

*Acting Arrangement*

*Tuesday, November 14, 2006*

**SENATE**

*Tuesday, November 14, 2006*

The Senate met at 1.30 p.m.

**PRAYERS**

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

**ACTING ARRANGEMENT**

**Mr. Vice-President:** Hon. Senators, I wish to inform you that the President of the Senate, the Hon. Dr. Linda Baboolal is at present Acting President of the Republic of Trinidad and Tobago for his Excellency the President, Professor George Maxwell Richards T.C., C.M.T., Ph.D. who is out of the country.

During the absence of the President, the Vice-President of the Senate will preside over the sittings.

**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. John Jeremie S.C., Sen. The Hon. Joan Yuille-Williams, Sen. The Hon. Howard Chin Lee, Sen. Wade Mark and Sen. Angela Cropper who are all out of the country.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D, and her Excellency Dr. Linda Savitri Baboolal, Acting President of the Republic of Trinidad Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator John Jeremie is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago.

*Senators' Appointment*  
[MR. VICE-PRESIDENT]

*Tuesday, November 14, 2006*

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 14th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator John Jeremie.

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 9<sup>th</sup> day of November, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Linda Baboolal  
Acting President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Joan Yuille-Williams is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 14th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Joan Yuille-Williams.

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 10<sup>th</sup> day of November, 2006."

*Senators' Appointment*

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Linda Baboolal  
Acting President.

TO: MS. ROSE JANNEIRE

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

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a member of the Senate, with effect from 14th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Howard Chin Lee.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President, St.  
Ann's, this 10<sup>th</sup> day of November, 2006.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Linda Baboolal  
Acting President.

TO: MR. NILEUNG ROLAND HYPOLITE

WHEREAS the President of the Senate has temporarily vacated her Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

*Senators' Appointment*  
[MR. VICE-PRESIDENT]

*Tuesday, November 14, 2006*

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate, with effect from 14th November, 2006 and continuing during the period that Senator Dr. Linda Savitri Baboolal has temporarily vacated her Office as Senator.

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 10<sup>th</sup> day of November, 2006."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MR. ANIL JUTERAM

WHEREAS Senator Wade Mark is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ANIL JUTERAM, to be temporarily a member of the Senate, with effect from 10th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Wade Mark.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 9<sup>th</sup> day of November, 2006."

*Senators' Appointment*

*Tuesday, November 14, 2006*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Linda Baboolal  
Acting President.

TO: MR. WALTON FRANCIS JAMES

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

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WALTON FRANCIS JAMES, to be temporarily a member of the Senate, with effect from 13th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Angela Cropper.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President, St.  
Ann's, this 10<sup>th</sup> day of November, 2006.”

**OATH OF ALLEGIANCE**

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

Joan Hackshaw-Marslin, Magna Williams-Smith, Rose Janneire, Nileung Roland Hypolite, Anil Juteram, Walton Francis James.

**PAPER LAID**

The annual audited financial statements of Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 2005. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

**JOINT SELECT COMMITTEE  
(APPOINTMENT OF)**

**Mr. Vice-President:** Hon. Senators, the following correspondence was received by the President from the Deputy Speaker of the House of Representatives:

*Joint Select Committee*  
[MR. VICE-PRESIDENT]

*Tuesday, November 14, 2006*

“November 9, 2006

Sen. the Hon. Dr. Linda Baboolal  
President of the Senate  
Office of the President of the Senate  
Office of the Parliament  
The Red House  
Abercromby Street  
PORT OF SPAIN  
Honourable Madam President,

Appointment of a Joint Select Committee

At a Sitting of the House of Representatives held on Friday November 03, 2006, the following Resolution was approved:

‘BE IT RESOLVED that a Joint Select Committee be established to consider and report on a bill entitled the Motor Vehicles and Road Traffic (Amendment) Bill, 2006’

Accordingly, I respectfully request that you cause the matter to be placed before the Senate at the earliest convenience.

Respectfully  
Mr. Hedwidge Bereaux, MP  
Deputy-Speaker”

**ARRANGEMENT OF BUSINESS**

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, in accordance with Standing Order 25, I seek your leave and that of the hon. Senators, to dispense with notice with respect to a motion which I propose to move, and which was referred to earlier in the proceedings.

*Agreed to.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL  
(JOINT SELECT COMMITTEE)**

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** I beg to move that this Senate agree with the following resolution passed in the House of Representatives on Friday, November 03, 2006:

*Be It Resolved* that a Joint Select Committee be established to consider and report on a bill entitled the Motor Vehicles and Road Traffic (Amdt.) Bill, 2006.

*Question put and agreed to.*

**IMMIGRATION (ADVANCE PASSENGER INFORMATION) BILL  
[Second Day]**

*Order read for resuming adjourned debate on question* [November 07, 2006]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Vice-President:** Hon. Senators, when the Senate was adjourned at its last sitting, the presenter of the Bill, the Minister was about to wind up. He was about to make his response. The Senators who spoke on the Bill prior to that were: Sen. The Hon. Martin Joseph, presenter of the Bill; Sen. Wade Mark; Sen. Prof. Kenneth Ramchand; Sen. The Hon. Danny Montano; Sen. Dr. Eastlyn Mc Kenzie; Sen. Raziah Ahmed; Sen. Mary King; Sen. Dana Seetahal, S.C.; Sen. Dr. Tim Gopeesingh; Sen. Angela Cropper; Sen. Noble S. A. Khan; Sen. Dr. Jennifer Kernahan and Sen. Basharat Ali.

**Sen. The Hon. M. Joseph:** Mr. Vice-President, as I said last Tuesday evening, one of the unfortunate things about the debate was that in some instances there seemed to be such misunderstanding as it relates to what the Bill is intended to achieve. At the same time, there were a number of valuable comments made, and as I indicated, I intend to treat with the individual issues as they have been made by hon. Senators. I also indicated then, that I considered it necessary that my team and I go back on the basis of the contributions made and some of the issues raised, and address these in a comprehensive and detailed way.

Mr. Vice-President, the first thing I propose to do is again to set the Bill in its context. As early as 2001, out of concern for the escalation in organized criminal activity in the region, Caricom Heads of Government decided on a collective approach to deal with the problem.

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The Regional Task Force on Crime and Security was, therefore, established to examine the causes of the phenomena and to make recommendation accordingly. The Task Force which comprised representatives at the technical and operational levels of regional governments had hardly begun its work when the tragic events of September 11, 2001 occurred.

The Conference of Heads of Government convened in a special meeting and added the issue of terrorism to the remit of the task force. In 2002, after commissioning a number of studies and following numerous regional and extra-regional consultations, the Task Force submitted its report which contained 100 recommendations. The implementation strategy included prioritization and the mobilization of resources; national, regional and international, since all could not be effected at once and in any case, not without extra-regional help. Many of the recommendations could have been grouped under four major headings: border security, information on intelligence-sharing, human resource development and maritime cooperation. Shortly after, a Security Cooperation Plan was developed with the United Kingdom in the context of these agreed priorities. At the same time, countries began on their own, and through bilateral arrangements to implement aspects of the recommendations. Border security programmes were initiated and to date, several member states are poised to commission systems which will incorporate machine-readable passports, readers and the technology to receive advance passenger information.

Mr. Vice-President, it was recognized however, that the Task Force as it was then configured, could not drive the implementation process which was not progressing at the desired pace. It was also recognized that a structure for the management of crime and security issues in the region had to be developed. This structure would have to include policy advisory, technical and operational levels and to have as its centre a strong and independent implementation agency. At its apex would be the Conference of Heads of Government to which a Council of Ministers Responsible for National Security and Law Enforcement would report.

The Conference of Heads of Government approved the management structure in July 2005, after it was considered by a special meeting of the Council of Ministers in May of the same year. It was at this special meeting that it was realized that security issues surrounding the hosting of Cricket World Cup 2007 as they related to national and regional security needed to receive the attention of the relevant ministers of government, since at the operational level throughout the region, only venue security was receiving the attention it deserved.



Another special meeting of Ministers of National Security and Law Enforcement was convened a month later specifically to address these issues. Cricket World Cup was not only a major global sporting event, but a major security undertaking. For the last 14 months, a comprehensive planning exercise has been taking place at the regional level to ensure a secure and successful tournament.

The four areas identified as requiring priority attention for the security of the region will also be at the centre of this planning process. The problem though, was time. Everything had to be fast-tracked. Regional officials however, chose to regard this as an opportunity to put in place in record time those security measures that needed to go hand in hand with globalization and more particularly, the free movement associated with the Caricom Single Market and Economy (CSME). Cricket World Cup 2007, was to be in essence, the catalyst, but it was also intended to leave us with a legacy, not only as it relates to our economies, but also and equally important as it relates to our security.

We cannot, therefore, separate the steps we take to ensure the security of CWC 2007 from those we must take for our long-term security, a point which was well taken from the passionate contributions of some in our midst.

The work of the Regional Security Community resulted in July 2006 in agreement by the Conference of Heads of Government of Caricom to a number of recommendations of the Council of Ministers of National Security and Law Enforcement. At the core of these decisions is the creation of a secured single domestic space, comprising the nine host venue countries for CWC 2007, plus Dominica, which has chosen to participate in the arrangements.

**2.00 p.m.**

In order to secure this space, the conference also agreed, inter alia, to the following:

- (1) enhanced border security arrangements with the following components:
  - a secure Caricom visa label to be issued after the prescribed security checks;
  - timely access to advance passenger and cargo information including the introduction of an Advance Passenger Information System;
  - real time connectivity among police, immigration and customs, across borders, utilizing common standardized E/D and customs forms;

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- (2) the establishment and operationalization of a Caricom Intelligence Sharing Network (SISNET), strengthened by the establishment of a regional intelligence fusion centre supported by the participation by international partners;
- (3) the execution of a regional security plan involving regional and international support; and
- (4) the establishment of an international security assistance support group.

Mr. Vice-President, I should like to point out that all the security planning has taken place against the backdrop of national and regional threat and risk assessments, taking into account the global security situation and the potential for importing into the region by reason of the creation of a world stage and the arrival of persons from those areas which are facing major security problems.

Only two days ago, it was reported that MI5, Britain's internal security agency, had been instrumental in foiling several terrorist plots and radicalization of Britain's youth was increasing at an alarming rate. Of the purchasers of tickets for CWC 2007, fans from the United Kingdom and the United States are so far among the largest groups by country. I would also like to point out that it is a well established fact that no one country or region as small as ours can stage a global event without the help and support of international partners.

We have the benefit of assistance provided by the United Kingdom in the persons of two officials who were responsible for advising on and mobilizing the international support necessary for the security of the Athens Olympics. Cricket World Cup is an event which has been labelled the third largest international sporting event after the Olympics and World Cup Football.

The vulnerability and the potential threat to the region in the context of CWC 2007 was articulated as follows—and I quote:

“The attacks on the World Trade Centre in New York on 9/11/01 radically changed major international event planning forever. The threat environment has subsequently become even darker with Al Qaeda's plots and attacks mounted through the Globe. The risk of a mass casualty attack on world stage sporting event has increased. The responsibility of the host nation—or nations in this case—has proportionately increased.”

This is a report from the two experts assigned to the Caribbean from the UK. There had been no 9/11 when we bid to host CWC 2007.

I put this on the table again, not to alarm the Members of this Senate and the national community, but simply to provide the backdrop to the security planning that has been taking place over the last 14 months. The advice given by these experts was as follows, and again I quote:

“The Caribbean needs to work harder to build strong defences. Caribbean governments must work together to make the region a hostile environment for terrorists in which to operate. Other countries are ready to assist in this work. The Caribbean and its allies must co-operate closely on international intelligence and other forms of information exchange.”

It is in this context that Member States of the region have come together to put in place a regional security plan which incorporates a package of security measures to meet this challenge, while at the same time ensuring that our citizens and guests are facilitated to the maximum for the tournament.

This is serious business. It has nothing to do with wanting to know Sen. Mark's or Sen. Dr. Gopeesingh's private business. We are here today debating the Immigration (Advance Passenger Information) Bill in order to give legislative effect to an important decision of the Conference of Heads of Government of Caricom and, as you see, we have not arrived at this point by "vaps".

Although the Memorandum of Intent between the governments of the United States and Caricom Member States is not before this Senate, much has been made of it and it has certainly influenced the tenor of this debate. I feel that I must, therefore, correct the misconception surrounding it so that it may be finally dispensed with in a manner that will allow us to focus on the matter at hand.

Indeed, Sen. Wade Mark, Sen. Mary King, Sen. Dr. Tim Gopeesingh and Sen. Dr. Kernahan all spoke on the Memorandum of Intent. The Memorandum of Intent is an expression of an intention to seek to arrive at an agreement on the manner of delivery of technical assistance in processing of advance passenger information, which Caricom Member States requested of the United States. The information of which I speak will be and will remain the property of Caricom governments. This is the basis upon which discussions are taking place. The US is not forcing us to establish this system.

The Memorandum of Intent does not deal with the operations of the Bill. It requires agreement on operational protocols yet to be worked out. Negotiations are currently taking place at the level of the airlines and of governments in the context of all national and international, legal and regulatory requirements, of which we are well aware. The operational protocol referred to will take these into consideration.

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The Bill before us does not require that a relationship with the US exists. A level of processing of the API can take place without any relationship with the United States, but without such a relationship, we shall be denied access to information that may be vital to our national and regional security. As indicated before, we are not immune from acts of terrorism and the US with its focus on that activity will have more information and intelligence in this respect than other countries. Are we to deny ourselves this access and increase our vulnerability? Are we to be the soft target while all those around us are taking the necessary precautionary measures? As others harden, terrorist activity will be displaced to the softer targets. It does not matter who or where these targets are as long as they provide a suitable stage for sending the terrorists' message. Remember, Mr. Vice-President, the region, and particularly Trinidad and Tobago, is host to considerable US and UK interests and those countries are major markets for the region's tourism industry.

Having clarified the basis for this expression of an intention to cooperate—and that is all the MOI is—I hope we can now proceed with the matter before us.

Let me also put on the record—unfortunately Sen. Dr. Tim Gopeesingh indicated that he was in receipt of an MOI from Mr. Chertoff. Mr. Vice-President, on the basis of the best available information to me, I have been advised that that is not the case. That is all that I am prepared to say at this point in time.

Great concern has been expressed by many Senators about the nature of the data which will form part of the advance passenger information and the fact that clause 3(1) provides for the Minister to make regulations in this respect. Almost every Senator made reference to clause 3(1). The data required will be in conformity with the ICAO/WCO/IATA guidelines as required by Sen. Dr. Jennifer Kernahan and will not exceed the core data fields sanctioned by these organizations. This is what has been agreed to by the Conference of Heads of Government of Caricom. The amount of core data to appear on the passport may vary from country to country, but it is hardly our concern. What is required by this Bill, in respect of passengers, is the passport information which will be put before this Senate in committee stage. I assure you, however, that the information required for the new machine-readable Trinidad and Tobago passports will not exceed that required on the present passport.

It stands to reason that in order to make sense of the advance passenger information, data on the vessel is also required. While this may have been considered a given, for the sake of clarity and accuracy, this requirement will be included in the Bill and that data will also be specified. Schedules containing all the required data will be attached to the Bill as requested by hon. Senators.

With respect to other provisions of the Bill, Sen. Seetahal, S.C. expressed concern about jurisdiction with respect to the imposition of a penalty where information is not transmitted before departure. Submission of the data as required is a condition of entry, so that once the aircraft is allowed to land the pilot will be in breach and subject to the penalty. However, the flight may be prevented from leaving its point of departure before transmitting the information. Additionally, the facilitation offered will be impaired since all passengers will have to be checked.

With respect to standby passengers—I think that Sen. Dr. Mc Kenzie and Sen. Seetahal, S.C. also raised that—the information is entered into the database at check-in and electronically transmitted in real time. So the question of being affected as a standby does not arise.

Clause 3(4), the waiving of the requirement of clause 3(1), I think was raised by Sen. Prof. Kenneth Ramchand, Sen. Mary King, Sen. Dr. Tim Gopeesingh and Sen. Angela Cropper. There may be legitimate reasons why the vessel may not comply, for example, military vessels and aircraft or private aircraft with certain categories of persons on board.

#### CUBAN VISITORS

**Mr. Vice-President:** Hon. Senators, I was hoping that I would be able to do this at the end of the Minister's winding up, but because of a circumstance I need to do it now.

We have visiting with us today the Cuban ambassador to this country and two Members of Parliament from Cuba, our colleagues. I want us to welcome them officially. [*Desk thumping*] They have had a full morning with us and they have decided to step in and observe us in operation.

We thank you for coming and hope that you enjoy the rest of your stay.

[*Cuban Visitors and Speaker of the House exit*]

#### IMMIGRATION (ADVANCE PASSENGER INFORMATION) BILL

**Sen. The Hon. M. Joseph:** Mr. Vice-President, I was saying that I believe that Sen. King, in responding to Sen. The Hon. Danny Montano, may have understood him to mean waiver in respect of certain categories of persons on a regular flight, hence her proposed amendment. This would not be possible, however, since the systems and software are already in place worldwide. The information on every traveller is entered on checking in from captain to cook, or else they cannot board.

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The waiver refers to the transmission of the entire list in advance. There is no provision for selectivity. Furthermore, the airline could be accused of discrimination and subject to litigation. In their contributions, Sen. Mark and Sen. Dr. Gopeesingh made reference to the judgment in the European court. I assure them both that in our examination of this matter, it was given full consideration. As I said before, no action will be taken to contravene international, legal or regulatory requirements. Indeed, a number of Senators raised what I refer to collectively as privacy issues. Sen. Dr. T. Gopeesingh, Sen. Wade Mark, Sen. Prof. K. Ramchand, indirectly, Sen. Ahmed, Sen. Bro. Noble Khan also spoke to privacy issues.

By way of clarification, however, I would like to inform this honourable Senate that the judgment refers, not to the information that constitutes advance passenger information, but that which is referred to as the personal number records (PNR). This information covers a wide cross-section of personal data including all ticketing information, seat assignment, number of bags, baggage tag number, phone numbers, addresses, form of payment, gaps in itinerary, et cetera. [Interruption] Personal name? I have personal number. [Interruption] I stand corrected.

In fact, the Canadian regulation to which Sen. Dr. Jennifer Kernahan referred contains two schedules. The first deals with API and the second with PNR data. There is a distinction, Mr. Vice-President and hon. Senators, and it is the former in which we are interested—the information contained in the passport. No additional forms will need to be filled out for this purpose and no data from the ED (Immigration) Card will be required.

Several pertinent issues were raised that require clarification. It seems to me that the majority of questions focused on how the APIS would work as opposed to why it is needed. I believe a number of contributors already see the need for it, but want to see how it will be configured and how it will work on the ground. In that regard, the following persons made reference to it. I think it is important that I recognize Sen. Ahmed, Sen. Dr. Tim Gopeesingh, Sen. Dr. Jennifer Kernahan. Those are the persons who spent a considerable time treating with this issue. I am pleased that these matters have been broached at this stage, so that I can give some explanation to this Senate of how the system is intended to work.

Sen. Mark also expressed concern about the transfer of data to others. The information is to be electronically matched against several databases which we either own or to which we have access. When I say “we”, I am talking about

Caricom. The data remains the property of Caricom Member States. An analysis of the results of this process will determine to what, if any, security or law enforcement agency, the product of the analysis will be delivered.

The purpose of collecting this data is two fold. It is to identify high-risk passengers and crew members who may pose a risk or threat to national and regional security whilst simultaneously facilitating risk-free passengers and crew at ports of entry resulting in significant time savings.

Sen. Mark also wanted to know why the Government would want to get information on him as a citizen of Trinidad and Tobago in advance of his arrival. Similar views were expressed by Sen. Prof. Ramchand and Sen. Mary King. To this I respond that the Government does not want to know anything about him other than that it is he, so that the immigration officer would be in a position to facilitate him on arrival by giving him free passage while targeting only those who may be of interest for security reasons. Those persons will then be processed in accordance with the information at hand.

Concern has been expressed as to whether entire databases of information and intelligence will be transferred to anyone. In today's world, we are dealing with transnational organized crime and terrorism, which know no boundaries. Terrorism is a crime which only needs a stage to send its message. The stage does not have to be the primary target. It is not this Bill that will provide the information and intelligence to fight these crimes. It will only assist in telling us that we have danger in our midst and that we should investigate further.

It has long been established that transnational organized crime, which is the nature of most major criminal activity today, has to be tackled through international cooperation. This takes place on a daily basis through the sharing of information and intelligence across borders between security and law enforcement personnel, for example, the foiled attempts to bomb transatlantic flights between the UK and the US. However, this sharing takes place on a need-to-know basis and in targeted fashion. No country or even agency exposes its entire information or intelligence database to anyone.

Among other details that Sen. Ahmed wanted was when our watch lists are to be compiled. For obvious reasons, I cannot put the answers to some of those questions in the public domain. As I have already indicated, a Caricom watch list is currently in existence. It is dynamic and will be amended as information and intelligence dictate. Our international databases exist, such as those compiled by Interpol, of which Trinidad and Tobago and all Caricom states are members. We, therefore, have access to these.

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Denial of access and no fly list—in response to concerns about denial of access to persons visiting the region, I would like to remind this honourable Senate that immigration laws and regulations worldwide empower national authorities to prohibit entry of persons into their countries on the basis of information or intelligence obtained from a number of sources. This Bill in no way diminishes or indeed strengthens this authority. It merely gives the authorities more time to make the assessment based on the information at hand to avoid entry of undesirable persons who, if entering the country with evil intent, would obviously make it difficult for them to be found after the fact.

In a related concern, Sen. Ahmed spoke about no fly lists and the fact that persons on such lists will not enter Trinidad and Tobago since it is at the check point that the advance passenger list kicks in. The question is: What if they are terrorists or dangerous criminals? We cannot assume anything in today's world. In any event, it is more likely than not that the airline would already have the list since it is designed particularly to ensure the safety of the aircraft and its passengers and crew. The following is an example which strikes close to home.

I may not be pronouncing the gentleman's name correctly—Adnan Gulshair el Shikrijumah is a suspected operative of Al Qaeda. He is suspected of plotting to carry out a terrorist attack against US interests abroad or domestically. When Khalid Shaikh Mohammed, former operational commander of Al Qaeda was captured in March 2003 and interrogated, he fingered the gentleman as the man who would later be in charge of a new attack. He goes by several different names and allegedly carries passports of several different nationalities including that of Trinidad and Tobago. The gentleman visited Trinidad and Tobago in May 2003. Of course, we discovered this after the fact. Open source reports indicated that during March 2004, the gentleman and two of his associates met in Waziristan, Pakistan. This gathering was designated as a meeting of the terrorist elite and the “second string leadership of al Qaeda”. His two associates were later arrested and charged with various terrorism related offences. The gentleman is still at large. Copies of these open source reports are being circulated for the information of hon. Senators.

In today's world, through no fault of our own, we must accept that sacrifices and inconveniences have to be suffered by the innocent in the interest of their own safety and security and that of the larger community. At present, an immigration officer already has the right to grant or refuse entry to a person under section 21



of our Immigration Act. However, he may appeal that decision by making representation to a special enquiry officer stationed at the airport and be given an opportunity to represent himself or herself. If unsatisfied, he or she has further recourse to the Minister under section 13 of the Act.

As I have already indicated, this Bill is one of many mechanisms by which we are attempting to deal with persons on the basis of as much information as possible instead of having to make an assessment on the basis of limited information.

Sen. Mark cited the example of someone getting into a Member State, which might not have the technology and slipping into others undetected. The ability to slip through the cordon, so to speak, is precisely what this legislation is trying to avoid. There is an agreement and an approved regional budget to have all things in place and ready for testing by January 01, 2007. In an instance where someone slips through the API, the next country will pick him up and databases that are currently being compiled and shared throughout the region will be engaged. Information transmitted does not automatically result in that person or flight being summarily dealt with.

Sen. Mark expressed concern as to whether one would be allowed to travel if he refused to supply the information. As it stands, the airline retrieves the information on the passport at check in. If the passenger refuses to provide the passport or the information therein, the airline can refuse boarding. In any event, my advice is that without entry of the data, the system will not generate a boarding pass with the same result. This has nothing to do with the Bill at hand.

With respect to Sen. Dr. Mc Kenzie's reference to passengers who were not allowed to fly on a wet leased aircraft belonging to the United States and flying between Trinidad and Tobago, she is absolutely right. US law requires that in all instances API be submitted by American aircraft regardless of where it is going. Our legislation will have no bearing on this and, in any event, the airline would have transmitted the information directly to the United States. We have no part to play in this process, the objective being the protection of US aircraft and crew. This will not apply if the aircraft is not American. Furthermore, should there be cooperation with the US, databases will not be shared. If the US authorities identify a person of interest, that is not on an American aircraft, that person will simply be flagged for Caricom officials at the port of entry to determine what action should be taken.

Concern was also expressed about the length of time information would be stored and whether it would be put to any other use. The information is to be stored for security, law enforcement and border security purposes only and will be stored only for as long as it may be required by the relevant agencies.

*Immigration (API) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, November 14, 2006*

Sen. Dr. Tim Gopeesingh asked how we in the Caribbean, even pooling our best resources, together in nine countries, were going to manoeuvre so that we could get information on terrorists coming into our countries and utilizing the Caribbean for terrorist activities in the United States of America.

**2.30 p.m.**

The terrorists do not have to go to the United States to commit acts of terrorism against the United States. They can target US interests right in the Caribbean and our small, fragile economies will be devastated. The US can rebound. It would be almost impossible for us. Look at Bali, Dar es Salaam and others, they had no direct quarrel with the terrorists, but targets of interest to the terrorists were on their soil.

Sen. Ahmed expressed concern about persons who are misidentified, entering Trinidad and Tobago. This can happen now, even without this legislation. However, trained analysts will be responsible for analyzing the information. Remember, the data will be analyzed against a wide range of information, thus giving the opportunity for verification or otherwise. If this cannot be done before arrival, it would be at the time of arrival. Their specialist training will also enable them to deal with false positives.

Mr. Vice-President, I wondered when Sen. Dr. Jennifer Kernahan went to great lengths quoting extensively from supporting documents to indicate all the things that need to be considered and all the steps that need to be taken to successfully implement such a system. This she did, even while arguing that the installation of such a system was desirable for the long term and should not be the subject of sunset legislation.

The details of the hon. Senator's contribution, in this respect, are too many to address individually. Suffice it to say, I want to give her the assurance that I read every single bit of her contribution and that of every single Senator. It was homework.

**Sen. Prof. Ramchand:** On that point, may I point out one bit of misreading by the hon. Minister? I have the unrevised transcript before me and I can affirm that I did not, in my contribution, question the need to provide advance passenger information in the circumstances envisaged by the Bill. I want to assure him that I do not hold such a position at all.

**Sen. The Hon. M. Joseph:** Sorry, I spoke about privacy in issues and I said indirectly—I stand corrected.

The details of the hon. Senator's contribution, in this respect, are too many to address individually. Suffice it to say, the same documents are available to the planners, and we are in a position to benefit from the experience of the many other countries which already have this system in place. It is recommended by the International Civil Aviation Organization and has been tried and tested. I can say with confidence that the recommendations in those documents have been taken into consideration by regional planners, policies and procedures and are being put in place to minimize the negative effects of introducing a new system.

With respect to the human resource capacity, it is unfortunate that the hon. Senator should have such a low opinion of our very skilled and competent officers. What is even worse is the fact that this unfounded assessment should be placed on the record of this honourable Senate and in the public domain.

Mr. Vice-President, I have deliberately stayed away from some of the personal attacks and comments made by Senators on the other side, especially from the Senators on the Opposition Bench. I understand what their motivation is. I will not comment on some of the comments made by Sen. Wade Mark, because he is not here. It pained me to listen to my colleague, Sen. Dr. Tim Gopeesingh talk about his 45-page resumé, the fact that he has written over 30 books and that he is so intelligent and does so much research and all kinds of other things.

As I indicated, we intend to move some amendments at the committee stage. The amendments are with the parliamentary staff and will be circulated.

Permit me to end my contribution—*[Interruption]* *[Sen. Ali rises]*

**Sen. Seetahal, S.C.:** Before you end, I am sorry to interrupt you, Mr. Minister—*[Interruption]* Who was first? I beg your pardon.

**Sen. Ali:** Perhaps, the Minister did not read my short contribution to the very end. It related to the position of cargo vessels; the frequency of which I enumerated. I asked about the relevance of this Bill to cargo vessels coming into Trinidad and also the relevance of sunset legislation. I hope the Minister speaks about captain to cook in his contribution today.

Could he tell me whether the crew list from all these vessels are going to be advanced/submitted to the relevant authorities, and what is the overall position with respect to these numerous vessels that come here to take our molecules? Our passengers are molecules of hydrocarbon, et cetera, going out. It is most important.

**Sen. Seetahal, S.C.:** Thank you very much. My question is in relation to the same point of jurisdiction. I heard what the Minister said, but he did not answer what my point is. Let me clarify. According to the basic law on jurisdiction, the

offence must be committed in the country where it is to be prosecuted. Where is the jurisdiction to prosecute? We talked about not letting the ship enter. Where is the jurisdiction to prosecute? That is what I raised, clearly.

**Sen. The Hon. M. Joseph:** Sen. Seetahal, S.C., we will deal with it in the committee stage, when the legal experts will allow me to address that.

With respect to Sen. Ali and the question of cargo, we have already agreed that the size of the vessel is 100 tonnes. It will be for all vessels. It is the question of whether or not they have passengers. I am advised that advance cargo regulations will deal with the question of cargo and we will respond to that.

Permit me to end—*Interruption*]

**Sen. King:** Thank you, Mr. Vice-President, before the Minister ends, I also would like to place on the record that I was not concerned about my personal information being given to anybody in Trinidad and Tobago. What I stated was that we have to be cautious as who are the third party countries that we are forwarding information to, as we have to be careful that we do not damage our own tourism industry. That was my comment, Mr. Minister.

**Sen. The Hon. M. Joseph:** Let me indicate clearly to this honourable Senate that, while the legislation is sunset legislation, in the first instance, the intention—you would notice in my presentation that we talked about this being one of the legacy items, in terms of preparation for the single market and economy, which will allow for the free movement of people and goods. Clearly in a context like that, we must be able to have a regional intelligence and security mechanism before us and the Government intends, at a subsequent time, after the sun has set on this legislation, to reintroduce, on a more permanent basis, legislation of this kind. I want to make it abundantly clear to this honourable Senate, the Government's intention.

Are we ready to circulate the amendments? Let me end. I thought it would be fitting to end with—permit me to quote a piece of correspondence coming out of the Caricom headquarters summoning personnel to attend a particular meeting. I thought that it captures nicely what we are attempting to do:

“Ensuring the success of Cricket World Cup 2007 will depend, to a great extent, on the provision of safe, secure and efficient intra-regional transport and logistic services to move the anticipated significant increase in passenger and baggage traffic within the Caricom single domestic space created by the 27<sup>th</sup> Meeting of the Conference of Heads of Government for the period January 15—May 15, 2007.

The major challenges for the region relate essentially to adequate airlift, heightened security and safety of travel, aircraft, cruise ships and transport infrastructure, air and sea operations, border inspection, immigration, customs security and port help, passengers and baggage handling, including transfers and emergency services.”

The Bill before us is designed to assist in ensuring that we are able to achieve these objectives. With that, 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.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

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

**Sen. Joseph:** Mr. Chairman, I beg to move that clause 2 be amended as follows:

- A. Delete the definition of “Minister”.
- B. Insert in the correct alphabetic order the following definition:

“advance passenger information means the information in respect of a passenger, crew member or other occupant transported in the vessel”.

**Sen. Dr. Gopeesingh:** Could the Minister indicate why he is considering deleting the definition of “Minister”? Does it mean that the Minister could be any Minister, or is it—because, as it is now, the “Minister” means the “Minister” to whom responsibility for national security is assigned. Would you explain to us why he is considering deleting the definition of “Minister”?

**Sen. Joseph:** I am deleting the definition of “Minister” because “Minister” in this Bill refers specifically to the Minister making regulations. Since we are now going to attach in the Schedule, the information which we require, then there is no need for me to make any regulations. As a result, there is no mention of “Minister” in the Bill.

**Sen. Montano:** The word “Minister” has been removed. When we get there you would see that there is no longer—[*Interruption*]

**Sen. Dr. Gopeesingh:** Clause 4 is removed.

**Sen. King:** Minister, you have not deleted clause 4 so, therefore, that is illogical. You have to move it.

**Sen. Dr. Gopeesingh:** What you are saying is that you will not be making regulations so, therefore, you would have to delete clause 4. Do you want to leave it in?

**Sen. Joseph:** When we reach to the waiving, we would see that we are not waiving.

**Sen. Dr. Gopeesingh:** You predicated your statement a while ago indicating that you will not be making regulations and that the information that is necessary is also spelt out in the Schedule. There is no need for “Minister”.

**Sen. Joseph:** There is still need for “Minister”?

**Sen. Dr. Gopeesingh:** Why are you changing your mind?

**Sen. Joseph:** We are not interfering with clause 4. That allows me to exercise a waiving.

**Sen. Seetahal, S.C.:** What are we doing then really? I do not understand.

**Sen. Kangaloo:** If I may, we can do one of two things. What we sought to do here—because we are removing, in clause 3(1), the requirement for the Minister to make regulations—is where we thought we would take out “Minister”, but it still remains in clause 4—because the Minister may by Order exempt certain persons. We can either keep it or do it as we have in the amendment.

In the Interpretation Act, “Minster” means the minister to whom responsibility for the particular issues are assigned and this will fall with the Minister of National Security. We have two options: we can either take it out as we have circulated in the amendments, or we can keep it in and then clause 4 would be clearer. We can decide that now.

**Hon. Senators:** Keep it.

**Sen. Kangaloo:** We will not be proceeding with clause 2 A.

**Sen. Joseph:** We are amending clause 2 at B to include a definition for “advance passenger information”. This is for completeness. It will now read 2 A as opposed to 2 B. It will be clause 2.

**Sen. Dr. Gopeesingh:** There can be occupants in a vessel or an aircraft who are not necessarily passengers. Are the words “other occupant” superfluous, rather than leaving “passenger and crew member”?

**Sen. Kangaloo:** That is the definition that is in the Caricom model. For completeness, we felt that is what we should have.

**Mr. Chairman:** I want to read the definition into the record:

2 “advance passenger information means the information in respect of a passenger, crew member or other occupant transported in the vessel”.

**Sen. Prof. Ramchand:** You have two quotation marks before “advance”.

**Mr. Chairman:** Remove one. That is a typographical error.

**Sen. Seetahal, S.C.:** You should include a second set after “vessel” because it is an insertion. You need to put it in.

**Mr. Chairman:** It is correct as it is. What is in inverted commas is the whole statement, all the way down to “vessel”, but the next set of quotation marks identify that which we are defining.

*Question, on amendment, put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3.*

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

**Sen. Dr. Gopeesingh:** Mr. Chairman, we are now substituting the words “advance passenger information detailed in the Schedule”. We have a Schedule, but in clause 3(4) it states:

“The Minister may by Order waive the requirements of subsection (1).”

Subsection (1) basically, is the Schedule. Is it that you are going to waive by Order the requirements of the Schedule, because the Schedule is what we are speaking about in clause 3(1)? These are the information and data that we must have, given in the advance passenger information, as you have in the Schedule.

Clause 3(4) states:

“The Minister may by Order waive the requirements of subsection (1).”

This is the Schedule. Will you waive the requirements of the Schedule and do it willy-nilly? What we would like to see is that by affirmative resolution of Parliament—here you have a Schedule. If the Minister may by Order waive the requirements of this Schedule, this is not acceptable.

**Sen. Kangaloo:** Could I try to answer what you have raised? Subsection (1) is not the Schedule. It is the information that the master of the vessel has to provide. What we are saying is that we are taking away the requirement of regulations by the Minister, because that met with a lot of resistance. The advance passenger information, as detailed in the Schedule, is basically the information.

Subsection (4) is saying that the Minister may have to waive the requirement for the information in subsection (1) and he would do that by order.

**Sen. Dr. Gopeesingh:** I am not comfortable with the Minister having to waive requirements by himself. He can decide whatever requirements he wants to waive by himself and do that without—*[Interruption]*

**Sen. Kangaloo:** Could I say two things?

**Sen. Dr. Gopeesingh:** First of all, I do not agree with you that subsection (1) means a part of it. Clause 3(1) is the entire paragraph.

“Subject to subsection 2, the master of every vessel...may, by Regulations prescribe.”

You are saying that you are removing “may, by Regulations, prescribe” and substituting “advance passenger information detailed in the Schedule”.

Clause 4 states:

“The Minister may by Order waive the requirements of subsection (1).”

You cannot waive the entire paragraph. You are waiving everything. We are not comfortable with you waiving the Minister. You can come and change this overnight and say this is not the information.

**Sen. Prof. Ramchand:** I think I heard the Minister say that it means waive the requirement to send the list. Could we not say that?

**Sen. Kangaloo:** That is what I was going to say. Could we deal with clause 4 when we come to it?

**Sen. Prof. Ramchand:** It is clause 3 that we are discussing.

**Sen. Seetahal, S.C.:** It is not clause 4 by itself. It is part of clause 3.

**Sen. Prof. Ramchand:** All you have to do is clarify what you mean there.

**Sen. Dr. Mc Kenzie:** Except we take the clause in parts 3(1), 3(2), and so forth.

**Sen. Dr. Gopeesingh:** To help us clarify that, could the Minister give us an example of what you may require to waive by Order?



**Sen. Joseph:** A military aircraft. We talk about commercial flights with certain types of dignitaries that may be on board. Those are the examples; but not individuals.

**Sen. Dr. Gopeesingh:** That should be under the regulations. That should be circumscribed by something. It is too airy-fairy.

**Mr. Chairman:** How would you like the amended clause to read?

**Sen. Dr. Gopeesingh:** "By affirmative resolution of Parliament".

**Sen. Kangaloo:** Could I point out, Sen. Dr. Gopeesingh, that this is for a specific period of time? To talk about affirmative resolution of Parliament is stretching it.

**Sen. Dr. Gopeesingh:** You are predicating your Act by the limitation of the time. You are saying that it is a short time between this and certain legislation. If we are enacting legislation, we should not have taken into consideration just the time factor alone. It is the true essence of the issue.

**Sen. Prof. Ramchand:** I would like to hear the Minister say what the revision of this is first and then I would know whether I think it is satisfactory.

**Mr. Chairman:** That is what I am trying to get.

**Sen. Kangaloo:** Revision of clause 3(4)? We are addressing that right now, Sen. Prof. Ramchand.

**Sen. Prof. Ramchand:** Clause 3 stands on its own. Before clause 3, says whatever information you want, the Minister will do it by regulations. I heard in the debate that people said that it is open-ended and that they would like to fix that. What this seeks to do is say we have fixed it. When we go to clause 4, we will discuss if he has to waive, what he is waiving, how he is waiving it; whether he will jump and wave or just wave. We will deal with that in clause 4, but let us get clause 3 out of the way.

**Sen. Seetahal, S.C.:** Through you, Mr. Chairman. We are dealing with clause 3, is it that you are saying we should deal with clause 3 like 3(1), 3(2)? You have just said when we get to clause 4, but we are in clause 3(4). What the Chair posed is clause 3. He did not pose clause 3(1). That is the point I am making. I think we should deal with the subclauses separately.

**Sen. Dr. Gopeesingh:** I want to ask a question on the Schedule.

**Sen. Kangaloo:** Could we deal with clause 3(1) first? Clause 3(1) will now read:

“Subject to subsection (2), the master of every vessel destined for Trinidad and Tobago, prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer the advance passenger information data as detailed in the Schedule.”

That is what we are proposing that clause 3(1) read.

**Sen. Dr. Gopeesingh:** I am fine with that, but I want some clarification on this issue of the Schedule. Most of the questions on passenger and data are really questions that we answer on the airline passenger information thing when we are leaving; immigration forms. Is this a separate document from the immigration form? Do we have to fill out an immigration form on a separate document for this? The airline gives you something to fill out; this is what we generally fill out. I have not seen anything strange on this and I have no difficulty with it. Will this be a different form? Is this information for Trinidad and Tobago? Every country has a different immigration form. We are in a net of nine countries. I see the information is what we fill out for Trinidad and Tobago.

The immigration forms for Barbados and other islands are different. Is there a standardization of this for the time period up to the World Cup 2007?

**Sen. Joseph:** The answer is yes.

**Sen. Dr. Gopeesingh:** Would there be one standard immigration form for all nine countries?

**Sen. Joseph:** The answer is yes.

**Sen. Dr. Gopeesingh:** For Caricom, for this? Fine. Because I do not want us to have a separate immigration form here. Barbados has a separate form and then you are asked to give the same information again a second time. Would you satisfy the West Indian population, the nine countries that are participating? You have to satisfy Trinidad and Tobago first that this is the immigration form which will be used by the nine countries? Thank you.

**Sen. King:** Plus Dominica.

**Sen. Prof. Ramchand:** I have noticed that the forms are different.

**Sen. Dr. Saith:** They are different at different times.

**Mr. Chairman:** Clause 3(1) should be amended to read:

“Subject to subsection (2), the master of every vessel destined for Trinidad and Tobago prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Office the advance passenger information data detailed in the Schedule.”

*Question, on amendment, put and agreed to.*

**Mr. Chairman:** Are you not amending clause 3(2)?

**Sen. Dr. Gopeesingh:** I raised the question, I think the hon. Minister attempted to answer. I have a difficulty in terms of why we are specifying ships exceeding 100 net tonnes when, as I mentioned in the debate, major security issues are breached by individuals in vessels that are smaller than 100 metric tons. Why has somebody not seen sense that this is not necessarily a right thing? Why are you limiting the vessel to 100 metric tons when you know that a little cruise thing in the Caribbean—internationally, you see a little boat parked and the Al Qaeda thing blow the bottom of a ship? Terrorists travel in the small vessels.

**Sen. Joseph:** Mr. Chairman, through you, let me again, explain to the Senator that we are talking about advance passenger information. With respect to these other vessels they will be required to provide the same information. The only difference is on arrival, okay. It is not to say that will not be required to meet the same security and immigration and custom requirements. The difference is when they arrive. This is advance passenger information. We could keep a small boat waiting.

**Sen. Dr. Gopeesingh:** You are presuming then that the ones that weigh greater than 100 metric tons are the ones that carry a lot of passengers and therefore, to prevent the—

**Sen. Joseph:** Yes.

**Sen. Dr. Gopeesingh:** I do not think you explained that previously, but you have now made it clear. I understand. I understand it now. Therefore, they will be subject to the same immigration rules and regulations but, in that case, they will not be detaining anyone.

**Sen. Prof. Ramchand:** You cannot be sure when a pirogue is leaving Grenada that it intends to come to Trinidad, so they cannot give you the advance information.

**Sen. Joseph:** Thank you.

**Mr. Chairman:** Are there any other amendments on clause 3?

**Sen. Seetahal, S.C.:** We are dealing with 3(2) and we have not dealt with clauses 3(3) and 3(4). We are dealing with the subclauses.

**Mr. Chairman:** Do you have a question on clause 3(3)?

**Sen. Seetahal, S.C.:** My point is still that since the offence created was supposed to have occurred outside of the country, what is our jurisdiction to prosecute? There is a House of Lords case called Cox, that sets the law and that case says that a person can be prosecuted for an offence committed in the country where it occurred. In this case, based on what we have here, the failure to provide information will be prior to departure. That means that the failure to provide information would be in a country outside of Trinidad and Tobago, unless one is coming from Tobago. Therefore, it would mean that the offence would have occurred there.

I do not see that you could prosecute it. You may be able to take measures such as the Minister advised about not letting someone in, and so forth, but that is a policy under the airport rules and regulations, and that is between countries. For prosecuting, which is a criminal offence, it must be committed in the country where you choose to prosecute. A murder must be committed in Trinidad to prosecute.

**Sen. Prof. Ramchand:** May I ask a supporting question, not from the point of law, but practicality? If an American airline captain fails to transmit the advance passenger information, who will know that he has not done so? It is only when he arrives. There is no one at the port of departure who can monitor whether that information has been sent? How would they prevent him from departing? You are saying that you would be prevented from departing if you do not send it, but you are now telling me that he could depart and nobody would know, and it is only when he reaches here we would find out. Somebody has to know in the departing country that it has not been done.

**Sen. Seetahal, S.C.:** Yes. Even if someone knows, it still comes back to my position.

**Sen. Prof. Ramchand:** Do we have a treaty agreement?

**Sen. Seetahal, S.C.:** No, we do not, and there is nothing here about treaty.

**Sen. Prof. Ramchand:** There has to be a treaty agreement with the departing country.

**Sen. Joseph:** That is implementation other than law.

**Sen. Kangaloo:** With respect to Sen. Dana Seetahal's question, we said that the offence would be when they arrive here without the papers and you would then be able to charge the person in breach of the Act.

With respect to the extra-territorial, which is, I think, what you are raising; the issue of sovereignty in the—*[Interruption]*

**Sen. Seetahal, S.C.:** That is not what I am raising.

**Sen. Kangaloo:** Yes, it is what you are raising. You are saying that it is—*[Interruption]* The source of the crime. In international law, there are certain principles which can extend to international law. For example, there is the protective principle. When an act is deemed prejudicial to the security of the State, it is called the Protective Principle. The State can assume responsibility. This section, as I understand it, is consistent with that principle.

There is also the Effects Principle, when the behaviour of parties abroad would be producing effects here, which is also in line and consistent with what we are trying to do with this piece of legislation. That is how this was framed in accordance with those principles, which take away. There are certain technical extensions to the territorial jurisdiction point. That is my response to Sen. Seetahal, S.C.

**Sen. Seetahal, S.C.:** I want to correct you on one thing. First of all, I do not care about the question of sovereignty for purposes of this. In the Terrorism Act, we said that an offence committed anywhere in the world could be prosecuted anywhere. That is different. If you had that there, then it would have been okay. I know what I am talking about when I say it is not sovereignty.

To say that the offence is going to be committed when you reach Trinidad is to fail to understand what you have drafted here. What you have drafted is: “The master of every ship, prior to the departure, shall do this”.

This means that the offence is committed before he leaves. It is committed in Barbados. It is not committed when he reaches Trinidad. That is the first response.

Secondly, with respect to the Effects Principle, this principle is consonant with the law of conspiracy. If you agree to do something, the effect would be felt in another country. There are many cases such as Liangsiriprasert and things like that. This is not a conspiracy, and the usual criminal law, I know a little about that—reveals that an offence must be prosecuted in the country in which it is

done. If you were to amend it in some way, or as I asked last week, if you looked to see what the other countries did to tweak it to suit, then you might have come with something sensible.

If they did not confront that position; it depends on who you have in Parliament, if you are fine with that, it is okay. If you say it is sunset and it will not be, know from in front that you cannot prosecute for this offence. If you prefer to say that we will deal with it administratively and, as a matter of policy, we will not let you land, that is okay too. Do not tell me that you are going to prosecute for an offence that is committed in Barbados, Jamaica or St. Lucia, because you cannot. Not the way this is drafted.

**Sen. Prof. Ramchand:** I agree.

**Sen. Seetahal, S.C.:** I have discussed it with many other people in the criminal field.

**Sen. Prof. Ramchand:** I agree that the only thing we can do is tell them that they cannot land. If they commit the offence in another country, all we can tell them is: “You cyah lan”. We cannot prosecute them when they have landed. They should know that they cannot land if they do not comply.

**Sen. Seetahal, S.C.:** You can say that such an offence may be prosecuted in Trinidad. You can say that in the legislation.

**Sen. Prof. Ramchand:** I find it is better to tell them that they cannot land. Not being allowed to land is a good thing for me.

**Sen. Seetahal, S.C.:** You could say: “is deemed to have committed an offence in Trinidad and Tobago” to make it an offence here. As it is now, it is not an offence here. You would have to make it an offence here. You can say: “the failure to provide that before you leave will be deemed an offence to have been committed in Trinidad and Tobago upon the point of entry.” You can say something of that nature. Afterwards, you can go on to say the penalty under the section.

**Sen. Kangaloo:** Sen. Seetahal, S.C. without accepting all that you have said because—[*Interruption*] It is not a matter of being sure that we would not—we have come up with a wording. As the Bill stands here, all the other Caricom countries, it is now in the Barbados legislation, as is.

**Sen. Seetahal, S.C.:** They cannot enforce it. I would like to see how they try their deportees.

**Sen. Kangaloo:** To satisfy the concerns that Sen. Dana Seetahal, S.C. has raised, we will seek to amend to say: “A master who intentionally or recklessly...is deemed to have committed the offence in Trinidad and Tobago and is liable to a fine of \$600,000”. We are including the words “is deemed to have committed the offence in Trinidad and Tobago”. We are taking out the words: “commits an offence.”

**Sen. Seetahal, S.C.:** Is deemed to have committed an offence.

**Sen. Kangaloo:** That is what we said.

**Sen. Seetahal, S.C.:** You said “the offence”.

**Sen. Dr. Gopeesingh:** Suppose you have charged him for committing an offence, but that offence was committed abroad? How can you charge him in Trinidad?

**Sen. Kangaloo:** This is exactly what Sen. Dana Seetahal, S.C. has just raised and we have just spent—

**Sen. Seetahal, S.C.:** My second point is are you—[*Interruption*]

**Sen. Kangaloo:** Could we get the wording down to ensure that everyone has it?

**Sen. Seetahal, S.C.:** “Is deemed to have committed an offence in Trinidad and Tobago and is liable to”.

**Sen. Kangaloo:** We are taking off the words “commits an offence”.

**Sen. Seetahal, S.C.:** The second point—it makes it okay because you have Trinidad and Tobago in clause 3(1)—are you going to have an alternative to the fine? I know you would say that they do not have it anywhere else but if you fine someone \$100,000 for not doing this, if you do not put an alternative, the alternative is six weeks. I am telling you that. If you are happy with that, fine.

If there is no imprisonment alternative stated in the legislation, you go back to the civil debt liability, which is six weeks’ imprisonment. If you are happy with six weeks, fine. Let him commit it and fail to pay \$200,000 and take six weeks’ jail. Normally, it would be something like two years.

**Mr. Chairman:** Are you happy with the amendment?

**Sen. Seetahal, S.C.:** If you do not include an alternative, it is six weeks.

**Mr. Chairman:** Clause 3(3) should be amended to read:

“A master who intentionally or recklessly—

- (a) fails to transmit the data required by subsection (1); or
- (b) transmits incomplete or false data,

is deemed to have committed an offence in Trinidad and Tobago and is liable to a fine of six hundred thousand.”

*Question, on amendment, put.*

*[Continuous crosstalk and interruption]*

**Sen. Seetahal, S.C.:** If you do not include anything, it is automatically six weeks. Normally we would say two years or five years. The Government chooses not to say two years or five years.

**Sen. Dr. Gopeesingh:** Forgive my intervention. I am a little concerned. The word “master” refers to a person having command or charge of any vessel and includes a pilot. A pilot has his responsibilities to ensure that his aircraft flies properly. Are we creating unnecessary irritability on the part that a pilot has to get details on every passenger? He has the responsibility and if that information is wrongly transmitted, that pilot is deemed to have committed an offence and is liable to a fine. That is carrying the work of the administrative officers of the airline to a pilot. Is that fair?

**Sen. Kangaloo:** It happens now.

**Sen. Dr. Gopeesingh:** A master is the pilot. The pilot will, therefore have to find out the information of his 300 passengers on an airbus. The pilot does not do that. The pilot moves the plane.

**Sen. Seetahal, S.C.:** You have to make somebody liable. If you do not, then you will have anyone. When you are selling liquor, even if you are not selling it, you are liable if your employee does it. That is how it works. Furthermore, it is provided here intentionally or recklessly. In law, recklessly means that he knowingly did something. It cannot be a negligent thing.

Secondly, I think the airline would have set up a system to get the data. That is putting up a requirement on them. If a pilot says: “I am not leaving unless you give me this,” they will have to do it. You have to construe and make legislation that way to make the ultimate person, who is the employer, liable.



**Sen. Dr. Gopeesingh:** Sen. Seetahal, S.C. I do not necessarily agree. The pilot has to take into consideration a number of things. The question that he has to ensure that all these things are done—you brought up the point about recklessly or intentionally—he may be charged. He then has to go to court to prove that he did not do this intentionally or recklessly. Anybody could lay a charge on someone.

**Sen. Prof. Ramchand:** A cricketer was charged for ball tampering because he was Captain of the Pakistan team. He did not interfere with the ball.

**Sen. Dr. Gopeesingh:** I agree with the question of accountability. I am bringing out the information that you are imposing a lot of responsibility on a pilot when, basically—*[Interruption]*

**Sen. Montano:** No matter how long you take, we will still—

**Sen. Seetahal, S.C.:** He does not have to prove it. In criminal law, he does not have to prove anything. They would have to prove that he did it intentionally or recklessly. They must have evidence that it was intentional before they could charge him. It is not a strict liability offence.

**Sen. Dr. Gopeesingh:** They can do anything they want to do.

**Sen. Seetahal, S.C.:** That is the wider sense. You can do anything in life. We are talking about a specific offence. He does not have to prove it, they would have to have evidence first. I understand your concern in wider life, but in this one, he does not have to prove it.

**Mr. Chairman:** Sen. Dr. Gopeesingh, do you have a concern on clause 3(4)?

*Question agreed to.*

**Sen. Dr. Gopeesingh:** Both my colleagues and I raised the question of, “the Minister may by Order waive the requirements of subsection (1)” Subsection (1) is the Schedule that you have detailed. The same thing we were debating. Although we have circumscribed a Schedule with 10 or 12 questions for passenger information, that could be extended by you to 34 or 68. I am quoting the worst case scenario. You have the ability by order to waive the requirements of subsection (1).

**Sen. Joseph:** Basically, the intention here is—we may have to word it to reflect that—to waive the provision of the requirement to provide the data by certain vessels.

**Sen. Kangaloo:** We are all satisfied that we need to change it? Is it that we find that it is not clear enough? Is that the feeling? Perhaps, I can give you a new form of the wording:

“The Minister may by Order waive the requirement for a master of a vessel to provide the advance passenger information data.”

**Sen. Seetahal, S.C.:** As specified in subsection (1)?

**Sen. Kangaloo:** Why do we have to specify subsection (1)? When we put it in subsection (1) you would want to redo it.

“The Minister may by Order waive the requirement for a master of a vessel to provide the advance passenger information data.”

**Sen. Seetahal, S.C.:** The reason I am saying to refer to subsection (1) is because—I wish the Minister would listen to what I am saying because she asked—it is normal drafting practice; you can ask your drafters—to do so; where you refer to something initially. Why we objected—I did not object. It was objected to because it was said that the requirements were not specified. I think you should specify it. I do not think anybody said that you should delete subsection (1), and I do not think you should, because it is neater drafting and it is the practice. We could say: “As stated in subsection (1).”

**3.30 p.m.**

**Sen. Kangaloo:** So we would add the words “under subsection (1)”. Those will be the final words, “under subsection (1)”. “Under subsection (1)”, Sen. Dr. Gopeesingh.

**Mr. Chairman:** Please read that in its entirety again.

**Sen. Kangaloo:** Mr. Chairman, subclause (4) will read as follows:

“The Minister may by Order waive the requirements for a master of a vessel to provide the advance passenger information data under subsection 1”.

**Sen. Dr. Gopeesingh:** Sen. Dr. Saith, he does not jump and wave, he just waives it.

**Mr. Chairman:** Hon. Senators, the question is that clause 3(4) be amended to read:

The Minister may by Order waive the requirements for a master of a vessel to provide the advance passenger information data under subsection (1).

*Question, on amendment, put and agreed to.*

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

*New clause 4.*

**Sen. Joseph:** Mr. Chairman, I propose a new clause 4 which reads as follows:  
 “Expiry of Act                    4.        This Act expires on 30<sup>th</sup> June, 2007.”

*New clause 4 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 4 added to the Bill.*

*New Schedule.*

**Sen. Joseph:** Mr. Chairman, I propose a new Schedule which reads as follows:

SCHEDULE  
 ADVANCE PASSENGER INFORMATION DATA

**Part I**  
**Vessel Data**

- Traveller’s Status (Passenger, Crew, In-transit)
- Flight Identification (IATA Airline code and flight number)
- Vessel Identification (Vessel name and voyage number)
- Scheduled Departure Date (Date of scheduled departure of vessel based on local time of departure location)
- Schedule Departure Time (Time of scheduled departure of vessel based on local time of departure location)
- Scheduled Arrival Date (Date of scheduled arrival of vessel based on local time of arrival location)
- Schedule Arrival Time (Time of scheduled arrival of vessel based on local time of arrival location)
- Last Place/Port of Call of Vessel (Vessel departed from this last foreign place/port of call to go to “place/port of vessel initial arrival”)

- Place/Port of Vessel Initial Arrival (Place/port in the country of destination where the vessel arrives from the ‘last place/port of call of vessel’)
- Subsequent Place/Port of Call within the country (Subsequent place/port of call within the country)
- Number of Passengers (Total number of passengers on board)

## **Part II** **Passenger Data**

- (a) Core Data Elements of the Official Travel Document
- Official Travel Document Number (Passport or other official travel document number)
  - Issuing State or Organization of the Official Travel Document (Name of the State or Organization responsible for the issuance of the official travel document)
  - Official Travel Document Type (Indicator to identify type of official travel document)
  - Expiration Date of Official Travel document (Expiration date of the official travel document)
  - Surname/Given name(s) (Family name and given name(s) of the holder as it appears on the official travel document.)
  - Nationality
  - Date of Birth
  - Gender
- (b) Additional Data elements (if applicable)
- Visa Number
  - Issue Date of the Visa
  - Place of Issuance of the Visa

- Type of Other Document used for travel (Indicator to identify type of document used for travel)
- Other Document Number used for Travel (The other document used for travel when the official travel document is not required)
- Place of Birth (Place of birth such as city and country)”

*New schedule read the first time.*

**Sen. Dr. Gopeesingh:** Mr. Chairman, in the debate a lot of questions were asked on our side as to the transference of information collected on the advance passenger information to a third party. I know in your winding up you alluded to some of them, but you were not clear whether that information was in fact going to be shared deliberately or when it is necessary or when asked. The parent Act says that any information reaching the immigration officer shall not be shared.

I wonder how you are going to deal with the parent Act, where the information that is sent to the Chief Immigration Officer is not shared, and then we are asking whether this information that you are collecting—because this has been one of our main bones of contention in the debate—is going to be shared to a third international party.

**Sen. Joseph:** This information is going to be shared within the other Caricom Member States; that is where it is going to be shared.

**Sen. Dr. Gopeesingh:** Can we consider bringing that into part of the Bill? Would you want to consider that? We will be very happy if you do that and I am asking whether you would strongly consider that.

**Sen. Joseph:** I will consider it when I come to bring permanent legislation.

**Sen. Dr. Gopeesingh:** You see this is going to affect a lot of citizens between now, Minister—. This is going to affect a lot of citizens coming to the Caribbean for the cricket, you know. This is going to affect hundreds of thousands of international people; the question of sharing information to a third party. If you take this information, you share it with the United States and the United States tells you not to allow this person to come into the cricket, it is something that is—

**Sen. Prof. Ramchand:** The thing is, even if this legislation did come through, the US cricket—

**Sen. Dr. Gopeesingh:** How they will get it?

**Sen. Seetahal, S.C.:** Can you right now put it in an immigration form?

**Sen. Dr. Gopeesingh:** If the information is not shared from Trinidad to the United States.

**Sen. Seetahal, S.C.:** Well, I do not know when we go to the United States we have all that information; they get it already. The point is they have all this information already. [*Crosstalk*]

**Mr. Chairman:** Members, please let us get back to the Bill. Okay?

**Sen. Dr. Gopeesingh:** I am just concerned about the innocent citizens who may be debarred by virtue of this information being shared somewhere and the United States government says, well look, this person is on a list and inadvertently the person may be stopped from coming, because cricket is what the person may be coming to see.

**Sen. Prof. Ramchand:** Are you talking about CSME citizens?

**Sen. Dr. Gopeesingh:** No.

**Sen. Prof. Ramchand:** Are you talking about Caribbean people living in the United States?

**Sen. Dr. Gopeesingh:** Let us say a European coming from an airline in Europe and that information has to be transmitted to Trinidad; Trinidad shares that information with the United States—

**Mr. Chairman:** Are you saying you are sharing information with the United States?

**Sen. Dr. Gopeesingh:** Well, that is it, we are asking them not to share the information. [*Crosstalk*]

**Mr. Chairman:** Sen. Dr. Gopeesingh, the Minister clarified that before.

**Sen. Dr. Gopeesingh:** So what are you going to include in the legislation?

**Sen. Joseph:** Everything that is before us is what is before us at this current time.

**Sen. Dr. Gopeesingh:** So you are fixed in your thinking that you are not going to—

**Sen. Joseph:** It is not about fixed in my thinking, Mr. Chairman. The Bill that is before us that is in keeping with all of the other Caricom countries is before us for consideration.

**Sen. Dr. Gopeesingh:** Yes, but you are evading the point, that you know all along that you are going to share this information with the third party, which is the United States and you—

**Mr. Chairman:** Did the Minister say he would do that?

**Sen. Prof. Ramchand:** Mr. Blair is Mr. Bush partner, all the English information will be available to America and now you are talking about the Germans and Italians and them; not many of them are coming to watch the cricket. We are talking about Caribbean people living in the United States and England; we are talking about Americans and we are talking about the English people.

**Sen. Dr. Gopeesingh:** What about Pakistanis, Bangladeshis and Sri Lankans? They form the major part of cricketing. Those are the people who are going to be affected. Let us say Pakistan is in the final with West Indies; Chris Dehring said, you know how many aircraft left India when India was coming close to the final of the last World Cup; they just landed at your doors.

This information shared by the Caricom to the United States government; the United States government says that Ahmed Ali, Farouk Mohammed and Farouk Ahmed cannot travel to Trinidad and, mistakably, a lot of these people will be debarred from coming to see the cricket; that is what I am concerned about.

**Sen. Prof. Ramchand:** The US cannot say that.

**Sen. Dr. Gopeesingh:** Of course, they can do that. The United States always does it.

**Mr. Chairman:** Members, I think we are going away. Sen. Seetahal, S.C.

**Sen. Seetahal, S.C.:** Yes. I wanted to find out something and perhaps the Minister can tell me. Right now under the Immigration Act, our immigration officials can give all of this information that people fill out in forms to anybody anyway, at the discretion of the Chief Immigration Officer?

**Sen. Dr. Gopeesingh:** The parent Act says no.

**Sen. Kangaloo:** No, the Minister.

**Sen. Seetahal, S.C.:** The Minister under the parent Act, sorry. I know somebody can give it. So it could be under the parent Act anyway? This Act has nothing to do with that specific situation. That is something to deal with, in my mind, under the parent Act. If this Act is talking about people coming to Trinidad, giving us information; it does not seem to me that it would be a disservice to us.

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You know what I am saying? Because they are coming anyway and we would get that information anyway. It is just that they should give it to us before they leave the country, but if they did not under the existing practice and they came and they handed in all of these forms to the immigration person, as they have to do, in any case you will still have your wider concern in general life as to whether that information and those forms can go out. So the place to deal with that is not in this Bill, which really has nothing to do with the wider matters. That is the point that I am making.

**Mr. Chairman:** Thank you very much, Sen. Seetahal, S.C. Hon. Members, the question is—Sen. Dr. Gopeesingh, please—

**Sen. Dr. Gopeesingh:** I must have my say, this is Committee stage, Mr. Chairman and you ought to—

**Mr. Chairman:** Sen. Dr. Gopeesingh, you have gone over that and you have been given the assurance that this is not something that will happen.

**Sen. Dr. Gopeesingh:** Assurance must be in writing, Mr. Chairman. Assurance by word in Parliament; an assurance by word is not an assurance.

**Sen. Joseph:** I am not making any amendments.

**Sen. Dumas:** You need a lawyer, Gopeesingh.

**Mr. Chairman:** Members, could we go on, please.

*Question proposed,* That the new Schedule be read a second time.

*Question put and agreed to.*

*Question proposed,* That the new Schedule be added to the Bill.

*Question put and agreed to.*

*New Schedule added to the Bill.*

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

*Senate resumed.*

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



**NATIONAL LIBRARY AND INFORMATION SYSTEM (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President. I beg to move,

That a Bill to amend the National Library and Information System Act, 1998, be read a second time.

The Bill proposes minor but important amendments to the existing legislation. These amendments are intended to remove certain anomalies which affect some of the staff of NALIS and which are not in the best interest of the smooth management and operations of the National Library system.

Hon. Members will recall that the National Library and Information System Authority Act of 1998 repealed the Central Library of Trinidad and Tobago Act, Chap. 40:01, the Public Library Act, Chap. 40:02 and the Carnegie Free Library Act, Chap. 40:03. The effect of this Act was to place all libraries under one authority called NALIS.

Section 19 of the Act—persons employed in a library established by the Public Library Act and the Carnegie Free Library Act became employees of NALIS, and these two bodies were statutory bodies. Section 20(1) of the Act dealt with persons employed in the library, Ministry, Department or Central Library established under the Central Library Act, who were in fact public servants. So you had two groups, from statutory authorities, one group as public servants and two sections dealing with them.

By section 20(1) persons employed under the Central Library Act were given a choice of three options to exercise within six months of coming into effect of the Act. These options were: they could transfer to NALIS with the approval of the appropriate Service Commission on terms and conditions that were acceptable to them, NALIS and the Commission. In this case, under the Pension Extension Act all officers' pension and superannuation continued to accrue as though the officer had continued his or her employment to the library to which he or she was formerly attached. So the first option was transfer.

The second option was secondment to NALIS, with the approval of the appropriate Ministry and Service Commission for a period not exceeding three years. The third option was they could not come to NALIS but they could take up employment elsewhere in the public service at a remuneration commensurate with

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that of the office held immediately prior to the commencement of the Act. When no such office was available for them, an officer became eligible for the terms provided in section 15(4) of the Pensions Act, that is, abolishment of the post and payment.

The existing legislation also provides that an officer who opts for secondment under section 20(1), immediately at the end of the three-year period of secondment could exercise an option to transfer to NALIS or take up employment in the public service or you could be seconded for three years and at that time you determine which option you wanted: do you wish to transfer or do you wish to go back into the public service. Where there was no office available then you would go under the abolition terms of the Pensions Act.

What has happened, Mr. Vice-President, is that there are still approximately 200 public officers who have not exercised an option to be transferred or seconded to NALIS. In other words, they did not exercise the option to be transferred; they did not exercise the option to be seconded, but are still working in NALIS but under the public service. Most of these have now indicated the desire to either be transferred or seconded, but because the time has expired no approval can be granted at this time for that. We have the situation now where these officers are working in the library system but employed by the public service and it causes some difficulties.

First of all, administration; you have one set of people in NALIS working under NALIS rules and regulations; one set working under the public service. But more than that, these public service employees cannot be promoted in the NALIS system because they are not employees of NALIS. So we end up with this situation where you have two types of employees and the people who are under the public service are being denied the opportunity to move up in the NALIS system because they are not entitled to promotion.

We have the situation for whatever reason, Sen. Seetahal, S.C., they did not exercise it. The point is you have the situation today; you have about 200 people in this. The situation is further compounded by the fact that whilst the existing legislation at section 21, which provides for secondment of public officers for three years to and from NALIS, the Act did not provide those persons with an option to transfer to NALIS at the end of their period of secondment. So they have completed their secondment but the Act does not provide them with the option to transfer; that is section 21.

Therefore, you have people like librarians and library assistants who have been seconded; they cannot be transferred now and there are no positions for them to go back to; no vacant positions to go back to, so they are in limbo. We are seeking now to give them the option to transfer to NALIS at the end of the

secondment. If they do not accept that then they would go under the system of getting their post abolished under the Pensions Act. Basically, Mr. Vice-President, that is what these amendments seek to do.

The amendments as proposed will do the following; they will extend the period within which the public officers can exercise an option under the Act until June 20, 2007. So we are extending that period up to June next year for them to exercise these options. It will also ensure that those persons in the public service who failed to exercise any of the options listed in the Act—Sen. Seetahal, S.C.—as amended, are deemed eligible for terms provided by section 15(4) of the Pensions Act. In other words, they would be able to move out, have the post abolished and get their benefits.

Finally it will provide for the general option for transfer or secondment of public officers to and from NALIS. It may be public officers in NALIS now who after being there may wish to transfer back to the public service and it gives them that option. This will apply to all the public officers who were in that category of not exercising an option but may wish to exercise an option now.

Mr. Vice-President, as I indicated at the start of my presentation, it is a small Bill but very important, I think, for people in the system by ensuring that the management of NALIS has the benefit of people working for them who are part of the system and to give those people—in limbo, in a sense at the moment—an opportunity to make up their mind now and to decide where they want to go. Therefore, I recommend the Bill—

**Sen. Seetahal, S.C.:** May I ask the question?

**Sen. The Hon. Dr. L. Saith:** Yes, go ahead.

**Sen. Seetahal, S.C.:** Sorry to interrupt, I know that you are just beginning. There are just two questions before you finish. One is whether you have enough posts, I do not think you mentioned that; for my information and of course the information of everyone else. I want to know, since I have some friends who are in this system, whether there are sufficient posts in NALIS for the people who would want to transfer from the public service now, if they have made up their minds.

Secondly, whether the terms and conditions in NALIS are better than in the public service. Finally, is this sort of another sunset legislation? I see you have June 30, 2007.

**Sen. The Hon. Dr. L. Saith:** Well, they are in fact working in the NALIS system, so there is need for them. And since it is a corporation they can create their own job positions. My own information, I have to confirm it, is that there are positions because they are in fact working. Your second question was what?

**Sen. Seetahal, S.C.:** Terms and conditions.

**Sen. The Hon. Dr. L. Saith:** Whether they are better at NALIS or the public service?

**Sen. Seetahal, S.C.:** Yes.

**Sen. The Hon. Dr. L. Saith:** I believe it is better. [*Crosstalk*] I am saying the terms and conditions at NALIS are better. When I am winding up I can confirm it, I have the Executive Director—[*Crosstalk*]

**Mr. Vice-President:** Allow the Minister to finish so that you can make your own contribution later.

**Sen. The Hon. Dr. L. Saith:** What was the third question?

**Sen. Seetahal, S.C.:** What was the sunset nature of the time?

**Sen. The Hon. Dr. L. Saith:** The point is, they had an option to be exercised after three years; in 1998 that would have expired in 2001 or 2002. I am trying to bring it to an end to say, okay, you have these 200 people, you have six months in which to make up your mind; do you want to be transferred or do you want to—

I recommend the Bill for the support of the Senate.

I beg to move.

*Question proposed.*

**Sen. Dr. Tim Gopeesingh:** Mr. Vice-President, as enunciated by the Minister of Public Administration and Information, this Bill that is being brought to Parliament has two small clauses, basically clauses 3 and 4 which require some change to the original legislation of 1998.

As small as it may appear, it is of tremendous significance to the individuals working in NALIS, because I want to draw an analogy in terms of the human resource aspect of these workers who came together after the 1998 Act.

That 1998 Act that was passed to establish the National Library and Information System to provide for the development and coordination of all library and information services in Trinidad and Tobago. That became a statutory authority with a mandate to provide for the development and coordination of all libraries and information services in Trinidad and Tobago.

The first thing I would have liked to hear is basically, alluding to what I think Sen. Seetahal, S.C. asked just a while ago; how many posts are in NALIS and in the whole issue of NALIS being the statutory authority for the development and coordination of all libraries and information services in Trinidad and Tobago—

Remember we had three libraries. We had the Carnegie Library, the Central Library and the Public Library; all of these came together in 1998. This transformation of libraries in the Act of 1998 indicated what NALIS would have been doing. And therefore the workers under these three libraries had to function under the NALIS administration.

It reminds us of a similar Act, the Regional Health Authorities Act of 1994, where the workers in the health sector were given the same three options, either you transfer to the Regional Health Authorities; you second to the Regional Health Authorities or you remain in the health sector in the public service. Very few people transferred or seconded to the Regional Health Authorities and that has created a problem in the health sector because you have two parallel employers: one, the public service and one, the Regional Health Authorities, with no accountability.

**4.00 p.m.**

The public service workers are saying that they do not have to report to the Regional Health Authorities and they are not working in the institutions of the Regional Health Authorities, and there have been cases that have been brought forward. This is why there have been weaknesses in the health system and there have been non-accountability with the clashes of RHA workers and public service workers. Now this is a similar situation with NALIS. You have workers who were working in the three libraries, some of them were under the public service and they are now being asked or they had been asked in 1998 to either second, transfer and most of them obviously elected to stay in the public service. This is the difficulty which the hon. Minister mentioned a while ago. NALIS is having difficulties with its own workers not being able to be promoted because public servants are in certain positions.

It seems as though this Bill is now giving no option, it is telling the public servants either you transfer to NALIS or you second to NALIS and if you do not exercise that option there is no other option available for you but your post will be abolished and you will have to fall under the Pensions Act. In other words, you are going to be sent out to pasture. So it means then, that people who do not exercise one out of two of these options whether secondment or transfer, as they are in the public service now they will be asked to go to pasture. There will be no positions or posts for them to be in and therefore they will have to fall under the Pensions Act and they will have to be paid off. Now that is not a fair thing for workers to have to go through.

We on this side believe that really, there should not be two parallel employers and people should really exercise some option but the question is, why have they not exercised the option? Why have the public servants in the Regional Health Authorities not exercised that option as well? It is all because workers and employees have to understand what it is that they are going to. The employees in the public service would probably not have been told or educated in terms of what their conditions of service are going to be if they transfer to NALIS. This is not something that is an omission by NALIS but the people who are responsible for encouraging the employees to be transferred or seconded should have taken an active role in educating the public service workers. This is the organization, this is the organizational structure and this is the human resource requirement that we need at NALIS. These are the posts that have to be filled, this is your job description for each one of these posts and your core competences are needed in this. That is the first thing.

The organizational structure of NALIS should have been made available to all these public service workers so that these workers would understand what it is they are going into. Therefore, they would not be faced with administrative blunders for the sake of lack of information and education to themselves—the employees—so that they could make a decision. The same thing happened in the health sector; the public servants did not know what they were getting into by joining the Regional Health Authorities. They did not know what terms and conditions they were going into. They did not know where they were going to be placed. They did not know what position they were leaving the public service in and going to a similar position in the RHAs. So the employees in the public service do not know what position they are going to in NALIS and this is why many of them would not have taken up the option of being seconded or transferred.

There is also the question of job security. NALIS is a statutory authority and the rules that govern statutory authorities in terms of employment practices and benefits and so on, are not the same rules that apply within the public service. In Trinidad and Tobago we have 54 statutory boards and similar bodies and 35 state enterprises. Each one of these statutory boards and similar bodies and state enterprises has people who are working on contracts, many of them are not permanent positions. You have public servants now, who are in permanent positions and they are fearful of going across to any one of these statutory boards and authorities or state enterprises because they are unsure of their terms and conditions and unsure what their status will be. We are all too familiar that statutory boards and similar bodies and state enterprises can dismiss people willy-nilly, so why should someone in the comfort of his/her public service job decide

to move across to a statutory authority, state enterprise or a statutory body when their terms and conditions of work and employment are unclear, hazy and these employees have the fear of being terminated at anytime.?

This is one of the real fears of the workers in the public service, that is why they never went across to the Regional Health Authorities. In fact, the Regional Health Authorities are functioning only because of new employees and I guess that NALIS will probably be functioning because—none of these people, the 200 that the Minister of Public Administration and Information, Sen. The Hon. Dr. Saith had spoken about—those 200 people will still not take up the option even though you give them a deadline of June 2007. But they might take it up because they are being threatened that if they do not seek to be transferred or seek a secondment they will lose their jobs. We will need some clarification on that because the Minister indicated that they will fall under the Pensions Act, and he said—I think I have it somewhere in my notes here—“abolition of the post”. If the posts are abolished 200 public officers who have not exercised the option to transfer—and some of these posts will be abolished—they will therefore fall under the Pensions Act. So if these 200 workers do not take up that offer of transfer to NALIS or secondment to NALIS “crapaud smoke their pipe”.

The next issue is the question of gratuities and pensions and superannuation benefits. Mr. Vice-President, I ask any one of us in this Senate if we are in a job today and we do not know what pensions, gratuities and benefits we will get in joining a statutory authority or a similar body but we know what we will get by being in the public service would we want to join that body? Would we want to join that statutory authority? So NALIS has not shown to these workers, that, listen, we are asking you to come across to us and these are the pensions, gratuities and the superannuation benefits that you will receive. I do not know whether that education took place and if it did not take place the confidence of these workers would not be there to move across on secondment or transfer. I am raising this point in the context that gratuities and pensions in statutory authorities and state boards will be given based on the pension plan existing in these statutory authorities.

We have 89 statutory authorities and state boards and it would be of tremendous importance for information to be given to this national community. How many of these 89 statutory authorities and state enterprises have proper functioning pension plans with trustees and pension plans that are bringing benefits to their employees? Part of this Bill in 1998 and the Act that was passed is that there should be pension plans established. This population needs to know

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whether NALIS has a functioning pension plan; whether that pension plan is under a trusteeship; what is the financial position of this pension plan, and what would the workers be given when they reach their time of retirement for their gratuities, their pensions and their superannuation benefits. I want to proffer that most of these 89 statutory authorities and state boards do not have a satisfactory pension plan that will give these workers the comfort of knowing that their pensions and their gratuities will be secure when they go across to these statutory authorities, example, NALIS.

In the absence of that information and the security and comfort they have chosen not to go because they do not know what is working for them; remember that these pensions are not going to be paid from the Consolidated Fund, these pensions are going to be paid from the pension from NALIS. So we need some clarification in terms of—I think the hon. Minister was hazy—what are the benefits that the workers who are moving from the public sector will get in NALIS. Having the knowledge from what existed with the RHAS if you transfer to the regional authorities your benefits will not be less than what existed in the public service, so I assume that the benefits will not be less in NALIS than what they are getting in the public service yet there is the fear that their gratuities might not be there, their pension benefits will not be there, their superannuation benefits may not be there, their terms and conditions of work will not be there, their positions and their posts that they are leaving in the public service will not be there and that is the reason why these 200 workers and employees have not gone across and you cannot blame them. You cannot blame them.

NALIS has not told us how many posts are there. You have a main library in Port of Spain—NALIS—you have the Carnegie Free Library, you have the public libraries; then part of the functions of NALIS is for the transformation of libraries and what they do. It provides for the rationalization of library staff so that they could continue to fulfil their valued role as intermediary, guide, interpreter and referral point but to do this in some more structured environment which would result in improved services to the future development of an information society.

NALIS obviously has enormous potential to deliver resources for information and learning for citizens across the entire country and this they will do through developing and maintaining a system of libraries adequately stocked and staffed. We do not know how many libraries there are in Trinidad and Tobago in terms of community libraries. We do not know how many officers are working in the mobile libraries; whether there are plans by NALIS to build other libraries throughout Trinidad and Tobago; what is the estimated human resource



complement of officers that they will need; how many do they have now; how many vacancies do they have and what is their future role in terms of development of libraries throughout Trinidad and Tobago necessitating more services.

Mr. Vice-President, if we analyze Act No. 18 of 1998, this Act speaks about NALIS providing consultancy and management services to the public and private sectors—private sectors as well—in respect of matters for and in relation to their establishment and conduct of a library. So it is not necessarily next door to here in the Parliament, or in the Carnegie Free Library or the public library, they are to provide consultancy and management services to the public and private sectors. If they are to provide these consultancy services they need more human resources, so we do not know what is the capacity of human resources needed.

The functions of NALIS are to provide a national library and information service; maintain, develop and make easily accessible to members of the public, a comprehensive collection of material and information; advise the Minister on all matters pertaining to the national library and information Service. I am not sure when last the Minister was advised about one of his authorities that fall under him. The Minister of Public Administration and Information has three statutory boards and similar bodies and two state enterprises and what falls under him is the Board of Film Censors, National Libraries and Information System, Telecommunications Authority of Trinidad and Tobago, the state enterprises, National Broadcasting Network and the Telecommunications Services of Trinidad and Tobago Limited.

We are not sure whether the hon. Minister of Public Administration and Information has been reported to about the functions or what NALIS has been doing. So if we ask him how many officers you need in NALIS for the work that they are doing now; if they are expanding, if they are going to provide consultancies to the public sector and the private sector, how many you need; I am sure, he cannot answer that.

You know what is another function of NALIS: Facilitating library and information services to schools, government ministries and agencies; providing the link for cooperation between public sector libraries, libraries of tertiary institutions, the private sector and the National Archives. This is a mammoth job that NALIS has to undertake. I am very happy for the hon. Minister of Education that that does not fall under her portfolio because that will be a major problem by itself under her ministry, but it falls under the Minister of Public Administration and Information.

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So does NALIS provide the link for cooperation between public sector libraries and libraries of tertiary institutions? We have COSTAATT, with the Institute of Technology, University of the West Indies; you have all these new institutions that are going up. Does NALIS take an active role in providing the cooperation and linkages in all these tertiary institutions? I am sure not, because they would not be asking for the movement of 200 employees or 200 workers in the public service now. Their human resource complement should be thousands if they are doing their work properly. So to come to ask for just a transfer of 200 employees from the public service is a red herring into the whole equation because NALIS is supposed to be doing much more work than it is doing.

How many libraries are being built in rural areas? How many distance learning centres are in rural areas strewn with the work that NALIS should be doing? How many mobile libraries move with computerization systems throughout Trinidad and Tobago so that the young children and the adults in the rural areas can benefit from the information technology and this knowledge-based society? I am sure there is little and I am sure there are no plans for building libraries throughout the rural areas or in the regional areas of Trinidad and Tobago: Cedros, Mayaro, Princes Town, Fyzabad and Siparia. How many of these libraries are being built?

When you are talking about human resource capacity and capability in NALIS and we are asking people to move from the public service across to NALIS we should be employing thousands and thousands of people in NALIS because this is one of the most important milestones in the development of any society; the information age and information society. We must be a knowledge-based society and NALIS must play an important role in making sure that there is equity in the transfer of information throughout Trinidad and Tobago and in obtaining information by all citizens whether the old or the young ones, their children, in rural areas as well. [*Desk thumping*]

The other issue: What is the capability of NALIS at the moment in terms of reaching the e-tech knowledge information-based society, in terms of having books that are electronic so that people can go in via the Internet and have books read, have the books available to them; they do not have to go into a library? How many of these 89 statutory authorities and state enterprises which NALIS is supposed to be working in collaboration with for them to provide the library services, have libraries so that the people of Trinidad and Tobago will know what these statutory authorities and state enterprises are doing?

NALIS is supposed to be coordinating this so that these 89 statutory authorities and state enterprises, plus the 15 that the Government recently formed—and we will come to that subsequently. The Government formed these state enterprises because they have no confidence in the public service sector and therefore they are forming state enterprises—what we call multi-purpose state enterprises—like the educational facilities management unit and so on, so that they can get away from the procurement and the Central Tenders Board and the tendering with lack of total accountability and transparency and no probity into this. But these 89 statutory authorities and state enterprises; this information should be available to everyone in Parliament if we just want to tune in to the library so that we can get information on all of these state enterprises. If we cannot get this information what is NALIS doing? For us to come and debate a minor point like transfer of employees from the public service; let us change the legislation so that NALIS becomes an important player in the communication age and in the knowledge-based society age. [*Desk thumping*]

We have tremendous difficulty in getting information from this Government and this information should be obtained through NALIS. We have to ask questions in Parliament to get information on what is happening in Government and this information is hidden from us and the Ministers of Government refuse to answer some of the questions. They will not answer questions about their ministries, they will not answer questions about these statutory boards and state enterprises and therefore the population is left akimbo with lack of information, which, if you have a proper functioning National Library Information System, which is, if they want to have 2020 vision that should be information easily available to every one of us. [*Desk thumping*]

I am not going to try to compare Trinidad and Tobago's library system with the United States, Canada or Great Brittan, but let me just give you a little example: The United States Library of Congress, it is the nation's oldest Federal cultural institution and it serves as a research arm of Congress. Which research arm we have of government and Parliament here? NALIS has a big role to play in this. This is just one of the areas. The United States has a national library of medicine, public libraries, national libraries of the world, university and college libraries, National Agricultural Library, national archives and records administration, archives government home—which archives do we have of government business and government information in Trinidad?—Department of Education Home Page, United States Geologists Survey, Food and Nutrition Information Library, United States Environmental Protection Agency libraries, National Library Service for the Blind, United States National Park and Monuments, maps, all these things, just so many libraries in the United States.

**Sen. Dumas:** That is development which you all are against.

**Sen. Dr. T. Gopeesingh:** The Library Act of Canada is about 40-plus pages long and it tells the functions of what the libraries in Canada are supposed to do and it is well enunciated here. You have municipal libraries, regional library districts, public library associations; you have general libraries, transitional provisions municipal libraries, regional libraries, federated public library system, integrated public library system; so we are a joke. It is not because of the lack of money, because you have the money, but it is the lack of will of this administration to do anything for the betterment of the people of Trinidad and Tobago. [*Desk thumping*]

I can compare this with the United Kingdom library. I will just give you some facts and figures. The British library is the national library of the United Kingdom and one of the world's greatest libraries. We receive a copy of every publication produced in the UK and Ireland. The collection includes 150 million items in most known languages; three million new items are incorporated every year. They house manuscripts, maps, newspapers, magazines, prints; they house eight million stamps; they require over 625 kilometres of shelves and grow 12 kilometres every year. If you see five items each day in the library it will take you 80,000 years to see the whole of the collection. They have on-site space for over 1,200 readers; over 16,000 people use the collection each day. What we have in Trinidad and Tobago in NALIS, Mr. Vice-President? We have children going to the library here, quarrelling and fighting and probably pulling guns at each other, so I will continue after the tea break. [*Interruption*]

**Mr. Vice-President:** Hon. Senators, we are going to take the tea break now and we resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Dr. T. Gopeesingh:** Thank you very much, Mr. Vice-President. Before we broke for tea, I was making the point—well not a direct comparison, but probably a contrast of what we have in Trinidad and Tobago in terms of library services, in comparison to developed societies. And if we are looking towards 2020 vision, we must be looking towards bringing a library system that is going to be advanced and going to meet the needs of all people in Trinidad and Tobago.

Mr. Vice-President, one of the issues in the parent Act for NALIS in section 5(1)(a) is that NALIS should:

“enter into appropriate administrative arrangements with persons in the public and private sectors for the provision and accessing of library material and information;”

And as we mentioned, that needs increased human resource capacity and capability. But what is significant, particularly, for the hon. Minister of Public Administration and Information, I am sure he knows and understands that in section 6(1):

“NALIS may enter into arrangements with a Permanent Secretary or other Head of Department, or Head of a Statutory Authority or the appropriate Officer of the Tobago House of Assembly, to formulate a Memorandum of Understanding for the management of the library for which that Permanent Secretary, or Head of Department or Head of a Statutory Authority or the appropriate Officer of the Tobago House of Assembly is the accounting officer.”

We have a number of departments, a number of ministries in Trinidad and Tobago and a number of what I spoke about as the state enterprises.

The Minister of Public Administration and Information has the ability because he directs the Board of Directors of NALIS to enter into a Memorandum of Understanding and arrangements, so that he can bring together the libraries across the different ministries and so on, which are supposed to be working in conjunction with NALIS, so that there would be a coordinated network of information from all these ministries and statutory authorities, state enterprises and the National Library Information System (NALIS).

So when we look for information, the information will be readily available and that would not take too much money, but what it would take is the expertise and definitely if NALIS is overworked, they may want to consider bringing in some people by contract, who can help them to do the work and bring all of this together. This reminds us that when we criticized the Minister of Legal Affairs, they moved swiftly and they ought to be complimented for bringing the whole laws of Trinidad and Tobago as a new one, condensed and bringing it into electronic form so that people would be able to retrieve that information because the last time that was done, was in 1980.

So we are not only criticizing for criticism, we are trying to provide some solutions and what happened then in the Ministry of Legal Affairs—they ought to be complimented for bringing all the laws together under one umbrella now, so that lawyers and anybody throughout Trinidad and Tobago can get that pretty shortly. The same way that we would like to see—*[Interruption]*

**Sen. Dumas:** *[Inaudible]*

**Sen. Dr. T. Gopeesingh:** No, no, but we asked about that a long time ago. But if we asked about it and it has happened, we are very happy for the people of Trinidad and Tobago because we all worked together, we are just on both sides of the coin but we have the same interest for all the people of Trinidad and Tobago. So in the same way, if we are to benefit from information technology and the age of information, we should have a coordinated effort in terms of bringing all libraries together. So we must not have a disjunction between the University of the West Indies library, COSTAATT library, John Donaldson library, the Institute of Technology library, all of these must be coordinated so that when we look for information, we will know where to go and get that information.

A while ago, a person who was a student at Howard University told me that when he left Howard University to go to the library of the State and requested a book, the librarian was able to tell him that that information was not available in that library, it was available in another library and it took two days to get it. But now if you are able to develop an electronic type of book, you might be able to get that online via the Internet. So these are the things that we should be looking at in the future. I make that recommendation to the hon. Minister of Public Administration and Information because he has the ultimate responsibility. Section 10 states:

“The Board shall perform its functions and exercise its powers in accordance with such directions as may be given to it in writing, by the Minister.”

Mr. Vice-President, there are a few other issues that I want to raise, in terms of why some of these workers have not gone across from the public service

I raised the issue of the pension reform and the benefits and so on, which continue to pose a problem and that has to be sorted out. You remember the fiasco in the pension issue with T&TEC where certain individuals benefited because the pension system was not a proper pension system and it was helter-skelter; and people made millions as a result of the deficiencies in the T&TEC pension system, therefore, we cannot go that route anymore.

One of the reasons people are not leaving the public sector and going into authorities is because people know that there are bargaining bodies which bargain for public sector workers to the best of their ability. But who really bargains for the people in the authorities and in the state enterprises? Not much bargaining goes on for them. It was very unfortunate when the Minister in the Ministry of Finance, Sen. Christine Sahadeo, mentioned and made some assertions to the fact, that there may be consideration of, not a wage freeze, but no major increases in the hikes of salaries for public sector workers.

People began to become very apprehensive and they still prefer to remain in the public sector because they know that the PSA would work very assiduously and hard for them to get their increases; but they might not get those increases in the statutory authorities. We want to know whether Government is fostering a poor middle class in this society. It is the irony of the oil boom where we see poverty levels are increasing and there is a large class of working poor. We cannot continue this way, so this is one of the reasons these workers are staying within the public service.

I want to remind Members on the other side of the recent election where the Democrats won the election based on the type of mismanagement that they were experiencing in the United States and this country may have its revenge on the PNM with their financial vindictiveness. [*Desk thumping*] You remember pensioners getting only \$200 and Government Ministers increasing in salary three times. So we do not want to go there too much, but we want to say this is why public servants are fearful of moving to other areas.

Mr. Vice-President, this Government is not worker friendly. We have been talking about public service reform for a long time and why is this public service reform taking so long? Is it an obvious or deliberate delay to reform the public sector? We have to ask that question. And when I say that they are not worker friendly, we will remember the 10,000 Caroni jobs that have been lost; the port workers' jobs; and the National Broadcasting Network.

**Mr. Vice-President:** Hon. Members, the speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. A. Boldon*] [*Desk thumping*] [*Crosstalk*]

*Question put and agreed to.*

**Mr. Vice-President:** Sen. Dr. Gopeesingh, you may continue, but please return to the Bill. You will agree that you have gone—

**Sen. Dr. T. Gopeesingh:** A bit away.

**Mr. Vice-President:** Not a bit, far right. [*Laughter*]

**Sen. Dr. T. Gopeesingh:** Thank you very much, Mr. Vice-President, and I thank my colleague, Sen. Boldon, for asking for a further 15 minutes on my behalf and thank Members of this Senate. I will not utilize the entire 15 minutes, but we have to understand that workers have lost confidence in this administration and this is one of the reasons they are staying put in the public service and not moving to different authorities. There were situations like the two parallel

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medical boards; the Government wanting to file injunctions against the doctors and wanting to lock them up and so on. But, these workers within NALIS now, or within the public service, if they do not transfer or second they will obviously lose their jobs.

Mr. Vice-President, we are supposed to be working on two sides of a coin, the Opposition and the Government to develop good legislation, together with our Independent colleagues for the benefit of the nation. But unless I am misinformed, this is what we believe should be happening and the hesitation to utilize institutions like NALIS to disseminate information, provides room for suspicion as to Government's intentions, motives and integrity. [*Desk thumping*] I want to strongly urge the hon. Minister to establish a truly comprehensive and responsive, interactive information network where the public, including students and other researchers can find information at anytime. We can have all the computers in schools and offices; fill the library with technology, but if we cannot access the information we need from the Government on a timely basis, we would be wasting our taxpayers money.

NALIS is by definition and by name a network of libraries and information systems. Obviously, we need to go up to the next level where we have network libraries strategically located throughout the country. I made the point and I ask that serious consideration be given by this administration to build and construct libraries throughout the length and breadth of Trinidad and Tobago, particularly, the rural areas and have systems in place to foster distance learning, adult literacy training and for young children to move into the age of e-technology.

Or, the obvious alternative is to have the Port of Spain library serve as the core unit with network computers throughout Trinidad and Tobago in buildings, facilitating the accessing of information from any other part of the country, either through satellite library units or through computer banks or even via the Internet. This is achievable; it should be strongly considered and we want to advise that it should be implemented as early as possible.

Mr. Vice-President, I am not giving this Government all negatives. There are some things that we can speak about because NALIS is really the combination of efforts dating far back as 1980, to rationalize library services in Trinidad and Tobago. In 1993, your administration appointed a committee to advise on the integration of the library services of Trinidad and Tobago and that committee reported and activities toward integration of the libraries were implemented through the Cabinet's decision. That was in 1993 under your administration where you looked for consultations, and you sought consultations.



When we came in, in 1995, what happened with our administration, the Cabinet appointed an inter-ministerial committee which studied the draft Bill that you had, made some minor amendments and recommended that it be made available for public comment before being presented to Parliament. The Bill was put out for public comment; comments were received and where considered valid and were incorporated into the new draft Bill.

The Bill was debated once on March 31, 1998 and passed with amendments on May 18, 1998. So, you did do some work under your past administration in bringing this NALIS together, but you have a lot more work to do. It is not for us to criticize you alone, but we are giving you some advice as to what needs to be done and it is for you to take up the mantle and do the work and provide Trinidad and Tobago with the type of information technology which it needs.

Coming close to an end, it is not good enough for us to—beside having to congratulate you on your work you did in 1993 and having brought this legislation to Parliament at that time, while I would not want to trivialize any piece of legislation, especially, one dealing with public servants because it is critically important, the priorities of this Government continue to amaze those of us who are concerned about the nation.

Mr. Vice-President, they are asking us to pass this piece of legislation, but there are so many other pieces of legislation that have been enacted here in Parliament. I am not sure whether this Government will be able to put them into effect. I have at least 25 pieces of legislation here that have not been proclaimed by this Government. Amongst them, the Constitution (Amdt.) Act, 1999; Land Adjudication Act; the DNA; Sexual Offences (Amdt.) Act; Adoption of Children Act; Children (Amdt.) Act; Children's Authority Act; Caribbean Court of Justice; Offences Against the Person; the Constitution (Amdt.) Act; the Police Service Act; the Police Complaints Authority Act; Fair Trading Act, these are all pieces of legislation that have been passed, but have not been proclaimed. And if we—

**Hon. Senator:** [*Inaudible*]

**Sen. Dr. T. Gopeesingh:** Well, one or two of those have been passed subsequently. But the question is, if we are going to pass this legislation and we want to see that NALIS moves fast, we really have to make sure that this piece of legislation is proclaimed and moves on very quickly.

The last issue then, is that, I think the hon. Minister would have to reconsider not to put these people who do not take the option of transferring or secondment; if they do not transfer or do not second by June 2007, you do not put them out to

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pasture because they would really fall under the Pensions Act, 15:04. The Pensions Act, 15:04, Chap. 23:52, subsection (4) states:

“If any officer holding a pensionable office (which these public servants hold) retires or is removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs ... (they may say NALIS) ... he may be granted a temporary pension...”

I want to say that this is too harsh for those individuals. We have to begin to educate these people as to what they are going to get and to show them what is needed. They must understand what they are going to, and I am sure with some degree of education, they will probably take up the challenge.

We need to mobilize all the human resource capacity and capability; expand it; expand the library services throughout Trinidad and Tobago so that there would be thousands of people working in the library system, collaborating and working together with ministries, authorities, tertiary institutions, secondary institutions, so that all in Trinidad and Tobago, the young, the old, the physically challenged, all can benefit from a proper information system which NALIS has the role and responsibility to undertake as directed by the Minister of Public Administration and Information.

So with those words, Mr. Vice-President, I thank you very much. [*Desk thumping*]

**Sen. Brother Noble Khan:** Thank you, Mr. Vice-President, for allowing me to say a few words on this matter which is before us, an Act to amend the National Libraries and Information System Act, 1998. Indeed, in our traditions, I would think that we recognize that knowledge is one of the key areas if we are to really move ahead and speed the process where we could truly become before 2020, a developed nation so to speak.

There has been much said about what is a developed nation or where we hope to get, but one would recognize that no matter what it be, the question of knowledge and knowledge base is very important and very critical if we are to go anywhere, be it 2020, beyond or even before that. So this matter that is before us is very symbolic. We know the nation is one to fast-track or move fast towards that vision which we have said and has been announced and adopted by the nation of the 2020 vision and what we hope to achieve by that time. So information again is very important.

I do remember some time in 1961 when I came into contact, firstly, with the whole question of information and the process of information and at that time it was formative—the concept of the computer at that time—and we are here talking about information. I am very happy to see that NALIS in Port of Spain has a very active computer input and it speaks well for the Ministry of Information. At one time it was said we could have faced or be comparable with any of the best in the world. I do not know if we have kept abreast with what is taking place in the world, but when it first started, and I think it had done quite a bit insofar as that aspect of education and knowledge base.

I have set this against the background of how far are we expanding this and I will make reference to a personal experience I had some years ago when I visited a company with a relative of mine. We had been down to La Brea and we had stopped off at what passed for the library facility just opposite the police station close to the sea. It was a workday and the library was open and we went in and there were books. The place was well kept; it was an old building and I felt I could have sat down, which is my style to sit down and pore through books to the extent that it was well kept—I am speaking here about library. But the thing about it is that there were not very many books and earlier this year about four months ago, I again visited the area and there were no changes in the books that they had there.

Many of the shelves were empty at the time and they continue to remain empty. So I am making a special appeal that NALIS should possibly look at the outer areas and see what they can do towards updating the system or attracting people with more attractive books insofar as that library is concerned.

Secondly, I would like to touch on the question of pension because this primarily deals with pension. Pension is very sacred to me and I guess to the nation at large because it is part of what we hope for as we go down in age and I do recall too that at one time the public service had a strata of its workers who were pensionable and others were not. There was something called a provident fund where some benefit would have been derived, but once that was paid and settled that was the end with respect to that service. It formed part of the condition of service and when pensions were made across the board, it was indeed a great day as far as workers were concerned in the public service. So again, the protection of pension too, when we got our Independence that was brought into the Constitution and it continues to appear in the other Constitution too as far as pension is concerned. So important that was at that time and continues to be.

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The Act seems to me to seek to make for provision for NALIS' position as a body outside and I think our colleague, Sen. Dr. Gopeesingh had touched quite a bit on the historic aspects of it and what obtains now, so I would not go too much into that. But what is important here, to my mind, is to see how it impacts on workers within the public service so to speak, who are going over to NALIS. Because basically you had three areas: the Carnegie Free Library, the Public Library and then the Central Library which was government, so to speak.

Even in the early days, some of us could remember being—I was in the Port of Spain area in the Public Library, and the Central Library and I think one of the first places that they had the Central Library office is what is now the Prime Minister's office, Whitehall and that building is all the way now, Queen's Park East. But we have seen that all these systems have come together as we have heard in 1998 and that apparently was a very good move at the time and still continues to be because you have it centralized and could radiate throughout the country.

Pensions of the workers, of course, you would have to protect that. But my mind takes me back to some of the workers in the central government which may have been affected to wit, workers in Central Library which was a government agency moving over into NALIS. There was a time around 1998 or thereabout 1999 and beyond, because of the economic strains, the Government had curtailed people's salary and people too had retired because retirement is a continuous process. I would suspect that workers who are moving over now, to make this relevant, who are moving over from central services, Central Library per se and who are now with NALIS will fall within the ambit of what I am speaking.

When that movement went across—and it will definitely affect what I am making mention to, and that is that at the time when the salaries were cut or ceased to be paid and I do recall, I may be wrong here but I think it is so, that it was shown in the lower courts that the cessation of paying those salaries was illegal so to speak. So somewhere along the line, the Government per se had acted in an illegal way with respect to its workers and that echoed in the payments of salaries not only, but also in pensions that were payable.

People have moved out of the service and their voice is no longer heard because they are not linked in a way with the union so to speak. The questions of their rights even at that time and which continue to exist now which have been compromised, because obviously when those workers started to work the contract that existed between the employer, the Government per se, was that at the end of the day, they would receive a pension based on a salary structure which was approved.

As I have indicated, at a later stage it was shown that money was cut was definitely not correct. I think that still continues insofar as those people who were retired, particularly, those who retired at that time and continue to get pension. Many have gone to the great beyond; even the retirement benefits were not re-computed so to speak or adjusted to show some form of justice of what is due. We are not speaking in terms of something more than or to negotiate something beyond.

Now, if at that time it existed and still continued to exist and people now who are moving over from the central government—Central Library belongs to the central government—and they move across the board, I strongly suspect that that injustice will continue to exist and I bring it to the attention of this honourable House because as far as I know, it was never the intention of any government, from my own personal experience, to act in an unjust way or to be unfair to people across the board. So I make that special appeal that this matter be looked into insofar as pensions are concerned, then, now and into the future.

**5.30 p.m.**

I think it is a good piece of legislation, so to speak, whereby an attempt is being made to bring some form of justice or fair play towards workers of the Government.

Thank you, Mr. Vice-President.

**Sen. Raziah Ahmed:** Mr. Vice-President, in joining the debate on this Bill, I begin by saying that a library system is fundamentally important to national development, in the first instance, and to fast tracking development status in the larger picture.

When NALIS was conceived, it was a brilliant idea to bring together all the systems of libraries operating within the country; the end result of which would have been to fast track our young people and workers in the field of research, giving them cutting edge technology, computerization and audiovisual tools so as a nation we could reach developed status in record time.

In going through the document before us, clause 3 states:

"Section 20 of the Act is amended—

- (a) in subsection (1), by deleting the words 'within six months of the coming into effect of this Act'..."

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It is seeking to extend the original time limit in the 1998 Act by, perhaps, another six or eight months, to June 2007. This is a human resource (HR) problem. It is a human resource failure; whether that failure can be restricted to persons working in the system or whether it applies to the persons working in the Ministry who are responsible for the libraries.

It is very clear that when the Act was brought into being, it was envisioned that within six months the paperwork to effect the Act would have been completed; therefore, it seemed to be fairly straightforward and easy.

My colleague, Sen. Dr. Gopeesingh, dealt with why there were problems in the implementation, so I will not go into the huge discrepancies, compensation and the benefits package between the system that existed before and the new one that is hoped to fast track all of us, our young persons in particular, into a more informed and enlightened age.

Eight years later, you have 200 persons, according to the Minister, who have, in effect, not taken action. Now we have come before this honourable Senate and in clause 3(b) we are going to, in effect, place those persons who failed to take action within the seven months given to them, under the Pensions Act which is, in effect, making those positions redundant.

I do not have the time to find section 15(4) of the Pensions Act myself; however, I hope that it is giving Voluntary Separation of Employment (VSEP) with incentives to those persons who are unable to act within the seven months being given to them. [*Crosstalk*] This is a problem with our human resource capital in this country. Why is it that we have persons employed to do a job, envisioned and sanctioned by this honourable Parliament—yes, this could have been done in six months, but it was not done—and now we are threatening, "If you do not do it, we are going to make you redundant."?

Human resource management is a problem that is huge in this country. We depend on institutions such as the universities and business schools. We depend on the library systems to furnish information in order that persons pursuing academic excellence would be able to get the kind of information they need in order to develop the kind of innovation we need in this country. We have employees of the system who are either disgruntled or slow to act. Instead of bringing piecemeal legislation, instead of having to address hundreds of pieces of legislation to fix little problems, it is time we understand that the work of politicians and policymakers in this country is to deal with the fundamental human resource mismanagement problems. [*Desk thumping*]

Mr. Vice-President, I will only be speaking for a few short minutes, but it is necessary to say that we have huge problems in this country. The problem stems from the fact that we are unable to use the library systems for the information and research we need to advance ourselves and learn, for example, how to build sensible drainage and road systems, so we do not have the kind of flooding we had in this country yesterday. [*Desk thumping*] This debate is not about the flooding.

**Sen. Dr. Saith:** Oh!

**Sen. R. Ahmed:** It is about human resource mismanagement. We have a serious problem with our civil engineers. Is it because they do not have the research material available? Is it that the National Library Information System is not user-friendly? Is it that when we go in there we cannot get ideas and information that would bring us innovations to solve our little problems? The human resource problem is ours.

What has happened with this piece of legislation is only a single incident of the kind of problems that more human resource mismanagement throughout the country and in all spheres would create for us. Are we going to come to this honourable Senate every time human resource people fail, every time the project managers fail, every time the civil engineers, the drainage people and the contractors fail? This morning they are putting the blame on the poor "fellas" who have to clean the drains. It is not their fault. The fault is at the highest level; the managers we employ to oversee the projects; for example, the project of implementing the conversion from one system to the next or of providing an alternative that is satisfactory, without trying to short-change public servants in this country. [*Desk thumping*]

These are fundamental human resource problems and we need to stop fooling ourselves and bringing nonsense pieces of legislation to this honourable Senate, thinking that we are going to get to developed country status, because we have to come seven years later to deal with implementation and communication problems. [*Crosstalk*] This is fundamentally a communication problem.

Why is it that the people within the system who wanted to effect the change have failed to communicate to these essential workers that it was necessary to take action? Let us not get down to who is responsible. [*Crosstalk*] The fact of the matter is that [*Crosstalk*] we have come to six-month legislation. This legislation does not deal with the failure of the human resource component in this country to implement over and over again brilliant ideas and good systems.

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[*Mr. Vice-President pounds the gavel*]

The National Library Information System is an extremely good idea; implementation is where we fall flat. We have to look at why there is an implementation breakdown: human resource incapacity.

**Sen. Dumas:** NALIS is running.

**Sen. R. Ahmed:** At the University of the West Indies almost every piece of roadway inside the campus was covered in three inches to eight inches of water yesterday. The news said that the graduate business school was under three feet of water. What happened to the human resource, civil engineers, the university educators who are on their own campus—[*Interruption*]

**Sen. Montano:** What clause are you referring to? [*Crosstalk*]

**Sen. Munro:** The one on human resource.

**Sen. Dumas:** That is a thesis she would fail on.

**Sen. R. Ahmed:** To the benefit of the hon. Senator, I was speaking to clause 3 which refers to the fact that persons are now going to be made redundant because of a human resource management failure. Pieces of legislation like this are a waste of time [*Desk thumping*] if we fail to deal with the larger issue, which is our inability to produce anything efficiently and effectively. Why is that? I am using the flooding as an example of how we have a tendency to blame the poor “fellas” who have to clean the drains, when it is not their problem. It is our problem; the problem at the highest level of senior management in this country, where we have failed, in this Act, to implement something that would put our young people on the cutting edge.

How do we do that, when we have disgruntled employees within the system, [*Crosstalk*] persons who have refused to move from the Carnegie Free Library, other public libraries and the previous system into the new and innovative system? Whether the primary reason is because of a failure to implement adequate benefit compensation or not, the fact remains, that if we fail to address the human resource management incompetence that is managing this country, we would have failed a generation.

I thank you.

**Sen. Anil Juteram:** Mr. Vice-President, it is, indeed, a humble privilege to bring certain matters before this Senate. I would like, through you, to also include the hon. Minister of Education and Sen. The Hon. Dr. Saith, the hon. Minister of Public Administration and Information, who really deals with this matter. [*Crosstalk*] Dr. Lenny Saith.



**Sen. Montano:** You got it right the first time.

**Sen. A. Juteram:** In Trinidad and Tobago, our children, the people of our eastern region, stand out as educated, responsible and respected players in the global movement on education. I say this based on the context of looking at information from the Public Libraries Division which I got through the Sangre Grande Library. I have a list of all the libraries in Trinidad and Tobago. [Crosstalk] I am concerned that with almost 26 libraries, there are only two libraries in the constituencies of Mayaro and Toco/Manzanilla, which is now called Toco/Sangre Grande. As people in authority, we have been short-changing the children and even the adults who need education in the eastern part of Trinidad. I believe that our education, in respect of the policies, should emphasize a lot more on the culture of modern infrastructure through an improved library service.

Mr. Vice-President, we should create more incentives and programmes, both domestic and abroad. Commitment of sustainable policies must be introduced. We should decentralize physical resources so that the next generation of children would not face having to share the burdens and sacrifices, the high cost of transportation and the wastage of time to go to the libraries.

In the Sangre Grande Public Library, there is someone called the "branch assistant." Would you believe that the manager is based in the Arima Library? That is red tape at its best. This library was built since November 15, 1960. Over the past 46 years, it has impacted positively on the eastern region. Sadly to say, on observation, around 4.00 p.m. on a school day, the library is filled to capacity; it is cramped. Children and adults from as far as Valencia, Matelot, Manzanilla, Biche, Plum Mitan, Housing Village and Sangre Grande, have to use this public library. The time has come for the extension of this and other libraries throughout Trinidad and Tobago.

The time has come to build a public library in the constituency of Nariva, or its new name, Cumuto/Manzanilla. [Desk thumping]

**Sen. Dumas:** You are campaigning or what? You are in the Senate. You cannot campaign here.

**Sen. A. Juteram:** This constituency is two times larger than Tobago and it has no library? Presently, the opening and closing hours are Monday to Friday, 8.30 a.m. to 6.00 p.m. Through you, Mr. Vice-President, I will humbly like the relevant authorities to consider an opening time of 7.30 a.m. to 11.00 p.m. Create a shift system, so the people from Toco and elsewhere could find the time after

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school, be it 5.30 p.m., to reach the library. They will be able to get access to education and so elevate their knowledge. I would really like Sen. Dr. Saith to consider this.

On Saturday, the opening and closing hours of the library currently are 8.30 a.m. to 12 noon. I would really like the authorities to consider changing that time to 8.30 a.m. to 6.00 p.m. I am sure a lot of the children would be off the street and in the library doing something tangible. [*Desk thumping*]

We should increase books related to information on teenage pregnancies, HIV/AIDS, alcohol and drug abuse, trade and skill related topics, religion, history and culture. For example, in Trinidad not enough is being done to highlight our neighbour, Tobago's Heritage Festival. A lot of people in Trinidad are not even aware of what is the significance of this festival. I have experienced it and it is something that really touches me to see how our brothers in Tobago lived and how that could be transcended into an art-form now. I think we are lacking somewhere.

Likewise, more could be done to highlight Trinidad while maintaining our heritage. Each library should be given an annual budget to help in the purchase of basic needs. A structure of management should be introduced to facilitate transparency. This would cut down on wasting two months to get a toner for a photocopying machine. [*Desk thumping*]

There should be security on a 24-basis to ensure the atmosphere is conducive during opening hours and there should be security while the library is closed so as to secure the library, its property and belongings. There should also be security for the people who use the library.

I thank you, Mr. Vice-President.

**Mr. Vice-President:** Hon. Senators, I take this opportunity to compliment Sen. Juteram on his maiden speech.

**Hon. Senators:** He spoke already.

**Mr. Vice-President:** Okay, his maiden speech before me. [*Crosstalk*]

**Sen. Abdul-Hamid:** "He better than Munro, that is why."

**Mr. Vice-President:** He spoke for less than 10 minutes and while he was speaking I heard Sen. Dr. Gopeesingh saying, "Good point," so many times that I wondered if a 10-minute limit should not be introduced. [*Laughter*]

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, let me make a general remark with respect to the contributions. Two things came out clearly to me. One is that the National Library Information System (NALIS) is probably not doing enough to provide information on what it is doing, because it is doing a lot of the things that Sen. Dr. Gopeesingh said he would like to see done.

I am very pleased that I have sitting nearby the Executive Director of NALIS, who would have taken note of that. More importantly, she has been able to hear some of the requests made so that there would be no need for me to transmit the information. So let me say to the potential candidate for Cumuto/Nariva that your message has gone straight to the source. [*Laughter*]

**Sen. Dumas:** "He cannot come there; he go lose up there."

**Sen. The Hon. Dr. L. Saith:** Let me just try to deal with some of the things specific to the Bill and, given the wide ranging contribution of Sen. Dr. Gopeesingh, which has a subset in Sen. Ahmed, to deal with the other matters, just for the purposes of information.

In 1998 when the Bill was passed, there was a period of six months to have this done, which meant by the end of 1998, it should have been done. It was not done in 1999; it was not done in 2000. It was not done, in fact, for almost seven years. So persons were not given six months to make a decision; they are actually being given seven years and six months.

Right now there are 535 persons employed in NALIS. About 300 of them are persons who have made the decision and have come on board; 200 persons are left. The reason it is coming up now, in addition to all the issues that were raised, is that, at this time, there is a convergence of interest in getting it done.

Of these 200 persons, the majority are requesting it for two reasons. One is that if they do come in, they get into the NALIS stream and, therefore, can be given promotion in the NALIS stream. As long as they are outside, they are not in the NALIS stream; so they have an interest in coming in. We have moved along and the terms and conditions in NALIS are now known, so the problems they may have had with, "We are not sure of the terms and conditions", have long gone past.

Their pensions are being preserved until such time as NALIS has its own pension plan. I am advised that work is going on now; consultants are there and the pension will soon be there. They know that the new pension cannot be less than what they have now; it would probably be more. So there is a real interest

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now in persons making the move. My own feeling is that this is being driven, basically, by the employees themselves. My expectation is that once we pass the legislation, we would see the movement of a significant number of persons into NALIS who want to make the library their career.

I regret that Sen. Ahmed saw it as trivial legislation, but it is part of developing the human resource capability in our country. I agree with her, human resource development is very important in the country, not only in Government, but also in the private sector. I would even go so far as to say in political parties. *[Laughter]*

In the case of the library, for instance, just on the management side, in 2001 we awarded 30 scholarships to study for masters degrees in library and information services. *[Desk thumping]* These scholarships were tenable in North America. We gave an additional 30 scholarships in 2005, so we have 55 scholarships for persons to upgrade their skills in this area.

**Sen. Dumas:** Superior benefits.

**Sen. The Hon. Dr. L. Saith:** I have dealt with why they did not choose the option and why we believe they will now choose it. I have dealt with the fact that the terms and conditions they now know are, basically, better and the pension is no longer a major issue. The major inducement now is that having been there for seven years, and having been denied the opportunity to move up into the system, this will now give them an opportunity for promotion.

Somebody raised the question of trade union representation. In fact, section 31(2) of the Act says that the unions which represented employees of NALIS, may continue to do so. They are, in fact, represented by the Public Services Association (PSA). *[Interruption]* That is the Regional Health Authorities (RHA) problem, which is a different problem.

This legislation will give effect to what I see is a real desire by these 200-odd employees to come to some kind of conclusion as to their stay in NALIS and whether they wish to continue. If they wish to continue, it is to give them the opportunity to do so. *[Interruption]*

**Sen. Dr. Gopeesingh:** A little clarification. I just want to ask the hon. Minister, the employees in the public service, would they not be given promotion according to the Public Service regulations, even though they are, in fact, working with the library service, because they deserve some promotion even though they are public servants? I do not think they might be robbed of promotion by remaining in the public service. It is something you have to analyze and give some consideration to.

**Sen. The Hon. Dr. L. Saith:** For them to take promotion, they would have to go out of the library service and go to where the job exists. That is my understanding of it.

Let me talk a little about what NALIS should be saying to the country and, perhaps, may have already said it so quietly that you have not heard. There are 23 public libraries in Trinidad and Tobago. We have reintroduced mobile library services in the southern part of Trinidad, after 30 years. We first introduced it in 2004. This mobile library now serves Barrackpore, Tableland, Rio Claro, New Grant, Fyzabad, Todd's Trace, Erin, Palo Seco, Roussilac, Oropouche and Penal.

Two mobile libraries serve 29 communities in Central Trinidad: Talparo, Brazil Village, Mamoral, Caparo, Carapichaima, Waterloo, Guaico, Tamana, Coryal, Manzanilla, Salybia, Matura, Cumuto, Las Lomas and Munro Road. We are moving in stages. The southern ones did not have anything. We have one mobile library in Tobago. We now have three public libraries in Central Trinidad: Chaguanas, St. Helena and Couva. I answered a question about St. Helena about two years ago, because we had refurbished the library there. We expect a new digital mobile library next month and this would also go out to communities that are under-serviced.

We have agreed in this year's budget to provide another \$1.5 million to purchase another digital library that would service other areas. While we are waiting to build the major structure, we are seeking to supplement what is out there. These digital libraries would not only provide book-based services, but would enable persons to get on the Internet. They would provide the capacity for persons to use the Internet.

In terms of physical construction, we started work on the Scarborough Public Library. The new building in Chancery Lane, San Fernando will include facilities for the San Fernando Library. In July this year, Cabinet approved the construction of a new library complex in Chaguanas at the cost of \$60.3 million.

When I came into the Ministry I asked NALIS to develop a master plan for the libraries. I saw projects coming, but I could not put them in the context of the whole nation, in the context of need and population areas. They are now developing that plan. While we are waiting on the plan, we have agreed to go with Chaguanas, to relocate the Carnegie Free Library into the new building and to deal with Scarborough.

The question was raised about computerization. There is a policy decision that all libraries would be computerized and have the facilities to get on the Internet. In fact, in Fast Forward, we have said that we want everybody to have access to

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the Internet, either through their own homes or through community access centres. We have identified the libraries as one community access centre; schools as another. In addition, we will build community access centres.

There is a programme to computerize all libraries. In 2006, for instance, we have allocated further funding. Mr. Vice-President, 200 computers were provided to branch libraries this year. We have put into 14 branch libraries, scanners, colour printers and photocopiers and, hopefully, they would be able to buy toner. [*Laughter*] There is a website for NALIS. It is a source of information locally and internationally. One million persons have visited the website in 2005 and 2006; 170,000 persons used the Internet facilities at the library during the last year. [*Interruption*]

**Sen. Dr. Gopeesingh:** We need more. [*Desk thumping*]

**Sen. The Hon. Dr. L. Saith:** I agree that we need more. We have gone into a process of digitization of information that we have in the library. We have now digitized 13,541 pages; especially collections. We have digitized the Wayne Berkeley, Learie Constantine and Julian Kenny collections. There is a programme to digitize more and more of the information that the library has and make it available.

Ten books were digitized for conversion into talking books; so we are also digitizing to convert to talking books to make it available to persons who are visually impaired. That is now available in NALIS Port of Spain, San Fernando, San Juan, Maloney, Point Fortin and Princes Town.

In 1999, \$2.1 million was allocated for the purchase of books. The figure increased to \$20 million in 2002 and we continue to make more money available for the purchase of books. In 2005/2006, the library's collection was increased by 14,815 items; 1,245 books; 11,378 periodicals; 269 multimedia products and 983 programmes. So there is work going on.

What struck me was that all this was being done and yet we are hearing that people do not know about these things. I think it is the one message I am going to take from here.

**Sen. Dumas:** They do not know how to find the website.

**Sen. The Hon. Dr. L. Saith:** Somebody raised the issue of a memorandum of understanding (MOU). We have an MOU with the Tobago House of Assembly (THA) and we are now completing one with the Ministry of Education. We will continue to expand on that. In fact, NALIS works very closely with the Ministry of Education to ensure that libraries in schools are part of the system and are managed properly; it also works with ministries.

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As one hon. Senator indicated, this journey started in 1993. In fact, it started when the library was part of the Prime Minister's Office. I was in the Prime Minister's Office as well. We built on it and NALIS is now functional. It has been able in nine years to settle down. If we could deal with what I call the "remaining human resource problems" in terms of getting everybody on one vision, we will move forward. The Government is acutely aware of the need to put more resources. I think if you go through the allocation each year, you would see that resources are being put.

We do have an interest in making sure that libraries not only provide information in the traditional sense, but provide information on new technologies and we continue to encourage our young people to see the library as a resource to complement the work they are doing in their schools and complement what they need to do to keep in touch with what is going on.

Mr. Vice-President, with those few words, I would like to bring my contribution to an end. I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

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

*Senate resumed.*

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

#### ADJOURNMENT

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, I beg to move that the Senate be now adjourned to Tuesday, November 21, 2006 at 1.30 p.m., at which time we will debate the Accreditation Council of Trinidad and Tobago (Amdt.) Bill, 2006.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.15 p.m.*