rather long intervention. I do not have any flight to catch, by the way.

No, the information I have been given is that 877 persons within Caricom have received certificates as skilled nationals which would allow them to move to any one of the Caricom territories and among them, there are 255 Trinidadians who, having now received their certificates can go to any of the 14 member states. There are 877 in total who can move around within Caricom and go to any of the countries within these categories of skilled nationals.

Sen. Dr. Gopeesingh: So 622 can come to Trinidad?

Hon. C. Imbert: There is another point you need to understand; these people are entitled to move freely but others can come and apply for work permits. One needs to understand that this skilled national regime applies to university graduates; media persons; sports persons; artistes; musicians; nurses and teachers those categories of persons are entitled to apply for these certificates and in those categories, there are 877 in the entire Caricom. I have given you the breakdown, but other Caricom citizens can come to work through the work permit system if they fall outside this regime of skilled nationals who are entitled to free movement. Okay.

So to answer your question, if there are persons working in Trinidad and Tobago who do not have a skill certificate or a work permit, then one would think they are working illegally. That should be obvious. I hope that clears your mind and settles the situation.

With respect to pilots, I am told there are approximately 25 certified licensed ships pilots in Trinidad and Tobago. We need about 28 at the present time, so we need approximately three more right now. I am told that there are projections with the number of vessel movements. Sen. Ali gave us some indication in terms of what is happening with vessel movements; the types and numbers of vessels and so forth. I am told there are projections that we would need about 43—45 in total within the next five years or so. That is the projection being made by the pilots themselves. Right now they need three and thinking that within the next five years they will need another 15 or so. [*Interruption*]

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What this legislation is doing is allowing citizens of the last remaining territory in Caricom to be eligible to be pilots either within the 14 member states—there are 15 persons who have the qualifications who could become pilots in Trinidad and Tobago. I cannot give you a precise answer, but you need to know what the qualifications are, and I can go back to that.

They have to have a certificate as a Master Mariner issued by this Government, or an equivalent or higher certificate. So someone within Caricom, who wants to become a ship's pilot, will have to have a certificate equivalent to that of a Master Mariner, or a higher certificate.

Sen. Dr. Gopeesingh: Are there persons with this qualification in Caricom?

Hon. C. Imbert: Whether there are a number of persons within Caricom who have this qualification, I am sure there are. I am sure in Jamaica, Barbados and all the territories there would be at least 15 persons who are certified as Master Mariners, whether they want to come to work in Trinidad and Tobago as ships pilots, I cannot say.

With respect to certification, firstly bye-law 5 in the parent legislation makes it clear that the pilot's licence, or pilotage certificate should be valid for a period of one calendar year, so there is a system where the person has to reapply each year for renewal. [*Interruption*]

Yes it is the Pilotage Authority that issues the licence once the person qualifies and meets the criteria and the licence is valid for one year. I hope that deals with that question of ongoing certification.

With respect to someone coming from abroad who may have had a certificate from another country in the past and may have a sobriety problem, in bye-law 3(e), the person must produce certificates of good conduct and sobriety from persons by whom he may have been employed during the three years immediately preceding his application for a licence. So I hope that sorts that out. That is it basically.

With respect to the Caricom passport, the information I have is that it is expected to be introduced by December 2006. The text I was given says it is expected to be introduced by December, 2006 and, therefore, when I was introducing this Bill I said it is expected it would either be available at the end of this year or in 2007. I was simply being cautious because December may arrive

and the Caricom passport may not be available and I do not want to make these kinds of categorical statements. So December 2006 is the target date, if that is what you heard in terms of the Cricket World Cup and so forth.

Sen. Seetahal, S.C.: I wanted to find out what is the benefit of this Caricom passport because we used to have the Caribbean Certificate or something permit years ago, and if you already have a passport why have a Caricom passport? We can still line up in the Caricom line.

Hon. C. Imbert: The purpose of the Revised Treaty of Chaguaramas—and I was going to come to that in dealing with points raised both by Sen. Mark and Sen. Ahmed and to a lesser extent by Sen. Prof. Ramchand—is to facilitate national treatment.

In Europe, citizens of the European Community have a European passport and then the country is under the—you would have a European passport and then it is Ireland, England or whatever. Once you present that passport anywhere you are given equal treatment to anybody from the particular country that you are in and this is the intention of the Caricom passport. There will not be a Caricom line, you will get equal treatment to a national of the particular country you are in and that brings me to a number of points.

The intention, Sen. Seetahal, of the Revised Treaty of Chaguaramas—and this is not law, much work has to be done—is that you would just have one passport; a Caricom passport, but it would state below what country you are from. It would be like the European passport; that is the intention. I do not know if that clarifies it, but in the Revised Treaty of Chaguaramas which was signed by the hon. Basdeo Panday—Sen. Mark, the Revised Treaty of Chaguaramas was signed by the hon. Basdeo Panday in 2000—the government of Trinidad and Tobago at that time, which was your government, committed itself to enact the Treaty into domestic law. The Prime Minister of this country at the time signed a Treaty together with a number of other Caricom Prime Ministers—I believe it was in Nassau, the Nassau Declaration—and committed all future generations of Trinidad and Tobago to adhere to the principles of the Revised Treaty of Chaguaramas.

It is detailed, the principles are spelled out in writing, it is clear and unambiguous and there are two core principles in the Revised Treaty of Chaguaramas; the first one is that all citizens of all Member States of the Caribbean Community would be entitled to national treatment in every territory within the community, so that Trinidadians will be entitled to exactly the same

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treatment as a Bajan is entitled to in Barbados and a Jamaican in Jamaica. So a Trinidadian going to Jamaica is entitled to equal treatment, national treatment as is a Jamaican in respect of certain things; free movement, movement of capital and so forth.

So that we cannot discriminate because the hon. Basdeo Panday, having signed the Revised Treaty of Chaguaramas with his eyes wide open, being advised by the current Leader of the Opposition—[*Interruption*] I am getting to the point, Sen. Dr. Gopeesingh, do not be so anticipatory. The hon. Basdeo Panday, being advised by the hon. Kamla Persad-Bissessar—

Hon. Senator: [*Inaudible*]

Hon. C. Imbert: “I not in that.” With his eyes open—[*Laughter*]

Sen. Montano: And in sober judgment.

Hon. C. Imbert: So that the former Prime Minister, advised by the former Attorney General signed the Revised Treaty of Chaguaramas and understood that in so doing we could not discriminate against any citizen of the Caribbean Community with respect to free movement of goods and capital.

Secondly, the former Prime Minister and Attorney General, having executed that document which bound everybody in Trinidad and Tobago for future generations, also agreed that there would be no reciprocity. And these are the two core principles that you get national treatment, so if any country implements the revised treaty there is no requirement for the other countries to do it before citizens benefit from the provisions. So there is no reciprocity and it is something that I queried.

I queried why there was no reciprocity in the Revised Treaty of Chaguaramas, but that is what it is and if the feeling was that if you put reciprocity in—I am not saying I agree with it. “Remember I was not there in Nassau when this thing was being signed yuh know, is all yuh.” But I queried the no reciprocity thing and I was told that if you put that in, history had shown that in all other attempts at integration, from the time you put a reciprocity provision in, it creates an impediment and leads to a stultification of the entire thing and it just does not work.

So the philosophy of the then UNC government was to ensure that this thing worked and, therefore, they signed a Revised Treaty that had no reciprocity and guaranteed national treatment to all citizens of the 14 Member countries of Caricom. Therefore, this question of giving first preference, as I heard Sen. Mark say, is just not on. We have signed that treaty and enacted it into our domestic laws of Trinidad and Tobago.

[*Sen. Prof. Ramchand attempts to stand*]

With all due respect, Sen. Prof. Ramchand, that is ancient history. The Parliament of Trinidad and Tobago has enacted the Revised Treaty of Chaguaramas into our domestic laws. The previous government signed it and this Parliament comprising the other place and this House have enacted it and it is now law of this country that citizens of Caricom are entitled to national treatment and there is no reciprocity provision.

Did you want to ask a question, Sen. Prof. Ramchand?

[*Consent indicated*]

So I hope that debunks the thoughts that Sen. Mark has in his mind about giving first preference; your government did away with that.

Sen. Prof. Ramchand: I wanted some clarification, I cannot remember whether the Revised Treaty of Chaguaramas makes a distinction between people who come to work and those who come to settle.

Hon. C. Imbert: What it allows is movement and you are entitled as a citizen of Caricom to move into another country and to settle, yes. You are entitled to national treatment; it is a logical outcome of free movement. You are entitled to settle, yes you are, and we have all agreed to that so that is ancient history whether you like it or not. The only way to undo that is to amend the Revised Treaty of Chaguaramas and that would require the consent—that is the other problem in that Treaty signed by the former UNC administration. You cannot undo it unless all 14 territories agree to amend it, so it cannot be amended without unanimity. And you have to give national treatment, and there is no reciprocity. You all have agreed to that, so we need to all get used to it.

Personally, I have no problem with it. I have looked at how the European Community has developed over the last 40 years or so, for they had been at it much longer than we have. We have been trying to form this integration for about 30 years; they were going at it for about 40 years.

I have stayed in hotels in London and I have seen young people from eastern Europe working there and the entire hotel staff in the hotel in which I stayed were eastern Europeans and they were entitled to be there because of the stage of development the European Community has got to where, once you are a citizen of a member country—and I think they have gone from 15 to 25—you can move around, you can settle and work without hindrance within the European Community. There is no such thing anymore in the European countries as to privileges associated with nationals of particular countries, you are a citizen of

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Europe, that is what I have seen evolved over the last 25 years. Speaking for myself, I would like to see this evolve in the Caribbean, that you are a citizen of Caricom. You may be from a particular country but that is the intent, the spirit and philosophy that is enshrined in the Revised Treaty of Chaguaramas and what we have all agreed to.

So the time for worrying about giving preference and so on to Trinidadians and Tobagonians over others is long gone. Let me also say that it works the other way because there are 255 Trinidadians and Tobagonians— The most numbers of Caricom Skilled National Certificates in the entire region have been granted to Trinidadians and Tobagonians. We are the largest beneficiary of the Revised Treaty of Caricom and if you travel in the Caribbean and go to all the islands, in many sectors you will find Trinidadians and Tobagonians dominate so many things within the other islands. It is really something to see, so much so that Barbadians are afraid of us.

Before the Revised Treaty of Chaguaramas was passed—and there are still issues—in Barbados there was almost a wall put up to prevent the movement of Trinidadians and Tobagonians into Barbados. That is changing now, but Trinidadians are very aggressive in the region and I think they have to worry about us rather than we having to worry about them. One thing that will flow from the Caribbean Integration Movement that I see is that Trinidadians and Tobagonians are going to become more and more dominant in the region than they are at present. I just thought I should make these points because we all need to understand where we are going. The time for talking about this—you can talk about it yes, but it is already passed into law.

I was very interested in what Sen. Ahmed had to say because she said that we should abandon this colonial—allow me to paraphrase what she said—mentality and broaden our minds and there are countries in the Middle East in particular, that are oil-rich and could provide a source of ship's pilots. The Senator asked why are we limiting this Act to the 53 Commonwealth countries and not looking at other oil-rich states and so forth.

While that is a very good point, and when we come to amend the parent legislation there are all sorts of proposals being made by the Pilots' Association and the matter is being fully ventilated at the ministry and will be coming to Parliament, hopefully, in 2007 for a comprehensive overhaul of this 70-year-old piece of legislation to deal with all the issues you have addressed and other issues like should we be confining ourselves to the Commonwealth.

She went on to say it is discriminatory, it only confines persons who are Caricom citizens to the list of persons who can be ship's pilots and we should look at the whole world, but that is completely contradictory to what Sen. Mark said, because Sen. Mark said—

[*Sen. Ahmed attempts to rise*]

Do you want me to give way?

Sen. Ahmed: Yes.

Hon. C. Imbert: Then you need to ask me. [*Laughter*]

Sen. Ahmed: Forgive my innocence. Mr. Vice-President, I want to object vehemently to what appears to be stereotyping on the part of the hon. Minister where he is implying that when Sen. Mark referred to the name Ali being debarred because of—

Sen. Joseph: That is not what he was talking about.

Sen. Ahmed: He said what I said with respect to that is in contrast. [*Interruption*] Okay, we will see how it goes.

Hon. C. Imbert: I know I am a guest in this place, Mr. Vice-President, but the hon. Senator is truly innocent. That is true. The sentiments expressed by Sen. Ahmed which are; the world is our oyster and we should expand our horizons beyond the narrow confines of the British Commonwealth and look beyond at the oil-rich countries of the Middle East, and she cited certain examples like Saudi Arabia, et cetera, are completely contradictory to the requests of the hon. Sen. Mark who said we have to do a background check on these people, the Ministry of National Security should be checking up on these people and further—

Sen. Ahmed: Mr. Vice-President, this is stereotyping. Not because certain governments in the world have decided that Muslim countries are the seat of terrorism—is the Minister going to be allowed to assume what Sen. Mark was talking about? This is stereotyping and it is illegal and contrary to my human rights, and I object vehemently. [*Crosstalk*]

Hon. Senators: Ooooh!

Mr. Vice-President: I do not think he was talking about the same thing you were talking about and neither was Sen. Mark.

Sen. Mark: I think the Minister needs to get his—[*Inaudible*] [*Laughter*]

Mr. Vice-President: Mr. Minister, please continue.

Hon. C. Imbert: Mr. Vice-President, in order to clarify this issue, let me read because I took some notes when Sen. Mark was speaking and this is what he said: What about the language barriers? These people do not speak English.

Sen. Mark, through you, Mr. Vice-President, I was not aware English was the first language of countries of the Middle East and other countries and I am certain that someone coming out of the Middle East might be required to take a test in the English Language. Sen. Mark had complained that pilots from Suriname where Dutch is spoken, and in Haiti, where French is spoken, they might have some problem with the English Language and Sen. Mark had asked what safeguards are going to be put in place to make sure that these ship's pilots coming from Suriname and Haiti were proficient in the English Language.

He raised some alarm bells that we might have persons coming out of these non-English speaking countries who were not proficient in English Language, and yet, we have Sen. Ahmed who is saying to move beyond the British Commonwealth and it is no accident that it is the British Commonwealth because in the British Commonwealth, English was the first language and, therefore, Mr. Vice-President, it is contradictory for Sen. Mark to insist that persons coming from Suriname and Haiti be tested in English and to raise alarms that they may not be able to understand the instructions and charts which are in English, and for Sen. Ahmed to say open up to the whole world, everybody outside the British Commonwealth, which is a host of countries where English is not the spoken language. [*Interruption*]

And secondly, Mr. Vice-President—

Sen. Ahmed: Mr. Vice-President—

Mr. Vice-President: Hon. Senators, I think we are getting a little too boisterous and we have to calm down again. I do not know what the approaching tea time has to do with it, but I do not want us to blow this out of proportion.

The Minister is saying if the Haitians and Surinamese might have a problem; other people from the wider world might also have a problem. [*Crosstalk*] Hon. Senators, the Minister was simply saying if, in this narrow context there is need for safeguards, there is need for safeguards in the wider context also.

Sen. Dumas: Do not break up the UNC again, leave it alone.

Hon. Senator: “All yuh must consult, there is no consultation.”

Mr. Vice-President: At this time, hon. Senators, we are definitely going to take the tea break. The Senate will be suspended for tea, and we shall return at 5.00 p.m.

4.28 p.m: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Minister, you have 14 minutes.

Hon. C. Imbert: Mr. Vice-President, before we went for tea, I was making the point about the inconsistent nature of the proposals made by the Members of the Opposition in this honourable Senate. I think I need to state, categorically, for the record, since this is live television, that at no time during my presentation did I make any statement, inference, insinuation, or do anything to even remotely create an impression that would have led to the objections which came from Sen. Ahmed. At no time did I say anything, insinuate anything, or infer anything that would even remotely create an impression that there was an insinuation of stereotyping. I want to make that absolutely clear. I said nothing, I inferred to nothing and I implied nothing, and that needs to be put on the record. [*Desk thumping*]

Mr. Vice-President, let me deal with another comment which came from Sen. Mark, who indicated there are national security implications with respect to the passage of this legislation, which would lead to persons from Suriname and Haiti becoming eligible to be ship's pilots in Trinidad and Tobago. Sen. Mark was at pains to ask: What is the role of the Ministry of National Security in this matter? What is the role of the Ministry of National Security in screening these persons from Suriname and Haiti? That was an unambiguous point, very clearly, made by Sen. Mark. He asked that the Minister of National Security set up some system to screen those persons to ensure that they were not security risks.

At the present time, Caricom nationals who are Commonwealth citizens do not require this amendment to the legislation. Persons from Jamaica, Dominica, St. Lucia, St. Vincent, Barbados, Belize, et cetera, all Commonwealth countries can enter Trinidad and Tobago and apply to be ship's pilots. I am assuming, therefore, that these security concerns raised by Sen. Mark, would also apply to persons from these countries. I would hate to think that Sen. Mark was singling out Suriname and Haiti as countries where there would be security concerns, while not recognizing the fact that persons can already come from Jamaica, Barbados, et cetera, and therefore any security issue should equally apply to other persons coming into Trinidad and Tobago.

In that context I found, again, the statements made by Sen. Ahmed to be in contradiction to the statement made by Sen. Mark. Sen Ahmed had no such concerns and, in fact, asked that we open it up to the entire world. This is why I am confused because you have Sen. Mark going on a particular track and Sen.

Ahmed going on the completely opposite track. Sen. Mark said to give first preference to Trinidadians, screen these people for language and screen these people for security risks and Sen. Ahmed said to open up everything to the world and she cited certain examples. Mr. Vice-President, obviously they do not caucus! The only conclusion I can come to is that the hon. Members opposite, on the Front Bench, do not caucus. If they did, they would not express these contradictory positions.

Sen. Prof. Ramchand raised issues about job security for Trinidad nationals. I hope I have made the point that we have long passed that stage and we have already agreed that Caricom nationals would get national treatment.

Sen. Ali raised a number of complex technical matters and I would not describe them as I heard them described a while ago. He raised some important points. He raised the issue of making the east coast a compulsory pilotage area. This is certainly something one would look at. I am not saying whether it should be or not. The 1939 law really only focused on areas that were important at that time, which are areas contained in the Second Schedule and which are listed as follows:

- “(a) The dredged channel and basin in Port-of-Spain...
- (b) An area within a radius of 1 3/4 sea miles from the La Carrier Light Beacon...
- (c) An area within a radius of half a sea mile from...the Pitch Point Jetty.
- (d) An area within half a sea mile from...Brighton Jetty.
- (e) ...the North Shore of Point Fortin...
- (f) ...Pointe Gourde to the easternmost point of Carrera Island,...
- (g) ...Goodridge Bay in the Gulf of Paria...”

Also, in the Chaguaramas area. But there is no mention of the areas on the east coast and perhaps that is because of the vintage of this legislation. This is certainly something that we need to look at when we come with the comprehensive overhaul of the legislation. I fully accept the points made by Sen. Ali, the Act is archaic and it does need to be comprehensively overhauled. Certainly when that is done we can look at the question of compulsory pilotage along the east coast of Trinidad and for that matter, any other area within our territorial waters that now has vessel movements that were not there in 1939.

In fact, Cabinet has recently approved the engagement of a consultant to design a Vessel Management System for the Gulf of Paria. This is in recognition of the large number of vessels that now traverse the Gulf of Paria: the LNG tankers, the methanol tankers and so on. There really is a large number of vessels,

far more than in the past. The numbers that I have indicated is that there are more than 5,000 ship movements in the Gulf of Paria on an annual basis. There is a lot of traffic outside there. The National Energy Corporation asked the Ministry of Works and Transport to look at this matter, and Cabinet has recently approved, as I have said, the engagement of a consultant to design and to assist us with the implementation of a Vessel Management System because of, obviously, scheduling, and the possibility of collisions. The cargo is dangerous, as Sen. Ali has pointed out, there are refrigerated cargos, cargo under high pressure and certainly that was something that was not envisaged 60 or 70 years ago. It is something that we will take fully on board. Sen. Ali, I hope that addresses the points that you made, all of which were relevant.

In terms of the point raised by Sen. Mark with respect to the University of Trinidad and Tobago (UTT), I am not talking about *tzar*. I cannot answer that question. That is for somebody else to deal with. *[Laughter]* In terms of the Maritime Campus, there is an interim Maritime Campus at Chaguaramas located in the Chaguaramas Convention Centre. There are courses in maritime operations; there are courses leading to certification to be masters and mates, ship's captains and so on. This is already in progress at the Maritime Campus of the University of Trinidad and Tobago and, eventually, the campus will get to the level where it will be giving full certification for persons to be ship's captains and also persons to be able to operate large tankers and so on. Certainly, one would hope that this would provide us with the pool of persons to become ship's pilots.

Mr. Vice-President, there is something I want to correct. In order to become a pilot, if you go to bye-law 3, you have to serve as an apprenticeship for not less than six months with the Pilots' Association under the conditions approved by the Authority. You just cannot arrive in Trinidad and Tobago and be a ship's pilot. You must serve this period of apprenticeship. In addition to the annual certification: the certificate of good character, the certificate of sobriety from persons whom you have been working with for three years immediately preceding, you also have to serve an apprenticeship of not less than six months. There are a lot of controls in place. It is certainly not as open-ended as it may appear on the surface.

The other thing one needs to do is to satisfy the examining committee—this is to deal with some of the points that Sen. Ali raised—that you have skills in handling ships. Informally, they would have been looking at the different types of vessels; the more modern vessels and someone would be certified for particular vessels, so you must have skills in handling ships, but in particular, knowledge of the navigation in each area for which you have applied for a licence.

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Sen. Dr. Gopeesingh, you must have a licence for each area and if you go to the Schedule, you will see there are eight compulsory pilotage areas. You have to get a licence for each one of them. Each pilot who wants to operate in all eight will have to get a licence for each area, and he will have to satisfy the examining committee that he is competent in terms of navigation in each, and he has the local knowledge of distances, courses, tides, soundings, anchorages, et cetera, in each area. It is not that you would get a licence that is a one size fits all. You will have to satisfy the examining committee that you are thoroughly familiar with the sea beds, the currents, the tides, the waves, the hazards, the buoys, the navigational aids, et cetera, in every area for which you want to get a licence.

Despite the archaic nature of the Act, it was properly conceptualized when it was first enacted because it is clear that even at that time, in 1939, there was a lot of attention paid to safety. Obviously when they put all these things in—when they said that you must have intimate knowledge of the marine characteristics of each area; you must be able to handle particular vessels—even in those days they were concerned about safety and security and things of that nature.

I am not sure there is anything else that I need to deal with. Let me just go through. I think I have answered everything.

Sen. Mark: Mr. Vice-President, could I ask the hon. Minister: How often is this Authority appointed? I see in the legislation the members are appointed at the Minister's pleasure. I am wondering how often the Authority is appointed under the Act and whether you are in receipt of regular reports from this Authority, as a Minister.

Hon. C. Imbert: Mr. Vice-President, through you, I am unable to give the hon. Senator specific details on that, but normally appointments to authorities of this nature are between two and three years. That is the normal period and I expect it will be similar in the case of the Pilotage Authority.

I do not think there is anything else that I need to deal with. I want to reiterate that at no time in my presentation did I make any inference or statement whatsoever that would lead anybody to conclude that there was any stereotyping whatsoever.

I beg to move, Mr. Vice-President.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Seetahal, S.C.: Mr. Chairman, there are a couple of typos, I guess. Under 2(a)(iii), the word “state” should be in capital.

Mr. Chairman: Could you repeat that please?

Sen. Seetahal, S.C.: 2(a)(iii), which says: “belong to that state by virtue of the immigration laws applicable to that state;” I am saying that the “state” there must obviously be in capital “S” because you are talking about the member state.

Mr. Chairman: Yes.

Sen. Seetahal, S.C.: In the next sentence it should be “Revised Treaty...”. Right after the word “state”, under the definition it should be “Revised Treaty...” It has “treat” and it should be “Treaty”.

Mr. Imbert: What is the problem?

Sen. Seetahal, S.C.: Well, it has “Treat” and it should be “Treaty”. The ones they gave us have “Treat”.

Mr. Imbert: Mine says “Treaty.” I am sorry; I apologize for that but the one that I have says “Treaty”.

Sen. Seetahal, S.C.: Well, maybe it was corrected before it was brought to you.

Mr. Imbert: The one in the file has “Treaty”, too. I am not arguing and I am not disputing that.

Sen. Seetahal, S.C.: That is good. It says: “Revised treat...”

Mr. Imbert: I apologize on behalf of the Parliament for the typographical error, but the copy that I have has “Treaty”.

Sen. Seetahal, S.C.: Finally, can I say that under (c)—that is on the last page, because all this is clause 2—section 7(1)(1), is that an “l”? Is that how an “l” looks on the computer?

Mr. Imbert: Sen Seetahal, S.C., are those all the points you are going to raise?

Sen. Seetahal, S.C.: That is my last point.

Mr. Imbert: All right, let me go in reverse order. Although it also looks like a “1” to me, I am advised that this is a *Times New Roman* font and that is an “1”.

Sen. Seetahal, S.C.: They should change the font to make it clearer.

Mr. Imbert: I am advised that it just looks like a “1”. The particular font that is used is *Times New Roman* and that is an “1”.

Sen. Seetahal, S.C.: Minister, what I am saying is that I have seen previous legislation and sometimes the “1” is clear. I am suggesting that in drafting it, that you put an “1”.

Mr. Imbert: I am further advised that when the Act is actually published, it will be clear that it is an “1”. The actual font that will be used by the Government Printery will be such that it will be clear that it is an “1”. If you look at the parent legislation it is actually in a different font and it is in italics.

Sen. Seetahal, S.C.: That is what I am saying; I know it is normally like that.

Mr. Imbert: Therefore I wish to assure you that it will look like an “1” when it is published. It will have all the characteristics of an “1”.

To deal with the point about the capital “S”, I am told that it will be taken up in the publication. If yours has “treat”—mine has “Treaty”—that will be dealt with. To deal with the point about whether you need to repeat “8(2)”, I think Sen. Ahmed may have raised that point, you do not need to; you are simply dealing with subsection “(2)” of “8”. You do not need to repeat “8” again in the amendment legislation.

Sen. Seetahal, S.C.: That is the reason for the committee stage; you usually have an exchange of ideas, Mr. Minister.

Mr. Imbert: No, but the Senator had asked whether we needed to have an additional “8” there and I was simply explaining that we do not.

Question put and agreed to.

Clause 2 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.

STATE LANDS (AMDT.) BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Vice-President, I beg to move,

That a Bill to amend the State Lands Act, Chap 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence, be now read a second time.

Mr. Vice-President, the Bill before this honourable Senate seeks to increase the penalties for illegal quarrying. It is an Bill to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence.

This Bill may be cited as the State Lands (Amdt.) Bill, 2006. The specific provisions in this Bill include amending the State Lands Act in the following sections:

“The State Lands Act is amended in section 25—

- (a) in paragraph (a), by deleting-
 - (i) the words ‘four hundred dollars’ and substituting the words ‘one hundred and twenty thousand dollars and imprisonment for a term of one year’;”

In this case, it is for asphalt mining and this is for first-time offenders.

- “(ii) the words ‘two thousand dollars’ and substituting the words ‘two hundred and fifty thousand dollars and imprisonment for a term of two years’;”

This is for repeat offenders and it is also for asphalt mining.

- “(b) in paragraph (b), by deleting-
 - (i) the words ‘two hundred dollars’ and substituting the words ‘sixty thousand dollars and imprisonment for a term of six months’;”

This is for other materials than asphalt and it is for first time offenders.

- “(ii) the words ‘four hundred dollars’ and substituting the words ‘one hundred and twenty thousand dollars and imprisonment for one year’.”

This part is for repeat offenders and it is for all quarrying materials.

“A. Insert the following new clause 2:

- | | |
|----------------------|--|
| Section 6
amended | 2. Section 6(6) of the Act is amended by deleting the words ‘one thousand dollars’ and substituting the words ‘two thousand, five hundred dollars’.” |
|----------------------|--|

This section is dealing with vehicles transporting materials without a permit.

- | | |
|------------------------|---|
| “Section 29
amended | 4. Section 29 of the Act is amended by deleting the word ‘asphalt’ wherever it occurs and substituting the word ‘material.’ |
|------------------------|---|

Mr. Vice-President, in dealing with this matter in the other place, it was drawn to our attention by the Member of Parliament for Pointe-a-Pierre that when this Act was amended in 1981, asphalt was of a higher price than the other aggregates like sharp sand and so on, so we thought it fit to remove the word “asphalt” and put the word “material” so that it would cover both asphalt and quarrying material.

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|------------------------|---|
| “Section 30
amended | 5. Section 30 of the Act is amended by deleting the words ‘two thousand dollars’ and substituting the words ‘two hundred and fifty thousand dollars and imprisonment for a term of two years’.” |
|------------------------|---|

This section actually is that if you have a matter before the court for mining illegally and you are caught on a second occasion—repeat offender—it will be moved from two thousand dollars to two hundred and fifty thousand and imprisonment for two years.

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|------------------------|--|
| “Section 31
amended | 6. Section 31 of the Act is amended by- <ol style="list-style-type: none"> (a) deleting the word ‘asphalt’ wherever it occurs and substituting the word ‘material’; (b) deleting the word ‘section’ and substituting the words ‘section 26’; and (c) deleting the words ‘two thousand dollars’ and substituting the words ‘twenty thousand dollars’.” |
|------------------------|--|

Mr. Vice-President, (c) of this part of the Act is an increase for bail on the first occasion and for the second occasion.

The Bill entitled the State Lands (Amdt.) Bill 2006, was referred for the consideration of the Legislative Review Committee by Cabinet Minute 3156 of December 08, 2005. The Bill was also referred to a ministerial subcommittee of the Finance and General Purposes Committee, appointed to consider proposals for the regulations of the quarry industry.

By Cabinet Minute No. 1325 of June 01, 2006, Cabinet considered the recommendations of the Legislative Review Committee; the recommendations of the Finance and General Purposes Committee, and Cabinet Note AG 2005, 219 proposed amendments to the State Lands Act, Chap. 57:01, to increase the penalties in respect of illegal quarrying on state lands. The Cabinet then approved the Bill entitled the State Lands (Amdt.) Bill 2006; agreed that the above mentioned Bill be introduced in Parliament at the earliest opportunity, noted that the Bill seeks to increase the penalties in respect of quarrying on state lands without a licence.

5.30 p.m.

Mr. Vice-President, this administration has always been concerned with the increasing levels of illegal quarrying operations in this country. As a consequence, by Minute No. 1888 of July 04, 2004, Cabinet agreed to the establishment of a security regime under the direction of the Minister of National Security. The establishment was intended to protect the assets, equipment and exploitable acreage of state lands. The Government also established an Inter-ministerial Committee to develop and oversee the implementation of a sustainable security plan for preventing illegal quarrying activities.

On July 18, 2005, the Inter-ministerial Committee submitted a report entitled the Inter-ministerial Report on the Security for the Tapanua Quarry for consideration of the Cabinet. The Inter-ministerial Committee made the following observations in its report:

- (a) That there is illegal quarrying operation by private quarrying operators, an encroachment by National Quarries Limited.
- (b) That illegal operators are becoming instant millionaires at the expense of the State which is being denied a significant amount of revenue in the form of unpaid royalties.
- (c) That there are unconfirmed reports of rampant collusion between some state employees and persons involved in illegal quarrying activities.

Mr. Vice-President, under the Minerals Act, No. 61 of 2000, a licence issued by the Minister is required for mining, processing, importing or exporting a material.

Section 12 of the Minerals Act states that except in special circumstances where the Minister permits, no licence shall be granted to mine in any area unless the mining is located within an area designated by the Minister as a mining zone. A mining zone is like the Tapaná quarrying area.

Section 45 of the Minerals Act provides that:

“(1) A person who—

- (a) explores for, or mines, processes, or imports or exports, any material without a licence...
- (b) mines in an area that is not a mining zone,

commits an offence and shall, on summary conviction, be liable to a fine of two hundred thousand dollars and imprisonment for a term of two years...”

—for the first conviction. At the same time, section 25 of the State Lands Act, Chap. 57:01 also makes it an offence for:

“Any person who...concerned in the digging, winning, or removing of material on or from any State lands...without a licence...”.

However, under section 25(a) of the Act, a person who commits an offence where the material in question is asphalt is liable to a fine of \$400 on first conviction. Subsequent conviction will result in a fine of \$2,000. On the other hand, where materials other than that of asphalt are removed the fine imposed under section 25(b) of the Act is \$200 on first conviction and \$400 on subsequent conviction.

Mr. Vice-President, having regard to the seriousness of this offence, and to the significant loss of revenue to the State, Cabinet agreed that the penalties prescribed in section 25 of the State Lands Act are not adequate and would not, therefore, serve as a deterrent to illegal quarrying.

A person found engaging in illegal quarrying activities may be arrested and charged under either the Minerals Act or the State Lands Act. We are all too familiar with the recent charges brought against persons who were found engaging in illegal quarrying under the State Lands Act.

Mr. Vice-President, the following day one would have read in the newspapers—and that is recently—where 12 persons were arrested, their equipment confiscated and the following day, nine out of the 12 persons pleaded guilty and paid \$200, and smiled while coming out of the courtroom. The Magistrate at the time released the equipment because the parent Act calls for confiscation of equipment.

Mr. Vice-President, these recent experiences highlight the urgent need to ensure that the penalties under the State Lands Act are increased by bringing them in line with the penalties charged under the Minerals Act.

I, therefore, urge all Members of this honourable Senate to support the Bill, “An Act to amend the State Lands Act, Chap. 57:01 to increase the penalties for digging or removing materials on or from state lands without a licence”.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, the Bill seeks to increase the penalties for illegal quarrying operations on state lands. One expected that in presenting this Bill the hon. Minister would have shown due respect and would have maintained some degree of tradition by providing the relevant background information that was appropriate to this Bill.

May I suggest that in the next term, when Bills are to be laid, that we should at least have the honour of being properly presented with relevant background information to the Bill that would enable the debate to ensue properly, and that there would be enough time to study that background information before coming to the Parliament? And if that were the case, this Senate would have already been advised of the number of instances in which the penalties would have been invoked in the last five years; the charges laid, whether those charged were repeat offenders as opposed to first time offenders; the areas in which the offence occurred.

This would have allowed us to determine to some extent whether there is a pattern or violation; whether the same people were involved in an organized and orchestrated illegal exploitation of the State’s resources which the hon. Minister spoke about. Who are these people? How much resources have they gotten away with? How long had they been engaged in the process before being caught and charged? Given the price of aggregate now, the fact is that this country would have been robbed hundreds of thousands or millions of dollars over the last five years without redress. This is the kind of information we speak about and

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which would have been good for the hon. Minister to have presented before coming to the Senate for debate. Sure, it may have painted the Government in a bad light, but the truth shall set the standards.

What is the purpose of the Bill? The purpose of the Bill is to increase penalties with respect to the removal of materials from state lands without a licence. But the genesis of this Bill goes back to when serious allegations were made in this country that the Jamaat al Muslimeen was engaged in illegal quarrying in the Valencia area. That is where the Bill came from. You would remember the public relations campaign made up of illegal mining by the Jamaat and the Government decided to politic it and carried their public relations campaign. They swooped down and picked up 11 or 12 persons after four years in administration and four years of illegal quarrying which was already going on.

During the years 2002—2005, the question arises: How many persons were ever charged with this offence of illegal quarrying? The answer is absolutely none. There were only 12 persons in 2005—and the public relations gimmick had started. Prior to 2005 and those 12 persons being arrested and charged; none was charged in 2002, 2003, 2004, despite the fact that illegal quarrying was going on, and the records are clear for those years.

Today we are with the issue of illegal quarrying and increasing the penalties, and the Government charging people in order to inflict these penalties upon them. It was in 2002 when the issue of illegal quarrying really reached a peak. I want to quote from an article from Miss Camini Marajh of the *Express* of Sunday, July 10, 2005, and I quote:

“The continued failure by the Manning administration to stamp out rampant and uncontrolled quarrying on State-owned lands by Jamaat al Muslimeen strongmen and other rogue operators has cost this country over \$190 million in lost revenue to date.

Industry analysts estimate that this country lost over \$45 million in illegally mined, sand and gravel in 2002 when the first big wave of illegal quarrying washed over lucrative State-owned fields in Valencia, in what was reputed to be a government payback for Muslimeen help in securing votes in critical swing seats in the December 2001 general election.”

This wave of illegal quarrying began within the framework and time when the People’s National Movement came into office.

Mr. Vice-President, why was there this delay and public relations gimmick? Why did the Government take so long to bring these charges? In mid November 2005, an exercise involving members of the anti-crime unit and the army raided 11

quarries in Valencia and arrested and charged 12 persons under the existing law. Nine of these pleaded guilty and were charged \$200 each. The other three pleaded not guilty and were granted bail to reappear in court.

What has become of these matters? We have not heard anything?

Sen. Jeremie: You say that the Jamaat was on the land quarrying, but I would have you know that the persons who were on the land quarrying were there well before 2000. The fact that something was done in 2005 is a positive reflection on those on this side. [*Desk thumping*] That really is all I have to say.

Sen. Dr. T. Gopeesingh: That was not a matter of clarification or anything. In future I do not think I want to give way. If the Senator knew that in 2003 and 2004 this was going on, why was something not done? Why was something done only in 2005?

Mr. Vice-President, what is the root cause of this illegal quarrying? This has to do with the fact that the Government has consistently failed to put in place the framework necessary for licensing operators. The regulatory framework for granting a licence was never there. And this issue arose years ago when the hon. Prime Minister at that time—has always been the issue of having to deal with the giving out of licences. The then Minister of Energy and Energy Industries who is the Member for Port of Spain South went public and said that he was going to give out 37 licences. But there is a legal morass that exists between the Minerals Act of 2000, the Environmental Management Authority Act and the State Lands Act, and we do not know which one takes precedence in terms of all of these three. Is it that we are debating something today in the State Lands Act which does not have the significance and importance as the Minerals Act or the EMA Act? Which one takes precedence and which one is of major concern to us?

The Minister at that time said that the Minerals Act is a legal morass. Since 2002 he has been saying that was so. Why was something not done since then? And there is an Environmental Management Authority (EMA) today which is being crippled because this Government has ridden roughshod over that EMA.

Mr. Vice-President, industry analysts have indicated that this country lost over \$45 million per year in illegally mined sand and gravel in 2002 over lucrative state-owned fields in Valencia in what was reputed to be a government payback for Muslimeen help in securing votes in critical swing seats in the December 2001 general election.

“The Muslimeen arrangement which unleashed random, rampant mining in State-owned fields and spilled over to extortion racketeering and, more recently, murder rang up illegal profits in 2003 of over \$55 million...”

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This was the state of affairs existing in 2000—2004. This issue of illegal quarrying has its genesis carried out by the Jamaat starting in 2002. That illegal quarrying was based on the allegation of a payback by the PNM to the Jamaat for their work in the election, and that illegal quarrying also involved the illegal use of state lands. It also had to do with the arrangement for the state lands at Mucurapo. [*Interruption*] This all relates to the question of illegal quarrying. I want to quote from an affidavit that was signed by Mr. Abu Bakr on the question of state lands which is relevant here.

[MADAM PRESIDENT *in the Chair*]

Specifically the Prime Minister informed me that the remaining portions of the lands in Mucurapo would be given to the Jamaat before the coming elections, that the Jamaat school would be included with the Concordat with the other denominational schools and provided funding from Government. In this respect he informed me that I should see the Minister of Education, Mrs. Manning, who would see to that and make the necessary arrangements.

Sen. Yuille-Williams: Madam President, I am wondering whether that is relevant to the debate here this evening, the Mucurapo lands.

Madam President: Please, can I have some quiet. We are talking about state lands on which there is quarrying taking place. [*Crosstalk*] That is about building and that is in a different area. The Bill is about the state lands on which illegal quarrying has been taking place for the last five years; I think that is what the Minister said when he was presenting.

If we could get back to Valencia where the quarrying is taking place then I think that you will be relevant.

Sen. Dr. T. Gopeeingh: The exchange that was taking place was on state lands for quarrying lands. The Prime Minister had indicated that he would give them the lands at Mucurapo to ensure that they were able to be quarrying at Valencia. So you were exchanging the state lands for the quarrying lands at Mucurapo.

Madam President: You are making a statement about the Prime Minister. Unless you have his actual words that this is what he said, I think you need to be careful.

Sen. Dr. T. Gopeesingh: Madam President, I am just quoting from an affidavit that was submitted in court.

Sen. Jeremie: Standing Order 35(2), which, I am sure we are all aware of in this Senate; if this is a matter which is before the court and Mr. Abu Bakr who has all of this credibility that my friend, Sen. Dr. Gopeesingh can quote him as an authority in here, I do not think that the Standing Orders permit that. The Prime

Minister has not had a chance to respond, and one might well find that at the end of the day this matter might be struck out. It is before the court and the Senator has no right to talk about it.

Sen. Mark: Let it be struck out. [*Crosstalk*]

Sen. Dr. T. Gopeesingh: It is not subjudice. One cannot look into the future. I am just quoting what is in an affidavit before the court relating to the question of state lands. [*Crosstalk*] When we come back to the question of illegal quarrying, we would find more issues dealing with the land. I want to quote from an article dated June 26, 2005.

“The State’s response to a September 2004 *Sunday Express* series on the Muslimeen’s role in fostering a burgeoning black market in the quarry sector, when it was finally made public, was long on rhetoric and short on action. The Government’s response saw armed troops moving into the Valencia and Toco areas...”

For illegal quarrying.

“and there was an announcement that interim one-year licences would be issued to 37 operators, among them Muslimeen leader, Yasin Abu Bakr...”

Thereafter, the then Minister of Energy and Energy Industries indicated that he would not be giving any licences to Imam Yasin Abu Bakr. He indicated that he would have his consultations and, thereafter, would deal with the regulations that were necessary in order to grant licences. Up to this time, there have been no regulations put forward by this administration in the granting of licences. And, a few weeks ago, Sen. The Hon. Dr. Lenny Saith indicated that licences were granted to four companies for quarrying in the Valencia area and some other area. We want to know what regulations were put in place. What terms and conditions exist for granting these licences? And to date we do not know what these regulations are.

Sen. Dr. Saith: Madam President, I would allow the Senator to speak but I must inform the Senate, as I did when I answered the question from Sen. Mark, that earlier this year we issued, in addition to the four, over 50 one-year licences to regularize persons who were operating illegally. Not one; and of the 50, none of them was issued to the Jamaat al Muslimeen. [*Crosstalk*]

To suggest that there was one illegal quarry in Trinidad and Tobago that was owned by the Muslimeen that ripped off \$45 million is just not correct.

Sen. Dr. T. Gopeesingh: Investigative reports indicate that it is over \$190 million and this illegal quarrying began from as early as 2002 and continued because of a deal and a pact.

We want to find out what were the regulations, the terms and conditions that were given in granting the licences to these 37 persons. And, why is it during the period 2002—2005, no persons were charged even though everyone knew that there was rampant illegal quarrying taking place? Do you want to answer why nobody was charged?

Sen. Dr. Saith: It is not a question why nobody was charged for 2002. It is why nobody was charged since 1995. Illegal quarrying was going on for a number of years; but let me deal with the question of the licence.

The licence is in accordance with the Minerals Act as determined by the Attorney General who vetted a licence which was issued for the one year to regularize these people.

Sen. Dr. T. Gopeesingh: Madam President, I alluded to the fact that there was a lot of confusion between the Minerals Act, the State Lands Act and the Environmental Management Authority, and while we were in Government we brought the Minerals Act in 2000 and which would have assisted in the question of illegal quarrying. That has been there for five years and they did absolutely nothing about it and they took no action which they could have taken under the Minerals Act. So, it is important for the hon. Minister who piloted the Bill to tell us who were charged in 2002—2004. We know that 12 persons were arrested in 2005.

6.00 p.m.

Why are they relying on the State Lands Act? There are other mechanisms that can be used and other areas of the law that can be employed to deal with people who are ripping off the State to the value of almost \$190 million in five years. They could have been charged under the Money Laundering Act. We know that, when they make deposits in the bank, anything more than \$59,000 would have to be reported. The banks would report this and money gained from illegal activities would be reported.

They did not have to rely on just the State Lands Act and charge the person and say if you charge them, they will only pay a fine of \$200. They knew that illegal quarrying was taking place. They knew that there was illegal activity. They knew that there was some degree of racketeering. They could have gone to another law to effect the penalties they wanted to effect. That is something that the hon. Attorney General knows quite well.

Sen. Jeremie: Do not say that, you know, because it is not true.

Sen. Dr. T. Gopeesingh: Madam President, what is happening with the Caroni lands and the whole issue of approval of lands? What is happening to lands in Trinidad and Tobago in terms of lands for quarrying, agriculture and housing? Up to this time, this administration has not told us adequately how much of the vast acreage of state lands is in quarrying, how much in housing and how much in agriculture.

There seems to me an overlap of housing development taking place on agricultural lands and the country is unaware where the quarrying takes place. What areas are defined and under what terms and conditions do they quarry? We know that quarrying has been taking place on private property throughout Trinidad and Tobago. Hills have been cut out, land has been denuded, the material from these quarries has silted the rivers and flooding has been taking place throughout Trinidad and Tobago.

What has been done about the illegal quarrying taking place by private contractors who are causing some of the flooding to occur on a daily basis? We know that approval has not been given for state lands to be used for housing development in San Fernando; for the Tarouba Stadium and for the clearing of land at Union Estate. EMA has not given approval for the Union Estate. The San Fernando City Corporation has not given approval for the construction of homes in San Fernando and the EMA had not given any approval for the Tarouba Stadium before the construction started.

Madam President, it is a matter of public record that for the Tarouba “Tsunami” Stadium, the requisite approval was not given before the work began. That is state lands.

Madam President: That is not quarrying.

Sen. Dr. T. Gopeesingh: No, but that is state lands and some degree of movement and excavation took place without licence and that is what this Bill is about—the excavation of soil, material from state lands, without a licence. This is what the Tarouba Stadium was.

Let us talk about the issue of sustainable development. I alluded to the fact that there is difficulty in understanding what is happening in Trinidad and Tobago in terms of land use for sustainable development. They have given licences to four major operators—among them Coosals, Home Construction—the Minister made that statement in the Senate sometime ago. The question is: How does the granting of these licences impact the sustainable development of the people of Trinidad and Tobago? We would have thought that when you give licences for

quarrying, there would be the ability to get these aggregates in vast quantities and the cost of these aggregates would be less. But what have we found? We have found that the aggregates have increased in cost and continue to increase and poor persons are unable to build a house based on the high inflation taking place in the construction industry. The question of bringing state lands to effect cheaper prices, to have quarrying taking place so that we can have more aggregates seems not to be working.

The next issue I raise is that of the trucks that are going around to quarry areas, removing materials and causing untold damage. The Minister of Works and Transport was just here and he would have alluded to it. Very heavy trucks are moving out of the quarries and passing through roads that are not equipped to take the heavy loads. The roads are breaking down and inconveniencing the residents of the villages through which these trucks pass. This is giving rise to the protests that take place throughout Trinidad and Tobago. What is the Government doing in terms of granting the licences for these quarrying operations to take place? Why is that a forgotten consideration in determining the allocation of licences?

Another issue is that the trucks go uncovered most of the time and dust flies through the community in which they are travelling; gravel falls on the roads creating major disruptions in community life for citizens. That is something this Government must ensure they take into consideration. So the environmental impact is negative in terms of the quarrying that is taking place on state lands and something has to be done to ensure that the licensed operators stay within the law to ensure that the people living around these areas do not suffer the inconveniences of roads that are crumbling before them and medical conditions, where the dust is all over the place.

Then we have the question of landslides. Illegal quarrying brings about some degree of landslides and where there are mountains and hills—we do not really have mountains in Trinidad and Tobago; we consider them hills—and quarrying is taking place in these areas, enough care and attention is not taking place during and after the quarrying to prevent landslides, which occur all throughout Trinidad and Tobago, particularly the north-eastern parts. Flooding, landslips, dust, roadways that are damaged; all of these occur as a result of the quarrying operations.

If you take a panoramic view from an airplane, you will realize, when you travel through the north-eastern part of Trinidad, that you see all these ponds and large areas of self-made lakes where sand has been removed, which are dangerous to humans because the area has been damaged irretrievably. There are no signs

warning of the danger lurking ahead. The people who have operated the quarries have not repaired them to any extent to make them aesthetically pleasing and they prove to be dangerous, particularly for young ones living around those areas.

When we do an environmental assessment of the areas being quarried, there are many negatives that occur and we would want this Government to ensure, when they are granting licences for quarrying, that all these things are taken into consideration, so that no environmental damage takes place in the areas in which the quarrying occurs. We would like to see the Government bring out a national infrastructure programme telling us what lands are available for quarrying and what is available for agriculture and housing.

The last area I want to touch on is the question of the clearance of the 3,000 acres of land in Union Estate. There was no environmental impact assessment done. There was no certificate given. The lands were cleared; the habitation denuded and the animals in the remote area have all had to move out. Some were killed and some just had to flee when the area was torn down. The same thing will take place.

Sen. Dr. Saith: Are you saying—3,000 acres where?

Sen. Dr. T. Gopeesingh: Do you remember that you decided to clear the land at Union Estate—almost 800 acres have been cleared already. Noise was made, that is why you did not continue. You stopped and then you decided to move to Alcoa. [*Interruption*] Yes, the people began to make noise and up to today nothing has been done on the 800 acres of land as nothing has been done on the LABIDCO Estate.

Now the last area I wanted to speak about was the use of the land in the southwestern peninsula of Trinidad for bringing Alcoa and Alutrint. Madam President, the Bill is for digging and the removal of material from state lands without a licence. Are we going to give a licence for Alutrint and Alcoa to go into excavation of lands? They are doing soil testing at the moment. We cannot afford that because we know that 95 per cent of the population is saying that they do not want these companies in Trinidad.

Sen. Dr. Saith: Madam President, we are dealing with quarrying. Constructing a plant on a piece of land has nothing to do with quarrying. They do not require a quarry licence for that. They need approval from the Town and Country Planning Division and from the EMA and that process is going on. It has nothing to do with licence for quarrying and, therefore, I do not think it is relevant to the Bill.

Madam President: Senator, I really have to uphold what the Minister said. We are talking about quarrying. They are not digging material from wherever it is to sell it as a quarry. You are stretching the imagination, doctor.

Sen. Dr. T. Gopeesingh: The Bill is, an Act to amend the State Lands Act to increase the penalties for digging or removing material on or from state lands without a licence. That is the Bill. The state lands are on the southern peninsula, which the Government wants to give to Alcoa. Material will be dug and removed—

Madam President: Senator, it has become a habit—and I am not going to allow it to continue—whenever I say to a Senator that you should stop where you are and continue with the Bill, that you ignore what I have said. It has been happening and I have allowed it to go on. I will not allow it anymore.

Sen. Dr. T. Gopeesingh: Madam President, I am not ignoring what you are saying. We have a responsibility to speak and I am speaking within the context of the Bill. You are differing therefore I have to be guided by what you say.

Madam President: I am differing.

Sen. Dr. T. Gopeesingh: I was discussing this issue according to what the Bill was purporting. I have to be guided, so I must take your ruling, but I must indicate that I feel it is a means of muzzling us and I am not comfortable with that.

It seems then that I am unable to continue with what I wanted to say about that.

Sen. Jeremie: Sit down!

Sen. Dr. T. Gopeesingh: You cannot tell me to sit down, Sen. Jeremie. You will have your time. Madam President, I think you should censure the hon. Attorney General if that is the type of behaviour he wants to get on with here. Sen. Jeremie, you know better than that.

Madam President: [*Inaudible*] I will tell him when to stop.

Sen. Dr. T. Gopeesingh: Madam President, even though we pass the legislation today, how are we to know that it will be worth anything? Who will police the quarries? Does the Ministry have the staff? Can they tell us whether, from November last year to now, they have investigated the quarries in Valencia and can confirm that illegal quarrying was not done? Can they confirm that they have investigated quarries in other parts of the country and can vouch that there was no illegal quarrying? Only 12 persons have been arrested.

The Minister of National Security was quoted in the *Trinidad and Tobago Express* of December 08, 2005 as saying that the Ministry was working in collaboration with the energy industry in a security plan of action aimed at reducing and eventually eliminating illegal quarrying. He said that there would be an intensification of joint mobiles—army and police patrols. Do you remember saying that?

Sen. Joseph: Yes.

Sen. Dr. T. Gopeesingh: These would be in the affected areas and there would also be a hotline to receive information on illegal quarrying. Can you give us the state of that hotline? Has this been done and to what effect? He was the Minister who claimed that he was going to ensure that people who did the crime paid the time, and we all know how you have responded to crime, Sen. Jeremie.

Madam President, this Government really has mixed priorities. They have mismanaged the economy, destroyed the agricultural sector, impoverished the nation, exposed our citizens to unacceptable levels of crime and spent millions of dollars on public relations about illegal quarrying, which was totally unsatisfactory. Even though they introduced this legislation, they are ignoring critical legislation, which would have protected our people and raised the standard of living, the level of comfort and the security of the people, which this country deserves.

Good governance, Senators, is not about penalties, but about seeking the overall interest in the well-being of the nation. It is developmental in context. It is about the people, the public and the representative democracy.

PROCEDURAL MOTION

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, in accordance with Standing Order 98, I beg to move that the Senate continue to sit until we have completed the items on today's agenda.

As you know, this is our last sitting and we need to clear the agenda.

Question put and agreed to.

STATE LANDS (AMDT.) BILL

Sen. Dr. T. Gopeesingh: Madam President, we want to state that this legislation will not really deter illegal quarrying unless action is taken from a security perspective to ensure that we can inspect these quarries regularly, have patrols looking after the quarrying operations, grant licences based on certain

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terms and conditions that are acceptable to everyone; that the quarrying operators take due care and consideration of the environment and that they, as a government, ensure, despite the fact that they are giving licences for quarrying operations, that the cost of things would go down so that the people of Trinidad and Tobago would benefit.

Thank you very much.

Sen. Prof. Kenneth Ramchand: Madam President, thank you for allowing me to make my contribution. I feel very uncomfortable when I have to do things in a hurry and I know that many people are waiting to speak. It really affects what you say and how you say it.

Madam President: Senator, you have your full time—your full hour. Do not be in a rush. [*Interruption*]

Sen. Prof. K. Ramchand: Yes, but I have some manners, too, you know, Madam President, and I really feel that people are waiting and it is getting late. I will try my best not to be too uncomfortable.

Let me begin by quoting the Act. It is an Act to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence. I have to say it. These amendments are a reaction to the present crisis of illegal quarrying. I am sorry to have to say it. They do not come out of a policy or philosophy about land and the use of land. [*Desk thumping*] This is purely a reactive gesture, but I hope we can turn it into a creative one if we sum up the courage to face reality. I begin by saying that the amendments want to defend the patrimony and it is in this spirit that I make my contribution.

At present, the patrimony is defended by the number of pieces of legislation. The State Lands Act is supplemented very narrowly and tightly by the Minerals Act and more broadly by the Town and Country Planning Act and by the Environmental Management Authority. In spite of that, we have seen, in the last 10 years or so, that the defences of the patrimony are not secure against the activities of developers, investors and governments. These leading citizens and their non-citizen “chelas” have been dubbed mindless architects by the Guyanese poet, Martin Carter. He has called them mindless architects because they are determined to transform the landscape, to obliterate history, to deny who they are and to crucify their freedom with concrete crosses.

The Barbados poet, Edward Brathwaite, describes this—I have to call it so—“sickness” in a long poem called *Rights of Passage*. He says that we have to:

“cut the canefields of Caymanas down,
of Chaguaramas down,
the soil too soiled
with whip with toil,
with memory, with dust;
replacing them with soilless, stainless,
nameless stalks of steel
like New York, Paris, London town.”

We are defenceless, Madam President.

In the notorious Savannah paving episode, in the time of another government, a state agency removed 50,000 metres of topsoil from the savannah and transported it to some privileged place. To date, no charges have been laid against the perpetrators. Let me repeat, at the outset, I welcome any attempt to strengthen and modernize the State Lands Act.

I turn now to the amendments themselves. The main amendments to the Act that we have to look at are amendments to sections 25, 29, 30 and 31 and all of these come under a general heading in the original Bill, removal of material from state lands. The main effect of the amendments is to increase the fines for stealing material and, secondly, to add terms of imprisonment to the penalty. Previously no terms of imprisonment were included in the penalty for stealing material, so I welcome the Government's attempt to make the penalties more severe.

I have to say it. I do not think we have gone far enough. The fines should be a lot higher. I would go for \$500,000 for a first offence and \$1 million for a second offence, at least and I would look a little more carefully at the bandits I am dealing with.

The workers who dig, win and remove the material ought, perhaps, to receive a less severe penalty than some of the other persons who are in any way concerned with the digging, winning and removing. Whether you agree with that or not, the workers should not be treated as severely as another class of offenders. Whether you agree with that or not, the persons who own the trucks, the persons who send workers for the material and the persons who sell the material ought to be subject to terms of imprisonment also; not just confiscation. I do not see imprisonment provided for in these amendments.

Let them make a jail, Madam President. You know our jails. If they make a jail here and they come out, they are like Audie Murphy in *To Hell and Back*.

6.30 p.m.

Incidentally, I would punish them and make them pay for putting our lives at risk. These huge trucks travel at a fast rate on narrow, winding roads. They do not blow their horns, but you can hear the noise as they are mashing up the roads driving along. I am a taxpayer and they are taxpayers. They are mashing up the roads and I am not mashing up the roads. Is there not some way to make them pay for the damage that they are doing to our roads?

Neither the original Act, nor the present amendment makes reference to persons who buy the material knowing it to be stolen. Unless it can be construed that they are included in a phrase that appears in section 29—which indicates that people who are in any way concerned with the digging, winning and removing—I do not know if buyers can be construed as being in any way concerned. If we cannot construe that clause to refer to people who knowingly purchase stolen material, I feel the legislation has to be added to, to deal with the purchasers.

Madam President, all the parties—I do not know what the Minister is saying but this is a very lazy piece of legislation. [*Interruption*] Charge them here and let them and the public know that there is a charge. All the parties are knowingly involved in the theft of an increasingly scarce commodity; whether they are doing it legally or illegally, because nobody regulates them. They are all involved in degradation of the environment; whether they operate in mining areas or in areas where mining is not supposed to happen. They pollute the rivers; silt up the place and cause flooding and landslides. Nobody regulates them. You can get a licence and go and do what you like.

I still feel that the legislation should distinguish between those who steal from mining areas and those who vandalize areas that are supposed to be protected from quarrying. Again, I feel the legislation needs to be added to.

I have introduced the word “quarrying” quite deliberately, because I want to point to what strikes me as an anomaly and to indicate why I think that this is a piece of lazy legislation. In section 2 of the original Act, “material” is defined as including asphalt, earth, sand, gravel, stone, shingle, soil or shells and section 25 of the same Act differentiates between asphalt and material other than asphalt. In those days, the penalty for stealing asphalt was \$400 on first conviction and \$2,000 on subsequent conviction. The penalty for stealing material other than asphalt is less than half of that, \$200 on first conviction and \$400 on subsequent conviction.

Do you know that the amendments reflect a discrimination which implies that stealing asphalt is a more serious offence than stealing materials other than asphalt? That is not true anymore. The amendments seem to suggest that the stealing of asphalt is a greater offence than illegal quarrying and that asphalt stealing is more prevalent than illegal quarrying. It is a grave anomaly in an amendment that, by the Minister's admission, is really concerned with illegal quarrying. That is why I say that it is a bit lazy.

I have seen bandit trucks digging material from riverbeds, scooping up sand from beaches, both here and in Tobago, but I have never seen anybody stealing from the Pitch Lake or digging up the road around La Brea to get pitch. Nowadays, we are getting layers of cold mix and hot mix being spread on the road and building up like makeup on a face that has plenty bumps and holes. There are no more loads of pitch by the side of the road for poor people to take to fix their yards. Stealing asphalt is fading away. If the present amendments are to mean anything, they should deal with the reality that illegal quarrying, in the age of mega construction and mega road-building projects, is one of the most devastating crimes against the State and the environment. That is why I say that the penalties are not severe enough.

The present amendments may do some good, if we make the penalties more severe but much more is necessary to deal with the situation in which we find ourselves. Throughout the life of this Government, many of us have pleaded for the reintroduction of the Planning and Development of Land Bill, which was passed by the previous government, but which did not get enacted because the government changed. That Bill was strongly supported by both sides. I remember well the contributions of Senators Danny Montano, Joan Yuille-Williams and Glenda Morean. Not all of us were here at the time.

I would read a short item that was about the go into the *Trinidad and Tobago Gazette* to show how close we came to doing the right thing and what a wonderful blueprint we had produced:

“Legal Supplement to Part C to the Trinidad and Tobago Gazette Volume 37 No. 106, June 04, 1998, No. 12 of 1998, Third Session, Fifth Parliament, Republic of Trinidad and Tobago.

Bill—An Act to provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof for the grant of permission to develop land and for other powers of control over the use of land and the design construction and occupation of

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buildings, to confer additional powers for the protection of the environment and the architectural and cultural heritage and for the acquisition and development of land for planning and to provide for purposes connected with the matters aforesaid.”

That was the Planning and Development of Land Bill, which we had argued and fought over for months, which we eventually agreed upon and which, for five years, we have not brought back to this place. Meanwhile, people are eating up the landscape.

I have said that I welcome the Government's attempt to strengthen the State Lands Act. May I suggest that if we are serious about preserving the patrimony, protecting our land and sea and ensuring orderly and legal development; if we are serious about standing guard against indiscriminate development and exploitation and if we want to protect themselves from themselves, who are working under the tyranny of an arbitrary 2020 timetable, we should put in place, as a matter of urgency, the Planning and Development of Land Bill. Look at some of the anomalies we would be able to deal with.

I am taking the opportunity to read two or three extracts out of a communication from former Sen. Prof. John Spence, that indefatigable champion of agriculture and environment, a scholar and a gentleman who has lived the intimate and enabling connection between culture and agriculture. First quote:

“With the limited land space in this country, effective land use can only be achieved by careful planning to ensure that there is a balance between development and conservation and by adherence to plans.”

Make a plan that everybody agrees to and stick to it, no arbitrary capture of land for purposes that were not previously intended. In his communication he said that we have a very wonderful soil survey and it can form the basis for a lot of what we have to do in the planning of land. Then he points to a few ironies.

“In Trinidad, the largest acreage of classes 1 and 2 soils occur in the valleys of the northern mountain range and in the foothills of that range. Thus, Tucker Valley, Diego Martin, Santa Cruz, Maracas and Caura Valleys, the Aranguez vegetable growing area, Valsayn and Orange Grove possess some of the best agricultural land in Trinidad.

These areas, except Tucker Valley, are now occupied by intensive housing and other built development and the pressures are on for tourism development in Tucker Valley.”

The next example:

“On good agricultural land at Orange Grove is a newly constructed housing scheme, established to relocate persons displaced by the construction of the new airport.”

Madam President: Senator, if I am going to be fair to other speakers, I need to bring you back to the Bill. We are talking about quarrying on state lands and not building houses, more or less the same thing I had to say to Sen. Dr. Gopeesingh earlier on.

Sen. Prof. K. Ramchand: Madam President, I will abide. I am not disputing it with you but, of course, my concern is for the Planning and Development of Land Bill.

Madam President: I think you made your point.

Sen. Prof. K. Ramchand: I wanted to make two more little ones from Sen. Prof. Spence because I am very “cut up” that 200 acres of land at Orange Grove, which were promised to the UWI for farming, are now going to be used to develop a campus. I am very concerned that in the southwest section of Tobago, land classified as very good, which was once occupied by highly-productive coconut estates is being sold for tourism development, project hotels, high cost houses and golf courses.

I would skip because I do not want to try your patience. There are two more:

“The construction of a north coast road from Blanchisseuse to Matelot, which will encourage illegal logging and agriculture, which will destroy the forest.

The construction of industrial plants requiring large areas of land such as an aluminium smelter has a major effect on an island with limited land area.”

We really need the protection of a Planning and Development of Land Bill, which would have handled illegal quarrying and many other crimes against the landscape and the environment.

Two more features of that Bill that I am offering is that it lays down regulations for the planning and development of all land, so it would be impossible for anybody to dream of seizing prime agricultural land, displacing communities and turning independent farmers and fisherfolk into temporary factory workers.

The second and crucial provision is that the Planning and Development of Land Bill was going to establish a National Planning Commission, which would have oversight use of all the lands and which would be responsible to Parliament, not a Minister, and every project, having to do with land use, would have to come to Parliament to be approved before anybody could go and dig up the place.

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Because I am of the view that we need to bring back the Planning and Development of Land Bill, I support the Government's intention to strengthen the State Lands Act. I have proposed some amendments but if this small beginning were properly analyzed and understood, it could lead to more caring legislation about the way we use our land and how we live.

I thank you.

[Both Sen. Dr. Kernahan and Sen. Mungalsingh stood]

Madam President: Do you want to give way to him or do you want to speak?

Sen. Dr. Kernahan: Yes, it does not matter.

Madam President: Go ahead but Sen. Dr. Kernahan's light was on before yours.

Sen. Harry Persad Mungalsingh: Madam President, thank you for the opportunity to address this Senate for the second time. Given the tiredness of the Senators, I would get straight to the point and cut through most of what I wanted to say.

We started off in the spirit of giving tribute to two former Senators who recently passed away. In another light, would you allow me to pay tribute to the PNM Senators? Businesses acquire businesses in the normal course day-to-day and I want to congratulate them for acquiring the Congress of the People and Winston Dookeran's party. *[Interruption and crosstalk]*

Madam President: Senators! Sen. Mungalsingh, you are new to the Senate and you should not start off on the wrong foot. Get to the Bill. Let us talk about the Bill, okay. Thank you.

Sen. H. P. Mungalsingh: Thank you, Madam President. *[Interruption and crosstalk]* This would be a very simple—If I cannot concentrate, Sen. Joseph.

Madam President: That is what you have called on yourself, Senator. Please Senators, that does not qualify for you to misbehave.

Sen. Dr. Saith: I accept the congratulations, move on.

Sen. H. P. Mungalsingh: Thank you. This would be a simple and straightforward amendment, except that in small countries like ours so many things have politics behind them. I would continue from Sen. Prof. Ramchand and expand in a number of areas that, perhaps, he left out. It is not a simple case of increasing fines, jail sentences or bail amounts, or rationalizing three Bills. It is

not two Bills. Although the first Bill, the Mines, Boring and Quarries Act was repealed by the UNC administration and replaced by the Minerals Act, most of the regulations which are contained in the first Act still apply and are used by governmental departments in order to regulate the industry.

Much of what I am about to say would speak to the Minerals Act. I know we are talking about the State Lands Act. These are two pieces of legislation that have to be dealt with conjunctively, because we are dealing with quarrying as the hon. Minister of Agriculture, Land and Marine Resources said. We have to talk about the Minerals Act. I understand it. I am educated and I understand English. [*Interruption*] I built more than you. Not like you.

Madam President: I would advise that you do not pay attention and please continue with your contribution, okay. Members on this side, I expect better behaviour from you.

Sen. H. P. Mungalsingh: Very simply, the intention is that it appears on face value, to increase fines, bail amounts and jail terms, but only the simple-minded thinks like that. What we are trying to achieve is the proper regulation of the quarrying industry, which is regulated inadequately by another Act. Licence to mine on state lands is granted under this old Act. There are penalties under this old Act, other aspects of quarrying are regulated by another Act and the regulations are in another Act. As a simple, humble mathematician that is what I can explain to the Senate. Mathematics is my first love.

Like any business, a comprehensive set of regulations is required and should be updated yearly, not cast in stone as, perhaps, one would get the impression from Sen. Prof. Ramchand. I can cut through and get straight to the meat. Like any business, a comprehensive set of regulations is required and updated yearly. A separate—which is contemplated in the UNC Act of 2000—and adequately trained staff in the Ministry of Works and Transport did not contemplate another authority. If one wanted to bypass salary range, range-control requirements are required.

The industry is just too big and too valuable. It is not a matter of mad truckers or mad housing developers, people are not mad. The industry is just too big and exactly what has happened to us over the past 50 years, we spend all our time making plans, plans, plans and we spend little or no time developing what our society should look like or developing the type of organizational structural requirements for an efficient society. If I can simplify that for the other side, it is like having a mentally challenged child in a pinstriped suit. The industry is just too big and too valuable. The estimate of this industry is approximately \$2.5 billion per annum.

The regulations I am speaking about would be contained in a business. In a well-run business there are approximately seven or eight manuals about how you should run your business. Every aspect of the business is in a manual. The regulations in one location would contain licensing, control of raw materials amongst longevity, environmental impact, restitution of areas, control of operations, capital requirements, skill requirements and operational procedures. All of these concepts were contained in the Minerals Act of 2000, which is not implemented, from the point of view that the regulations that are required in a manualized form do not exist and no one has taken the time to put it in place. You cannot have a business and tell the business: “Go and make money.” It does not work that way; learn please.

In those regulations you need control of transportation size, inspection drivers and storage. If it were as simple as that you would be able to go to any firm of consultants that is paid an appropriate fee and they would do it for you. They would take this Act and make it in the form of a manual, so that public servants or people who are working in a central authority can implement it. The type of things that Sen. Prof. Ramchand wants to see and visualizes for the society could be implemented. Why? This is because there are very well-run firms and companies in Trinidad and Tobago that operate that way. What we are attempting to do here is simply take a very old Act, which is dealing with—he is right from the point of view, if you can remember long ago, they would take a load of pitch, dump it at the side of the road and people would steal the pitch to put in their yards. That does not exist anymore. Again, the central concept here is that the industry is just too large and it needs, not only an enabling legislation, but the regulations which is another word for a manual of procedures, to tell the industry how it should operate. This is contained in the UNC's Act. You need good thinkers and consultants to take this Act as the enabling legislation and put the necessary requirements in place.

It is just not a simple business issue. If it were, you would have the right truck sizes, the right operations, operators and capital requirements because people are bright. The issue is that—I want to link it and I am not drifting.

Madam President: I am really wondering. I am trying to get your drift.

Sen. H. P. Mungalsingh: I am not drifting. I am focused on the Minerals Act, the State Lands Act and the amendments to it.

Madam President: We are doing amendments. [*Interruption*] Please, I do not need you to tell me.

Sen. Mark: Yes, but I have to guide you.

Madam President: I beg your pardon?

Sen. H. P. Mungalsingh: To show how it is tied in, the definition of the Commissioner of State Lands in this Act is defined in another Act. This shows how the two Acts are tied in.

As further basis as to why they are tied in, we are very clear that the intention or philosophy is to control quarrying operations. Quarrying operations cannot be controlled in the State Lands Act. You heard me? It cannot be done. If you take away the politics from it, it will run right, as if you take away the politics from Trinidad and Tobago.

I want to read a letter which is relevant. It is a letter from Sen. Dean Rusk. I want to read two things. This is from Dean Rusk, US Secretary of State on August 11, 1916 to show that nothing changes. This letter was written to Lord Hugh, who, at that time, was the Foreign Minister of Great Britain. He is talking about Cheddi Jagan. I ask you to bear with me and then change the name of Cheddi Jagan to Mr. Abu Bakr and change the name of Dean Rusk to whoever is the appropriate person in the PNM.

“No one say for certain how Jagan/Abu Bakr will behave. He is a confused thinker—”[*Interruption*]

Sen. Dr. Saith: Madam President, on a point of order. I mean that is as relevant to the debate as the poem which we heard. [*Laughter*] I woke you up. Really it is not adding to the debate and I am sure the Senator would have another opportunity. The budget debate is coming up in which he can roam all over the place and I am pretty sure he would have the opportunity to make his point at that time.

Madam President: Not only is it irrelevant, but I really do not think anybody from Guyana listening to you calling or trying to equate the name of one of their past Prime Ministers in any derogatory manner, is going to be at all pleased. I would suggest that you forget about that and move on with the Bill.

Sen. H. P. Mungalsingh: In these particulars I would couch it maybe in a more general sense. It appears that the politics of quarrying—quarrying was being run in a certain way and certain things happened in the politics of Trinidad and Tobago that changed the perspective on quarrying. The main point I want to get is a deep point. I am not irrelevant. Quarrying by itself could be run properly but what is behind this is that the politics behind quarrying changed because of the relationships between what happened in the elections and the ruling party.

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Now we have a fast track run, to see how fast you can eliminate a source of potential trouble in the political arena. Again, not to be irrelevant, I am a statistician by training, I know my job. If you can conceptualize voters, the source of power and what is the normandy for the PNM—

Sen. Jeremie: Madam President.

Madam President: Let me see where he is going, Mr. Attorney General. Just to remind you, that point was made already by somebody and, therefore, you are repeating it. Make your point; I am trying to find out what you are trying to say.

Sen. H. P. Mungalsingh: Basically, the politics behind quarrying has changed. It has nothing to do with economics, jail time, is this, that or the other. If we can follow very simply the Senator's direction and listen to him and do it in a proper way, we would not get this nonsense in front of us. [*Interruption*] No, I am not finished.

The politics which Sen. Joseph knows very, very well—

Madam President: You are repeating yourself.

Sen. H. P. Mungalsingh: No, I am not, Madam President! I apologize to you. [*Interruption and continuous crosstalk*]

Madam President: Senators, do I have peace and quiet now? Could we let the Senator finish? You may not agree with what he is saying. I am monitoring him. Leave it up to me.

Sen. H. P. Mungalsingh: Just for continuity, this Bill relates to a changing political environment and that political environment relates to the source of power as to who rules and who does not.

The beachhead for the PNM is Mayaro, which the Senator knows very well and Tunapuna. Basically the political group that ensured that the PNM got Mayaro and Tunapuna has fallen out with the existing administration. They want to streamline it. [*Interruption and crosstalk*]

Madam President: Senator, I am like a jack-in-a-box here this evening. Senator, two things; you are repeating what has been said before and you are imputing improper motives.

Sen. H. P. Mungalsingh: I will be guided by you. I know that I am encroaching into sensitive areas. The Bill is not a simple Bill, only simple-minded people think of it like that.

Madam President: Senator, are you saying that we are simple-minded in this House? Because we are discussing the Bill, okay. Please, be careful of your language.

Sen. H. P. Mungalsingh: This Bill will not be before us if the ruling party did not need the political group that assisted it in the last election.

If I can close by saying—[*Desk thumping*]

Sen. Mark: Get rid of the Chief Justice.

Madam President: Sen. Mark, let the Senator continue.

Sen. H. P. Mungalsingh: Fundamentally, this is a very, very lazy approach to the proper attempt to regulating the quarrying industry. It is in fact a foolish approach and it is a political approach. If the hope is that the Congress of the People would replace the Jamaat, I am sorry for them.

Thank you.

Sen. Dana Seetahal, S.C.: Thank you, Madam President. I am waiting for a settle down. In 2004, the then Minister of Energy and Energy Industries stated that the Government was pursuing initiatives to effectively manage the quarrying industry as reported in the *Express* of October 19, 2004. He said that the then situation had further been aggravated by illegal quarrying at various locations, which had caused environmental problems, wastage of mineral resources and loss of revenue to the State. At that time, the then Minister said that the Government would establish a new quarries policy to inform the drafting of new legislation. He said that the Minerals Act, 2000 that regulates quarrying on both state and private lands, was deemed unworkable and would be replaced by new legislation. That was in October 2004.

It took seven months and in May 2005, as carried in the *Express* of May 04, 2005, a Green Paper on a Draft Quarry Policy was issued. It was issued again because of what was then termed “the unprecedented spate of illegal quarrying activity in Trinidad and Tobago”, discovered by the Ministry of Energy and Energy Industries. It was unprecedented in the couple of years before 2005 and that caused the Green Paper on the Draft Quarry Policy. The then Minister, at a subsequent public consultation, made the point that not only were the quarrying resources being depleted, but that the majority of the resources on the state lands deprived the State and by extension the people of Trinidad and Tobago, of our natural resources. You know, we depend on our natural resources for subsistence.

It was then said in 2005, that there would be a quarries authority and a geological survey under the Ministry of Energy and Energy Industries. It was recognized that at that time there were 56 active quarries in Trinidad and Tobago; 38 of which were sand and gravel. Contrary to statements, there are actually quarries that are not sand and gravel. At that time, 38 of those were sand and gravel. According to the Ministry, at that time, 12 of them were deemed illegal. I venture to say as an aside, if the Ministry is designating 12 as illegal that would be 12 known to the Ministry, there may be double that number of illegal active quarries.

Subsequent to that, in July of that year, at a public consultation on the draft policy, the Minister of Energy and Energy Industries said—it is carried in two *Express* stories of Friday, July 29, 2005. He said that with respect to the illegal quarry operators, it was newly discovered, they can be arrested under the State Lands Act. He said that one of the reasons for the delay in implementation was because the Ministry was uncertain how to proceed. They felt that the Minerals Act was not useful and that it could not be implemented. There was concern as to whether the provisions of the EMA could be utilized in the Environmental Management Act and the last resort appeared to have been the State Lands Act.

At that public consultation on July 28, it was carried on July 29, it was said that efforts were being made to have amendments made to the Minerals Act and that we would have appropriate legislation come before this Parliament to adequately deal with the situation. My question to the Minister and the Members of Government is: What is the state, if any, of those pieces of legislation that were supposed to have been in the process of being drafted? These are pieces of legislation other than the State Lands Act or any amendment thereof. Pieces of legislation were stated to be on the Minerals Act and specific legislation to deal with the situation. What is the status? Is it anywhere, or is it that we have to resort to these amendments? Are these amendments, under the State Lands Act, meant to deal effectively with the situation?

The then Minister of Energy and Energy Industries in 2005, recognized that what we had under the State Lands Act was a last resort. What was stated there was a provision to prosecute persons who were digging, winning or removing material from the state lands and that was not fully adequate because there would be other measures such as licensing matters, regulatory matters and many other matters that ought to be adequately dealt with under legislation specifically for that purpose. The first question is: Is there any status for legislation? Is it going forward, or has it come to a halting stop? That is what I want to know.

The proposed legislation—by the way may I say that the legislation refers to dig, win and remove. I asked one of the legal people to check the meaning of “win” for clarification. I did not know the meaning of the normal meaning of win. I know what it means, but in the context of this legislation, it means to obtain from a mine. I want to make sure that you know when we talk about dig, win and remove, in the context of this legislation, we are talking about anything that you obtain from this mine. I thought that was useful information.

My main point is the effectiveness of the proposed law. I think that it is some use to increase the penalty. Clearly, any penalty that was \$400 for people digging, winning and removing valuable material of this kind must be woefully inadequate and to increase that penalty to a fine of \$120,000 or one year imprisonment—in the case of asphalt, it is \$250,000 and non-asphalt it is \$120,000—it might be useful, because it shows the intention of the Government of the day to make this offence more serious than it is. Of those 12 persons who were charged and the six or nine, I am not sure who pleaded guilty—

Hon. Senators: Nine.

Sen. D. Seetahal, S.C.: I thank Senators. They could only be fined a maximum of \$200 and they could go back the next day and the next and take material worth \$20,000 and they would pay the fine because there is no increasing fine and no ad infinitum. I pay \$200 and I go on. There is nothing else. The point is, in that sense, it will be of some use.

One of the problems, however, as Sen. Prof. Ramchand identified, is the treatment of asphalt as if it were more valuable or as if it were being abused or violated much more than sand, gravel and the like. As we all know, as the Minister identified and as the Minister of Energy and Energy Industries previously identified, the problem did not have to do with asphalt, which does not seem to find its way to many of our streets as often as it should. We cannot steal it unless we go down to the Pitch Lake. Quarrying can be found all over the place. That is what is being violated. The drafters, I would imagine, went by the previous legislation and they increased the penalty in like manner. In the parent Act it said \$400, so it was increased to \$250,000. The non-asphalt materials were increased. I think at some point in time and soon enough, that dichotomy should be corrected to make it either the same or recognize the seriousness of the actual activity insofar as sand, gravel and those kinds of materials are concerned.

The next point I want to make—these are all subsets of the same point—is that I raised the issue two weeks ago about the circulation of laws in terms of bail legislation and other amendments; the criminal law amendments in particular. In

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many cases the magistrates and the police did not know about them because they were not circulated. A few days after, I went to court and a magistrate had cause to address me for 15 minutes before the matter started to present her side of exactly what I was saying and to make the point clearly that they do not have libraries or many facilities. I am not dealing with who is funding what. If the legislation is not circulated; if the magistrate does not know, quickly or soon enough; if the police are not aware that they now—they had the power of arrest all the time—should effect it and if it is not done properly, then the effectiveness of these amendments will be minor. My suggestion is that immediately, if they are passed, assuming they are passed, these amendments be circulated to the police stations. Do not wait to go through the commissioner and the DPP. They should go immediately to the particular outlying police stations in those areas, particularly the magistrates in those areas, as well as, of course, the usual magistrates and the Chief Magistrate, because it takes some time to come down from Port of Spain, not one day. It takes some time to go through the process. You might have three months.

It is a fact now—I am saying this as a person who appears before the Magistrates' Courts regularly—they do not get the legislation as they should. We know. I have taken it upon myself on occasions to hand copies of legislation that I have gotten to be circulated. The circulation of the law and the publication, not on the Internet—that is good and useful—how many people in Trinidad and Tobago have access? I cannot tell you that an arresting officer is going to check the Internet to see if it is there.

The power of arrest is particularized in this statute. Normally, for a summary offence of this nature, you would not have that power of arrest without a warrant. Usefully, in this legislation, if a police officer sees someone doing this, or if he does not see that; if he suspects that the person has done it, he can arrest them without a warrant. Normally, you have to, if it is a summary offence, see the person in action before you can arrest. If it is an indictable or serious offence you can suspect. This law gives the power to the police officer to arrest, right there without a warrant, if you have reasonable grounds to suspect. That is good. I do not know that an ordinary police officer is going to arrest somebody for digging, winning or removing material if he thinks the penalty is \$200, unless, of course, there is some political push.

Now, if the penalty is \$120,000 or one year or \$250,000 or two years and if there is sufficient, not just circulation of the law but, emphasis that this is something important and it should be dealt with, not just passed to show—not that

I am saying by any means this is the intention—that we are doing something about it, but if there is emphasis given to it, I am sure that the police, knowing that they have this power and what the penalty is, and the courts knowing what the penalty now is, will, rather than give you a slap on the knuckles, do something about it, much like the integrity legislation.

The Integrity in Public Life legislation was six months and a fine of \$20,000 and it went up, as we should all know, to \$250,000 in a couple of years. Then the seriousness of that legislation became known. I am pointing out in the same way that this impact can be felt pending the passage of the real legislation to deal more widely with the situation.

I have some final points to address some concerns. One of them came from my colleague, Sen. Prof. Ramchand, who made the point that he felt that the legislation, as is, did not adequately deal with persons who may buy the stuff or who may not actually be in the process of digging. First of all, this is not stealing. If it was stealing, you would not be able to charge, because under the Larceny Act property does not include matters like gravel and so on. It is exempt. That is why we have this special legislation. It is not stealing. I know what the Senator means when he says “taking” and whether people who receive the stuff should not be liable.

If one looks carefully at the parent Act, one would see that the definition states:

“Any person who digs, wins...or is in anyway concerned in the digging, winning or removing...”

A person who is concerned in any way would mean if I say to you: “I want two tonnes of that. Go down the road and bring it for me” and you have no licence, you are concerned with and you are just as liable and it would be up to the court—you have solicited the offence—to impose the penalty. Therefore, you would be caught under the legislation. It is very wide. “In anyway” means in any way. “In anyway concerned,” meaning any way concerned within a criminal sense, not if you are passing and happen to see and say: “Eh boy, what is that?” It means if you have solicited, encouraged, assisted and you have ordered it. That should answer that.

There was the question of a higher penalty of \$500,000. The penalties in general in criminal matters do not go beyond \$250,000 for summary matters. This remains a summary offence, meaning it should be tried by the Magistrates’ Court. If you want to make it an indictable offence before a judge and jury, then we would have to say so. Right now, I do not know if that is necessarily a good thing.

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I venture to say many jurors may not think that this offence is as serious as rape, robbery and the like. Perhaps, it would take time to graduate to that recognition. As it stands, in the Magistrates' Court, \$250,000 would be adequate, in my view, for now.

The last point I wanted to make was on the question of the licences. I would like to know if I got a truck tomorrow and I applied for a licence and got it, could I just go and take resources of the people of Trinidad and Tobago from Valencia and sell it willy-nilly to the State or other people and make millions of dollars? I would like an answer to that. If the licence is \$1,000 or \$5,000 and I can buy a truck—I understand you can get a secondhand truck for \$200,000—and I can take material as I want, I can make up that in a short space of time. I would like to know what prevents me or anyone else from doing this legally? That is a question that needs to be answered. If anyone, whether it is supporters of the allegations that have been made of the party in power or non-supporters or friends—I am not suggesting anything, I am saying that these are things that need to be addressed and we must ask and find out about it. To say that you have a licence—I can get a licence, I presume. I have a good character, why can I not get it tomorrow or the day after? There is nothing to prevent me. If anyone here says that I should not get a licence I would want to know why. I can then go and have my driver, if I hire one, go there and get stuff and sell it. Why can I not sell it to the State? Nothing is wrong with me than anybody else, then I can make millions and then I would not have to be here when the new Constitution is passed and I do not have a post here.

Thank you very much.

7.30 p.m.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, my contribution will be short. I will speak primarily to Sen. Seetahal's contribution and Sen. Dr. Gopeesingh's contribution. I struggled to find something to respond to Sen. Mungalsingh, but the tradition of the Senate is that we treat new arrivals with a certain degree of respect and decorum. Yesterday, I welcomed him and he said that I told him a word, which I would not repeat. As hard as I struggled, I was not able to find anything to respond to what he said.

Now, the fact of the matter is that what we have before us is really a stopgap solution, and Sen. Seetahal, S.C. was correct. She traced the history leading up to this in an accurate fashion. So that the former Minister of Energy and Energy

Industries was at his wits' end to do something about the problem of illegal quarrying which was taking place in the Tapanan area. Trinidad is a small place and we know that illegal quarrying was taking place there.

We have a number of pieces of legislation on the books like the Quarries Act, the Minerals Act, the Environmental Management Authority legislation, and, eventually, what we struck on was the State Lands Act, because we felt we had to take action. We took action only to discover—we know that this is what would happen—that the fines were woefully inadequate, and we were not able to dissuade persons from continuing with that activity, except by the force of presence in the area and, of course, that has national security implications.

So, what the Ministry of Energy and Energy Industries undertook to do, as Sen. Seetahal, S.C. pointed out, was to develop a policy with respect to quarrying, and that policy was meant to inform the law; it was meant to bring into being a holistic regime which would take care of illegal quarrying in this age. The State Lands Act was passed in 1918, and that was the difficulty that we were faced with.

The Minister went out in 2005 with a Green Paper and that resulted in a draft Bill which I announced, at the beginning of the year, would form a part of the Government's legislative agenda for this year. We are still on target with respect to that. It is my hope that before the end of the year—I do not mean before the Parliament is prorogued tomorrow; we are not supermen, but before the end of the year, December 31, 2006—we would have passed meaningful quarrying legislation; we would have established the authority; and we would be able to take effective action in a holistic sense against persons who transgress the law.

Now, in the meantime, what we have done is to bring this Bill which seeks to amend the State Lands Act, Chap. 57:01, for a specific purpose: to increase the penalties for digging or removing materials on or from state lands without a licence. This is the way we settled on to deal with the problem. It is not long term. I do not want to give the impression that this is going to stretch out forever. Whilst we were concentrating on the quarrying legislation, which was the subject of a Green Paper in 2005 and, having said that, I am unable to give Sen. Seetahal, S.C. advice as to whether she would be entitled to a licence, I rather doubt it, because we have a Minister of Energy and Energy Industries who scrutinizes these things, and makes sure that the holders of licences are persons who ought to hold quarrying licences. [*Desk thumping*] [*Laughter*]

Madam President, as much as I respect and love the Senator—[*Laughter*—I am quite fond of her. I do not think—I know that she is able to take care of herself—that she would bypass the Minister of Energy and Energy Industries. He is the one who would determine whether or not her licence is granted.

In terms of the other comments that were made, Sen. Dr. Gopeesingh made the point that we have several separate pieces of legislation: the Environmental Management Act, the State Lands Act and the Quarries Act, and this is so. It is answered by the point that we are now looking at consolidating illegal quarrying under a separate enactment. I am not saying that we are going to repeal the provisions in the Environmental Management Act, the State Lands Act or the Minerals Act. Those Acts will continue to exist, but it is not unusual to have several pieces of legislation that touch on the same issue. It is intended that this would provide a comprehensive regime to deal with illegal quarrying.

Sen. Dr. Gopeesingh: Is it just for illegal quarrying?

Sen. The Hon. J. Jeremie: It is going to deal with the management of quarries and licences. Sen. Seetahal, S.C. might be free to apply. The point that Sen. Seetahal, S.C. made with respect to the laws, and the fact that laws are not in ready circulation, that is a point, with the greatest respect for the Senator—as I said, I have a great deal of love for her—I cannot, for the life of me, understand—[*Interruption*] It is repetition, but it is repetition with a purpose. [*Crosstalk*]—that a practitioner, any legal practitioner—Sen. Dr. Gopeesingh is a doctor; there are lawyers on our side and Sen. Seetahal, S.C. is a lawyer, and such a good lawyer is she, that she was able to hand up to a magistrate, who is also a lawyer, the existing law. Now, if she can hand it up, then I think it ought to be the duty of the professional to get his hands on the laws of the land. They are published in the Government Printery; they are put on the Internet. It is the duty and the responsibility of a magistrate or a judge and every practitioner to keep themselves relevant. I cannot regulate the legal profession. I have tried to assist them in the past and they have spurned my assistance on each and every occasion.

Madam President, I want to deal with a couple points which Sen. Dr. Gopeesingh raised in relation to money laundering. He talked about the fact that we could punish people under money laundering legislation, because they have a duty to declare. I know he is a doctor, because he said that. The point is, the duty to declare does not mean you have a right to punish. So, the money laundering legislation is not even in the money laundering legislation, but there is a practice, in relation to the Financial Institutions Act, which requires a bank to report suspicious transactions.

Now, as to what happens to that, no action can be taken under the Proceeds of Crime Act. For the time being, that Act has been struck down. I know that you may not be aware of that, because you are a doctor, but it was struck down by Justice Jamadar, a couple years ago, in the matter of Northern Construction versus the Attorney General. His friends struck down the Act—Northern Construction at the Piarco Airport. I have appealed that matter, and it is before the Court of Appeal. I trust that the Court of Appeal would do what is right for us, as citizens, in respect of the Proceeds of Crime Act. It is not available here.

Finally, I cannot end without referring to Sen. Dr. Gopeesingh's attempt to read into the record a piece of paper written by a friend of his or a cohort of his. Now, that man, who is his friend, wrote something—

Sen. Dr. Gopeesingh: Madam President—

Sen. The Hon. J. Jeremie: Is it on a point of order?

Sen. Dr. Gopeesingh: Yes, I do not think that I would allow the hon. Attorney General to say that the person that I read this thing from is a friend of mine. I just stated that this was an affidavit given by a particular individual in the court of law and, therefore, that should be struck off.

Madam President: Attorney General, please. That is imputing improper motives.

Sen. The Hon. J. Jeremie: Madam President, I accept your ruling.

Madam President: Thank you.

Sen. The Hon. J. Jeremie: He is not a friend he is, maybe, an acquaintance. The point is that that document is not evidence, so for him to come here with a piece of paper signed by a man who has spent the last year or so in jail and who would write anything, I mean, I really think it is disrespectful to you and to all my colleagues in this House. [*Desk thumping*] It is a piece of paper which has been challenged. I rather suspect that it would be struck out in due course. It is not evidence, so he cannot read from it. Madam President, it was just floating around and he grasped at this piece of paper as if he is catching at straws. [*Interruption*]

Madam President, I am wrapping up now. The mover of the Bill is going to do the honours. No legislation by itself can solve all of our problems as a society. This legislation was not meant to do that. It is meant, as the long title says, to increase the penalties for digging and removing materials on or from state lands without a licence and that is what it seeks to do. It is good legislation, and I urge all the Senators in this Senate, even my good friend, Sen. Mungalsingh, to support the legislation, in spite of all that he said.

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

Sen. Dr. Jennifer Kernahan: Madam President, thank you for giving me the opportunity to speak very briefly on a Bill to amend the State Lands Act, Chap. 57:01 to increase the penalties for digging or removing materials on or from state lands without a licence.

Madam President, it is not very often that we get to hear in this honourable House, the hon. Attorney General, admitting that the Government has come to this House with stopgap measures, after five years. In the same vein, it was also interesting to look at that show that we got recently by the hon. Minister of Public Administration and Information and Minister of Energy and Energy Industries, Sen. The Hon. Dr. Lenny Saith,—“show me yours and I will show you mine” when Sen. Dr. Gopeesingh made his exposé of the Government’s collusion with the Jamaat al Muslimeen, and the refusal of the Government to protect the national patrimony. His response was: “What did you all do?” We are talking about almost five years, and we are about to go into another election, and he is still asking us what we did in a previous administration.

Madam President, this “show me yours and I will show you mine” does not go down well with the national community, at this point in time. The national community wants answers. You came into office and you said that you came to save Trinidad and Tobago; you said you came to put all the wrongs right; and it is not fair to stand here after five years and ask us what we did in the previous administration. [*Desk thumping*]

Madam President, we are here to bring the penalties with respect to illegal quarrying in the State Lands Act, in line with the penalties presented in Act No. 61 of 2000. It is a simple Bill, as the PNM likes to say. Every Bill that comes to this Parliament is a simple Bill, but there are some questions that we would like to ask about this simple Bill.

The Minister who presented the Bill, the Minister of Agriculture, Land and Marine Resources, mentioned that there were nine persons charged, and they were able to leave the court smiling, because they were charged under the State Lands Act, instead of Act No. 61 of 2000. So, Madam President, the question that any ordinary citizen in this country would ask: Why were these persons not charged under Act No. 61 of 2000, when the penalty there is \$200,000 or two years imprisonment? The Minister said there is confusion in the fact that we have different Acts: Act No. 61 of 2000 and the State Lands Act and, therefore, the Government got some advice that the State Lands Act takes precedence and, therefore, they were charged under the State Lands Act. This is 2006, and we are talking about Act No. 61 of 2000.

This Government has been in office since 2001, so the natural question coming out of that is: Why has the Government taken so long to notice these anomalies, especially in light of the fact that since 2002 massive stealing of the State's resources was taking place on state lands in Valencia? Why has the Government taken so long to recognize these anomalies and to bring this Act to Parliament to at least get the two Acts, in that aspect, coherent? This is what the ordinary man in the street would ask: Why so long? What was the problem? Therefore, it gives credence to Sen. Dr. Gopeesingh's contribution in the Senate here this evening that there is collusion, and there was a very good reason why these Acts were not brought to Parliament before now. Madam President, you cannot have it two ways. It is either you have a very good credible reason for this stopgap measure that you have brought here today, or you admit that you are in collusion; and you cannot have it both ways; pick one.

Madam President, one of the complaints by the hon. Minister is that Act No. 61 of 2000 is unworkable. There is a whole list of complaints in the Draft Quarry Policy with respect to Act No. 61 of 2000. I would like to look at them. The Minister touched on a couple, but there is a litany of woes with respect to that matter. They said that there is an absence of regulations to grant quarry licences in the Minerals Act, No. 61 of 2000. They said that they could not use it; it is unworkable; and they never brought anybody before the courts based on this Act. They said that there are ambiguities with respect to the procedures for assigning and terminating licences; there are conflicts with existing legislation provisions, for example, the Environmental Management Act; there is ineffective and deficient regulatory control; inappropriate legislative mechanisms and institutional weaknesses; there is absence of enforcement measures; bias in the legislation which favours large-scale entrepreneurs; and lack of redress of investor complaints. There are all these woes and this is in a Draft Quarry Policy for Trinidad and Tobago issued by the Ministry of Energy and Energy Industries in April, 2005.

Madam President, we are in September, 2006 and there is not one single piece of legislation or any measures being taken to correct this litany of woes that they have mentioned since 2005. So, what is this Government doing? Is this Government sleeping? Is this Government awake? Is it unwatched? Is it off guard? What is happening? This is the question that any ordinary layman would want to ask.

They asked what did we do, and they are looking back at 1995 and 1996—"show you mine and I would show you yours", but you have this in your hands. They recognized the problem in 2002—the massive stealing of our State's resources—and they finally put it on paper in 2005 that there is a problem, and we need to address it, but the laws would not allow them to address it and so forth.

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They come today to bring a stopgap piece of legislation which does not address the fundamental problems. So, what is the ordinary citizen of Trinidad and Tobago supposed to think about this Government? What are we supposed to think?

I would think that if after so many promises enumerated by my colleague, Sen. Dana Seetahal, S.C.—she gave a whole history of the development of this Bill—I would have thought that they would have come here today, when the Parliament is about to prorogue, and give us something substantial; something decent; and something that would solve the problem that they have enunciated here. This is their job. The Government is not doing its job, and it is a plain and simple fact. [*Desk thumping*] The Government is not up to scratch. The Government is not doing its job and people who do not do their job get fired. [*Desk thumping*] I suspect this is exactly what is going to happen to this Government in the next few months.

Madam President, the Ministry of Energy and Energy Industries, in this draft quarry legislation, has indicated that some of the interim measures used by the Ministry to deal with the issue of illegal quarrying was to grant interim licences to all eligible quarry operators for a period of one year, and the termination of all illegal quarry operations on state lands. Madam President, I would like to ask the question: Was it that the illegal developers—those who were stealing massive amounts of money from—

Madam President: I just want to get an idea. Are you going to talk beyond 8 o'clock?

Sen. Dr. J. Kernahan: Only about five minutes.

Madam President: You see, if it is only about five minutes, I would wait before we take a break. If you are going to go long after 8.00 p.m., then I would have to break at 8.00 p.m. Go for the five minutes.

Sen. Dr. J. Kernahan: Madam President, the Ministry of Energy and Energy Industries indicated to us and the Minister also indicated, that because there was this increased demand for quarrying materials; because of the shortcomings of the legal administrative and institutional framework in the industry; and because of the massive illegal quarrying that was taking place they decided to grant interim licences to all eligible quarry operators for a period of one year and to terminate all illegal quarry operations on state lands.

Madam President, I have a couple of questions that I would like the Minister to answer when he is winding up. I want to know if any of those illegal developers who were identified as removing massive amounts of materials from state lands

are the same persons who were granted interim licences. There is no indication. One of the points made by representatives from the Ministry of Energy and Energy Industries, at a joint select committee public meeting, was that the Government did not want to be punitive about this issue; they wanted to solve the problem and their way of solving the problem, in the interim, was to grant these interim licences and so forth. That raised questions in my mind. Alarm bells went off in my mind and I wondered: Does that mean that all those persons who you know were stealing materials from state lands—because you do not want to be punitive and you want to solve this problem—were these the same persons who were given interim licences? I think that this is a question that ought to be answered very clearly and very unequivocally by the authorities. [*Desk thumping*]

Madam President, they also mentioned that, in the short term, they were going to terminate all illegal quarry operations on state lands. Madam President, this was a major problem and they admitted it. In this Draft Quarry Policy they admitted that of the 4.5 million cubic yards of sand and gravel appropriated from state lands—of the 12 quarries operating illegally—50 per cent of this figure resulted from illegal quarrying. Madam President, 50 per cent of the millions of cubic yards of material coming from our state lands was obtained illegally and, therefore, it raises a number of questions, in my mind, and questions that were raised here today by other Senators. Is it that these illegal materials were sold to the people who are building government housing projects and so forth? Is there any way for us to determine that the illegal materials that were removed from state lands were part of the Government's housing projects? How do we bring the people who are in collusion with the illegal developers and so forth to justice?

Madam President, I do not think that issue can be swept under the carpet, because if we are talking about 50 per cent of the sand and gravel coming into the market being illegal, then you have to assume that a lot of this was used by the very Government on these projects and so forth. The Government is one of the major developers in Trinidad and Tobago at this time. [*Desk thumping*] The Government is a major developer and, therefore, I find it horrifying to imagine that you would have a situation where illegal quarrying is taking place—50 per cent coming out of the market—and you have huge government projects going on. There would be collusion by contractors or whoever on these projects to receive stolen goods.

Madam President, I think this is a question that needs some investigations and the nation needs to know what steps the Ministry of Energy and Energy Industries is taking to ferret out these persons who are in collusion with illegal quarry operators in this country; and to ferret out the illegal operators themselves. We do

not know that illegal quarrying has stopped. We do not know. Some of the interim measures that were supposed to have been taken to ensure that illegal quarrying stops in government quarries have not been taken. I have asked the question and I have not yet gotten any answers. There are very precise measures that are supposed to be taken, and I would like the Minister to tell me if they are, in fact, taking place.

Madam President: We would take the break now and we would come back at 8.30 p.m. This Senate is now suspended.

8.00 p.m.: *Sitting suspended.*

8.30 p.m.: *Sitting resumed.*

Sen. Dr. J. Kernahan: Madam President, I was asking the question: How are we to be reassured that termination of all illegal quarrying operations on state lands really is, in effect, as promised by the Draft Quarry Policy and the Minister in his presentation not taking place? Madam President, for us to know this, we would have to be assured that certain steps would have taken effect, and we would have to be assured by the Minister that all these steps are being monitored and so forth. One of the steps was supposed to be the establishment of field offices and officers at Valencia and Tobago to monitor quarry operations. That is one of the questions that I would like to ask the Minister here today. If he says that we can be assured that illegal quarrying is not taking place, as we speak, on state lands, then what are the steps he has taken with the Ministry of National Security with his security force and so forth? Are field offices being established in Valencia and Tobago?

The second measure was the installation of public weighbridge systems in Valencia, Verdant Vale, Santa Cruz and Ravine Sable to quantify production and improve royalty collection. The question is: Are these weighbridge systems actually in place and, if not, when would they be in place? If not, Madam President, we cannot sit here and say that we are certain that illegal quarrying is not taking place, because we do not know. We do not have these systems in place to monitor and decide whether these acts are taking place or not. We have been assured by the Minister of National Security of security systems in place, and it is all very hush-hush and so forth. If you ask about them they would tell you that they are matters of security and so forth. There are tangible things that we can see, touch and feel. We know that there are things that cannot be told, but we can see things. We need to see certain institutions and so on put in place and we could have some assurance that yes, something is being done. You cannot tell us that a

lot of things are happening: and people are being monitored and so forth, and you cannot touch anything. The field officers and the weighbridge system are two tangible things that if we see in operation, we would know that things are, in effect, happening.

Madam President, the other assurance that was made is that there would be issuance of mineral royalty slips to authorized operators in order to eliminate illegal quarrying and process plant operations. These are some of the promises that were made in this Draft Quarry Policy document and I would like the Minister to tell us if these measures are, in fact, in place and we could rest assured that when we go home tonight to sleep that nobody is stealing materials from our state lands.

Madam President, as I said, the Minister talked about the inadequacy of Act No. 61 of 2000 and then in the quarry document, there is mention of a Quarries Act and there is mention of a Quarries Authority. It was said that because of all the ambiguities and all the problems in the different Acts and so forth that I enunciated earlier to address these shortcomings, the Ministry of Energy and Energy Industries proceeded immediately to prepare proposals for the following: the Quarries Authority and all the issues that would come out of the Quarries Authority like the repeal and replacement of the Geological Survey Act, royalties, incentives and so forth. Madam President, my question is, I am not quite sure, but I know Sen. Dana Seetahal, S.C. asked the question and the Attorney General answered that there was this new legislation coming on board. That was one of the questions I meant to ask and that is: Is it that we are going to repeal Act No. 61 of 2000? What relevance would the State Lands Act have, including the amendments that would be passed here this evening and also the Environmental Management Act? Sen Prof. Ramchand mentioned that the Town and Country Planning Act also has some levels of legislation related to these issues.

In reading this document, the Draft Quarry Policy, I was sort of confused and I would like some clarification with respect to the Quarries Authority. Is the Quarries Authority just an authority to effect the provisions of Act No. 61 of 2000? I was wondering if it would be an authority that would oversee the provisions of Act. No. 61 of 2000 or it would encompass a whole new set of legislative provisions that would repeal what we have in Act No. 61 of 2000, and would bring together maybe other aspects of the Acts that are actually enforced.

The Attorney General did mention something to the effect that a new Act would be coming, and Sen. Dr. Gopeesingh asked if this is going to be a fourth Act, but he did not say whether it is a fourth Act or what. We are still in the dark

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with respect to that matter. We are still not sure what is the significance of the Quarries Authority, the Quarries Act and the Geological Survey Act, in relation to what we have before us here today.

When you look at it, the fact that we cannot get a sense of what is the Government's policy—the Draft Quarry Policy was supposed to elucidate and enlighten us with respect to what is happening, but I believe at this point, there are more questions than answers. I do not believe that the Attorney General has answered us. I hope that the Minister of Agriculture, Land and Marine Resources would be in a better position to do that. It is not that I have a lot of hope, because I have seen where the Ministry of Agriculture, Land and Marine Resources is totally side-stepped and side-swiped in all major issues in this country to deal with land.

Madam President, for example, I was looking at a document today where the NEC is informing the people of Chatham that the Cabinet has instructed the Ministry of Agriculture, Land and Marine Resources to revoke all the leases that people have for lands and to acquire all the private lands in Chatham so that ALCOA would be able to lease these lands from NEC. I do not know what the Minister of Agriculture, Land and Marine Resources has to say about that, in a time when we are talking about high food prices and so forth. They are being instructed to do the opposite of what everybody is saying, and that is to make more state lands and so forth available for agricultural production. I do not have much hope that the Minister of Agriculture, Land and Marine Resources would be in a better position to enlighten us or to give us any assurances, but one could always hope.

Madam President, these are basically some of the issues that I have identified and questions that I would like to ask. I would be very grateful if the Minister would enlighten us. [*Desk thumping*]

Sen. Parvatee Anmolsingh-Mahabir: Madam President, thank you. While I support this Bill before us and see it as a step in the right direction, especially to curb illegal quarrying, my concern, in addition to those raised by other Senators, especially Sen. Dr. Kernahan, is whether there are any mechanisms being put in place to monitor illegal quarrying.

Madam President, I am asking this because my information is that the monitoring capabilities of the EMA are practically nil. They operate as a reactive body and they depend on the public to report any infringement or contravention from an environmental position.

It is my respectful view that perhaps the EMA should be given the necessary resources to attract and hire qualified and experienced persons who can monitor and spot these violations.

I thank you. [*Desk thumping*]

Sen. Wayne Munro: Madam President, good evening. I rise in this honourable Senate to make a contribution on a Bill to amend the State Lands Act, Chap. 57:01 to increase the penalties for digging or removing materials on or from state lands without a licence. This evening, my contribution would focus particularly on the Bill in question.

Madam President, I must start off by saying this evening that I feel as if I am in the final of an Intercol competition with extended time, and on this football field I am seeing three linesmen: Sen. The Hon. Dr. Lenny Saith; Sen. The Hon. Martin Joseph; and Sen. The Hon. Rennie Dumas and you, Madam President—

Madam President: As the goalie? [*Laughter*]

Sen. W. Munro:—as the referee. [*Laughter*] I need your protection in this football match. I am hoping to get past the offside—the flags as they are raised on that side—saying that Mr. Munro you are offside. I am hoping that I could beat that offside track. Madam President, I am hoping. [*Laughter*]

Madam President, if I consider the activity of quarrying in Trinidad and Tobago, one needs to do a number of activities to start the process of quarrying. One has to purchase a track-tractor, go into the Valencia Forest and do a land-clearing activity. After the land area is cleared then you would bring in your trucks and you would start advertising that you have topsoil to clear or soils to be removed. In addition, you would hire an excavator to assist with the digging activities and then you would start scheduling and you would have some pricing schemes in place. If I consider, page 4 of the said Bill, clause 2 states:

“The State Lands Act is amended in section 25—

(a) in paragraph (a), by deleting—

- (i) the words ‘four hundred dollars’ and substituting the words ‘one hundred and twenty thousand dollars and imprisonment for a term of one year’;”

If I do my calculations, and I am moving from \$400 to \$120,000, I am seeing a percentage increase here of 29,900 per cent for the penalty for the first time person removing asphalt. Subclause (ii) of the Bill says:

- “(ii) the words ‘two thousand dollars’ and substituting the words ‘two hundred and fifty thousand dollars and imprisonment for a term of two years’”

Madam President, when I did my calculations—I was told particularly that this section deals with repeat offences for the removal of asphalt in Trinidad and Tobago—I worked out my percentage there, I am seeing 12,400 per cent. The reason I am doing this analysis is because I am seeing a percentage increase for the first time offence of 22,200 per cent, whereas the person who has done it a second time around—removed asphalt from Trinidad and Tobago—the percentage is only 12,400. From a statistical standpoint and from a practical standpoint—I am being pragmatic in nature—it seems to me that the contribution for a repeat person doing that particular offence is minimal from the statistics there.

If I consider subclause (b) which says:

“in paragraph (b), by deleting—

- (i) the words ‘two hundred dollars’ and substituting the words ‘sixty thousand dollars and imprisonment for a term of six months’;”

Madam President, I am seeing \$200 minus \$60,000, and I am working out, 29,900 per cent there.

On the other hand, I am looking at the change here, again, which is from \$400 to \$120,000 and I am seeing 29,900 per cent. So I am seeing the equality in terms of the first time offender, paying the same percentage increase in the recommendation, and I am also seeing the same change in the recommendation when the category is other materials for first time users, as well as repeat offenders. To me, it seems to be a level of inconsistency in the whole imputation or the increased fines for this particular legislation.

Madam President, I could go further. If, for example, I consider the retail price of 10 yards of gravel in Trinidad and Tobago—the average price for 10 yards of gravel in Trinidad and Tobago is \$250. That is the retail price for gravel in Trinidad and Tobago as of yesterday. If I multiply that figure by 100—that is the average times per day a person would take out such resources from the state lands in Trinidad and Tobago. Furthermore, if I multiply that figure by 300 days in the year, I am getting \$75 million, based on a conservative estimate of 100 trucks taking gravel materials from the state lands.

Looking at that figure and the contributions for the increase in the legislation—the \$120,000 and \$250,000—when I worked out my percentage for one year, I am getting, a countrywide percentage figure of contributions, in terms

of the real effects, and the impact that it would have on persons who do these crimes, I am seeing a percentage of 16 per cent, 33 per cent and .08 per cent respectively.

If such an individual is allowed to mine such materials for a period of four years without notice, the figure for four years would come up to \$300 million, and the contribution, that is to say the penalty, would only be .0004 in the first instance for asphalt; in the second instance, the contribution would be only .0083; in the third count it would be .002; and in the final count it would be 0.004.

The conclusion from my analysis and from the statistics before the Senate is that the penalties imposed on an industry that is so large—the hon. Minister of Agriculture, Land and Marine Resources made the statement that a change in the value of the penalties would now be adequate. Given that statistical information, it is misleading to this Senate to make such an erroneous statement that such penalties would be adequate, given those particular original statistical values, as well as the impact it has on the real industry. [*Desk thumping*]

Additionally, if one considers the chain of distribution that exists in the quarrying of such materials in Trinidad and Tobago, I suggest that some concrete map be placed to encompass all individuals who are involved in the said activity. Picking up materials for the quarries is like a chain of distribution, and the Bill should actually go and target all the elements, players and individuals involved along the particular distribution chain such that it would have an immediate impact to deter such individuals from breaking the law in Trinidad and Tobago. [*Desk thumping*]

Madam President, there should be some effective mechanisms for both monitoring the existing system that should comprise bodies from both sides to remove any biasness in the selection of individuals getting quarrying projects in Trinidad and Tobago.

Madam President, it is with the above in mind, I made my contribution and thank you for your protection. [*Desk thumping*]

Sen. Brother Noble Khan: Madam President, thank you for allowing me these few moments to share some thoughts on this Bill which is before us to amend the State Lands Act, Chap. 57:01. Indeed, the night is long and we are far away from home.

I remember this famous hymn or poem—you could call it what have you—but it has emerged from within the soul of a person who I think, at the time, and what I have learnt was on a journey between Italy and the other side of Europe, the Adriatic, when this famous song, poem and hymn came out. He was in an element of depression, I think, at that time, but a beauty came out of that poem.

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We are dealing with a subject here that is very fundamental to ourselves. Of course, we have heard from our various speakers—unfortunately, quite a bit has been said about topology and phenomenology and so forth, but a great bit of materialism. It might be instructive too that the Bill that we had earlier, the question of piloting—to my humble mind, again, memories of Joseph Conrad and guidance, leadership, direction, goals and port came to my mind.

I was indeed heartened, when coming from particularly some of the speakers, on the other side, who have reposed in them that power, that this which is before is but an input and that a greater law would come following. It is toward that end I would like to address some of my remarks that what is before us was proffered in the House. I take it that I would not be ruled as the previous Senator has said with respect to the question of the footballers and going offline and so forth.

Obviously, before great nature's law, all men who made law could be termed as simple. I must hurry to say that these laws are not simplistic but, obviously, the inadequacies of the laws, even as we promulgate them are well known to us. Further, the abuse of use and what emerged out of that is what we are here to deal with in this Bill before us.

The core principle that I always like to refer to is our responsibility here in bringing to bear what I term the vice regency of this heritage which is ours, where we have a responsibility; a legacy given to us; and which we definitely ought to, when we leave this earth, leave it in a better place.

It is toward that end, I appeal that when those laws that are forthcoming which are supposed to be highly comprehensive—I did listen to a great extent to the contribution of our new Senator, Sen. Harry Persad Mungalsingh, when he made a sterling plea toward a more comprehensive input. I do not think that this is beyond us. We are definitely capable of doing that, even inside of here, and our technocrats that have emerged out of universities could definitely bring, at least, a document which could be very comprehensive, because it touches upon the very basis upon which our existence leads.

As we know, from elementary economics, it tells us that land is not only the land upon which we stand. If one were to carry this to a further extension, if possible, it involves all that is around us. I would just share a little moment on that.

Not too long ago, I may have mentioned it here but, I think, it is important enough because it interacts definitely between our generations when it comes to dealing with land. I had been down to the Cedros area and even Erin, and for

many years I did not do that, and I came to face the land that was cleared, and what I had seen and what I had heard, and it left me very depressed to see what was done and how it went about as far as our laws are concerned, because there leaves much to be desired, as far as the implementation of the laws.

We heard earlier that we have laws as late back as 1939, which we have amended here today. So, when we are thinking in terms of changing the legal processes, this should be more comprehensive. But, more importantly, within our own selves; within our conscience and within our hearts, how we go about interacting and also in dealing with this heritage which is ours. As I have said before, we ought to leave it better than how we met it.

I have written something here which I am going to share with your permission and that is: If it be that the end of the fight unfolds by the Master's plan, it may be so that upon our chest is a plot of land in tombstone white dread the name of the deceased. Let not that name be that of our legacy, our beloved country. Thank you. [*Desk thumping*]

Sen. Wade Mark: Madam President, thank you very much. I rise to address some concerns as they relate to this Bill entitled an Act to amend the State Lands Act, Chap. 57:01, to increase the penalties for digging or removing materials on or from state lands without a licence.

9.00 p.m.

I have been advised by very reliable sources in the Ministry of Energy and Energy Industries that there still exists today large scale illegal quarrying in several parts of this country, particularly, Madam President, on our Northern Range. Illegal quarrying continues even in those areas that the hon. Sen. Dr. Lenny Saith indicated to this Parliament on July 15, 2006, that eight new licences were issued to new operators to extract aggregates on state lands. Even those operators from my information, and Sen. Dr. Saith could correct me if I am wrong, they have been unable to proceed. We would like the hon. Sen. Dr. Lenny Saith to indicate whether the quarries that have been approved and licences that were issued by his Ministry, whether the new owners have been able to begin operating those quarries.

Madam President, because of the unchecked and unabated illegal activities, it appears that is a challenge at this time and the consequential result is that prices for basic construction materials, including basic aggregates, sand and gravel have continued to escalate out of the reach of ordinary citizens in our republic; and the failure of this administration to bring legislation to this Parliament some nine

months after 12 persons were caught illegally quarrying in the Valencia area. It has taken this regime, roughly nine to 10 months to bring legislation to address the question of illegal quarrying, given the very poor fines that have been legislated under the State Lands Act.

Madam President, in those circumstances, I would like to pose the question as to the impact of illegal quarrying operations on the environment, because the failure of this administration to address this question over the last five years may have resulted—and I would quote extensively from the EMA Report of 2004—the kind of damage that is being done to the Northern Range and to very critical watersheds, aquifers in that region of our nation.

It has been argued that illegal operators could have been charged under several pieces of legislation. Some argued they could have been charged under the Minerals Act; some argued that the EMA could have taken action against them; and of course, we know what has happened under the State Lands Act. Even though the fines may have been small as we have identified, it was the duty, function and responsibility of this PNM administration to take appropriate action against illegal operators functioning on state lands in this country. [*Desk thumping*] Why did the Government not take action, Madam President? The people would know more about that when they face them on the hustings.

Madam President, the population has been robbed; the State has lost hundreds of millions of dollars as a result of governmental inaction in addressing this particular scourge in our land. Therefore, we have to ask questions, and I think again, Sen. Dr. Lenny Saith would need to help us here. It is my understanding that no operator who is granted a licence could begin to mine his acreage, granted by the State, until that operator is granted a Certificate of Environmental Clearance or an Environmental Impact Assessment Certificate by the Environmental Management Authority.

The question here is who is monitoring to ensure that is done? Is the EMA doing that? There are so many illegalities occurring in that industry today that our environment is threatened on a daily basis. We would like to ask Minister Saith as the Minister of Energy and Energy Industries, what role if any, does his Ministry play in ensuring that when he grants licences to potential or prospective operators that they obtain the necessary certificates from the EMA?

Madam President, I want to refer to Sen. Dr. Lenny Saith's address to this Parliament, dealing with the whole question of quarrying. He did indicate that a total of 91 licences would have been awarded or would have been granted to existing quarry operations, operating on both state and private lands and that eight

licences were granted for new quarries on state lands. In his statement he went on to indicate to this Parliament, that steps were being taken to finalize a White Paper on the industry; that is the quarry industry. I would like Sen. Dr. Lenny Saith to let us know what steps have been taken to formulate this White Paper on the industry insofar as quarrying is concerned. He went on in this statement to talk about the key policy issues which include the following: The enactment of a Geological Survey Act; that was on July 15, 2006; a Quarries Act—

Sen. Dr. Saith: [*Inaudible*]

Sen. W. Mark: Well, he has been saying that for a long time. The establishment of a quarries authority, is that contained in the Act? Okay. [*Interruption*] Madam President, if my friend would be patient, I would—Madam President, I would go on. Pending the enactment of legislation for the reform of the industry, draft regulations under the existing Minerals Act 2000, have been prepared as an interim measure for the regulation of the industry. Where are those draft regulations that have been prepared? Certainly, we have not seen them.

Sen. Dr. Saith: Not yet.

Sen. Dr. Kernahan: You are waiting on Christmas?

Sen. W. Mark: He went on further to give a commitment to this honourable Senate, that draft legislation for the reform of the quarry industry would be completed by the end of the month. Maybe he has, but we understand from the Attorney General it would not be ready until the end of the year.

Sen. Dr. Saith: [*Inaudible*]

Sen. W. Mark: Well, he has been promising so many things, I am not too sure if he is able to deliver, and time as you know is running out on the Attorney General before he returns to the law faculty at the University of the West Indies.

Madam President, the Minister went on to say that Government has agreed to make available to the industry quarry lands amounting to 1,120 acres at Tapaná, Valencia and Matura, as well as Cumaca quarry, comprising 30 acres. All of these lands are located in the Northern Range of our country. What we have to focus on—and again, the role of the Ministry of Energy and Energy Industries; the role of the Environmental Management Authority as it relates to post-quarrying operations. I am sure that Sen. Dr. Lenny Saith, the hon. Minister is aware of the nakedness of large sections of our country, particularly, when you fly over the Santa Cruz area and when you go to Valencia and other areas like Toco you would see nature in its full nakedness—

Sen. Dr. Saith: Madam President, on a point of order. I am sure when the Quarries Bill is laid in this Senate, that the points being raised by the hon. Senator would be very relevant. We are debating a Bill to raise the fine for illegal quarrying on a piece of land. I have heard you debate my statement, I am prepared to debate my statement at any time, but it is not before the Senate. Relevance.

Sen. W. Mark: I would allow the President to deal with that.

Madam President: Senator, come back to the Bill. I gave you a little chance because I was waiting to hear what you were saying as far as that statement was concerned, but you have gone a bit off now. Come back to the fines in the Bill.

Sen. W. Mark: Madam President, I have been in this place for a long time, I know the connection. We are dealing with state lands.

Hon. Senators: No!

Sen. W. Mark: We are dealing with the State Lands (Amdt.) Bill and we are dealing with illegal quarrying as it relates to state lands and I am showing that illegal quarrying is leading to a destruction of the environment in this country. So there is a connection between the environment, illegal quarrying and state lands, anybody can see that. [*Desk thumping*] Madam President, that is my argument.

Madam President: Senator, your argument is very, very laudable, but unfortunately we are not dealing with the environment as much as we are concerned about it; we are dealing on this Bill with raising the fines. So, having discussed the environment and having brought it to our attention, do you think you can go back to the Bill?

Sen. W. Mark: Let me read from the EMA report for you and tell me if you find this part relevant? I want to refer to the introduction of this report and it says:

"The Northern Range is the main source in the country of deposits of blue limestone and other non-hydrocarbon construction materials. Lack of implementation of the Mining and Minerals Act, 2000 allows quarrying to proceed in an unregulated manner..."

You understand?

Sen. Dr. Saith: Yes.

Sen. W. Mark: "with many negative impacts ..."

Sen. Dr. Saith: Madam President, again, if in fact, quarrying were taking place in a regulated manner and not illegally, we would not be debating this Bill. This Bill deals with the immediate, now, with illegal quarrying and what we can do about it, so I do not see the relevance.

Sen. W. Mark: You are not dealing with quarrying promptly and this is what the EMA report is saying. Madam President, I have argued that this Bill before us is a knee-jerk reaction to a larger issue and I have a right, and I have a duty, guaranteed by the Constitution of the Republic of Trinidad and Tobago in order to highlight my arguments.

Madam President: Senator!

Sen. W. Mark: I realize, Madam President, that the hour is late and these gentlemen would like to go home and they are testing your patience. I know that you can always absent yourself and ask Mr. Rawle Titus to hold on for you in the event.

Sen. Dr. Saith: Madam President, I want to assure the hon. Senator that we are not anxious to go home, and he can talk for as long as he wants. What we would like him to be is relevant to the Bill that is before us, and if he could be relevant for 10 hours, then fine, but he is finding difficulty to be relevant for five minutes. [*Crosstalk*]

Sen. W. Mark: I may be irrelevant, but that does not mean to say you are correct.

Madam President: Senator, you are also going against my ruling. You have made your point; we understand what you are saying; we know there is destruction to the environment, now you can tie it up with the Bill.

Sen. W. Mark: Madam President, I have argued—you see, if you want me to go, I have a lot of information here on the relationship between the Jamaat al Muslimeen and the PNM. I was trying to avoid going there, and in terms of illegal quarrying, but it seems that the particular line I was pursuing they find it too soft, so they want me to get hard. They want me to deal with what is taking place and what they have done in this country.

Sen. Munro: Exactly.

Sen. W. Mark: Maybe, if they want me to wake up the place because they are sleepy, I would wake up the place. I thought I would have been very— [*Interruption and crosstalk*]

Hon. Senator: Relevant. More relevant.

Sen. W. Mark: Madam President, the issue that we have to deal with here, is whether this Government has wilfully allowed a few citizens to rob the Treasury of millions of dollars over the past few years by its inactivity; its absolute refusal to act, to bring those persons to justice. In the Act before us, 12 persons were charged for illegal quarrying in November of 2005.

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Under section 27 of the State Lands Act, equipment and materials that were seized by the State were not auctioned, they were returned. I am saying that the law that we have here, today, is extremely weak and the amendments do not address this matter; that is the point I am making. [*Desk thumping*] What the amendments that we have here simply do, they increase the fines from \$200 to maybe \$100,000. They say we have an imprisonment of two years as the case may be. What does these amendments say relating to machinery, equipment and materials found in the possession of those illegal operators? I have not seen any provision in these amendments that address that particular matter. We have the same old section 27 in the Act, so what is there in the Bill that is going to dissuade people as my colleague asked? [*Desk thumping*]

If I am making \$300 million in a four-year period, illegally extracting state resources and the people's resources, what is \$150,000. What is \$250,000? It is like the monorail, it is costing the Government \$15 billion to order a monorail system, but a private jet costs \$50 million. So, I could give you a \$50 million jet in return for a \$15 billion monorail. I am not saying you are doing that, you know; I am saying that could happen. [*Desk thumping*] I am not saying you are doing that.

Madam President, the point I would like to advance here, the Government is fooling the people.

Sen. Dr. Kernahan: True. [*Desk thumping*]

Sen. W. Mark: This is not “no” serious legislation. If you talking about \$300 million that was illegally extracted from this economy, and you have illegal operators, including your friends, who were responsible for stealing the election, along with the general secretary of the PNM— [*Desk thumping*]

Madam President: Please, Senator, you are saying that the general secretary helped to steal the election and that is unparliamentary and certainly imputing improper motives.

Sen. W. Mark: I did not say so.

Madam President: But that is the word you used.

Sen. W. Mark: No, but the Jamaat said that. [*Interruption and crosstalk*]

Madam President: Senator! [*Crosstalk*]

Sen. W. Mark: I did not say so. No, I did not say so. You did not allow me to complete my sentence. Is the Jamaat who said that he helped steal the election.

Madam President: Senator, please, would you just stop that line of—

Sen. Titus: Madam President, withdrawal.

Madam President: Yes.

[*By order of the Chair, remarks withdrawn*]

Sen. W. Mark: The Jamaat accused the general secretary of the PNM of being in collusion with the Jamaat in order to deal with the marginal constituencies. Deny that! Deny that!

Sen. Joseph: Deny what? Madam President, I have said in this place over and over, the Jamaat did not contribute to any management of the People's National Movement elections in any of the constituencies. [*Desk thumping*]

Sen. Dr. Saith: And Madam President, I would also add, the Jamaat al Muslimeen—

Sen. W. Mark: Point of order.

Sen. Dr. Saith: Yes, I would add too; he said deny it—not only did not contribute but they did not break up the arrangement between the UNC and NAR when they were campaigning for the election, 1991—1995.

Sen. W. Mark: What is your point. You see, Madam President, I am coming back to the Bill, [*Crosstalk*] but you see, the truth is what offends. The truth offends. Let us go through this Bill clause by clause and determine the hypocrisy of this regime. This regime is not serious about addressing the problem of illegal quarrying. This is a papering over; you are trying to cover up. This is what this is about.

Madam President, tell me, \$1,000 in clause 2 and they say what, change it to \$2,500. You see that, clause 6(6), let me get 6(6) for you. Let me get it man, because remember I am on my legs for a long while you know, so let me get 6(6) for you. [*Crosstalk*] Yeah, I am telling you, remember Sen. Dr. Saith said that we are leaving four. Yeah, he said so. Madam President, what is 6(6)?

Sen. Dr. Gopeesingh: Not 555.

Sen. W. Mark: Clause 6(6), it says:

"If any vehicle in respect of which no valid permit under subsection (3) subsists ..."

Madam President, could I get protection?

Madam President: Please, could we have some silence?

Sen. W. Mark: The Attorney General, could you remain quiet? When you spoke we gave you our full attention.

Sen. Dr. Gopeesingh: Undivided attention when you spoke.

Sen. W. Mark: You said you love—your lover gone. You said you love the person, so I said your lover. [*Laughter*] Madam President, 6(6), not 666 you know. That is the PNM; that is the mark of the Devil.

Madam President, it says:

“If any vehicle in respect of which no valid permit under subsection (3) subsists is used on any road, the person in charge thereof is liable to a fine of one thousand dollars.”

This is being seen in the context of activity that is not in the interest of the State, and the Government and Attorney General proposes to change this \$1,000 to \$2,500.

Sen. Jeremie: Propose, not proposes.

Sen. Dr. Gopeesingh: What would you like to propose?

Sen. W. Mark: The Government has proposed a change in the legislation from \$1,000 to \$2,500.

Sen. Manning: That is a jail.

Sen. W. Mark: No, no, no jail here, Hazel. [*Laughter*] It has no jail here, it is just a simple increase from \$1,000—the hon. Sen. Hazel Manning. Now, I cannot say what my friend say about—

Sen. Dr. Gopeesingh: You have to be careful.

Sen. W. Mark: That is my friend. I cannot say more than that, she is my friend otherwise I would get in trouble. [*Laughter*] I would get in trouble, Madam President.

9.30 p.m.

Madam President, all I could tell you is that we travelled together to New Zealand. [*Laughter*] That is all I would say.

I suggest that if the Government is serious about tackling illegal quarrying, let us deal with serious fines. This is a joke; these are Mickey Mouse fines. Let us deal with real fines, so illegal operators would pay a heavy price for operating illegally on state lands. Look at clause 3:

“The State Lands Act is amended in section 25—

- (a) in paragraph (a), by deleting—
 - (i) the words ‘four hundred dollars’ and substituting the words ‘one hundred and twenty thousand dollars and imprisonment for a term of one year’.

Madam President, \$300 million; we have lost hundreds of millions of dollars. These people are still operating illegally and Sen. Dr. Saith could testify to that. There is still illegal quarrying taking place in our country. They are making millions and millions and millions of dollars, and you are going to tell Trinidad and Tobago in the year 2006 that a man who is operating illegally and making millions and millions of dollars, you are going to charge him \$120,000 if you "ketch" him digging and removing material?

Madam President: What do you suggest? [*Interruption*] Would you give way?

Sen. Dr. Kernahan: Move the PNM!

Sen. Dr. Saith: The Senator obviously did not listen to the contribution by Sen. Seetahal, S.C. who indicated that if you wanted to fine these matters by summary, these are the maximum fines you could use. If he wants to raise it and have it tried by judge and jury, let him make an amendment, but under summary these are the maximum. This is for each time they make the offence, so every day you could be charging them.

Sen. W. Mark: Sen. Dr. Saith, thank you for your intervention.

My argument is still sustained, still advanced. I would advance that if necessary, the Attorney General has the capacity and the speed, if he wanted to address this question, since this has been going on for five years. I have seen him in operation. He boasted this evening that he locked up Abu Bakr.

Sen. Jeremie: I said that?

Sen. W. Mark: You said that; you said that you put him away. That is what you told me. I do not know if I am wrong. You did not do it? [*Interruption*] I thought he said that. [*Crosstalk*]

Madam President: You do not use that language.

Sen. W. Mark: Madam President, I know that he is a bit tired these days. [*Crosstalk*]

The Attorney General has taken five years—well, not five, because he came in 2003. [*Interruption*]

Madam President: You are repeating.

Sen. W. Mark: No, I am not repeating. The Attorney General took almost three years to bring this legislation to Parliament. He could have brought a better piece of legislation. [*Desk thumping*] I am disappointed in the Attorney General.

Sen. Jeremie: Sorry.

Sen. W. Mark: He is my friend, but I am disappointed in him.

Sen. Jeremie: Would you forgive me?

Sen. W. Mark: Let us go to clause 3(b), \$200. Let us go to section 25, under the heading "Removal of Material from State Lands" in the parent Act:

"Any person who digs or wins or removes, or is in any way concerned in the digging, winning, or removing of, material on or from any State lands in Trinidad and Tobago without a licence in the prescribed form is liable—

(a) where the material dug, won, or removed..."

They said to forget asphalt and put the word material:

"(b) ...on first conviction to a fine of four hundred dollars, and on subsequent conviction to a fine of two thousand dollars;"

In clause 2(b(i) it says:

"the words 'two hundred dollars' and substituting the words 'sixty thousand dollars and imprisonment for a term of six months';"

This is a weak proposal.

Sen. Dr. Saith: Make your proposal.

Sen. W. Mark: The Attorney General is conscious of the criminal conduct and relationship of certain elements that have been in bed with the ruling party. Why is he putting this simple fine? If we need to amend the Summary Offences Act in order to ensure that persons who are guilty of illegally operating on state lands and extracting material to sell to the very State, we should do that in order to ensure that people are charged hundreds of thousands of dollars, if not \$1 million. Let us deal with serious fines. Let us deal with serious imprisonment.

Madam President, what we might be "kicksin" over here, could cost us the situation we had in 1990. You see that \$300 million, we do not know where "it gone yuh know".

Hon. Senators: What \$300 million?

Sen. W. Mark: We have estimated that the State has lost over \$300 million in royalties and revenues over the last three and a half years. You have failed to collect royalties from the illegal operators that you have defined.

Sen. Dumas: When are we getting back the \$2.5 million? [*Crosstalk*]

Sen. W. Mark: Madam President, let me deal with you. We "cyar be kicksin" over this. This is a serious matter. We know what happened to this country. Do not tell yourself "it cyar" happen again; it could happen again. This time a lot of people would die, if you are not careful.

When the Government brings legislation like this to Parliament and does not give the population some degree of comfort that it is serious about battling these elements that they went to bed with in order to remove us, if they do not understand the significance of it, then it is my duty to point it out to them. [*Desk thumping*] [*Laughter*] [*Crosstalk*]

Sen. Dumas: "Dat same man hugging Panday in de back."

Sen. W. Mark: I think my good friend Joan knows about that.

Sen. Abdul-Hamid: Who went to bed with the devil?

Sen. W. Mark: Let us go to section 30 which says:

"Any person contravening the provisions of section 29..."

You have to go to section 29 to understand what section 30 says:

"may be arrested without warrant by the Commissioner, a Deputy Commissioner or any Constable, and is liable to a fine of two thousand dollars."

Let us go to section 29:

"When any order is made against any person by any Magistrate under the provisions of this Act relating to material, or when any person is convicted by any such Magistrate under section 25 of digging or winning material or for being in any way concerned in the digging or winning or removing material from State lands without a licence, then in any or either of such cases it shall not be lawful for any such person against whom any such order has been made, or who has been convicted as mentioned above, or his agents or servants, or for any other person or persons claiming the lands by, through, or under them, at any time after the date of the order or conviction and before the Court of Appeal, in the case of an appeal against the order or conviction, has pronounced final judgment in the favour of the appellant, to dig or win..."

[*Interruption*]

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

Question put and agreed to. [*Crosstalk*] [*Laughter*]

Sen. W. Mark: Thank you, Madam President. I know my friends. I know my friends. With friends like you, I think you need the Jamaat. [*Laughter*] [*Crosstalk*] I would not be that long again, Dr. Saith; I am winding up. [*Crosstalk*] Madam President, I seek your protection.

Madam President: Please, let him finish.

Hon. Senators: Take your full time. [*Laughter*]

Sen. W. Mark: Can I speak in silence? I appeal to you, Attorney General. [*Laughter*]

Hon. Narine: You have illegal time.

Sen. W. Mark: Our argument on this side of the Senate is that the Government's proposals and suggestions, as it relates to these new fines and these very charitable, generous jail terms, would not assist in halting or preventing illegal quarrying in our island State of Trinidad and Tobago. We believe that this is just another attempt by the ruling administration to mamaguy and fool the population that they are doing something about illegal quarrying in this country. [*Desk thumping*]

These measures would not work. These measures would not achieve their objectives, unless and until the Government decides to take a holistic approach to the question of quarrying, which would encompass, not only quarrying, but also the entire industry and the environment. If the Government does not take that approach, we would continue to experience typical reactionary policies on the part of this administration, to give the population the impression that they are doing something, when they are doing nothing seriously to address the problems in this nation. [*Desk thumping*]

Even when you go to clause 6 or if you look at section 31, you would see where the Government is deleting the words "two thousand dollars" and substituting the words "twenty thousand dollars". Again, flimsy, measly, weak; it is not going to help; it is not going to bring about any real change; it is just a total attempt to fool the population once again.

I want to make it very clear that we are going to propose certain amendments tonight. We hope that the Government would consider them. We are not in support of a measure that would not achieve, at the end of the day, justice for the people of Trinidad and Tobago. This is not going to achieve justice for the people of this country.

We believe that the warlords are going to continue to be in charge of the quarrying industry in this country. The Attorney General has admitted that there is no mechanism for monitoring and supervising illegal quarrying in this country.

Sen. Jeremie: I never said that.

Sen. W. Mark: He told this Parliament a short while ago that to put security forces at those sites was a national security issue, because they needed to be deployed in other areas to deal with the crime wave crippling our country. What we have, in essence, is that five years ago when this story emerged in real seriousness, to the present time, the Government has done little or nothing to deal with that problem. I dare the hon. Minister, Sen. Dr. Saith, to tell this Parliament what measures have been taken by his Ministry, the EMA and the Ministry of National Security to deal with illegal quarrying in different parts of this island, particularly in the Northern Range. What steps, what measures, what actions have been taken? It is zilch, zero, nada, nothing; they have done nothing to deal with illegal quarrying since they arrested those 12 persons in November last year. And they come, almost a year later, with a frivolous and vexatious piece of legislation to convince the country that they are doing something about quarrying. Who can you fool? You cannot fool anybody. [*Desk thumping*]

Before I close, I want to quote from the hon. Minister of National Security who is long on words and very short on action. Madam President, you remember some time ago I had raised some issues in this honourable Parliament. My dear colleague, friend and former teacher had responded and indicated the steps that were being taken by him. They boasted that no Jamaat forces were there. He said so. Games; who is he fooling? Not me, and he is not fooling the population; everybody knows that the Environmental Management Authority (EMA) told the country that there were armed forces up there. Not security forces; not from the protective services.

Madam President: Senator, you have gone back to that again?

Sen. W. Mark: Let us hear what the hon. Minister, the outgoing Minister of National Security, had to say. I now quote an article from Thursday, December 08, 2005 of the *Trinidad Express*. Here is what the hon. Minister of National

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Security told this Parliament. [*Interruption*] You were responding to your humble servant and I am reading what you were reported to have said. Madam President, may I address you; let me indicate to you what was reported in the press that the hon. Minister said. He can now deny it. [*Crosstalk*] I prefer the *Express*. It was stated to have been said by my honourable friend and colleague. [*Interruption*] Former; no longer in my life. [*Laughter*] I have excised him.

"He added that since then the law enforcement and security agencies..."

This was on December 08, 2005, almost a year ago.

"...had maintained heavy surveillance of the activities taking place in and around the quarry areas."

Madam President, "yuh hear lie; dat is lie". No, sorry, Madam President; I withdraw. "Yuh hear misleading information?" [*Crosstalk*] He told us and the whole country that the security services had a presence there. [*Crosstalk*]

Sen. Joseph: Madam President, on a point of order. If the hon. Senator is saying that he is quoting statements made by the Minister of National Security in the Parliament, the most authentic document is the *Hansard*.

Sen. Jeremie: Go and get the *Hansard*.

Sen. W. Mark: I did not say he said that. I never said he said it. I said as reported in the *Trinidad Express* of Thursday, December 08, 2000. [*Crosstalk*] May I continue, Madam President?

Madam President: Please, do not say things like, "He lied".

Sen. W. Mark: Yes, I agree; I withdraw. [*Laughter*] All right, Dr. Saith. Madam President, I would wind up shortly.

Joseph, my honourable friend said that the Security Ministry was working in collaboration with the energy industry in a security plan of action aimed at reducing and eventually eliminating illegal quarrying. One year after, there is still illegal quarrying in the Northern Range of our country. "Yuh fool de people once again."

Madam President: Mind your language; you said that he fooled the people.

Sen. W. Mark: My language? No, he did that.

Hon. Senator: Are you arguing with the President?

Sen. W. Mark: No, I am not arguing with the President. That is parliamentary and he did fool the country.

Madam President, he said:

"There would be an intensification of joint mobile army and police patrols in the affected areas and there would also be a hotline to receive information on illegal quarrying." [*Crosstalk*]

How can there be joint police and army patrols and sources within the Ministry of Energy and Energy Industries are telling me that there is wide scale illegal quarrying in the Northern Range? Where are these joint army and police patrols?

Do you know where they are? In Chatham; they are in Barrackpore brutalizing people. That is where they are. They took them from those areas and put them in areas to brutalize poor people who are protesting against PNM oppression and PNM repression in this country. [*Desk thumping*]

I want to wind up, Madam President. This particular measure would not work. We believe that it would fail before it starts. We believe that the Government is mamaguying the population. We believe it is a gimmick to fool the people. Unless and until the Government comes to grips with the reality of what faces this nation, we are going to continue going around in circles. I guess that is why they have a close association with the Congress of the People (COP) and they like the COP continue to go around in circles.

Thank you, Madam President.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Madam President, two weeks ago when this matter came to the Parliament at the Lower House, the same sort of discussion went on in the Opposition Benches, so I realize that they were well informed. The documents there were passed by the Member for Siparia and were rejected in the Lower House. I am happy they were rejected here tonight in the Upper House. I heard this ball by ball commentary in the Lower House; the very thing I have heard tonight.

I would like to compliment Sen. Seetahal, S.C. for intervening and explaining that some of the penalties which we have imposed here are the ceiling for the Magistracy and, again, the Attorney General confirmed that. Many other questions during the debate were answered, but yet Senators who came after asked the same questions and raised the same issues.

Sen. Dr. Gopeesingh started off by saying that I should have given more information. The first question he placed to me was: How many persons were incarcerated? I did say 12. I did say nine had pleaded guilty and walked out the court with a \$200 fine. That is why we are here today, to increase those fines. We cannot go above the \$250,000; it is a ceiling; that is very simple to understand.

This matter was in the newspaper. The Senator went on again to speak about the Jamaat. I think a lot of persons spoke about the Jamaat tonight. Let me put something to rest here. In 1991 to 1995, I was parliamentary secretary in the Ministry of Works and Transport. It is normal that wherever the Unemployment Relief Programme goes, it would be within that Ministry. During that period, Minister Imbert was Minister of Works at the time and I was his parliamentary secretary. I was given responsibility for Tapaná. It was the Labour Intensive Development programme (LID) at the time. The then URP programme was under the Ministry of Works.

The quarrying operations there were down for about 15 years. The PNM Government took the policy position that we were going to bring the plant back; \$4.2 million was spent on that plant. Roper in Trinidad sent for the spares; that is, the rollers, drums and so on, from Birmingham, England, and within one year we made \$6 million in materials off that very plant. It started off in 1993, and in 1994 and 1995 we went out of office.

Sen. Mark's colleague, who was sitting in that chair at the time, a former Minister of Works, took the plant and gave it to the Jamaat. He took that very plant, the Tapaná wash plant and gave it to the Jamaat. [*Desk thumping*] [*Crosstalk*] Sadiq Baksh, who was a Senator before. [*Interruption*]

I am not afraid to say that, because I have been monitoring this thing all the time. I live in the East; you are quite aware of that; so I am aware of what took place at the time. May I remind you that your Prime Minister's first appointment was with the Jamaat. [*Desk thumping*] They were the first set of people that he spoke to. It was on the front page of the newspaper; he had a commitment to meet with them first, after 1990. [*Crosstalk*] They were his colleagues even before 1990.

May I also remind you of the embarrassment that occurred at the Savannah in 1996 when they occupied the VIP benches and hugged you all up. Your National Security Minister at the time was very embarrassed, Colonel Theodore, who did not want "no" part of them, because they caused him real embarrassment in 1990 when he was head of the army. [*Crosstalk*] I say so, because it is easy to forget.

[*Crosstalk*] "My name not in that and it would never be." That document is null and void; it is not even worth the paper it is written on. We are talking about a party 50 years old and we have honest people who can carry the mantle of this country. [*Desk thumping*] That is why you would never ever see this side again. [*Desk thumping*] [*Crosstalk*]

Sen. Dr. Gopeesingh spoke about money laundering. I think that the Attorney General dealt with that clearly. Money laundering had nothing to do with that; that was raised in the Lower House and dismissed, because it was not a legal matter to be dealt with for that type of operation. The Attorney General did say that not only one piece of legislation would correct the anomaly which we have in that area, which started and escalated in your time.

I am from that area; there was always illegal mining in the Wallerfield, Valencia and Tapaná areas, but those are mining zones; you have to understand that. Tapaná is a mining zone. Matura is a mining zone. There are certain parts of the Northern Range that are mining zones and that has already been approved by the EMA and the other authorities.

So when you look at Tapaná, you cannot say that you have to go to Town and Country Planning and the EMA. That is false. Sen. Mark, you know that, but you come here to spread propaganda on the national television at 10 o'clock in the night. [*Desk thumping*] Nobody listens to you any longer. [*Laughter*]

Sen. Mark: I am asking questions.

Hon. J. Narine: I heard tonight that the illegal operation never stopped. Sen. Mark has a way of coming here and saying that he has informed sources. He has no sources in Arima or anywhere like that. [*Laughter*] He used to go and trim in Five Rivers. I do not know what he has to trim, honestly. He wanted to fight an election, at that time, on Bamboo Road in Five Rivers at the corner of Ballantyne Road. [*Laughter*] You know when Fui called me home and asked me what to do with you; you were trying to infiltrate the Five Rivers area and you could not. [*Laughter*]

Madam President, I heard tonight that illegal operations continued, but on the other hand I also heard that aggregate costs went up by three and four times. Part of it is because we have a building boom; part of it is because the supply from the illegal source is not there. [*Desk thumping*] "Yuh never tink about dat?" So you must have an escalation of prices for sharp sand and all that.

Sen. Dr. Gopeesingh: Bad argument.

Sen. Mark: No, no, no.

Hon. J. Narine: When we had illegal operations, material was easy to come by; now that we have curtailed some of it, the prices went up, because the supply is not there. Is that so hard for you to understand? Even the mathematician here would understand that. *[Laughter]* *[Desk thumping]* *[Interruption]*

[Madam President pounds gavel]

I gave you your break. I never spoke when you were speaking. You had 60 minutes and said nothing, so I could sit and you could take my 60 minutes. *[Desk thumping]* *[Laughter]*

Sen. Mark: Comic relief.

Hon. J. Narine: The matter was raised by more than one person, but the first person who raised it was Sen. Dr. Gopeesingh.

Sen. Mark: You should be with Tommy Joseph.

Hon. J. Narine: You would talk in your sleep; you might dig out “yuh eye” one of these nights. *[Laughter]*

I used to be in the labour movement and you were nobody at that time. You spoke today about Nathaniel Crichlow's death. *[Interruption]*

Madam President: Please, Minister, get back to the Bill.

Hon. J. Narine: “He just singing” for his supper every time you have Senate, but that would soon finish. *[Crosstalk]*

Sen. Dr. Gopeesingh spoke about the heavy equipment, the 18-wheelers and so on; that has nothing to do with this Bill. I know for a fact that the Minister of Works and Transport has been looking at that, because we have problems. We have been fixing agricultural access roads all over the country; in doing that, obviously, you will have the 18-wheelers going to drop pitrun and so on. We would have to do something about it. They have to be restricted to certain areas and roads. *[Crosstalk]* I know for a fact that the Minister of Works and Transport spoke about that.

Landslides and so forth have nothing to do with this, actually. Covering the trucks and so on are matters for Traffic Branch in the police service. *[Laughter]* That is what we had here all afternoon. *[Laughter]* *[Crosstalk]* Those were the trivial talks we had this evening, but it is my business to speak about them. We are putting stiffer penalties, according to the laws of Trinidad and Tobago, in order to put a deterrent to persons mining illegally. *[Desk thumping]*

We spoke about damage to the environment and Union Estate. I do not know what that has to do with this Bill, honestly. Then we spoke about "who do de crime shall do the time". [*Laughter*] "A!" What I could tell you is that when we increase the ceiling to \$250,000 and two years imprisonment, I am certain that those people would not be as fortunate as recently when a convicted person got two years and then got out of prison. [*Interruption*] I did not call any name.

Madam President: Minister, please come back to the Bill.

Hon. J. Narine: I am talking about the fines. I am certain they would not get "no" doctor to take them out. When we convict these people after tonight, we would not have anybody to take them out and say, "dey not well" [*Desk thumping*] and going Germany to look for the ghost of Hitler. [*Laughter*]

Sen. Mark: Jarrette, come back to the Bill.

Hon. J. Narine: Sen. Prof. Ramchand made some excellent suggestions. I thought that Sen. Seetahal, S.C. probably explained most of what he spoke about, but Prof. Spence and I do exceptionally well and he too has a problem for years now with land distribution. Probably in another debate we could talk about land distribution and the areas that are good agricultural lands. You would know that the university has a classifying system of classes one to seven for lands in Trinidad. Do you know that Caroni has no class one lands? They have classes two to seven. Classes one, two, three and four are considered good type lands for agricultural. Five, six and seven are no good; only to grow sugar cane. You could use other methods and technology to bring it back. [*Interruption*]

Sen. Dr. Gopeesingh: You are misleading the Senate.

Hon. J. Narine: What?

Madam President: Minister, come back to the Bill.

Hon. J. Narine: I am answering them. Caroni was raised in this debate, Madam President. I am very much acquainted with that part of it and probably at another debate we could discuss this further.

Sen. Mungalsingh, oh, gosh! [*Laughter*] Not only you are concerned about the new "commess" party in Trinidad; Congress Party, sorry. [*Laughter*] You could see that your other colleagues' hairlines are also receding. [*Laughter*] Imagine he is permanent and Sen. Munro is acting. Sen. Munro is so smart he spoke for about three minutes and then talked the rest away seated on the chair.

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He should look at the Standing Orders of the Parliament. You should talk to your colleagues there, your leader; although he is never on the topic, but he might teach you a thing or two of how to debate in this Parliament. It is unfortunate that you got the baptism today, but this is normal when you come to the Senate or the Lower House.

I would like to thank Sen. Seetahal, S.C. and the Attorney General for the part they have played.

Sen. Dr. Kernahan, oh; [*Laughter*] irrelevant right through. [*Laughter*] Madam President, after so long in this Senate, someone would sit here and say, "Big contracts, Government buying material." The Government does not buy material when it gives contracts out. And then she asked, "If we know who dey buy from?" If you have information, the Minister of National Security is right here. [*Desk thumping*] If your colleagues are winning material illegally, which you almost said, then the Minister of National Security is right here [*Desk thumping*] or 555 is just a telephone call away. [*Laughter*] I do not think I have anything to answer. [*Laughter*]

Monitoring is taking place and we have seen a decrease. You do not hide your head in the sand, but there are some things in Trinidad that would not vanish immediately. There would be a certain element of persons who do not care what the fine is, but they would go and try to get materials illegally, and not only in the mining zones. We are talking about rivers and so on.

Since I was a boy, these warden officers used to go into Wallerfield and hold people taking out Guaratal stones from the rivers. That was since then; I am talking about, probably, 50 years ago and that has continued. But you have to have the surveillance. I said that the Cabinet had put an interministerial committee in place with the Minister of National Security as head of that team. What Sen. Mark read was totally correct; he is in control of the situation and they have surveillance. They have tried to block certain areas so that the trucks would not go all over the place. They would find themselves coming through National Quarries so that they cannot be weighed. They would be checked going in and coming out. I have the confidence that Minister Joseph has been doing an excellent job and he would continue to do so. [*Desk thumping*]

I heard about football and who was linesman and referee. Brother, what could I tell you? You are on a bad team; you have no forwards; your defence poor; you have a lot of people here who got red cards and you might get one too very soon. So you belong to a football team that I do not think would be relegated to a

different position after this year. [*Laughter*] If wishes were horses, boy, Sen. Mark, you would never see this side. You are trying to keep your spirits up, but it is not relevant to this Senate here or the Government of Trinidad and Tobago.

We are here for another 25 years, brother, and this is no joke. [*Desk thumping*] We have the capacity to work so hard that we do not go on a Monday afternoon to bad talk one another; we go on a Monday to 41 constituencies to meet the people. [*Desk thumping*] We said that on Sunday.

Of course, your mathematics was very wrong. [*Laughter*] You know it is funny; material cost is not \$250 for a 10-yards. Go and check it back "nuh". [*Interruption*] He said \$250 for 10 yards. You are talking about 1950. [*Interruption*]

Sen. Munro: Would you give way? I think the Minister is misleading the Senate. I said \$2,500 for 10 yards of gravel.

Hon. J. Narine: He said \$250; if you check the *Hansard* you would see that. If you correct it now, well I have made you correct it. [*Desk thumping*] You talked for three minutes and make 10 mistakes. [*Laughter*] When he spoke about the quarrying operations, obviously he does not know anything about Tapaná or any part of Trinidad that has quarrying operations.

Sen. Dr. Gopeesingh: You missed your calling. [*Crosstalk*]

Sen. Mark: Tommy Joseph, boy. [*Laughter*]

Hon. J. Narine: That was a trick we had in the trade union, man, that when you have spoken and said nothing, make noise after. [*Laughter*] [*Desk thumping*]

Sen. Mark: You are part of the Tommy Joseph clique.

Hon. J. Narine: I am a born and bred Arimian, brother, so not even the chairman of your party could understand what type of person Jarrette Narine is; I grew up in Arima, a cosmopolitan town.

Sen. Mark: You would always be my friend.

Hon. J. Narine: Our purpose today was to put some stiffer penalties. When persons are held doing illegal operations, that penalty would be increased when they have repeated the offence. This is what we are doing as part of total legislation to take hold of the illegal mining industry that we have in Trinidad. It is not perfect and as you heard the Attorney General and the Leader of Government

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Business, the Minister of Energy and Energy Industries, say, very soon we would have draft documents and we would be coming back to Parliament to make sure the legislation is tightened so that persons who do illegal operations in Trinidad and Tobago, not only in mining, but in other areas, this Government is serious and we are not going to be part of the clique that they had when they were in government to do these things.

With these few words, Madam President, 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. [Crosstalk]

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Mark: Given our concern as it relates to the quantum of the fines as well as the term of imprisonment and having regard to what he has indicated, as it relates to the maximum under the Summary Offences Act, we would like to ask the Attorney General, in light of the continued illegal quarrying, what steps and how soon would he be taking measures to have the Summary Offences Act amended so that these kinds of measly fines could be quadrupled in an effort to deter these illegal operators.

Sen. Jeremie: The Summary Offences Act is not before us. It is the subject of ongoing review. I am not sure if that review would produce the results Sen. Mark wishes, but the limits were recently moved up. In petty civil matters, the magistrates' jurisdiction was \$15,000; it is now \$25,000. The answer is, I do not know, but that is not before us.

Sen. Prof. Ramchand: I do not know what the parameters are, whether we could suggest amendments and if we do would they be able to go down to the other place and get fixed up. I understand that, therefore, I am not pressing the point, but I really would like an assurance that as soon as possible we would abolish the distinction between asphalt and other than asphalt and use the word "material". As you have done for most of the Bill, you have abolished asphalt and put in the word "material", I would like 25 to be subject to the same thing.

Sen. Jeremie: That is a point we would take on board when we look at the comprehensive review of the legislation.

Question put and agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Sen. Dr. Gopeesingh: We are not seeing clause 3.

Madam Chairman: You are looking at the wrong Bill?

Sen. Jeremie: The Bill is as amended in the Lower House. You spoke on the wrong Bill this afternoon? [*Interruption*]

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Sen. Prof. Ramchand: Just for neatness, I do not think you would object to correcting a minor typo. In line 4 of clause 5, the double quotation marks after dollars should be removed.

Madam Chairman: Yes, it is just a typo. You have two inverted commas there.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6 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.

FIREARMS (AMDT.) BILL

House of Representatives Amendments

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I beg to move,

That the House of Representatives amendments to the Firearms (Amdt.) Bill listed in the appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 4.

House of Representatives amendment read as follows:

Delete clause 4 and substitute the following:

- “Section 34 amended
4. Section 34 of the Act is amended as follows:
- (a) insert after the word ‘aircraft’ occurring in subsections (1), (2), the second place that it occurs in subsection (4) and subsection (5) the words ‘or vessel’;
 - (b) insert after the word ‘Tobago’ occurring in subsection (4) the words ‘or a vessel sailing exclusively within the territorial sea’; and
 - (c) in subsection (5)
 - (i) insert in the appropriate alphabetical sequence the following:
“Police officer” includes a Customs officer’;
 - (ii) insert after the word ‘flight’ occurring in the definition of ‘security officer’ the words ‘or a vessel sailing exclusively within the territorial sea.’”

Sen. Joseph: Madam President, the House also agreed that section 34 of the parent Act should be amended.

- “Section 34 amended
1. Section 34 of the parent Act is amended as follows:
- (1) inserting the words ‘or vessel’ after the word ‘aircraft’ occurring in subsections (1), (2), the second place that it occurs in subsection (4) and subsection (5);
 - (2) inserting the words ‘or a vessel sailing exclusively within the territorial sea’ after the word ‘Tobago’ in subsection (4); and
 - (3) in subsection (5) inserting after the word ‘flight’ occurring in the definition of ‘security officer’ the words ‘or a vessel sailing exclusively within the territorial sea.’”

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The reason for this amendment was that under clause 3 of the Bill, proposed subsection (4) of section 33 specifies that every person who is about to board any aircraft or vessel destined to leave Trinidad and Tobago must declare to a customs officer whether he has firearms and ammunition in his possession or under his control.

Therefore, a commensurate amendment had to be made to section 34 of the Act to include the words “or vessel” wherever reference is made to aircraft since that section made reference to special offences occurring only on board an aircraft and did not refer to vessels.

Madam President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Question proposed.

Sen. Dr. Gopeesingh: Hon. Minister, when it is said that a police officer includes a customs officer, does this mean that the customs officer has the right to carry firearms as well? Do you remember the last time we debated this, it was mentioned that a customs officer would only be able to have firearms in the process of boarding a vessel, or searching a vessel outside. Are you equating a customs officer carrying firearms on land?

Sen. Joseph: Yes.

Sen. Dr. Gopeesingh: That is dangerous.

Sen. Mark: Madam President, I want to get some clarification. When the hon. Minister said that a police officer includes a customs officer, a police officer by definition is very clear in terms of duties and responsibilities. If he is now saying that a police officer includes a customs officer and that means that the customs officer would have the right to carry arms, and in terms of his powers would you say that his powers would now be equated to that of a police officer?

As I am on my legs, may I also enquire of the hon. Minister what is the position of a customs guard? As I understand it, a customs guard is a person who is supposed to be dealing with matters of the nature that we are talking about as well. So I am wondering if the customs guard is no longer in existence and does he carry arms. I would like the hon. Minister to clear the air for us.

Sen. Joseph: Madam President, in response to the question raised by Sen. Mark, we are talking about the customs officer being referred to as a police officer only as it refers to section 34 of the Customs Act, and the customs officer is going to be allowed to carry a firearm only in discharging his responsibility as a customs officer.

Remember when we debated this here—we are not giving him power of arrest, and with respect to your question about the customs guards, these powers are not given to the customs guards, only customs officers. You may recall that the Minister in the Ministry of Finance reminded us that in some instances customs officers have more powers than police officers.

Madam President: Is there anything else?

Sen. Dr. Gopeesingh: I am still seeking some clarification. Forgive us, we do not understand you. Well, I do understand you clearly. Could you explain the role of the customs officer in relation to that of the police officer with particular reference to the customs officer under section 34 for us?

Sen. Joseph: Sen. Dr. Gopeesingh, we are only talking about the police officer, the customs officer, having the same authority as a police officer only as it relates to the exercising of duties specific to section 34 of the parent Act. [*Crosstalk*]

Sen. Mark: We still need clarification. Can you just read section 34, Minister Joseph?

Sen. Joseph: Section 34(2) says:

“(2) For the purposes of this section a person shall not be deemed to be acting with lawful authority unless he is acting in his capacity as a member of the Defence Force, established under the Defence Act 1962, a police officer or as a security officer employed by the operators of the aircraft, save that where the operator is a company registered in Trinidad and Tobago the security officer shall not be deemed to be acting with lawful authority, unless he is the holder of a licence or certificate.”

Question put and agreed to.

**COMMITTEE OF PRIVILEGES
(INTERIM REPORT)
(Adoption)**

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the Interim Report of the Committee of Privileges of the Senate on a matter of privilege raised by Sen. The Hon. Joan Yuille-Williams.

Madam President, the Interim Report has been circulated. Members may recall that the matter of privileges was raised by Sen. The Hon. Yuille-Williams on February 07, 2006 re: statements that were allegedly made by Sen. Mark during a debate of the Senate.

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Madam President, the committee has held two meetings on this matter and what we are seeking to do in the Interim Report is to preserve the work of the committee as set out in paragraph 5 of the report.

Question proposed.

Question put and agreed to.

Report adopted.

**COMMITTEE OF PRIVILEGES
(FIRST REPORT)
(Adoption)**

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo):
Madam President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the First Report of the Committee of Privileges of the Senate (2005—2006 Session) on a matter of privilege raised by Sen. Wade Mark.

Madam President, the report has been circulated to Members of this Chamber. You may recall that a matter of privilege had been raised by Sen. Mark which was referred to the Privileges Committee in January 2006. The matter concerned advertisements published by the National Lotteries Control Board (NLCB) in various newspapers.

In dealing with the issue, the committee identified two issues to be determined:

1. Whether the advertisements published in the daily newspapers on behalf of the National Lotteries Control Board were deliberately misleading; and
2. Whether the publications of the advertisements amounted to molestation of Sen. Mark in the performance of his duties as a Senator.

Madam President, the committee concluded by a majority that the advertisements published in the daily newspapers on behalf of the National Lotteries Control Board were not deliberately misleading.

The committee by a majority of its members also found that the language used in the advertisements did not meet the objective test to be employed; that is, whether the advertisement had the effect or tendency to intimidate or molest a reasonable Member of Parliament with normal sensibilities in the performance of his duties and, therefore, the NLCB was not in contempt of the Senate. The committee did find, however, that the language contained in the advertisement was intemperate and should be discouraged.

Consequently, Madam President, the committee recommended on the basis of its findings that a letter should be forwarded to the National Lotteries Control Board advising the members of same: that the language contained in the advertisement was intemperate and should be discouraged, that the NLCB should also be advised that however aggrieved one may feel by any allegation made by a parliamentarian against any citizen, one must be careful of the language used in any commentary published in retaliation to statements made in Parliament, since this could give rise to a charge of contempt.

Further, the NLCB should be informed that the new Parliamentary Guidelines now afford members of the public about whom allegations have been made in Parliament an opportunity to apply to the Parliament to make a rebuttal which would be read into the *Hansard*.

Question proposed.

Sen. Dr. Tim Gopeesingh: Madam President, Senators, you would realize that there are four signatures to this First Report of the Committee of Privileges and where my name is appended I did not sign it. I had indicated to the committee that I was not satisfied with the findings and conclusions of the committee and, therefore, I would have submitted a minority report.

In the submission today, I was surprised first of all that this came in this form and it does not have the report or my statement attached to it. Therefore, I ask the Senate to circulate my statement, but there are certain things I need to mention, Madam President.

The first question, whether the advertisements published in the daily newspapers on behalf of the National Lotteries Control Board were deliberately misleading, I asked whether in the absence of any evidence the National Lotteries Control Board made any attempt to secure a transcript of Sen. Mark's comments regarding NLCB. It seems that the NLCB depended on newspaper reports when their board decided to launch its ad campaign against Sen. Mark. If that was so, then the accuracy of the newspaper reports needed to be looked at.

A review of the reports carried in two daily newspapers revealed that no mention was made of Sen. Mark correcting his statement. Madam President, you would remember that in your determination of bringing this matter to the Privileges Committee, you indicated the time frame when Sen. Mark had corrected his statement and he was apologizing profusely for his error. That was before the tea break. This, notwithstanding the fact that the reporters under normal circumstances would have been present in the Chamber at least until tea time, 4.30 p.m., after Sen. Mark had withdrawn the statement and apologized, yet there was no report in the newspapers concerning this.

We have to ask: Was this a deliberate omission for purposes of sensationalism? We do not know. We cannot know unless the publishers and reporters are summoned. While the newspapers are under no obligation to verify the accuracy of statements made in the Senate, the Laws of Trinidad and Tobago prescribe that newspaper publications reflecting on the character of the proceedings gavel to gavel shall be a fair and accurate report under Chap. 2:02, section 10(f) and (g).

I was of the view that these reports were neither fair, accurate, nor balanced. And if one accepts that the initial reports did not reflect the entire picture, then the NLCB would no doubt have been misled before issuing its advertisements.

In considering whether their advertisement was misleading, I take the view that Sen. Mark did not mislead the Senate inasmuch as he withdrew the \$75 million figure and apologized over and over within a reasonable time of making the statement before the tea break, which the newspapers should have carried.

Sen. Mark had checked with parliamentary officials to ascertain whether his statement that the NLCB had not been audited for the years 2000—2005 had been laid in Parliament. This is a matter of public record and he should have known not to have made that statement, since he is the Chairman of the Public Accounts Committee (PAC).

So it was therefore wrong to accuse Sen. Mark of misleading the Senate and to injunct him from continuing to do so. I therefore took the view that the advertisement which appeared in the *Daily Express* and the *Newsday* on behalf of the NLCB was misleading.

Insofar as being deliberately so, I believe as a responsible state and statutory body, the NLCB should first have sought to ascertain the correctness of the newspaper reports on which it depended. If it did not do so—and there is no evidence that it did—then it was negligent in not doing so before launching an offensive ad campaign against a Member of the Senate.

In fact, the committee and I agreed that the advertisements were intimidating. See the Minutes of the Third Meeting, paragraph 4(4), and also see *Parliamentary Practice in New Zealand* page 497.

Additionally, in a previous Report of the Committee of Privileges of the Senate, 1992—1993 Session dated July 15, 1993, deliberating on a matter between the then President of the Senate, Sen. The Hon. Emmanuel Carter and Sen. M. Hosein and Sen. S. Capildeo, the committee addressed the question: Who should be responsible for the reports carried by the media? The committee had the following to say:

“Insofar as the media is concerned, Your Committee finds that each media house is responsible for the reports and in the instant case the advertisements carried by them. But however wrong the media might have been in publishing the release and statement...”

In this case, the advertisements.

“the Committee believes that the primary responsibility rests with the Senators, the authors of the principal documents ”

They were Hosein and Capildeo then. That report was laid and adopted by the Senate in the Sessional Report of Privileges Committee.

In relation to question 2, Madam President and Senators, whether the publication of those advertisements amounted to molestation of Sen. Mark in the performance of his duty as a Senator, I proffer:

One, the intent of this question appears to be an attempt to determine whether NLCB, by causing the publication of the ads intended to molest Sen. Mark in the performance of his duty as a Senator.

The Board alleged that Sen. Mark was misleading the Senate, that is, the NLCB Board. Sen. Mark sought to verify information which he had received, when he became aware that the information he gave was incorrect, he immediately and unreservedly apologized to the Senate and corrected the information. A check with the records would have shown that this was so.

Although that information was available before 4.30 p.m. on December 13, 2005, the media did not carry Sen. Mark’s profuse apology. The NLCB, in the absence of any evidence to the contrary appears not to have sought to verify the accuracy of the newspaper reports of the Senate proceedings before launching its advertising blitz.

The language, style and layout of the advertisements taken collectively, appear as designed to:

- (a) curtail Sen. Mark’s exercise of free speech in Parliament by openly accusing him of misleading the Senate and the nation. Such an allegation constantly repeated can only bring Sen. Mark into public ridicule, and it was constantly repeated.

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(b) molest Sen. Mark in the performance of his duty as a Senator.

My only reservation is that before this committee made any determination as to the guilt or liability of the NLCB, the board should have been given the opportunity to be heard in defence of allegations or finding against it.

So, in summary, the newspaper reports which appeared on December 14, 2005, by omission of Sen. Mark's apology and correction were neither fair nor accurate.

Two, the advertisements which were placed by the NLCB in the newspapers were misleading.

Three, the NLCB, as a responsible Statutory Body wishing to respond to statements made in Parliament by a Member, should have sought to verify the report carried in the media by checking with Parliament for copies of the transcripts of Sen. Mark's references to the NLCB.

The committee and I agreed that the advertisements were intimidating and we also agreed that the language, style and layout of the advertisements taken collectively appeared designed to:

- (a) curtail Sen. Mark's exercise of free speech in Parliament by openly accusing him of misleading the Senate and the nation. Such an allegation constantly repeated as was done in this can only bring Sen. Mark into public ridicule; and
- (b) molest Sen. Mark in the performance of his duty as a Senator.

I thought and recommended then, that the NLCB should be given an opportunity to be heard in defence of allegations or findings made against them before that committee made any determination as to the guilt or liability of the board. But the committee members, and you will realize from the Verbatim Notes of Minutes of the Committee of Privileges on Tuesday, July 25, at 1.45 p.m., the Minutes of that meeting indicated that two members found that there was contempt and the summary did not reflect what was really discussed in the meeting.

I want to refer Senators to—you may not have it—page 21 of the Verbatim Notes. You will see I mentioned—this is Dr. Gopeesingh speaking.

“Dr. Gopeesingh: At the third meeting, I think, it was indicated that the majority felt that it was intimidatory. The minutes of the meeting recorded it the Secretary recorded at the sixth meeting that you indicated that there was a tendency to be intimidatory.

Ms. Seetahal, S.C.: I said it was the test whether it had a tendency to intimidate. If it had a tendency to intimidate, therefore it was contempt. That was what I said, I said it twice.

Madam Chairman: So you agree with Tim?

Ms. Seetahal, S.C.: Yes, I agree with Tim. It was contempt. I do not agree with his actual finding, but the end result was contempt..."

Hon. Senator: You are not supposed to be reading that here.

Sen. Dr. T. Gopeesingh: And Madam Chairman said:

"**Madam Chairman:** We have two saying it is not contempt and two saying that it is. I am saying that although it was intemperate in the wording, I do not think it was contempt."

I just wanted to clarify that the question here of saying in 7.2:

"That the Committee by a majority of members also found that the language used in the advertisement did not meet the objective test employed, and that is whether the advertisement had the effect or tendency to intimidate or molest a reasonable Member of Parliament with normal sensibilities in the performance of his duties and therefore the NLCB was not in contempt of the Senate."

I would like to draw Senators to that—[*Interruption*] there is a contradiction to the Verbatim Notes where two were saying there was contempt and two—[*Crosstalk*] It is important that I bring this to the Senate.

Madam President: Yes, but at the last meeting you were not actually present and there was further discussion which resulted in the wording of the last paragraph and Sen. Seetahal, S.C. agreed with that.

Sen. Dr. T. Gopeesingh: Madam President, the Minutes of the last meeting was on July 25 and I was present. This was brought to me for signature almost a month ago and I told Miss Sandy that I was not signing it and I wanted to have my report attached to it.

Madam President: Not only you, but two other Members did not sign it because they did not agree how the last paragraph was stated. At the last meeting of the committee which you did not attend; you were not there, Unfortunately, this matter came up because we had to finish this report. [*Interruption*]

Sen. Mark: [*Inaudible*]

Madam President: No, no, no in September. That was a meeting where we had to decide whether this report was going to come to Parliament, or whether it would have to be delayed and the Members who were present Sen. Seetahal, S.C. yourself, Sen. Joseph and I decided that if that last paragraph were adjusted, then they would sign and Sen. Seetahal, S.C. would sign. That is how that last paragraph came about. You were not there.

Sen. Dr. T. Gopeesingh: I remember these meetings, but I am not aware of the last meeting. What I would say Madam President, I remember this report coming to—

Sen. Dr. Saith: Madam President, I wonder if we could just agree that this report is not unanimous, we accept the report signed by the majority and we add the minority report to it.

11.00 p.m.

Sen. Dr. T. Gopeesingh: All I am asking is for the minority report to be attached to this Report and to be circulated, but I had to draw the attention of the verbatim notes and what was a contradiction, originally, in one of the meetings as a contradiction to what is being established as the final report.

Sen. Dumas: Tim, you cannot bring that here. [*Discussion*]

Madam President: But that was just yesterday morning, actually.

Sen. Dr. T. Gopeesingh: I was not informed of a meeting yesterday morning. Yesterday morning I was available and I was not informed about a meeting. Madam President, you would see that I have been at every meeting. The point is—and I am saddened by the fact that I was not asked to be at the meeting yesterday morning.

Madam President: That had to be an error somewhere because everybody else was invited. As a matter of fact, I think that date was set at the last meeting we had, which was just prior to that. We agreed that since we were going to be meeting on Tuesday we might as well have the meeting that morning, because the meeting before had to be aborted like so many of these other meetings prior to that. We had to abort a number of meetings because we had no quorum. We agreed that Tuesday morning, just prior to the sitting, we would try to sit and wind up all these things. I am sorry if you did not get a notification.

Minister, do you have to reply? [*Interruption*]

Sen. Wade Mark: Madam President, there are procedures involved in these matters. This is a matter that is before this Senate.

Madam President: Yes, but go ahead.

Sen. W. Mark: Yes, but you are not giving me a chance, I heard you call on the lady to respond.

Madam President: But I did not know you wanted to contribute. [*Crosstalk*]

Sen. W. Mark: Madam President, it is highly dangerous for meetings to be convened and Members are not invited. Why are we hustling a report at 11 o'clock tonight, when we only received this Report—I received this Report only this afternoon when I arrived here. I have not had a chance, as a Member of this Parliament and, particularly, one who brought the motion. I was never invited to appear to clarify. [*Interruption*] Listen, you had your chance to speak, you know. Let me speak!

Madam President, it is either we have a proper approach to doing business in this honourable Senate or we do not have a proper approach. Here it is I am reading the First Report—it is incomplete! What is happening, Madam President, there is a hustle to have this Report completed before the prorogation of Parliament.

If you look at the Minutes of this Report; if your last meeting was on July 25, 2006; you said you had one today.

Madam President: Yesterday.

Sen. W. Mark: Where are the Minutes of July 25, 2006 and where are the Minutes of yesterday's meeting? You are bringing an incomplete Report to this honourable Parliament; to do what, Madam President? Then a Member is telling this Parliament that he has attended all the meetings of this Privileges Committee and, conveniently yesterday, he was left out.

Madam President: Hon. Senator, please, you are casting aspersions on the entire Committee. We have sent downstairs to get the copy of the notice that was sent to Sen. Dr. Gopeesingh. The Assistant Clerk can maintain that he spoke to his secretary who said that he had another matter yesterday morning.

Sen. Kangaloo: My oh, my, my!

Sen. W. Mark: I will pause on that particular point, Madam President, until you get your records. I would not want to pursue that line. [*Crosstalk*] I have no problems with that but I must tell you that when these reports come here, we debate them openly! [*Interruption*] Of course, I moved the motion and I never got an opportunity to come before the Committee to explain my position on this matter. [*Crosstalk*] Well, the Committee felt that there was no need for my good person to be before it.

Sen. Joseph: Madam President, on a point of order, the Senator is indicating how the Privileges Committee ought to do its business. The Privileges Committee determined, at the end of the day, that there was no need to call any witnesses. Are you saying that we should have called you?

Sen. W. Mark: I have the right—

Sen. Joseph: Yes, but we have to determine how we do our business! We did not believe that—

Sen. W. Mark: All I am saying is that—

Madam President: Senators!

[Madam President pounds the gavel]

Sen. W. Mark:—you should have done that! Who are you? Are you God?

Madam President: Senator, will you please sit?

[Madam President is on her feet and Sen. Mark keeps standing]

Sen. Mark!

[Sen. Mark keeps talking]

Hon. Senators: Put him out!

For the information of the Senate, please, it was agreed by all members of the Committee that it was not necessary; there was nothing to verify; we were looking at newspaper reports, which we had in front of us; there were no questions to be asked, so that neither side needed to be called. We had what evidence we needed; we had the information in front of us. It was a decision of the Committee.

Sen. W. Mark: Madam President, I want to refer to the minority report.

Madam President: We have not got a minority report; that is a statement. It was not handed in as a report.

Sen. Dr. Gopeesingh: Madam President, may I take you back to page 13 of the Minutes of the meeting of July 25, 2006, which is not recorded in this Report here. In this Report you have Minutes up to July 19, 2006. The Minutes of July 25, 2006 indicated:

“Miss Sandy said: ‘The report normally has what the majority agrees. If you want you can submit another Report.’”

Dr. Gopeesingh said: ‘I want to submit another report.’

Ms. Kangaloo said: ‘May, want or you will.’

Dr. Gopeesingh said: ‘Will want.’

Miss Sandy said: ‘He can submit a minority report or he could do a statement that we could append to the Report’.”

Madam President, you would remember that I had submitted my statement before the two other members of the Committee and that should have been attached to the Report long before. I would like to recommend that this be included in the Report. The Minutes of July 25, 2006 are missing in the Report as well. What Sen. Mark is saying is that we cannot go hurriedly just to pass the Report. I saw the Report for the first time when I came in this morning. I thought that yesterday when Minister Dr. Saith indicated—I thought it was the other report because the other report was circulated yesterday. If I knew this was coming today I would not—*[Interruption]*

Hon. Senator: Both of them were circulated yesterday.

Madam President: I got mine yesterday.

Sen. Dr. Gopeesingh: This was circulated this morning.

Sen. W. Mark: May I continue, Madam President?

Madam President: Yes, Senator.

Sen. W. Mark: Madam President, this is unprecedented. Why are we, as a Parliament, allowing—This is going into the parliamentary record of this honourable Senate. Here it is the Privileges Committee has made recommendations and Members of this Parliament do not have in their possession Minutes of the meeting of July 25, 2006 and Minutes of yesterday’s meeting. How are we to make an analysis of what has happened? We cannot conduct our affairs in that way, because the Parliament is going to be prorogued! We must leave a record; a rich legacy. This is a precedent that we are setting for other parliaments to follow! We cannot afford to have a half-baked report in the record of this Parliament.

Madam President, I urge you, particularly in your capacity as Chairman of the Privileges Committee, to withdraw this report and you save whatever you want to save and in the next session of Parliament you bring this report before us. Bring a proper report before us and let us have the opportunity to debate it. It would not

reflect properly on the President of the Senate, who is the Chairman of the Privileges Committee; it would not reflect properly on the Parliament of which all of us are Members, if we sit here tonight and approve a report that is not complete. It is not a complete report! All I am asking, Madam President, in your capacity as Chairman of the Privileges Committee is to save the report and let us carry it over to the next session of the Parliament in an effort to ensure that the report is complete and we can properly debate it. I have more to say but, Madam President, I would like you to consider that particular proposal.

Sen. Dr. Saith: Madam President, as I suggested before, we have a report signed by four persons. I indicated that Sen. Dr. Gopeesingh wanted to have a minority statement and that we attach it to the report and accept the report with the minority statement.

I find myself wondering whether Sen. Mark should, in fact, be contributing to this debate. I am really wondering about that but I am not going to make that an issue. I am sure there were other Senators who could have made the case for him. I just think that something is not right about that.

I am suggesting that we accept the report and we accept the minority statement. The alternative would be to let it lapse and to start the process all over again. All the facts are there; the facts as the Committee saw it and all the points that Sen. Dr. Gopeesingh would wish to make are on the record. I do not think much more will be done after this.

Sen. Dr. Gopeesingh: Madam President—

Madam President: But Senator, you have spoken already.

Sen. Dr. Gopeesingh: Yes, but I just want to make one statement.

Madam President: No. Senator, you spoke already; this is like a debate.

Sen. Dr. Gopeesingh: No, not to debate. Madam President, I have been—

Madam President: Wait, wait, wait! [*Interruption*]

[*Madam President pounds the gavel*]

Mr. Jaggassar, if somebody has spoken before, can he speak again?

Mr. Jaggassar: No.

Madam President: You cannot speak again. You have already spoken. You have made your submission, Sen. Dr. Gopeesingh.

Sen. Dr. Gopeesingh: I am just clarifying—

Madam President: What are you clarifying?

Sen. Dr. Gopeesingh: I am clarifying that there are two Minutes of meetings missing from the report and therefore I suggest that this report be carried over until the next session in the same context as the other report would be carried.

Madam President: Senator, when the debate is finished I am putting it to the Senate! That is it! Whatever the decision, it will come down to whatever happens.

Sen. Prof. Kenneth Ramchand: Madam President, would it not be acceptable to—*[Interruption]*

Sen. Mark: The President presided and she was the Chairman. *[Interruption]* That is conflict of interest! I cannot talk—*[Interruption]* I am being told that I cannot speak because I have a direct interest in the matter. The President is the Chairman of the Committee but she is presiding.

Madam President: Senator!

Sen. Mark: Come on, come on.

Madam President: Senator, it was a suggestion made by a Member on the floor. I did not say that you could not speak. There was no decision taken on that so please do not make an issue of it. If we think that is a matter, I will bring it up. Please continue.

Sen. Prof. K. Ramchand: Madam President, in order to save time, would it be acceptable to Sen. Dr. Gopeesingh that his statement be appended and that the missing Minutes be also included in the report. *[Crosstalk]* Maybe he should be satisfied by being shown the complete report, with the Minutes included as well as his statement appended.

Sen. Dr. Gopeesingh: Madam President, can I say something?

Hon. Senators: No.

Madam President: You cannot, Senator, you know the rules. *[Inaudible]* Senator?

Sen. Raziah Ahmed: Madam President, I just need some clarification on this matter. I have noticed that the page with the signatures is dated July 31, 2006. Correct me if I am wrong, but my understanding was that there was a meeting which took place yesterday which influenced the content of the Report in pages 1 to 6. *[Crosstalk]*

Sen. Dr. Gopeesingh: You see, I said this was brought to me almost two months ago and I did not sign it.

Madam President: I signed that yesterday. [*Interruption*]

Sen. R. Ahmed: Madam President, may I restate my question please?

Sen. Mark: You have an hour to speak, Raziah, if you wish.

Sen. R. Ahmed: Madam President, page 7, which contains the signatures for this report is dated July 31, 2006. It is my understanding, from the discussions that took place on the floor—

Sen. Dr. Gopeesingh: There is no typographical error. Do not come with that Christine. Miss Sandy brought this for me almost two months ago to sign and I told her I was not going to sign it.

Madam President: Senator, would you please let the Senator finish?

Sen. Kangaloo: Exactly.

Sen. Dr. Gopeesingh: Do not come with any dishonesty.

Sen. R. Ahmed: Madam President, page 7 of the report is dated July 31, 2006. I understood from what took place earlier that the meeting of yesterday, September 19, 2006 was taken into consideration in the generation of the contents of pages 1 to 6. It therefore appears to me that something is seriously wrong if the signatures were placed on July 31, 2006 and that changes that were made, according to the understanding of Sen. Dr. Gopeesingh yesterday, were included in the report. Therefore it appears to be inconsistent and incorrect.

Madam President: I will explain to you that when we affixed those signatures, I think it was just two persons that signed—I do not have my report here—the others did not sign. Since then there was no meeting because we could not get a quorum. Finally we got a meeting yesterday and the issue was brought up by the other Members that the reason they did not sign was because they did not agree with the wording of the last paragraph. That last paragraph was then adjusted to the satisfaction of Sen. Seetahal, S.C., who was there, Sen. Kangaloo, Minister Joseph and myself and new signatures were appended. That page should have been appended to the Report.

Does anyone else want to say anything?

Sen. Dr. Jennifer Kernahan: Madam President, as a Member of this Senate and also for me to be guided by proper procedures of this honourable Senate so that I can grow in knowledge of what is acceptable and what is not acceptable, I find it unacceptable that I should be handed a report that is incomplete, without the necessary Minutes and Minutes which affect, very profoundly, the conclusion of the report.

The Minutes which are not appended to the report are said to have affected, very profoundly, the conclusion of the report. I, therefore, cannot come to an understanding of this report without the presence of the Minutes; two crucial bits of evidence, as it were, Madam President, in this report.

I would have liked, as a Member of this honourable Senate, to have been provided with all the information to come to a reasonable conclusion on this matter, not having been myself a Member of the Privileges Committee.

I am guided by my honourable colleague who has suggested that this report is incomplete and without the Minutes, the Senate is unable to come to a proper conclusion and a proper assessment of the conclusions. This report should be carried over, saved, so that a proper report could be done in the next session.

The Minister of Labour, Small and Micro-Enterprises Development (Sen. The Hon. Danny Montano): Madam President, at this late hour I will try to be as brief as I can. I would like to say that what we have before us strikes me as being quite regular. What the Senators have appended their signatures to is the report, not the appendices. They have signed the report, and the report, not the appendices is what is before us for debate.

I can appreciate that it is the custom of the Senate to attach all the Minutes. I can appreciate that Members may want to read those Minutes, but it is the report that is presented here for Members to vote upon, that and only that. The report is very clear. It has been signed by four of the Members. One Member chose not to sign it and has said that he wants to append a minority statement, and he is free to do so, and he has said that he may do so, so there is no difficulty.

Madam President, what the difficulty is, I think, as Sen. Dr. Saith said, is that it really is disgraceful and in poor taste for Sen. Mark to speak on this issue when it concerned him, directly. It really is disgraceful.

Hon. Senator: It is out of order.

Sen. The Hon. D. Montano: I would not say it is out of order; I would say it is in very poor taste that a Senator with his experience should come here and try to explain himself away again. Madam President, that is one Senator that is in the habit—and we all know—of grossly misleading this Senate. On the one occasion when his statement was so grossly misleading and he realized that he had to fix it, and he did fix it, and then the organization that he so unfairly maligned decided to counter against what he said, he decided that he would have to do something about that.

Madam President, quite frankly, on every occasion when he says things like that citizens should stand and do something about the things he says. He is so frequently inaccurate.

Sen. Ahmed: Madam President, on a point of order. Is the hon. Minister imputing improper motives to the hon. Senator? [*Crosstalk*]

Madam President: Please, what I heard the Minister say was that on many occasions Sen. Mark has mentioned issues or whatever it is, and this was the one time that maybe somebody retaliated, if that is the word. I did not hear him say—

Sen. Dr. Gopeesingh: He said that almost every time he deliberately misleads—

Madam President: All right, Senator, please do not say so, if that is what you said.

Sen. The Hon. D. Montano: Madam President, I am very careful in the things that I say, unlike other Senators in this Senate. I never used the word “deliberate”. What I would say is that he recklessly says things that are grossly misleading.

Sen. Mark: Madam President, on a point of order, 35(5), I have to rise in my defence. I think the hon. Senator is imputing improper motives and there is no evidence for what he said. I ask him to withdraw those remarks or have the matter struck off the record.

Madam President: Minister, please do not use words like “deliberately, recklessly” and “misleading”. Talk about the report for me please; if you have something to say about the report, and then let us move on.

Sen. The Hon. D. Montano: Madam President, I am responding to what Sen. Mark said. He brought this issue on the Table. The fact of the matter is that there are issues here that this Senate has yet to resolve to the satisfaction; that is: What does this Senate do when a Senator misleads the Senate? [*Interruption*] Rightly or wrongly you have ruled, that it is not contrary to the Standing Orders. There are some of us who would not agree with that but I am not going to challenge that at this point, that is not the matter for debate.

The fact is, Madam President, you would recall, and Senators here would recall, the frequency with which we have to stand when that Senator is speaking—

Sen. Mark: Madam President, on a point of order, I am not a subject of this report. The recommendation is very clear and the Senator is imputing improper motives. He is also personally attacking my person. I am saying that is out of order. It is either he deals with the report—I am not part of the report. The recommendation did not mention me.

Madam President: Senator, please deal with the report.

Sen. The Hon. D. Montano: Madam President, you would recall the frequency with which we have to stand and say that the Senator is misleading the Senate. This is one of the occasions.

Sen. Mark: Madam President, you have ruled on this matter and he continues to raise it!

Sen. The Hon. D. Montano: Madam President, this is one of the occasions when he was accused of doing precisely that and a member of the public chose to respond in a manner that he took offence to. He has the boldness and the effrontery that in his own defence in this place to stand and say that he did not have an opportunity to—

Sen. Mark: Madam President, on a point of order, 35(4), which says:

“It shall be out of order to use offensive or insulting language about Members of either Chamber...”

How can the hon. Senator say that I was so boldfaced? I cannot stand here and allow the gentleman—

Madam President: Senator!

[Sen. Mark keeps standing]

Senator, I am on my feet!

Sen. Mark: *[Inaudible]*

Madam President: Sen. Mark! Sen. Mark!

Minister, I have warned you. Please be very careful in your language and in the adjectives that you are using in describing a Member of this Senate.

Sen. The Hon. D. Montano: Madam President, as I have said I am very careful, I did not say “boldface”. I said “so bold with the effrontery; I did not say “boldface”, with the greatest of respect. Again, the Senator is misleading; one has to be very careful with what he says. I did not say “boldface”, it is not a word that I use. Effrontery was the word that I used. Madam President, a classic example.

Madam President, the report is very straightforward. It has been signed by four of the Members. Sen. Mark has been slapped on the wrist, effectively, and rightly so, and he deserves it, and therefore, Madam President, I thank you very much. *[Desk thumping]*

Sen. Parvatee Anmolsingh-Mahabir: Madam President, I, myself, am seeking clarification. I am looking at page 4 of the report, Item 5, under Enquiry. You have: “Meetings 5(1): “The Committee held 7 meetings as follows:” and they listed the seven. Madam President, I think you mentioned that there were eight meetings. Also, it mentions Tuesday, July 25, 2006 and further the Minutes at Appendix III. When we look at Appendix III, it is not there. [*Crosstalk*] As I said, I am seeking clarification on that. [*Crosstalk*]

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I want to make a brief statement. As a Member of this Committee, I vividly recall yesterday signing this report. That is all I can say. I signed this report that was circulated to me, yesterday, in this Senate.

Madam President: It was passed around the Senate yesterday. Is there anybody else? If not, hon. Minister, will you reply?

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, when I initially moved to have the report adopted, I thought in the interest of time that I should be brief. Let me also say as Minister Joseph has said, categorically, I signed the report yesterday as I sat here in the Senate. A comment was made by Sen. Dr. Gopeesingh in respect of me so let me just say that I signed the report yesterday.

11.30 p.m.

I enquired of Miss Sandy today, why the report was dated July 31st and she said it was a typographical error. I do not know if that was conveyed to Mr. Jaggassar, but that was what she said when I asked her after I saw that it was dated July 31st, in light of the fact that I had signed it yesterday, as did Sen. Joseph.

Madam President, in dealing with this matter, I feel that I should, in the interest and of the completeness of the report, because there was a lot of deliberations that went into this report—and Members of the Committee, all Members were fully engaged when we were deliberating on this matter, as you would recall.

It was felt there were no questions of fact. We had the advertisements before us and there were issues we had to decide and we narrowed down these issues painstakingly. For the interest of other Members in the Chamber I will show all the different authorities that we referred to. We got all of this—we looked at all of this and we deliberated, we narrowed down the issue to two issues; whether the advertisements were deliberately misleading.

The reason we said the advertisements were not deliberately misleading was because we looked at the chronology of events. Sen. Mark had made his outlandish statements about the \$75 million, or however much millions dollars it was and, of course, the media reported that. He did not correct himself then and there. He waited until, I think, Sen. Dumas was speaking to make the correction. What we looked at was the chronology of events. We looked at what the newspapers reported; all the newspapers carried were the allegations that had been made against the National Lotteries Control Board (NLCB). And we therefore looked to see what NLCB was responding to. At that time, while we were deliberating, we asked the Clerk whether the *Hansard* would have been available to NLCB in that short interval and the answer was no, it would not have been available and, therefore, NLCB, acting on the information as provided through the print media and the television, [*Crosstalk*] [*Interruption*] and Members of this Chamber, this is how the deliberations went. That is why we came to the conclusion that the advertisements were not deliberately misleading because NLCB was acting on information that had been put out in the media. All newspapers carried what Sen. Mark initially said about NLCB and that is why we came to the conclusion on the first.

In respect of the second issue of contempt, we moved to the test to be applied. The “test” is an objective test. It is not whether Sen. Mark felt molested and intimidated by the advertisement. It is whether a reasonable parliamentarian—I know that would not apply to Sen. Mark, who is accustomed to the cut and thrust of politics—would have been intimidated and we came to the conclusion that, no. I certainly was not going to be intimidated, and I think I am more reasonable than Sen. Mark.

Madam President, I hope that this allows the Senators in this Chamber an opportunity to understand that this was not a *vaille que vaille* report that was generated. This was a report that was generated based on the information, the research that was done and what was provided to us on contempt; contempt in New Zealand, contempt in India. We looked at all the different jurisdictions and we came—and I, therefore, beg to move that this report by the majority Members be accepted.

I beg to move.

Sen. Dr. Saith: Madam President, given what has taken place, I think, before we adopt the report that the date should be changed.

Madam President: Sen. Dr. Gopeesingh, are you saying that the Committee is—what did you say?

Sen. Dr. Gopeesingh: I am saying that the report misses a lot of important ingredients in it and has a number of erroneous things. And, therefore, it is not an acceptable report based on the amount of erroneous things that are on the report.

Madam President: Hon. Senators, before I put the question, let me just say that the explanation given by Minister Kangaloo, in fact, is correct and practically word for word, and in sequence of the deliberations that we took and all the discussions we had. I think she has given an excellent summary of what took place in all the meetings of the Committee and I am so sorry Sen. Seetahal, S.C. is not here.

Be it Resolved that the Senate adopt the First Report of the Committee of Privileges of the Senate 2005—2006 session on a matter of Privileges raised by Senator Wade Mark and signed by the majority of the Committee Members and dated September 19th, 2006, and to include the minority report of Sen. Dr. Gopeesingh and the two minutes that are missing.

Question put.

The Senate divided: Ayes 19 Noes 7

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, R.

Kangaloo, Hon. C.

Ramroop, Hon. S.

Janniere, Miss R.

Hackshaw-Marslin, Mrs. J.

Ramchand, Prof. K.
 Anmolsingh-Mahabir, Mrs. P.
 Khan, Bro. N.
 Rocke, Miss A.
 NOES
 Mark, W.
 Gopeesingh, Dr. T.
 Kernahan, Dr. J.
 Ahmed, Mrs. R.
 Munro, W.
 Mungalsingh, H. P.
 Ali, B.

Question agreed to.

Report adopted.

MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
Joint Select Committee Report
(Adoption)

Sen. Prof. Kenneth Ramchand: Madam President, on behalf of Sen. Prof. Ramesh Deosaran:

Be it resolved that the Senate adopt the Second Report of the Joint Select Committee of Parliament appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commissions—Special Report on the Tunapuna/Piarco Regional Corporation.

Question proposed.

Question put and agreed to.

Report adopted.

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move, that the Senate do now adjourn to a date to be fixed.

Government's Agricultural Policy

Sen. Dr. Jennifer Kernahan: Madam President, thank you for the opportunity to raise this matter on the adjournment with respect to the Government's agricultural policy.

The Minister of Agriculture, Land and Marine Resources seems to have a lot of talent as a comedian but, what is not funny, is the fact that the citizens of this country especially the most vulnerable, those on fixed incomes: pensioners, those citizens living on disability grants, the unemployed, the underemployed, the low income earners, those living on less than US \$1 a day, hundreds of thousands of our citizens, of our people are groaning under the burden of escalating food prices, and that is no laughing matter.

This burden, this cost that we bear, is a direct result of an agricultural policy which jeopardizes the nation's food security rather than enhances it. I noted that the Minister was very happy with his relationship with Prof. John Spence, and that he speaks to him a lot. I wonder if Prof. Spence would have told him in person what he mentioned in an article, and I quote:

I have to agree with a newspaper editorial of August 06 that there is no apparent agricultural policy in place but, perhaps, this view is mistaken since the Minister of Agriculture, Land and Marine Resources has stated that there is a policy in place, the one created by the UNC government, at last we have achieved national unity.

Madam President, Prof. Spence is quite sure that there is not a proper agricultural policy in place by this Government and there is a Ministry of Agriculture, Land and Marine Resources and a Minister that seems helpless in the face of an administration which has marginalized and paid only lip service to the development of the agricultural sector, and whose policies with respect to Caroni (1975) Limited play a direct role in the marginalization of food production. What is the status of agriculture in the country now?

I am going to quote from the *Review of the Economy* produced by this Government *Vision 2020, Ensuring Our Future Prosperity, Addressing Basic Needs 2005*.

Madam President, in this document it says between October 2004 to March 2005

“paddy production declined by 10.6 per cent to 1,166.7 metric tonnes due to... the closure of Caroni (1975) Limited which through its rice project had formerly contributed to almost 50 per cent of total paddy production.”

This report continues:

“In the case of root crops, cassava production expanded by 19.5 percent”.

Because, I suppose, we then had a “minister of cassava”, but the other root crops suffered. Yam production declined by 57.1, bodie declined by 33.9 per cent, ochro declined by 49.3 percent, hot peppers...—this report says declined by 17.7 per cent and among the reasons advanced in this 2020 document, and I quote:

“In general, the poor outturn...and deficient agricultural infrastructure such as poor drainage, irrigation facilities and access roads.”

Madam President, the grim and discouraging story of agriculture under this administration continues. It says in the 2020 report between the fiscal years 2004 to 2005, the production of oranges declined by 94.5 per cent since there were no harvesting arrangements because of the closure of Caroni (1975) Limited. Grape fruit production plummeted—96.3 per cent. Copra production declined by 25 per cent and the report went on to state that the copra industry suffers from the persistent problem of attracting workers.

And obviously, this is thanks to the Government’s policy of make-work unproductive schemes while productive areas which earned foreign exchange are unable to attract labour.

The report continues, and it tells us that in 2004 to 2005, the poultry sector was the only growth livestock production sub-sector, and it grew by 7.2 per cent. That was the good news but the bad news was the fact that the higher output was in response to rising demand for chicken as a result of the escalating prices of other competing sources of meat. The woes continue for the nutritional status of the people of Trinidad and Tobago, especially our children who need to have a daily intake of milk. Dairy production fell by 18.7 per cent due to elevated production costs which forced farmers out of production. This is directly from the 2020 report. Beef production also declined by 11.6 per cent. It is not just us on this side that are critical of the Government’s agriculture policy.

I would like to end my discussion by quoting from the *Sunday Guardian* opinion, dated August 06, 2006. The headline is: “Serious agriculture policy needed”. I would like to quote from it to make my point.

“The experience of the markets and the supermarkets has become a daunting one for consumers. Rising prices have sharpened the many challenges to the quality of T&T life”.

Madam President, there is little to laugh about in this report. And I continue to quote:

“That question. Where is the Minister of Agriculture, who used to be responsible for food production?”

The agricultural Minister, with the historical responsibility for food production, has been mostly silent and almost nowhere to be found even as the biggest agricultural patch in the country—Caroni—has been left idle or otherwise put up for grabs by grasping state and private sector interests”.

We find little to smile about there and to joke about there. This article goes on to say:

“It’s a measure of the disregard by this Manning administration for agriculture and food production that it’s impossible to identify a single plan or project in this area of national business.

Specifically, the Government’s vaunted and make-work projects—CEPEP and URP in particular—which have successfully promoted the option of scant work for steady pay, have resulted in making agricultural labour uncompetitive and unattractive.”

Hence, the loss of productive capacity of the agriculture sector.

And it spoke to the Government’s latest scheme of these seven crops that the 7,000 farmers, ex-workers of Caroni (1975) Limited are supposed to produce and to ease the food shortage. It says:

“Between the last budget and today, the Government has falsely encouraged the idea of a connection between local food production and rising food prices.

This has permitted the perception of more local farm output equaling cheaper food.

But, bumper cassava and pumpkin harvests could depress prices below production cost and so result in less produce next year.”

Madam President, we have made that point.

If one goes into a project like that, 7,000 farmers producing probably the same commodities at the same time, you are going to depress prices and the farmers are going to be—any five-year old would understand that, Madam President. This is what they are saying here, unless there is proper planning, administration, advice to the farmers. If there is not proper planning you would be doing more harm than good to the food production issue.

And, in concluding this article it says:

“Such casually ill-considered approaches to food production hardly look good, even on paper, and can be expected to deliver even less productive results on the ground.”

Madam President, it is not a question of the UNC criticizing the Ministry of Agriculture, Land and Marine Resources, or the Minister for the food production policies—the abrupt closure of Caroni (1975) Limited without regard to the food crops that Caroni (1975) Limited produced to feed this nation, without regard to the dairy herds, without regard to the beef that was produced there, to the citrus, oranges and grapefruits, to the Buffalypso herd that Caroni (1975) had, and are now totally out of production and which has affected so profoundly the food and nutrition security of our nation.

I think, I have made my point and Prof. Spence has made the point and the *Sunday Guardian* opinion page has made the point that in this country there is need for a serious agricultural policy which would address the food and nutrition security of this nation and we are not about to get it from this Government.

Madam President, the Minister of Agriculture, Land and Marine Resources is about making us all laugh in the Parliament, waking us up when we are feeling a little sleepy and tired. He is not about producing food for this nation. I thank you.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Thank you very much, Madam President. It is amazing that they are laughing at themselves. That is the United National Congress (UNC) at this stage. There is no hope. Tonight, at this hour, Sen. Dr. Kernahan who was a former Minister of Agriculture, and who was there in government for six years and which had a “baghi and pumpkin minister” who now finds himself back into the UNC after leaving the UNC in disgust—he wanted to be Minister of Finance. I also recall that a minister of agriculture damaged a whole sugarcane industry when they did not spray for one year, and one would recall we got 80,000 metric tons of cane that year from 140 metric tons the year before.

The decline of agriculture did not start two years and 10 months since I am in the Ministry, and I am not thin skinned. You could read anything and anybody could criticize me, because I can defend myself. Senators on the other side feel this is a nine-day country and when we come here we would forget what went before us. Their decline and their getting out of cocoa production and they introducing brucellosis in Trinidad among dairy cattle and buffalypso, johne’s in goats and sheep and black sigatoka, all these things were introduced during their

time and they did absolutely nothing about it. As a matter of fact, Minister Sudama at the time said that they have a “baghi and pumpkin ministry” so that was the UNC’s legacy for agriculture.

Madam President: Hon. Senators, we allowed Sen. Dr. Kernahan to give her 15 minutes practically uninterrupted and now Senators are not allowing the Minister—regardless of what he is saying, that is his reply, let him reply.

Hon. J. Narine: I do not have to attack. You were in government for six years and you are a total failure in agriculture; your government was a total failure in agriculture and let me say this, sometimes Motions are put on the adjournment—let me read the Motion and one would realize how much nonsense was said tonight: The failure of the Government to promote a sustainable agricultural policy and the consequential impact of food security in Trinidad and Tobago.”

Madam President, under the Vision 2020 operational plan 2007—2010 goals have been set as follows:

1. To maintain macro-economic stability.
2. To create a business climate that attracts investors and encourages competitive business to start and grow.
3. Competitive business will transform Trinidad and Tobago in a diversified economy with an exciting growth opportunity.

Among the target outcome is achieving Gross National Product per capita growth of 9 per cent.

To achieve this, the Government will sustain and expand foundation industries in agriculture and other sectors. A strategic target is to increase the contribution of the agricultural sector to the Gross Domestic Product by 2 per cent.

Strategies to increase agricultural production will include infusion of new technologies into the sector and our research and development department at Centeno has done a tremendous job over the last four to five years in this matter.

Increased land availability to farmers.

I would like to remind Members of this Senate that when we came to the Parliament in 2001, the records were that at an average land distribution in Trinidad under the UNC there was about 40 leases per year. I am announcing here that when I took charge of the Ministry—Minister Rahael left it at an average about 360 leases between last year and this year and we have crossed 400 leases

per year. I am saying there was a backlog. We now have a Commissioner of State Lands on board. You would recall they came and could not get a Commissioner of State Lands. It took this Minister to find out why it was so and the reason was that there was never a Commissioner of State Lands on the permanent establishment in the Ministry of Agriculture.

Two years ago I got that corrected. I came to Parliament and a Commissioner of State Lands was put in place. We are now upgrading the facility, we are now looking for additional staff and the backlog will be dealt with. We are talking about land distribution, very important.

Easy access to financing. The Agricultural Development Bank (ADB) has now shown a profit over the last two years. There are windows open for youths in Trinidad to get into agriculture. You would recall I came here and said that the Agricultural Development Bank gives 97 per cent of the loans to agriculture and the commercial banks, three per cent. So that we need the ADB and that was an institution put there by a PNM Government. It is still there. You tried to shut it down but we are not going to shut down the ADB. The ADB is for the poor people of Trinidad and Tobago in agriculture.

Madam President, upgrading and infrastructure and land administration, and I would try to indicate to you—I have said this on many occasions. In 2001, your budgetary allocation for agricultural access roads was \$2 million. When we came in it went up to \$10 million, it meant that the Ministry did not have the capacity to spend \$10 million.

12.00 midnight

When I came into that Ministry, we got \$38 million under this present administration. The PSIP for infrastructure development this year, 2006, was \$69 million and in phase one we did about 50 roads and in the phase two programme, we have an additional \$81 million that will do another 50 roads. Let me just say that most of these roads are in opposition areas. They are so because they did nothing for the road structure in Trinidad; nothing for drainage; not even one bridge was built in the agricultural sector during the UNC's six years.

I went to Barrackpore last week and I can tell you that the sugar industry team alone, not the Land and Water Division of the Ministry, built 22 culverts, nine bridges and repaired about 10 roads. [*Desk thumping*] That was for the sugar cane industry. When the Senator said sugar cane fell, yes, we lost our GDP. In 2003, sugar cane went out of existence—everybody knows the situation with the European Union—the 39 per cent short.

Imagine the Senator saying that copra production fell. Obviously, the Senator is not in tune with agriculture. Do you know why? A coconut sells for \$4 around the Savannah now. The cost of a green nut is \$4, am I going to leave the nuts to dry to get copra for \$2? We have smart agriculturists now. It is not like in their time when they had people stupid following them to vote for them every time election comes around and they did not build a road for them. I am certain that the agricultural sector will support the PNM in any election to come because we have given to everybody throughout Trinidad and Tobago.

Madam President, I have been here in Parliament for 15 years and Minister Sudama came here, during their period, and begged them to do the sluice gate at Oropouche. There was salt water intrusion. He was begging his own colleagues and they did nothing. This PNM Government built the Trinidad Sluice Gate. We built four kilometres of embankment to stop the salt water intrusion. We are going to put about 10,000 acres of land into production because it will take about five to six years to desalinate that area. The salt water intrusion has caused a problem for that area.

Madam President, even in the cocoa industry—we talk about the development of a competitive industry such as tilapia, hot peppers, rabbits and so on—when I came to the Ministry, there were three committees: one for tilapia and one for special commodities—eight commodities. The reports came in and we recently went to Cabinet and got funding for these committees to start. [*Interruption*] I have only been there two years and 10 months; you were there for six years and did nothing. If I build one road in Trinidad, I have done more than the UNC did in six years in agriculture.

Madam President, you will recollect that during the last two or three budgets, I spoke here on the revitalization of the cocoa industry. We now have a window at the Agricultural Development Bank (ADB) that will give loans to people who want to rehabilitate the cocoa industry. There is a gestation period in agriculture. You do not plant cocoa this week and get cocoa next week. I know that you are a vet and may not understand that, but it takes about five or six years for a cocoa plant to bear fruit.

What we have been doing since I went there is—we had been doing 3,000 plants in Mr. Rahael's time, but last year we did 650,000 plants and the Government sold them at \$1 each. This year, we did another 650,000. I may not be here in six years' time when we start reaping cocoa and we are seeing the benefits, but you will recall that Jarrette Narine was part of the PNM that did that. You must know about a gestation period in agriculture.

Let me say that the rabbit industry is moving. Madam President, for the Senator to come here and just read newspaper clippings means that no research was done. We have doubled rice production in Trinidad on Caroni lands. We have given out 4,000 acres

between last year and this year. We reopened the rice mill through NFM. When NFM closed it, we opened it. We are paying them a management fee to run the rice mills. We are rain-fed agriculturalists. Madam President, do you know that in their time, there was only 3 per cent irrigation for agriculture in Trinidad and they did nothing about it. We now have 5 per cent.

Do you know that farmers in this country can only plant for six months? Are you not ashamed to come to this Senate and talk about agriculture when you sat in the Ministry of Agriculture, Land and Marine Resources and spoke to no one and that Ministry has many technical people with years of experience? You never spoke to them. So I am saying tonight that you are saying that you were a failure as a minister of agriculture.

Sen. Mark: Madam President, on a point of order. [*Crosstalk*]

Hon. J. Narine: Four agriculture ministers under the UNC failed. [*Crosstalk*]

Madam President: [*Pounding gavel!*] Everybody sit down and everybody shut up! Now let me hear your point of order!

Sen. Mark: The hon. Minister is imputing improper motives to the hon. Sen. Dr. Jennifer Kernahan and he is also using insulting and offensive language. I would like him to withdraw that.

Madam President: Mr. Minister, I did not realize you were attacking anybody in particular, but if you were, I will ask you to desist. I also want to tell you that you have one minute. [*Laughter*]

Hon. J. Narine: Madam President, I sit here and anything that is said or read about me, I do not mind, but history will show that four ministers of agriculture under the UNC failed because they were not speaking to anyone and they were trying to manhandle the Ministry. I am saying that this Government cares about the people of Trinidad and Tobago. Although they have the majority of agriculturists—or they have gone to the other party, I do not know—we will take care of them. Let me tell them that right in their backyards we have party groups with 150 persons. That means that they are coming to us because we are helping them and we are spending the funding that we are getting from the oil industry in agriculture. Give me another five years and they will not see the daylight of this Parliament.

Thank you very much, Madam President.

Question put and agreed to.

Senate accordingly adjourned.

Adjourned at 12.08 a.m.