

Leave of Absence

Tuesday, May 08, 2007

SENATE

Tuesday, May 08, 2007

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. Dr. Lenny Saith, Sen. Christine Kangeloo and Sen. Parvatee Anmolsingh-Mahabir who are all out of the country.

SENATORS' APPOINTMENT

Madam 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.

“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. OVERAND PADMORE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, OVERAND PADMORE, to be temporarily a member of the Senate, with effect from 8th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Christine Kangeloo.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of May, 2007.”

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, May 08, 2007

“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 Dr. Lenny Saith is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 8th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Lenny Saith.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of May, 2007.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Parvatee Annolsingh-Mahabir is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40 (2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,

ALTHEA ROCKE to be temporarily a member of the Senate, with effect from 7th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Parvatee Anmolsingh-Mahabir.

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 27th day of April, 2007."

OATH OF ALLEGIANCE

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

Overand Padmore, Joan Hackshaw-Marslin and Althea Rocke.

ORAL ANSWERS TO QUESTIONS

Madam President: Before we move on to the oral answers, Senators, there have been some written questions that have been circulated.

Details of Carifesta

18. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

- A. Could the Minister provide the Senate with a detailed breakdown of the cost involved in the staging of Carifesta in Trinidad and Tobago in 2006; and
- B. Could the Minister also provide the names of the organizers of this event and the respective fees and/or commissions paid to each organizer?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, before I refer to question No. 18, let me just refer to question No. 70 which is also from the Senator.

Madam President: 17?

Sen. The Hon. J. Yuille-Williams: 70. I now have to employ extra help to cope with the number of questions coming from Sen. Mark. Question No. 70 will be before the Parliamentary Question Committee on Tuesday; going for approval on Thursday and the following Tuesday I will have question No. 70 ready for the hon. Senator.

Madam President: Thank you very much.

Sen. The Hon. J. Yuille-Williams: I will now proceed with question 18. Madam President, a total sum of \$31.8 million was allocated for the overall staging of Carifesta IX. The actual cost incurred in the staging of the event was \$13,839,460 as detailed on:

- Carifesta management and administration—\$4,773,704
- Community Festivals—\$1,277,501
- Exhibitions, symposia and readings—\$960,893
- The Grand Market—\$5,725,596
- Hospitality and protocol—\$3,097,632
- Marketing and promotions—\$3,532,197
- Production and performances—\$6,119,827
- Special events—\$1,717,166
- Tobago Carifesta—\$1,487,200
- Trinidad and Tobago contingent—\$2,147,744

With respect to the organizers of the event, the interim festival directed or the IFD which represents the Carifesta board, holds the responsibility for the bi-annual staging of Carifesta, the mega Caribbean Festival of Arts and Culture. The committee's membership comprises representatives from the Caricom Secretariat: the former host country; the present host country; the Chairman of the task force of the Revised Carifesta; the Chairman of the Regional Cultural Committee; a representative of the Organization of the Eastern Caribbean States; and a representative of the Caricom Youth Ambassador Programme.

The committee liaises with the host country management committee in the organizing of the event. In effect, the staging of Carifesta IX was organized by the Ministry of Community Development, Culture and Gender Affairs along lines agreed by the Caricom Secretariat. The issue of payment of fees to the organizers, therefore, does not arise.

Thank you.

Sen. Mark: Madam President, through you, could the hon. Minister indicate who is the Chairman of the Carifesta organizing committee in Trinidad and Tobago, and whether the chairman of that body was in fact paid for his services?

Madam Chairman: Minister, do you have an answer for it? It is not in the question, but—

Sen. The Hon. J. Yuille-Williams: Just one minute, I am just trying to remember, there are so many names. As soon as it comes to me, Sen. Mark, but the chairman was not paid as chairman of the committee. It is a voluntary committee. We had a sort of CEO, but the chairman of the committee, which is the chairman of this board, was not paid.

Sen. Mark: [*Inaudible*]

Madam President: She said it will come to her in a minute.

Sen. Mark: [*Inaudible*] the name and the organizer?

Sen. The Hon. J. Yuille-Williams: [*Inaudible*]

Madam President: She knows, but the name slips her at the moment.

Sen. Mark: Conveniently.

Madam President: Sen. Mark!

Sen. Mark: All right. Madam President, may I continue? Could the Minister indicate to us what were the components of the hospitality and protocol items that amounted to over \$3 million? Could she explain to this Parliament what are some of the elements that made up this particular item?

Sen. The Hon. J. Yuille-Williams: I do not know how best I can explain what hospitality means in a mega Caribbean event, when you have so many visitors and other people who are here and who have participated in the event. We had a hospitality village in itself at each of the major centres, where during the day the artistes were able to come and refresh themselves and have a meal.

This is customary with all Carifestas around the world, wherever you have it, you will have that. For the protocol, we had a number of persons who liaised with us, who gave protocol services because we had visitors with us; we had heads of different country and so visiting, so I do not think that hospitality and protocol services need to be explained. Just that we had to pay for some of these things and we are a very good host here in Trinidad and Tobago and we are known for our hospitality, Sir.

Sen. Mark: Madam President, through you, could the hon. Minister indicate whether the \$30.9 million spent to host Carifesta, included travel payments to those artistes that visited Trinidad and Tobago or was that paid for by the host Government?

Sen. The Hon. J. Yuille-Williams: The host Government paid, but there were a number of persons who we invited to our special events and there were a number—as you know we are on the world stage—of significant artistes who we invited to Trinidad, some were awarded, some were there as our guests, and we paid their travel plus their hospitality arrangements in Trinidad. This is customary with all Carifestas that whenever it is held you usually invite some of your renowned artistes around the Caribbean. We also invited, for example, like we had the Jamaican Dance Company here coming to perform, we would have paid for them. They were signal events and we paid for some of those people to come in and that kind of thing.

Sen. Mark: Madam President, could the hon. Minister indicate whether the travelling component is included in \$30.9 or is that separate apart from the \$30.9 that was spent?

Sen. The Hon. J. Yuille-Williams: This is the total for everything that surrounds Carifesta. This is the total; there are no other fees outside of this.

National Transportation Study (Copy of)

51. Sen. Wade Mark asked the hon. Minister of Works and Transport:

- (a) Could the Minister provide the Senate with copies of the National Transportation Study and indicate in detail the main elements of the plan?
- (b) Could the Minister also inform the Senate what is the final cost of the National Transportation Study and the Mass Transit System Study?

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Madam President. The National Transportation Study also known as the Comprehensive National Transportation Study or CNTS final report was submitted by the consultants Parsons Brinkerhoff Quade and Douglas also known as PB in November 2006. Upon receipt, the technical officers of the project implementation unit for the Comprehensive National Transportation Study undertook a detailed evaluation of the report. In December 2006, the project implementation unit for the CNTS advised that the report contained a number of deficiencies based on the terms of reference and agreed scope of works.

The consultants, Parsons Brinkerhoff are in the process of addressing the Ministry's concerns and the Ministry of Works and Transport is at this time exploring its options with a view to bringing the CNTS to an expeditious and satisfactory completion. This includes the close examination of the contract itself

and also the technical issues that remain to be properly addressed in the respective land, sea and air sector elements of the plan. Accordingly, until this exercise is completed, it is not possible to make public the final report of the National Transportation Study or circulate it in the Senate.

The contract sum for the Comprehensive National Transportation Study is approximately TT \$21 million from which approximately TT \$10 million has been paid to date. The contract sum for the Mass Transit Study, phases I, II and III is approximately \$37 million from which approximately \$5.5 million has been paid to date. The final cost of the Comprehensive National Transportation Study and the Mass Transit System Study are not available at this time.

On completion of the studies and resolution of all outstanding issues on contractual matter, the final cost will be determined. It should be noted that, notwithstanding, the activities in which the Ministry and the consultants are currently engaged to which I have previously referred, there has been no increased cost understudies nor is there expected to be any.

Sen. Mark: Madam President, firstly, could I ask the hon. Minister whether upon completion of the study, copies would be provided to the national Parliament of Trinidad and Tobago? And secondly, could the hon. Minister indicate to us whether he is disappointed in this team of consultants who, based on what you have just submitted, appear to be technically deficient having regard to the \$21 million of taxpayers dollars or money that have gone towards this particular firm of consultants?

Madam President: That is two questions in one.

Hon. C. Imbert: The question of making public or circulating the National Transportation Studies is a matter for Cabinet and when the study is completed that matter will be addressed by Cabinet. So, I cannot answer you directly at this point in time, but I see no reason why not.

Secondly, \$21 million has not been paid to the consultants. I made it very clear that \$10 million has been paid under the Comprehensive National Transportation Study and \$5.5 million under the Mass Transit System Study. And to answer the other point, we are not satisfied. In fact, the Ministry met with the consultants very recently and reiterated our dissatisfaction with their performance in terms of their fulfilment of their obligations under the contract and we have given them a final deadline to correct the deficiencies.

Sen. Dr. Gopeesingh: Madam President, could the hon. Minister indicate whether there are any other consultants besides Parsons Brinkerhoff associated with this comprehensive plan that he is speaking about. That is the first part.

Madam President: Now, one question at a time. You all are asking too many questions.

Sen. Dr. Gopeesingh: And if that firm is Trintoplan Consultants?

Hon. C. Imbert: I do not have the detailed particulars at this point in time, Madam President, but Parsons Brinkerhoff did use local consultants for data gathering. I do not have the particular name of the particular firm at this point in time. I can get that for the Senator.

Sen. King: Thank you. I just have one question, Madam President. I see we have two studies, so when we add the two that is \$58 million. Correct? So my question is, do we have separate consultants for each project, for each study or is it the one consultant doing both studies?

Hon. C. Imbert: Parsons Brinkerhoff is doing both studies.

Madam President: All right, last question.

Sen. Dr. Gopeesingh: Could the hon. Minister indicate whether there is a separate study for the land transportation, separate and distinct from the Mass Transit Study that you are doing? Because you said that the National Comprehensive Transportation plan included air, sea and land, is there a separate component apart from the Mass Transit System for a land transportation system, and if there is, what is it?

Hon. C. Imbert: The Comprehensive National Transportation Study looked at all aspects of transportation, land, sea and air, so, of course, there is a land transport element in the Comprehensive National Transportation Study which is separate and apart from the Mass Transit Study. The Mass Transit Study flowed from the initial findings in the Comprehensive National Transportation Study. So they are separate and apart.

Madam President: All right, one question, Sen. Mark.

Sen. Mark: Madam President, could I ask the hon. Minister the credentials of this particular firm of consultants and have they been enabled to successfully prepare transportation studies for other countries or is it their first experience?

Hon. C. Imbert: Madam President, I am surprised at that question. Parsons Brinkerhoff, Quade and Douglas is one of the largest consulting firms in the world and have vast experience in the preparation of transport studies. However, in this particular case, they have not performed in accordance with our requirements.

**European Trade Mission
(Details of Contingent)**

52. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the cultural contingent which accompanied the Trade Mission to Europe during the period September 06 to 22, 2006, could the Minister provide the Senate with:

- (i) the names of the countries visited by the cultural contingent;
- (ii) a detailed breakdown of the costs incurred;
- (iii) the names of the artistes and organizations that comprised the contingent;
- (iv) the amount of allowances/fees and other financial benefits received by each artiste and organization; and
- (v) the criteria employed for engaging the services of these artistes and organizations?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I am sorry, when I spoke of question No. 70, I should have read questions Nos. 52, 53, 54, 69 and 70. Research on those five questions have been prepared; those five questions would go before the committee next week and with Cabinet's approval on Thursday I should be able to answer all five questions for Sen. Mark on the same afternoon. Sorry, I should have said that in my opening statement, Sen. Mark.

Question, by leave, deferred.

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

**World Cup/Germany
(Details of Contingent)**

- 53. A.** Could the hon. Minister of Community Development, Culture and Gender Affairs indicate to the Senate the total number of persons inclusive of public officials, cultural practitioners and technical staff that comprised the contingent which represented Trinidad and Tobago from June 07 to 22, 2006 during the World Cup in Germany?
- B.** Could the Minister also provide the Senate with:
- (i) the names of the artistes and organizations that were selected; and
 - (ii) the criteria used in selecting the various artistes and organizations?

**German Contingent
(Details of)**

- 54.** With respect to the contingent that went to Germany during the period June 07 to 22, 2006, could the hon. Minister of Community Development, Culture and Gender Affairs inform the Senate of:
- (i) the names of the cities that the contingent visited;
 - (ii) the cost of accommodation and airfare for members of the contingent; and
 - (iii) the amount of fees, allowances and benefits that each member of the group received?

NCC TV

(Breakdown of Operations)

- 69.** Could the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with a detailed breakdown of the operations of the NCC TV in respect of the following areas:
- (i) the number of employees and the nature of their employment;
 - (ii) the value of government's capital injection into its operations from its inception to the present time; and
 - (iii) the profits and losses experienced by the NCC TV since its inception to the current time?

Operations of NCC TV

(Discontinue)

- 70.** Could the hon. Minister of Community Development, Culture and Gender Affairs inform the Senate whether there is any intention of the Government to discontinue the operations of NCC TV, to have it merged with the Caribbean New Media Group (CNMG) or whether the Government intends to continue to operate indefinitely into the future?

Questions, by leave, deferred.

Current Construction Activity

(Nature and Extent of)

- 65. Sen. Basharat Ali** asked the hon. Minister of Works and Transport:
Could the Minister provide the Senate with the following information:
- A. The nature and extent of the construction activity currently being undertaken at a location some 250 metres North of the Maraval Water Treatment Plant on the West Bank of the Maraval River?

- B. What approvals have been granted by:
- (a) Town and Country Planning Division;
 - (b) The Environmental Management Authority;
 - (c) Diego Martin Regional Corporation;
 - (d) The Water and Sewerage Authority;
 - (e) The Drainage Division; and
 - (f) The Highways Division?
- C. The conditions attached to any such approvals?

The Minister of Works and Transport (Hon. Colm Imbert): Madam President, the question involved research, involving approvals granted by a number of agencies not associated with the Ministry of Works and Transport. I settled the answer yesterday; I expect it to go to Cabinet next week. To be safe, I would like a two-week deferral, but the answer is completed, it just has to go through the approval process.

Question, by leave, deferred.

**National Oncology Centre Project
(Details of)**

66. Sen. Basharat Ali asked the hon. Minister of Health:

Could the Minister provide the Senate with the following information relating to the National Oncology Centre Project (“The Project”):

- A. The total budgeted cost of the Project, including the design, engineering, construction and construction management, procurement and installation of equipment, commissioning and start-up of the Project and the schedule with major milestones of the project implementation?
- B. Whether the construction management contract of US \$24.1 million with the Government as announced by EllisDon Corporation of Canada is additional to the contract with Comprehensive Care International (CCI) of US \$10.365 million and Canadian \$23.223 million and, if so, what is the scope of services of the EllisDon contract?
- C. The financial arrangements for execution of the Project?

The Minister of Works and Transport (Hon. Colm Imbert): I will answer that, Madam President. The total budgeted cost of the project including the design, engineering, procurement and installation of equipment which is being executed by the Canadian Commercial Corporation through its agent, CCI, amounts to US \$10,365,745 and Canadian \$23,093,574. The schedule of major milestones for the project is as follows:

- Completion of designs—May 2007;
- Initiation of training—May 2007;
- Development of the governance structure—September 2007;
- Electric order entry—December 2007;
- Development of the Oncology programme—May 2008;
- Development of the ITIS system—April 2008;
- Procurement of equipment—May 2009; and
- Commissioning and hand over of the project—June 2009.

The construction budget is US \$24,100,000 as approved by Cabinet and is additional to that of CCI. The scope of services of EllisDon Corporation, Inc. is:

- Construction planning;
- Project control;
- Physical construction;
- Cost control and accounting;
- Changes in the work;
- Payments to sub-contractors;
- Inspection;
- Report and project site documents;
- Substantial performance of the work;
- Start up;
- Handover; and
- Commissioning.

The financial arrangements for execution of the project are as follows:

- The CCI component of the National Oncology project or National Oncology Centre is being funded through a loan arrangements with Scotia Bank; and

- The construction component is being funded under the Ministry of Health's Development Programme budget.

Sen. Ali: Would the Minister confirm then we have three budgeted amount, EllisDon you said that is the construction person, US \$24 million; CCI US, \$10.365; and also Canadian \$23.223, so that the total sum, if I take it to TT will be \$350 million for the project?

Hon. C. Imbert: The figures I have are US \$24.1 million for construction and US \$10.3 million and Canadian \$23.2 million for the aspects being done by Comprehensive Care International. I am unable to do mathematics that fast, Sen. Ali, but those are the numbers. I repeat US \$24.1 million; US \$10.3 million; and Canadian \$23.2 million.

Sen. Ali: Would the Minister agree that EllisDon really does not have a construction management contract, but a construction contract in that they are responsible also for the construction of the centre or is it that there is a further cost involved? Is there a contract figure then? Let me put it this way, \$24 million based on fixed price for the construction, including construction management or is there a fixed element and a reimbursable element?

2.00 p.m.

Hon. C. Imbert: The answer is yes to the first question, but to make it crystal clear, I will like to repeat that the scope of services of EllisDon include construction planning and physical construction; so construction management is subsumed within the entire package. They are managing both the construction and the planning of the project. I do not know if that answers your question. In other words, there are no additional costs of which we are aware.

Sen. Dr. Gopeesingh: Madam President, could the hon. Minister indicate whether the cost by Comprehensive Care International includes the human resource management component and training and what does commissioning mean and if the commissioning includes the human resource management and training. We understand that there are a lot of people being trained for the programme. Could you give us an idea whether this cost by Comprehensive Care International includes that cost as well, because that seems to be separate and distinct?

Hon. C. Imbert: I would love to help out the Senate. I have some knowledge of the construction arrangements so I was able to answer the supplementals from Sen. Ali, but I am afraid I do not have that kind of in-depth knowledge with respect to the medical arrangements.

Madam President: We have one other question left on the Order Paper and that is question No. 71 to the Minister of Public Administration and Information.

**CNMG
(Current Status)**

71. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

Could the Minister provide to the Senate a comprehensive breakdown as to the current status of the CNMG in respect of the following areas viz:-

- (i) the date of its incorporation;
- (ii) the names of the Chairman and the Board of Directors;
- (iii) the number of employees and the nature of their employment;
- (iv) the value of government's capital injection into the operations of the CNMG; and
- (v) the profits and losses experienced by CNMG since its inception to the current period?

The Minister of National Security and Acting Minister of Public Administration and Information (Sen. The Hon. Martin Joseph): Madam President, the date of incorporation of CNMG is January 11, 2005. This is a registered company and, accordingly, the names of the chairman and the board of directors are in the public domain and can be obtained from the Registrar of Companies in the normal manner.

The total number of employees is 118 made up of 114 full-time contract employees and four temporary workers. The members of staff work in administration, engineering, finance, human resources, the legal department, news and current affairs, production, radio and television and programming and sales. To date, the value of Government's capital injection as equity is \$135.5 million; TT dollars, of course.

Madam President, CNMG is a new company operating in a very competitive media environment. As it incrementally increases its market share, its financial performance would improve. According to its business plan, CNMG is expected to achieve break-even by December 31, 2008 and thereafter move to profitability. In line with the financial projections of the plan, the new loss position thus far of this new company is TT \$3,951,843.10. That was for 2005, and TT \$20, 848,898.57 for 2006.

Sen. Mark: Could the hon. Minister indicate whether this particular company since its inception in January 2005 has issued its annual financial audited statements to the taxpayers of this country?

Sen. The Hon. M. Joseph: As I am acting Minister of Public Administration and Information, I am not in a position, at this stage, to indicate whether or not it has submitted its audited accounts and to where.

Sen. Mark: Is the hon. Acting Minister aware that maybe one of the reasons for the huge losses of this company is because it has now become a propaganda tool of the ruling party? [*Crosstalk*]

Sen. Montano: Madam President, the question is out of order!

Madam President: Please, Senator; that is imputing improper motive to the Minister and the Ministry. Ask another question.

Sen. Mark: So he is not aware of this? You are not aware that it is a propaganda tool?

Madam President: Senator, I said that was imputing improper motives.

Sen. Mark: Could I ask my colleague whether he is aware of the oppressive conditions—[*Interruption*]

Sen. Montano: The question is out of order! [*Crosstalk*]

Madam President: Please, sit. Senator, your question is out of order. You are imputing improper motives to the Minister in charge. You are asking a minister for his responsibility. [*Crosstalk*]

Sen. Mark: Which Standing Order am I violating?

Sen. Montano: When the Member starts off by asking, "Are you aware", it presupposes that the facts included in the question are in fact—[*Interruption*] [*Crosstalk*] It is not so; he is out of order!

Madam President: All right!

Sen. Mark: He cannot ask me that; he is totally out of place.

Sen. Montano: Madam President, when you ask it—[*Interruption*]

Madam President: I understand. Will you just state your question in a different way.

Sen. Mark: Can I ask a question?

Madam President: Yes, but please do not put into your question anything that would appear to be maligning a minister.

Sen. Mark: I am not maligning. If ever I am wrong, I will abide by your ruling; if you can kindly point out to me or the Members where I am in violation, I will submit to your ruling.

Sen. Montano: Standing Order 17(1)(f). [*Crosstalk*]

Madam President: I have a lot of help here today.

Sen. Mark: Yes, I observed.

Madam President: Standing Order 17(1)(f) states:

"A question shall not contain arguments, inferences, opinions, epithets, ironical expressions or hypothetical cases." [*Desk thumping*]

I think that covers nearly everything.

Sen. Mark: Madam President, is the Minister aware—[*Interruption*]

Sen. Montano: Another inference! [*Crosstalk*]

Sen. Mark: I do not know why they are jittery; these are legitimate questions. [*Crosstalk*]

Madam President: All right, Sen. Montano.

Sen. Mark: I was now going to tell him to take his seat, but he is seated already.

I want to ask through you, Madam President, to the hon. Minister, whether workers employed at CNMG are entitled to join trade unions or whether through their contractual obligations they are prohibited from joining trade unions as required by the law of Trinidad and Tobago?

Sen. The Hon. M. Joseph: Unfortunately I am not in a position to answer that question.

Madam President: One question and it is the last.

Sen. Dr. Gopeesingh: Could the acting hon. Minister indicate, of these 100-plus employees how many are former TTT employees or have they all been fired?

Sen. The Hon. M. Joseph: Again, Madam President, I am not in a position to respond to that. [*Crosstalk*]

Sen. Mark: Madam President, I would like to get your guidance. I will like to get your protection. Madam President, in future—and I will like to get your guidance—I have no difficulty, if in the absence of a minister a question is being answered by another minister, but that minister must come adequately prepared, otherwise we would ask that the question be deferred. [*Desk thumping*] [*Crosstalk*]

Sen. Dumas: That is a speech.

Madam President: No need for a speech, please. [*Crosstalk*] Sen. Mark, please. [*Interruption*] I am not concerned with the Minister of Labour, Small and Micro Enterprises; I am concerned with the Order Paper.

WRITTEN ANSWERS TO QUESTIONS

Regional Health Authorities (Employment in)

- 10. Sen. Dr. Tim Gopeesingh** asked the hon. Minister of Health:
- (a) Would the hon. Minister inform this Senate of the total number of persons employed by the North West Regional Health Authority (NWRHA) and the North Central Regional Health Authority (NCRHA) between 2002 and the present?
 - (b) Would the Minister also provide this Senate with the following information:—
 - (i) The names of persons mentioned in part (a) above; and
 - (ii) The positions to which those persons were appointed?
 - (c) Would the hon. Minister further inform this Senate of any role played by Eastman and Associates Company Limited in the selection and placement process used to employ persons referred to in part (b) of this question?

University of the West Indies (Rules/Regulations of)

- 39. Sen. Wade Mark** asked the hon. Minister of Science, Technology and Tertiary Education:
- (a) Could the Minister provide the Senate with the rules and regulations of the University of the West Indies which govern the employment of senior lecturers and heads of faculties?

- (b) Could the Minister further direct the Senate to the provisions in the rules/regulations which allow for the lecturers and heads of faculties to practise privately in their respective professions?

**Ministry of Health
(Minister and Officers Foreign Travel for)**

44. Sen. Dr. Tim Gopeesingh asked the hon. Minister of Health:

Could the Minister provide the Senate with a detailed statement of all foreign travel embarked upon by the Minister and officers of the Ministry of Health for the period January 02, 2002 to December 31, 2006.

Answers lodged in the Parliament Library.

HOMES FOR OLDER PERSONS BILL

[Fifth Day]

Order read for resuming adjourned debate on question [April 03, 2007]:

That the Bill be now read a second time.

Question again proposed.

Madam President: When we adjourned last week the hon. Minister had started his wind up on the Bill. I now ask him to continue.

Hon. A. Roberts: Madam President, let me begin by thanking you and Members of this Senate for affording me the opportunity to present today. Before I proceed, I thank you for your hospitality. You and the Members of this House have done everything to make me feel comfortable for the period I have been here.

I again use this opportunity to thank all Members who contributed to this debate, including my friends who used the opportunity to proceed on political excursions. The Bible indicates to us that there is a time and season for everything and I guess that the times we are in now is the season for political excursions; so that is fine by me.

I take the opportunity as well to express my sincere gratitude to my colleague, Sen. The hon. Abdul-Hamid. He has admirably articulated the Government's position and has dealt with a number of issues raised by Senators during the debate. He made the point, and I want to use this opportunity to emphasize that point which I mentioned on the last occasion, that the Bill before us over the last couple of weeks is intended to deal with our senior citizens who are in homes, the 6 per cent that we referred to. It is really intended to set the legal framework to protect our seniors who are in homes at this time.

We have not yet brought before this honourable Senate the wider issue of ageing; I expect that it would come at a later stage. From what I have gathered from the discussions here, what I have heard and seen, I am satisfied that Members have demonstrated a keen interest in the issues of ageing and the welfare of the senior citizens of this country. For now the focus is on homes for the 6 per cent of the senior citizens who occupy them.

I take this opportunity to thank Sen. Mc Kenzie for her very sincere and passionate contribution. The Senator demonstrated clearly that she had an understanding of the culture of the people of Trinidad and Tobago. I want to assure you that in the preparation of this piece of legislation we did take into consideration the culture of our people, our senior citizens.

You would recall me making the point that our senior citizens prefer to live in their own homes; they are much more comfortable with that setting. It is only as a last resort that we would want to provide this kind of accommodation for our senior citizens. To take care of our senior citizens in the homes, we proceeded to prepare members of the community, citizens, to get involved through the Geriatric Adolescent Partnership Programme (GAPP), to train caregivers to take care of our seniors.

The Senator raised the point about the conditions of service of these caregivers; I think it is very, very critical. I want to give the assurance that urgent consideration will be given to the terms and conditions of those persons who would want to make care giving their profession.

Sen. Dr. Mc Kenzie raised the issue of her fear that the regulations might be long in coming; we have sought to allay those fears; we have laid the regulations. So we are prepared to hit the ground running and we are ready for the implementation of this piece of legislation.

Sen. Prof. Ramchand in his contribution, for which I am extremely grateful, raised the concerns about the types of homes. I assure him that we did give consideration to his concerns and we propose to make some adjustments in proposed amendments to come before this honourable Senate. He also spoke to the employment of senior citizens, because we are all aware that among them there is a wealth of experience and this country will do well to tap on that as we propel Trinidad and Tobago forward.

I wish to advise the hon. Senator that there is, in fact, a Senior Citizens' Bureau which serves as a skills bank. It has been managed by the Trinidad and Tobago Association for Retired Persons (TTARP); everyone here should know about this association. It is really the largest non-governmental organization (NGO)

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for older persons in the country, with a membership in excess of 20,000 seniors. It is encouraging to note that the Bureau functions, not only as a skills bank, but it also manages a placement agency whereby retired citizens can be suitably matched and employed in agencies to utilize their skills. I am extremely grateful for the suggestions, but I want to inform the Senator that there is something actually in place to utilize the services of our senior citizens.

Sen. Ali raised the issue about the ownership of homes. I wish to indicate here that the majority of homes at present are privately owned. However, this Government is committed to working and partnering with NGOs to provide service to communities in Trinidad and Tobago. In the new decentralized approach that this Government is taking to social service delivery, there will be a unit dedicated to working with NGOs to assist them to build capacity. I think someone raised the issue of the capacity of these homes to provide that kind of service. The Ministry of Social Development at this time is aggressively pursuing this decentralized process, which would create the facility to assist NGOs in building their capacity. We have one such example in terms of working with NGOs; the question of the senior activity centres that we are opening throughout Trinidad and Tobago. There are four of them now; in St. James, Maloney, Rio Claro and Couva.

We are continuing during this financial year to open some additional senior centres. This is one of the areas in which the Government is partnering with NGOs in an effort to provide service to active, healthy seniors in the society; to give them an opportunity to still learn new things, because you will agree with me that life is a learning experience and as long as we live we should continue to learn. So these seniors will have an opportunity to learn new things and be able to visit different parts of the country to engage in exercises, because you would know at that age it is important to exercise. It is not too late to understand what it is to live a healthy lifestyle. These are some of the activities which take place at some of these senior centres.

Moreso, there is what I refer to as a killer, the whole issue of loneliness. The seniors have an opportunity to deal with loneliness; they have an opportunity to interact with their peers. As you would appreciate, loneliness affects not only women. In the normal course of things, families make provisions—they build fancy homes, rear their children and then the children will move out, either through marriage or they would have gone off to university, or what have you, and leave the parents alone at home.

As we discussed earlier, women are living longer than men; so that a husband would normally depart this life and leave his wife alone. So in these centres they

have an opportunity, instead of staying home and having to encounter that difficulty, to interact with their peers and visit different parts of Trinidad and Tobago, a sort of local tourism. The senior centres are at this time providing a useful service to the seniors of Trinidad and Tobago.

I want to move on to the very sober contribution of my friend, Sen. Prof. Deosaran, who made reference to service for the senior citizen being a little friendlier. I want to admit, Senator, that is a problem we are facing in Trinidad and Tobago, not only to senior citizens, but that is the kind of service we receive generally. Maybe we are not a service oriented kind of society, the way we treat people sometimes. The only time we react to it is when we ourselves are treated in a way that we are not happy about. At the Ministry of Social Development we are trying to deal with this situation through training of the staff, so that they will understand that there is a need, particularly, to treat our senior citizens well, because they have made significant contribution to the development of this beautiful nation.

It is not only the way that we treat them, but the entire environment in which we operate. Most of the social welfare offices are in a dilapidated condition; it affects the staff as well. We do not know if it is because they have to work in those kinds of conditions that it causes them to behave the way they do sometimes. I say sometimes because we have some good staff at the Ministry; they are all not bad, but you would have some who would behave in a way that we are not really happy with.

At this time we are trying to remodel, reconstruct and to acquire new offices and bring them up to the kind of standard that when our seniors come to conduct their business they must be made to feel comfortable in the surroundings. There must be proper seating accommodation; even the paintings around must lend itself to the kind of environment that they would feel comfortable in. We are pursuing that at this time. We feel that when our seniors walk into the offices they must be offered some kind of refreshment—a little coffee, some tea, but not with cane sugar. We must have Equal, because we have an understanding of who we are dealing with. This is the direction of the Ministry of Social Development. As we speak there are officials at the respective branches doing their work in an effort to redesign and remodel these offices.

There is the whole question of the availability of information. We are computerizing all the information at these offices, so that we would be in a better position to serve the citizens of Trinidad and Tobago. I really thank the Senator for his observation. He raised the question of the facility review team. I do not share

his view, but we are not averse to looking at it again. The Senator felt that there was a level of confusion with respect to the facility review team and the inspectors.

This is a team of professionals that would be making biannual inspections and looking into the physical environment of these homes; that is their responsibility; whereas the inspectors are employees of the Ministry on a day-to-day basis. They would form part of the Division of Ageing. They have the responsibility to look at the standard of care at the respective homes. We feel at this time that there is a clear demarcation with respect to the responsibilities of these persons, but we will continue to look at it to ensure that what we have would be able to provide the kind of service that our senior citizens deserve.

I want to consider some of the concerns raised by my good friend, Sen. Mark. I must confess that I was a bit taken aback by the contribution of my good friend. I found Sen. Mark's contribution on this occasion was so measured, so controlled. He was so cautious in his contribution. He did not, as I have heard him on many occasions, appear to be reckless. *[Interruption]*

Sen. Mark: Is that imputing improper motives? I am never reckless; I am very controlled. I may be exuberant, but not reckless.

Sen. Joseph: Never reckless—\$12 billion; \$2 million? *[Laughter]* *[Crosstalk]*

Hon. A. Roberts: I want to compliment him. I do not know if my colleague's approach, my good friend, was because he considered me to be a visitor. I want to assure him that I am not.

Sen. Mark raised the issue of old age pension. I gathered from what he said that the senior citizens would be disadvantaged in terms of the name change. I want to indicate to my good friend that old age pension from since 1939 was always a grant for which persons had to qualify. The criteria for the grant are age, income and residence. They always had to qualify for it, Senator. You would recall that even when you were in government that situation existed. I make the point because some people believe that it is an entitlement; it is not; you have to qualify for the grant. All we are doing is changing the name to bring it in line with what it really is.

As a matter of fact, we have sought to increase the benefits. In fact, there is an increase in terms of the number of persons who can now access the senior citizen grant; the sum was also increased. In 2000 it was old age pension and it was \$720 per month. This has almost doubled at this time to \$1,250 and \$1,350, depending on where the person falls. We have widened the net as well. In the last budget presentation the Prime

Minister made reference to a sliding scale and that provision has created space for approximately 10,000 more persons who would not have benefited before. Through the sliding scale created by a maximum income of \$2,150, a number of persons who would not have benefited from the programme now have the opportunity to benefit. If I could clarify a bit, Madam President.

A woman who was receiving a sum from national insurance of \$1,000 because of the death of her husband that would have prevented her from accessing the old age pension, now has the opportunity to benefit from the difference up to \$2,150. So too a number of persons who because of the pension from the sugar industry who were unable to benefit from the old age pension, are now in a position to benefit from this grant. We have widened and increased it so that more persons could benefit and have access to more funding.

I listened to my colleague and, as I indicated, I put it down to a bit of politicking. To say that the Government is not doing anything for senior citizens is not accurate, because you would appreciate that it is not only the senior citizens' grant that they have access to; there are a number of other grants to which they have access. For senior citizens who would have to do repairs to their homes, the Government has made provisions. The Ministry of Housing would provide you with a grant of \$15,000 in materials; the Ministry of Community Development, Culture and Gender Affairs and the Commission for Self-Help provide you with another grant of \$10,000 to do repairs to your home. The Ministry of Social Development has a small grant to assist some of our seniors who are pensioners, who would want to change maybe a couple sheets of galvanize, a door frame or a window. We provide you with a small grant of \$5,000 to assist. So in housing we provide facilities for our senior citizens. *[Interruption]*

Sure you can get for your house; you are a citizen of Trinidad and Tobago. *[Desk thumping]*

In terms of utilities, T&TEC has a facility to assist senior citizens in terms of the rewiring of their homes, which is free. *[Crosstalk]* The Water and Sewerage Authority (WASA) provides rebates and discounts to senior citizens who have difficulty in meeting their commitments, in terms of paying their rates and so on. The Ministry of Social Development provides medical equipment in terms of wheelchairs, spectacles, walking sticks and so on, for seniors, to ensure their comfort. These are all grants, Madam President.

With respect to C-DAP, this is another programme used to assist seniors with their medication. You might say that you cannot get all the medication under C-DAP, but at

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the Ministry of Social Development, we provide you with an additional grant to get medication if it is not under C-DAP or if the medication under C-DAP is not what you require. So there are provisions to assist our seniors in terms of medication. There is also a dietary grant at the Ministry of Social Development, because for persons with diabetes you know it can be costly to have the kind of food stuff in order to support that type of ailment, so we provide you with a grant to assist.

So it is not accurate to say the Government does nothing for senior citizens. I would have preferred if my friends opposite had said that they did not know or they chose not to know. They complain time and time again that we are spending too much money on advertisements; but we advertise so that the public will know what is available for them to access. [*Interruption*]

Sen. Dr. Gopeesingh: Just a matter of clarification. Would the hon. Minister indicate whether all those grants he spoke about are conditional upon a means test or are they just open grants available to anyone? You know what a means test indicates.

Hon. A. Roberts: We would want to be satisfied that the person does not have the means within which to obtain the grant. [*Crosstalk*]

I would take it now that my friends across the floor would understand why the senior citizens of Trinidad and Tobago love the PNM. [*Desk thumping*] This was alluded to by Sen. Dr. Kernahan in her contribution. Madam President; let me read from the *Hansard*:

"I think this is where the PNM gets the majority of its votes."

You are very right; we have absolutely no problem with that; it is because we treat them well and we will continue.

"The geriatrics..."

As she referred to them:

"in the homes and so on, they do not make joke with that; they go with wheelchair, ladder, winches, anything that will get elderly people from their homes."

I chose to read that because I consider it to be disrespectful to the senior citizens of Trinidad and Tobago to talk in terms of our people using ladders and winches. [*Desk thumping*] The citizens of our country understand why they will not put their confidence elsewhere. [*Crosstalk*] That is why on polling day they are there before 6 o'clock; we treat them well.

I am certain that my good friend, Sen. Mark, would have seen me lowering a senior citizen into a pool so she could participate in activities; aquatic therapy for senior citizens. [*Desk thumping*]

Sen. Dr. Gopeesingh: Which pool?

Sen. Mark: We have no water. [*Crosstalk*]

Hon. A. Roberts: I can take you to see it.

Madam President: That is enough; you had your fun.

Hon. A. Roberts: Madam President, I want to extend an invitation to Sen. Mark and company to visit the pool and maybe take a ride. [*Crosstalk*]

Sen. Mark: "Make sure it have water." [*Laughter*]

Madam President: All right. [*Crosstalk*]

Hon. A. Roberts: I want to advise, before I conclude—[*Interruption*]

Sen. Mark: I have a question I would like to raise. Would you allow me?

Hon. A. Roberts: Sure.

Sen. Mark: I had raised a matter on clause 30(6); I will like you to respond to this radical shift in employment practices in the Ministry of Social Development, where you have moved away from the public service and are going directly in terms of contract labour.

Sen. Dumas: That is a new debate you are starting.

Sen. Mark: No, I asked my colleague to clarify for me the whole question of the Public Service Commission.

Hon. A. Roberts: I do not recall the entire question that you raised. Sen. Mark will know, as a person who has been involved in labour, that the world of work is now changing and contract labour is now a feature of what is taking place. I think the Senator would do well to bring himself in line with what is happening.

Sen. Mark: Could you deal in clause 30(6) for me where you have the power to direct a public officer? I just want to be clear on whether a minister does have such power.

Hon. A. Roberts: To direct?

Sen. Mark: A public officer who is appointed by the Public Service Commission.

Hon. A. Roberts: The Minister from time to time may give directions to the Permanent Secretary (PS) who is a public officer.

Sen. Dumas: And you changed the Constitution to say anybody working in the public service is a public officer?

Hon. A. Roberts: Sen. Dr. Kernahan in her contribution raised concerns about section 21 in the old Act being removed. I want to give her the assurance that the issues raised in section 21 have all been catered for in the present Bill; in different parts of the regulations, 3, 2, 4, 15 and so forth, as well as in other clauses in this present legislation that she could refer to—clauses 27(1) and 37(3). So her concerns are taken care of in the current legislation.

I simply want to urge Members of this honourable Senate to support this piece of legislation. The Ministry of Social Development and the Government will continue to look at what is taking place with respect to senior citizens. *[Interruption]*

Sen. Prof. Ramchand: Madam President, before the Minister winds up I did have a concern about clause 27(4) when I spoke; maybe he could explain that to me:

"The Minister may appoint more than one Committee at any given time."

What is the reason for that and how does that work?

Hon. A. Roberts: Does it have to do with the Facility Review Team?

Sen. Prof. Ramchand: Yes.

Hon. A. Roberts: As the need arises. If it becomes necessary and we require additional personnel to be able to get the job done; that is where the provision would allow the Minister to appoint more than one team to deal with the issues as they come up.

Madam President, I am appealing to our friends in this House to support this piece of legislation as we proceed to look after the needs of the senior citizens of Trinidad and Tobago.

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. [Interruption]

Madam Chairman: You have all been circulated?

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, that clause 3 stand part of the Bill.

Mr. Roberts: Madam Chairman, I beg to move that clause 3 be amended as follows:

“In the definition of ‘Facility Review Team’ delete the word ‘26’ and substitute the word ‘27’.”

Sen. Dr. Gopeesingh: In the interpretation there is "Director" and then "Division".

"'Division' means the unit of the Ministry vested with responsibility..."

But we do not know what the unit of the Ministry is. So what is the division of the Ministry or the unit vested with responsibility for matters relating to older persons? Is it the Facility Review Team?

Sen. Jeremie S.C.: It bears its normal meaning. As I understand it, it is as the Minister sees fit from time to time. [*Crosstalk*]

Madam Chairman: No, the division?

Sen. Dr. Gopeesingh: What unit of the Ministry?

Mr. Roberts: The Division of Ageing, as it is configured now.

Sen. Dr. Gopeesingh: Why do you not say Division of Ageing?

Mr. Roberts: We are saying, as the Minister sees it from time to time. It can change.

Sen. Dr. Gopeesingh: Why would you want to change it from time to time when you know that is the unit that is looking after—

Sen. Jeremie S.C.: Sen. Dr. Gopeesingh, what he is saying is that the words bear their ordinary meaning, so “Division” means the unit of the Ministry vested with responsibility for matters relating to older persons. The Prime Minister might change the Ministry vested with responsibility for matters relating to older persons; the Minister might change the unit within that Ministry so these are generic words and are meant to capture—

Sen. Dr. Gopeesingh: I accept that.

Sen. Mark: May I ask my honourable friend, the Minister, to consider in the interpretation section under the definitions to look at the following categories and define them. [*Interruption*] I am talking about Part III which is not included.

Madam President: We have not reached Part III.

Sen. Mark: Clause 3. Skilled nursing—there is no definition; even though it is in the body of the legislation, what does that mean? What does medical care mean? We would like to have definitions and I would like the Minister to consider the incorporation of these categories that are not currently under this clause 3: skilled nursing, medical care, primary medical care and manager. Throughout the body of the legislation these terms are used and I think that when citizens are paying money for the care of their parents or their grandparents and we are going to ensure a standard of care, we need some clarification on these definitions. They are just open and loose. I would like the Minister to consider providing us with some definitions under clause 3 of the Bill.

Sen. Jeremie S.C.: I do not wish to be answering for the Minister all the time, but I heard him say that these are not terms of art in the legislation so that skilled nursing means exactly what it means in ordinary English language, and the other expressions bear their ordinary English meaning.

Sen. Mark: But under the Act that governs nursing in Trinidad and Tobago, there must be a definition. Anybody could say that he or she is a nurse, but there is a legal definition for what a nurse is. We cannot say that is ordinary English; no, no, no, no. This is the elderly we are dealing with here and I am paying money for my mother's care. I want to make sure that when this legislation is passed and my fees are increased, that I could understand what this thing means. I am asking the Minister to ensure that there are clear definitions for these things in the legislation.

Sen. Dr. Gopeesingh: I will just give you an example, as Madam Chair could tell you, whether you have nursing care assistant, enrolled nursing personnel, geriatric nurses or State registered nursing, there are different categories of nursing care. Sen. Mark has asked whether you would be kind enough to define that; if you want to put in the definition, "according to the Nursing Act", you may want to look at that.

3.00 p.m.

Sen. Mark is saying that a nursing home with 100 older citizens would need registered nurses, not patient care assistants. When you say skilled nursing, that is obviating the case and you may have Z class care as opposed to first class care.

Mr. Roberts: Let us look at it and see how it operates.

Sen. Mark: We are saying that because people will be called upon, because of the standards of care, to increase their contribution, they would want value for their money. If I put my granny or auntie—

Mr. Roberts: The definition will give you value.

Sen. Mark: It will guide people who are running the homes for the elderly. When I go there and I have this piece of legislation and I see a quack posing as a skilled nurse, I can deal with it. If you leave it open, people could be disadvantaged.

Sen. Prof. Ramchand: If we do not put in new definitions—would, perhaps, the proper grammatical form of “qualifications” or “qualified” help?

Sen. Dr. Gopeesingh: You could be a qualified patient care assistant with a 6-week or 12-week programme. Whereas, an institution may need proper nursing care, that word “qualified” would probably include patient care assistants, which is not what you really need.

Sen. Prof. Ramchand: “Suitably qualified”.

Madam Chairman: The Minister has made a note.

Sen. Mark: Madam Chairman, I want to let you know, if you have not seen it, that this was tabled at the last sitting. These are the regulations and nowhere are there definitions in the opening to deal with what we are talking about. He can take note, that is very nice, but the law that will govern these older persons homes already contains these elements. Will the Minister consider our submission to ensure—you know how these things go; they may come back in five years. Let us try to deal with them now.

Mr. Roberts: I am willing to accept the suggestion in terms of dealing with the qualifications in the regulations.

Sen. Dr. Mc Kenzie: Madam Chairman, I looked at the point before and on page 8 of the regulations, under Part V, Staff, there are some qualifications for the staff and the manager and in (c) they talk about age, fitness and possessing appropriate training and experience in geriatric care where relevant. The next one says, “possess such other qualifications as may be required by the Act or any regulations made thereunder”. I thought that would have been sufficient to cover what Sen. Mark is concerned about. I thought that, because I had my concerns also.

Sen. Jeremie S.C.: We have to thank Sen. Mark for referring us to the regulations. Thank you, Sen. Mark.

Sen. Ali: Under clause 3, it should be “housing for four or more older persons”, not “more than four”.

Madam Chairman: It is a misprint.

Sen. Jeremie S.C.: It is a typo.

Question put and agreed to.

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

Clauses 4 and 5 ordered to stand part of the Bill

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Roberts: I beg to move that clause 6 be amended as follows:

Insert after subclause (2) the following:

“(3) An applicant who submits incorrect or fraudulent information under subsection (2) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.”

Sen. Dr. Gopeesingh: When you are looking at the information required under clause 6, for instance the number and type of staff, you may be out by one person; for instance, you may say 25 and it might be 24 and that is an incorrect answer. A person should not be jailed or fined for giving an incorrect answer of one. Can the word “incorrect” be removed? If it is done fraudently, that is fine.

Mr. Roberts: Thank you.

Sen. King: Madam Chairman, on that same subclause, normally there would also be the inclusion of “or an imprisonment of six months”. Could that be included as well?

Sen. Jeremie S.C.: We are trying to find an appropriate sentence consistent with the fine. That amendment will now read:

Insert after subclause (2) the following:

“(3) An applicant who submits fraudulent information under subsection (2) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to a term of imprisonment of six months.”

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Sen. Jeremie S.C.: I beg to move that clause 7(3) be amended as follows:

In paragraph (b), delete the word “may” and substitute the word “shall”.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 6 recommitted.

Question again proposed, That clause 6 stand part of the Bill.

Sen. Prof. Ramchand: Madam Chairman, I am sure there is a perfectly natural explanation, but clause 6(2)(a), “in the case of a natural person”. When I see “a natural person”, I start to think of an unnatural person. What is the function of that description?

Sen. Jeremie S.C.: It means not a body corporate. A natural person would be you, Sen. Prof. Ramchand. A body corporate would be an unnatural person. The Companies Act has brought that change into the nomenclature because companies are now persons.

Sen. Mark: We are seeking to establish new standards to regulate homes for the elderly. It will involve some cost. Why has the Minister left out provision that would deal with insurance liability? In the previous legislation of 2000, there was a provision that dealt with liability insurance amounting to about \$100,000. If you are going into the business of homes for older persons and you are treating my family with scant courtesy, I would have an opportunity to take action because this is a very serious matter. I am paying \$5,000 every month and I need to see certain things take place there. Under the Private Hospital Act, they must have liability insurance for the organization in the event they are being sued. I do not know if it is an oversight on the part of the Minister, but there is an absence of any liability insurance.

Madam Chairman: They are checking on it now. We will come back to clause 6.

Clause 6 deferred.

Clauses 8 to 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Roberts: Madam Chairman, I beg to move that clause 11 be amended as follows:

- A. In subclause (4), delete the word “shall” and substitute the word “may”.
- B. Delete subclause (5).

Sen. Dr. Gopeesingh: Could the Minister explain why he wants to change “shall” to “may” when preceding that, in clause 11, there is:

“A licensee wishing to renew a licence which is due to expire shall...”

The Minister shall renew the licence...

Subject to subsection (2), a licence shall be renewed...

The Minister shall grant an extension...”

If all these things are satisfied, he “shall” grant the extension of a licence with terms and conditions attached. Why does he want the option of “may”.

Sen. Jeremie S.C.: One is in respect of renewal, so that the licensee may opt not to renew. The procedure, as I am being told, is that if the licensee wishes to renew—

Sen. Dr. Gopeesingh: [*Inaudible*]

Sen. Jeremie S.C.: Yes, but that is mandatory, so that the Minister “shall” if you fulfil the conditions.

Sen. Prof. Ramchand: It is not always that the Minister would want to do that, therefore he has an option sometimes to attach terms and conditions and sometimes not. This is what “may” implies. That means he may not attach the terms and conditions. If he does not want to give terms and conditions, he does not have to, but he has a right to.

Sen. Seetahal S.C.: It means that when you grant a licence, it would be with terms and conditions. The “may” means no. “Shall” implies that every single minute a Minister must grant a licence, but he does not have to grant it every single minute. However, when he grants a licence, the licence would be subject to terms and conditions. That is what I understand it to be.

Sen. Jeremie S.C.: I think that is it.

Sen. Prof. Ramchand: So, every licence would have terms and conditions.

Sen. Seetahal S.C.: Yes.

Sen. Jeremie S.C.: I am not sure. I am being told that “may” here is meant to import the discretion of the Minister, because there is no obligation on the Minister to grant an extension of a licence if you do not comply. So we want to give the Minister the flexibility to say no, I am not granting an extension of a licence, subject to terms and conditions or anything.

Sen. Dr. Gopeesingh: Madam Chairman, clause 11(1) deals with the renewal of licences. In subclause (1), there are conditions for the renewal of the licence. Subclause (2) also indicates that the Minister shall renew the licence of any home if he is satisfied; and (3) says, “subject to subsection (2)”, which are the terms and conditions under which a licence shall be renewed; then the Minister wants to change (4). If that person has fulfilled the obligations under subclauses (1), (2) and (3), is it not incumbent upon the Minister to grant that licence?

Sen. Prof. Ramchand: “May” can only apply to a discretion that has terms and conditions.

Sen. Seetahal S.C.: [*Inaudible*] That means you may or may not grant an extension.

Sen. Prof. Ramchand: [*Inaudible*]—licence shall be renewed effective so and so. There is “shall” there, so how shall we replace it now by “may”? That is giving him a discretion. You can say, “You have complied with subsection (2), but I am still not giving you—”

Sen. Seetahal S.C.: It means that the onus is on the person who owns the home to renew the licence, but it does not mean that automatically the licence would be renewed because the Minister may refuse it if the person does not comply with the conditions. Once the person complies, then the Minister would usually do it. Subclause (4) would also refer to that.

Sen. Dr. Gopeesingh: Is subclause (4) really necessary? Subclauses (1), (2) and (3) cover the issue of renewal of licences.

Madam Chairman: The Minister said that they would consider it, therefore we will come back to clause 11.

Clause 11 deferred.

Clause 12 ordered to stand part of the Bill.

Clause 13.

Question proposed, That clause 13 stand part of the Bill.

Sen. Jeremie S.C.: Madam Chairman, I beg to move that clause 13 be amended as follows:

In subclause (3), delete the word “may” and substitute the word “shall”.

Question put and agreed to

Clause 13, as amended, ordered to stand part of the Bill.

Clause 13 recommitted.

Question again proposed, That clause 13 stand part of the Bill.

Sen. Mark: Madam Chairman, in clause 13(4), when a licence is suspended, we are told that the home shall not operate and the occupants shall be treated in accordance with the guidelines issued under 37(5). Where and what are these guidelines? Are they separate and apart from the regulations before us? I see guidelines and I see regulations. Which one has the power of law?

Sen. Jeremie S.C.: Sen. Mark, subclause (4) allows you to regulate and subclause (5) says that the Minister has to issue guidelines. This is an obligation on him. He must issue guidelines for the welfare of the occupants of a home when a licence is surrendered, suspended or revoked. That is an enabling provision and it is clear. What is the difficulty? There are no guidelines here because no licence has been revoked.

Sen. Mark: You do not have to wait to revoke a licence in order to issue guidelines. How would the population know that the licence of this particular home for the elderly has been revoked? Will it be published in two daily newspapers? The Minister should give us some understanding, otherwise, under 37(5), we will have to say “subject to an affirmative resolution of the Parliament”. We need to know what is contained in those guidelines. We do not know right now.

Sen. Jeremie S.C.: I do not understand. One question is: How do you know when a home is shut down? And the other is: What will happen to the welfare of the occupants of a home when a licence is suspended, surrendered or revoked? In the case of the latter, the Minister must issue guidelines to take care of the welfare of the occupants of the home when a licence is surrendered, suspended or revoked. That deals with 37(5). I am not sure where the first question you asked came from.

Sen. Dr. Gopeesingh: Sen. Mark is saying that when you revoke a licence the population must know—for instance, if you find a manager guilty, as you have here in 14, what will happen to the occupants?

Mr. Roberts: We will issue guidelines for that.

Sen. Seetahal S.C.: It is not general guidelines I am gathering. I am gathering, that when the Minister actually revokes a licence, he would issue guidelines. He will say, “I have revoked this licence and these are the guidelines for the care of those. It is subjective in each case.

Sen. Dr. Mc Kenzie: Madam Chairman, we had an example of that in Tobago. Formerly, we had three homes and one did not meet the standards that the County Medical Officer of Health set after visiting. We did not have any laws like this and they closed the home. The person who managed the home was told why he was closing it. The relatives of these people were called in and a recommendation was made according to the state and stage of the people who were at the home. The County Medical Officer of Health recommended to the relatives that they take them to this home at Mason Hall, which could cater for this type of circumstance, or to another home or to the geriatric ward of the hospital. They did not just leave them in the open. He took a decision based on his observation and what he thought would have been best for the patient in the total circumstances. I know the type of thing he is talking about.

3.30 p.m.

Sen. Jeremie S.C.: Those would be the specific guidelines which the Minister would issue under clause 37(5).

Madam Chairman: What else do we have in that section, nothing else?

Question put and agreed to.

Clause 13 again ordered to stand part of the Bill.

Clauses 14 to 19 ordered to stand part of the Bill.

Clause 20.

Question proposed, That clause 20 stand part of the Bill.

Madam Chairman: Is there anything else between—we will come back to clause 11—clauses 12 and 20?

Sen. Mark: Yes. Madam Chairman, I would like to suggest to the Minister that, apart from publishing revocation notices in the *Gazette*, at least two daily newspapers.

Sen. Jeremie S.C.: What section are you on?

Sen. Mark: Clause 20. I am proposing that in order for the public—this is in the public's interest, the *Gazette* is something that is not widely read. It is for us in

the Parliament, Ministers and corporate people. But, basically the ordinary man does not have access—At least two other because there are several dailies here, either the *Express* or the *Guardian*.

Sen. Jeremie S.C.: The Minister is saying that at least one daily newspaper.

Sen. Mark: “No, leh we go with two nah man.”

Sen. Jeremie S.C.: He is the Minister.

Mr. Roberts: As at least one.

Sen. Jeremie S.C.: Do you know what “at least” means? We are fixing it for you when you come. You would not have to advertise in two.

Madam Chairman: Clause 20 would be amended to include "at least one daily newspaper".

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 12 recommitted.

Question again proposed, That clause 12 stand part of the Bill.

Sen. Prof. Ramchand: I want to go back to where a notice of corrective measures has been served.

Madam Chairman: You have to tell me where that is.

Sen. Prof. Ramchand: That is clause 13(3). It may not be a legal point but, it is confusing that you have a "Notice of corrective measures has been served" and then Minister shall serve "notice". I want to know where the six months begins after the serving of the Notice of corrective measures or the notice of the decision to suspend? I want to know that without having to seek the advice of senior counsel. I want it to be written in such a way that it is clear. The implication there is a “Notice of corrective measures”.

Sen. Jeremie S.C.: It is the “Notice of corrective measures”.

Sen. Prof. Ramchand: Good, it could stay so.

Sen. Jeremie S.C.: Are you happy with it like that?

Sen. Prof. Ramchand: I prefer it a little clearer.

Madam Chairman: Anything else between clauses 12 and 20?

Sen. Prof. Ramchand: Wait. I would like “Notice of corrective measures” in the second to last line.

Sen. Jeremie S.C.: Okay, after the date of the “Notice of corrective measures”.

Madam Chairman: Is that an amendment or is that just a typo or—

Sen. Jeremie S.C.: It is a typo.

Madam Chairman: I do not have to put it to the vote?

Sen. Jeremie S.C.: “Nah”.

Question put and agreed to.

Clause 12 again ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Sen. Dr. Gopeesingh: Can I ask the Government to consider the question of deaths in the homes for the aged? It is a very significant and important issue. When a person goes to a public hospital and dies within 24 hours of admission, by law, you have to do an autopsy so as to determine the cause of death. There is a lot of "abuse" in private nursing homes—perceived abuse.

Sen. Jeremie S.C.: What is perceived abuse?

Sen. Dr. Gopeesingh: Let me come to the point. If somebody dies in a home for the aged, there is nothing in this Bill to indicate that an autopsy must be done on that person because there can be suspected foul play or abuse. I am sure Madam Chairman would agree with me on that. Can you consider, under requirements to report death, that something be put there to safeguard the families and the patients?

Madam Chairman: Which clause are we looking at?

Sen. Dr. Gopeesingh: Clause 23 is the requirement to report the death but, something has to be added to that. I would like to suggest that something be added, in terms of—

Sen. Dr. Mc Kenzie: Is it not the law already that if a person dies outside the hospital you have to call the police first, who will then call a medical doctor to

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say that you are really dead and then they call the funeral agency to carry the body to the hospital and so on?

Sen. Jeremie S.C.: Sen. Dr. Gopeesingh, I will take advice on this from you for once. We have no doctors here.

Sen. Dr. Gopeesingh: Can I clarify this, having worked in medicine for 33 years? If somebody comes into a hospital and dies within 24 hours, you must have an autopsy. No matter which doctor signs that the death is due to so and so, that cannot hold. That person must be subjected to an autopsy, if he or she dies within 24 hours. So if in a private home—

Madam Chairman: 24 hours of being admitted?

Sen. Dr. Gopeesingh: Of being admitted.

Madam Chairman: I now understand. I now get your drift.

Sen. Dr. Gopeesingh: If in a nursing home.

Sen. Jeremie S.C.: Is that a correct—

Madam Chairman: Yes.

Sen. Dr. Gopeesingh: If you call a doctor and he signs and the person was admitted less than 24 hours, there is no need for an autopsy, but the doctor might not be aware that there is foul play or something. We need to safeguard the people who are going into the homes and the families.

Sen. Yuille-Williams: Is that written somewhere?

Sen. Dr. Gopeesingh: Yes, it is under the Hospital Act. I cannot tell you the Act.

Sen. Jeremie S.C.: We will do some research right now and if it is there, we would make an amendment.

Sen. Dr. Gopeesingh: It could be any one of us.

Sen. Jeremie S.C.: We have no difficulty in principle with it. You are the only doctor in the house.

Madam Chairman: No. How dare you?

Sen. Jeremie S.C.: I am sorry.

Madam Chairman: I am senior too.

Sen. Jeremie S.C.: I apologize.

Sen. Dr. Gopeesingh: Madam President is senior to me.

Sen. Jeremie S.C.: She is senior and she is—

Madam Chairman: By a number of years and not in age.

Sen. Jeremie S.C.: She is much better looking than you are.

Mr. Roberts: At clause 23(2), based on what Sen. Dr. Gopeesingh was saying, should we change that to 24 hours?

Sen. Dr. Gopeesingh: 48 hours is safer.

Sen. Jeremie S.C.: We are doing the research and we will come back and make the change.

Sen. Dr. Gopeesingh: For instance, let me give you an example. If Bob Woolmer—the cause of his death would not have been suspected if an autopsy was not done.

Sen. Jeremie S.C.: We are doing the research and we will come back to that.

Sen. Dr. Mc Kenzie: Madam Chairman, I do not understand what we are changing. We are changing 48 hours to what?

Sen. Jeremie S.C.: We are not changing anything as yet. We are doing some research.

Sen. Dr. Mc Kenzie: I think within 48 means within 1, 2, 3, 4, right up to 48, so you do not have to change it.

Sen. Seetahal S.C.: Essentially, in both of them you report the death to the police. Clause 23(2) merely says “within six hours of such death”. One is a time limit and one is not, but there is no significant difference.

Sen. Jeremie S.C.: That is the difference. Deaths must be reported. For some policy reason they think that 48 hours is something which you should take note of and you should report extraordinarily and quickly within six hours.

Sen. Dr. Gopeesingh: And an autopsy be done. Report the death to the police and an autopsy ordered.

Madam Chairman: And an autopsy ordered.

Sen. Jeremie S.C.: We have not come to that conclusion as yet. We are researching the point.

Madam Chairman: We will come back. That is three clauses to which we have to come back. They are clauses 6, 11 and now 23. If there are no other questions between clauses 21 and 26—

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Clause 23 deferred.

Clauses 24 to 26 ordered to stand part of the Bill.

Madam Chairman: In Part IV, we are looking at clauses 27 to 33.

Clause 27.

Question proposed That clause 27 stand part of the Bill.

Madam Chairman: Do we have amendments to clause 27 Minister?

Sen. Jeremie S.C.: Madam Chairman, I beg to move that clause 27 be amended as follows:

- 27(3) A. In paragraph (g), delete the word “or”.
- B. In paragraph (h), delete the full stop and substitute the words “; or”.
- C. Insert after paragraph (h) the following paragraph: “(i) a social worker.”.

Madam Chairman: You are just deleting that word?

Sen. Jeremie S.C.: Yes.

Sen. Dr. Gopeesingh: I have a problem with clause 27(1).

Madam Chairman: Let us finish the amendment before us.

Delete the full stop and substitute—Minister, you have to read that for me. I do not know. It is not making any sense to me. Please read it. You have the amendment? It continues on the other side. You have another amendment?

Sen. Dr. Gopeesingh: I want to raise a fundamental point in clause 27(1).

“The Minister may, from time to time...”

We would come back. The word "or", we have no problem deleting that. But at clause 27(1):

“The Minister may, from time to time, establish a Committee to be known as the ‘Facility Review Team’...”

Is there a reason why you do not want to put "shall" establish a Committee to be known as the Facility Review Team? You want the flexibility to have another team or are we discussing a Facility Review Team? Why from time to time? Why can we not say: "The Minister shall establish a Committee to be known as the Facility Review Team?" and leave out “may and from time to time”? Because it is what the Minister wants.

In the Division of Ageing, this is what the Minister wants to establish; a Facility Review Team. To do what again? It is only one team that would review the homes.

Sen. Jeremie S.C.: He does not wish to put it in law that there must be a Facility Review Team. It is me. It is your discretion.

Sen. Dr. Gopeesingh: Who will review the homes for the aged? Is it the division or the Facility Review Team?

Sen. Jeremie S.C.: At this time, there is a Facility Review Team.

Sen. Dr. Gopeesingh: If you put it in, at another time, there might not be any.

Sen. Jeremie S.C.: The bureaucracy might change and there might be a different Minister with responsibility for aging or a division of aging. He says he needs the flexibility. Let us give him the flexibility.

Sen. Mark: Give you flexibility, for what?

Sen. Dr. Gopeesingh: Whether he should have a Facility Review Team or not, who will review the homes for the aged, Attorney General?

Sen. Mark: I think there is where the conundrum comes in. I had raised the issue and it is all coming back.

In the initial Act, the Division of Ageing was responsible for all these functions that the Facility Review Team is now undertaking. This is a nebulous team that is responsible to the Cabinet. They are appointed. Their moneys are determined by the Cabinet of Trinidad and Tobago. They operate on the whims of the Cabinet—politicians.

Madam Chairman: Ask your question.

Sen. Mark: Whereas, in terms of the division, you need to insulate the public officer, what you are doing is undermining the system. I have serious doubts about that. Imagine you, I am not saying you personally, Wade Mark, I am a Minister, giving me the power to employ people. Since when does a Minister of government have the power to employ inspectors? That is not your power. You are going—this is unconstitutional.

Madam Chairman: What is your recommendation? We do not want a speech.

Sen. Mark: The old provision—we are not in support of the way they have structured this Facility Review Team. It is undermining the Division of Ageing.

Secondly, it is arrogating a power unto a Minister that is unprecedented. There is no legislation in Trinidad and Tobago that gives the Minister the power to employ people.

Mr. Roberts: What if the officials at the Division of Ageing are all contract officers, what is the difference?

Sen. Mark: I am not in favour of that. I am rejecting that completely. I am saying that—

Madam Chairman: Sen. Mark, you made your point, let me hear somebody else.

Sen. Mark: No, no, no, I have several points to make. Allow me. You might be a bit impatient.

Madam Chairman: I am not impatient. I do not want you to make speeches. Just make your point.

Sen. Mark: I am making speeches, Ma'am. Let us deal one by one. Clause 27(3)—“a medical practitioner”, that is anybody. We are talking about the elderly in this country. The medical practitioner who specializes in geriatric care. How can we be talking about taking care?

Sen. Jeremie S.C.: How many specialists in geriatric care are there in Trinidad and Tobago? As a matter of fact, I thought we had none.

Sen. Mark: If the Government is establishing a Facility Review Team and they cannot put professionals who can take care of the elderly—

Madam Chairman: They can put professionals.

Sen. Mark: They are taking care of the elderly. We need to take it to a new standard.

Sen. Dr. Gopeesingh: Madam Chairman, you are aware that a medical practitioner could be a young doctor who has just completed his internship and has one year experience. How is he going to know about the care of the aged and the elderly and he is on a review team inspecting homes for the aged?

Madam Chairman: Maybe they have to put a medical practitioner with how many years—

Sen. Dr. Gopeesingh: With at least 10, 15, or 20 years experience.

Sen. Mark: I would reluctantly go along with that. This person should be specializing in geriatric care. I want to be specific.

Sen. Jeremie S.C.: “Medical practitioner”. [*Continuous interruption and crosstalk*]

Madam Chairman: Can I hear Sen. Dr. Mc Kenzie?

Sen. Dr. Mc Kenzie: I have visited these homes in Tobago. The people are not all old. There are some people who are young but, they just cannot move, this or that and they have different kinds of ailments. There are people there who are diabetic or have Alzheimer’s since age 50, it does not have to be a person geriatric.

Sen. Mark: I want to tell my friend, Sen. Dr. Mc Kenzie, I have visited older people homes and the people there are aged 70 and 75. They are very old and need care.

Sen. Dr. Mc Kenzie: Very alert.

Sen. Mark: Specialist care.

Sen. Dr. Gopeesingh: Next to my office in St. Clair, there is a home for the aged with at least 15 persons and the average age is 70.

Sen. Jeremie S.C.: Can we get a word in, edgewise?

Madam Chairman: Can I hear Sen. Cropper please?

Sen. Cropper: Thank you. It seems to me that the point being made by Sen. Wade Mark about the qualifications of the medical practitioner mixes up the duties of the Facility Review Team with that of the duty of the inspector, which comes later on. The duties of the inspector are to look at the quality of care that is provided to the residents while the Facility Review Team looks mainly at the facilities, amenities and equipment.

Sen. Jeremie S.C.: This is where you have the other people, apart from the medical practitioner. There is a fire officer. Why would you want to be so specific as to say a medical practitioner with 15 years experience who is a specialist in gerontology?

Sen. Dr. Gopeesingh: Can I answer that question?

Sen. Jeremie S.C.: And then have a fire officer?

Sen. Dr. Gopeesingh: A medical officer deals with life and death within a minute.

Madam Chairman: No arguments, please.

Sen. Dr. Gopeesingh: Any fire officer could look after a fire.

Madam Chairman: If there is nothing else, let me—

Sen. Mark: This is a serious thing. We are dealing with the elderly Ma'am. Have some respect for them.

Sen. Dr. Gopeesingh: If we look at clause 27(4), the point I was making is that it states:

“The Minister may appoint more than one Committee at any given time.”

Which committee is he appointing?

Clause 27(1) states:

“The Minister may, from time to time, establish a Committee to be known as the ‘Facility Review Team’.”

Then you come with subclause (4) and that states:

“...may appoint more than one Committee at any given time.”

How many committees are we having looking at the homes for the aged?

Sen. Jeremie S.C.: At the present time you have a Facility Review Team. That is the committee, but the legislation is going to be here for 30 or 40 years until you change it. You give the Minister the power to appoint more than one committee at any given point in time. He does not have to exercise the power. If he wishes to, he exercises the power.

Sen. Yuille-Williams: Madam Chairman, I understand that there are approximately 130 plus homes at this time. If you really want to keep monitoring them you cannot have one team. You cannot have one team.

Sen. Mark: I would like to suggest to the Minister, just how Sen. Yuille-Williams back in 2000 argued—and her colleagues in the other House, including Sen. Joseph argued—strenuously for the inclusion of a nutritionist and a dietitian, I want to argue again their behalf. The records are there, Sen. Joseph at that time, Member of Parliament for St. Ann's East, strenuously called for the inclusion of a nutritionist/dietitian.

Sen. Yuille-Williams: You did not think it was necessary.

Sen. Mark: We did it. I have it in the record here. In addition, we want to propose a social psychologist as part of the team. We want to propose an occupational therapist as part of the team.

Minister Imbert, at that time argued for a civil engineer and an architect and we conceded. It is here. We are asking the Government, if they are serious about the elderly, to give this Facility Review Team the strength and the kind of professionals to take care of the elderly in our country. That is if they are serious about the elderly.

Sen. Dr. Mc Kenzie: First let me say how happy I am that you have somebody from Town and Country Planning Division. It has been my experience that people have gone to ask for designs to be passed and the Town and Country Planning Division—when you say that you have this type of home—start to ask where the matron would be sleeping. They have absolutely no idea of what you are trying to build.

Secondly, let us not believe that this Facility Review Team is going there to take care of the people and inspect whatever. It is a Facility Review Team. Let us not get overboard otherwise every agency that sees about life would be put on it.

Sen. Dr. Gopeesingh: I differ from Sen. Mc Kenzie.

Madam Chairman: Everybody is stating their opinion.

Sen. Dr. Gopeesingh: The Facility Review Team must have people of enough competence and capability to be able to review these homes. It is not a matter of going into these homes.

Sen. Jeremie S.C.: We agree that the Facility Review Team, in principle, must have that competence but, we believe that the legislation allows for it. We are proposing no change to the legislation.

Sen. Mark: You are not including a nutritionist? And you supported that. You argued for that in Opposition.

Sen. Jeremie S.C.: I argued for it? I was never in Opposition.

Sen. Mark: Sen. Yuille-Williams argued for it in Opposition. Minister Joseph argued for it.

Madam Chairman: All right.

Sen. Mark: Are you saying you are now against it?

Sen. Dr. Gopeesingh: Are you prepared to dilute—

Sen. Mark: No problem, if that is the line you are pushing, no problem. We will explain to the people. Joan supported it and she is against it now.

Madam Chairman: Please Senators.

Sen. Dr. Gopeesingh: The general public will be unhappy with us.

Sen. Mark: You are weak.

Madam Chairman: I will not have two of you speaking at the same time.

Sen. Dr. Gopeesingh: The general public will be unhappy with us if we do not stress the necessity of having a review team with tremendous competence and capabilities so that they know that their people, when they go into the homes for the aged, they can take care of them. If you do not have these people on board—

Madam Chairman: Please, let me give somebody else a chance, please.

Sen. Montano: I think what I have heard is that the Government's stand is that we are not going to make any change. We need to put this to a vote at this point. Everything now that is being said is intended to waste time. Put it to the vote.

Sen. Mark: We would like to have a nutritionist/dietitian included. We would like a social psychologist included, an occupational therapist included and a civil engineer or architect included.

Madam Chairman: That is your amendment?

Sen. Mark: That is our amendment.

Madam Chairman: You have heard the proposed amendment to clause 27(3) from Sen. Mark.

Question on amendment put. [Sen. Mark]

Sen. Mark: I want a division on this one.

Sen. Montano: You are wasting everybody's time.

Sen. Mark: I want a division to which I am entitled.

Madam Chairman: The Clerk is going to do it. I do not know why we are being so argumentative.

Sen. Mark: This is very serious.

Sen. Yuille-Williams: Before you have the division, when that was first done, was the inspector part of this Bill at that time, 2000? Did you have an inspector in?

Sen. Mark: Yes.

Hon. Senators: No. That is where the inspector came in.

Sen. Mark: Anyway.

Madam Chairman: All right, let us take the division. We are wasting time now, take the division.

Sen. Prof. Ramchand: Before we take the division.

Madam Chairman: We already have the vote and we are taking the division.

Sen. Prof. Ramchand: I have a question about whether we should have a division.

Madam Chairman: The Senator asked for a division.

Sen. Mark: You cannot question my right.

Madam Chairman: Go ahead.

The committee divided: Ayes 6 NOES 19

AYES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ramadhar-Singh, Dr. G.

Phillip, R.

Khan, Bro. N.

NOES

Jeremie S.C., Hon. J.

Joseph, Hon. M.

Yuille-Williams, Hon. J.

Montano, Hon. D.

Enill, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Abdul-Hamid, Hon. M.

Sen. Prof. Ramchand: Madam Chairman, we do not know what we are voting on because no amendment was tabled.

Madam Chairman: It was. It can be done like this as you very well know. It is often brought to the table like this. Go ahead.

Division continued.

Piggott, Hon. A.

Titus, R.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Padmore, O.

Hackshaw-Marslin, Mrs. J.

Mc Kenzie, Dr. E.

Seetahal S.C., D.

Ali, B.

Cropper, Mrs. A.

Rocke, Miss A.

The following Senators abstained: Prof. K. Ramchand, Prof. R. Deosaran, Mrs. M. King.

Sen. King: I do not know what the vote is.

Madam Chairman: But it was read out. I do not understand how nobody knows.

Amendment negatived.

Madam Chairman: That did not carry. Is there anything else on those clauses?

Sen. Dr. Mc Kenzie: I would like to know why are we putting in a social worker when we have a senior officer of the division? Everybody in that division should have some qualification in social work, as far as I know. I cannot understand. It seems as though we are trying to make—what I am looking at is the fact that you said three or more persons. I think this is probably—I did not see

why you must have a social worker, when you have a senior officer of the division. It is a duplication of services, as far as I am concerned. However, if that is how you want it, so be it.

Madam Chairman: Minister are you answering, Sen. Dr. Mc Kenzie? Yes, no, might or might not be?

Sen. Jeremie S.C.: We have nine categories from which we can choose two or three. It is not all.

Sen. Mark: We have nine categories.

Question put and agreed to.

Clause 27, as amended, ordered to stand part of the Bill.

Clauses 28 and 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

Sen. Mark: With respect to clause 30(1), I am proposing the following amendment.

Madam Chairman: There is an amendment circulated here.

Mr. Roberts: Madam Chairman, I beg to move that clause 30 be amended as follows:

30(1) Delete the word “Division” and substitute the word “Minister”.

Sen. Mark: I am countering that amendment. I have a new amendment to that one. I do not support the Government's amendment. It is an undermining of the Constitution of our country. It is undermining the Public Service Commission and we will have none of it. We are proposing the following:

The Ministry, through the Public Service Commission, may employ suitably qualified persons to be inspectors of homes.

I have never seen in my lifetime a Minister—

Madam Chairman: All right. We do not need a speech.

Sen. Mark: Having power.

Madam Chairman: We do not—

Sen. Mark: This is a fundamental shift and the Government must tell you and this committee where in legislation we have a Minister having the power to

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employ. That has never occurred in our country. The Ministry of Social Development, through the Public Service Commission, which is constitutionally given the power, under the Constitution to employ public officers.

Sen. Jeremie S.C.: When we have a different Ministry, it will be the Ministry of Agriculture, Land and Marine Resources.

Sen. Mark: It is just the Ministry. Do not put social development.

Madam Chairman: We have two proposed amendments to clause 30(1). The one circulated is—*[Interruption]* Senators, can I have your attention? Sen. Mark has proposed that clause 30(1) should read:

The Ministry, through Public Service Commission, may employ suitably qualified persons to be inspectors of homes.

Question , on amendment put. [Sen. Mark]

Sen. Mark: I would like a division on this matter. This is going to court. This is an unconstitutional provision.

Sen. Dr. Mc Kenzie: Madam Chairman, may I ask Sen. Mark, before we go with the division, he has put forward his amendment and he has supported his amendment with his argument. We have an amendment from the Minister. Could we have his explanation to support his amendment? Why does he want it to be changed from Division to Minister?

Sen. Mark: That is unprecedented. You are all fascist.

Sen. Seetahal S.C.: Could we also find out if there is any precedence, in light of what Sen. Mark has said?

Madam Chairman: Can I hear what Sen. Seetahal S.C. is saying please?

Sen. Seetahal S.C.: In the light of what Sen. Mark has said, could we find out if there is any precedence for this power to a Minister to appoint.

I remember there was something in the OSHA or RHA Act where an argument arose in relation to that. Could we get some elucidation on that point please?

Sen. Prof. Deosaran: I wanted to refer to the OSHA debate. I think Sen. Montano had an issue similar to that and he clarified the issue for us. I do not know if, perhaps, we can rely on his intervention.

Sen. Montano: Let me just do that. Under the OSHA, the Minister was not hiring anybody. He was simply appointing persons who were already members of

the public service, as officers within the agency. It is just a shift from one arm of the Government to another. One of the problems with Sen. Mark's amendment is that to hire people through the public service would disallow the Government from hiring anybody under contract and there are times when, for one reason or another, when your manpower falls short and you need to do something quickly, you need to be able to fall back on the ability of being able to hire on contract. Therefore, if you tie yourself down to the only way to hire anybody is through the Public Service Commission, you would stagnate the ability of the Government to do what it should do. [*Continuous interruption and crosstalk*]

Madam Chairman: Please, let the Minister finish.

Sen. Montano: That should not be included. It would frustrate the operations of Government.

Sen. Mark: Amend the Constitution. Do not undermine the Constitution.

Sen. Prof. Ramchand: If the intention is that the Minister should have the power normally, to assign a public officer to be an inspector, if that is the main intention—but he is making provision for circumstances where there may be need to give somebody else a contract—then the way this is put is misleading.

First thing we should lead with clause 30(6) to so say that is how you get inspectors:

“The Minister may, by Order...assign a public officer to be an inspector for the purposes of this Act”.

This would seem to me to be the norm. Then you can come with the exceptions that at other times you can give a contract to somebody. This makes it look as if the first thing is that there is this post of inspector and somebody could be appointed to it.

Sen. Mark: That is job for the boys.

Madam Chairman: You are suggesting therefore, that clause 30(6)—

Sen. Seetahal S.C.: What Sen. Montano was saying is what it was in that Act. I do not think this is what it should be in this Act. In this Act, it is as Sen. Mark says, for the Minister to employ.

Sen. Prof. Ramchand: If that is the case. That is what I am trying to find out. If it is that, the thing is that the inspector has to be appointed, it is a job. I think there might be a lot of substance in what Sen. Mark is saying.

Sen. Seetahal S.C.: For the Minister to employ, is a different thing from appointment. What Sen. Montano has given me is not precedence for this specific thing. He has given me the precedence for a previous or similar kind of thing, but not the same.

Sen. Prof. Ramchand: I want the Minister to make up his mind about what he wants.

Sen. Mark: The appointment is for the Public Service Commission. They appoint, discipline and transfer. They do not—No Minister in Trinidad and Tobago has the power to appoint any public officer—none. And no Minister—

Sen. Montano: Under OSHA, that is exactly what he does. He appoints someone who is already employed.

Madam Chairman: Sen. Mark, you are not listening to the explanation being given. How can you understand? I heard an explanation. I do not understand and I would like to hear what is being said.

Sen. Mark: I know. They are undermining the Constitution and the Public Service Commission. I am in this thing for 17 years. I know.

Madam Chairman: You are saying Minister. Have we got—We have put this thing to the vote already.

Sen. Mark: If you want to change the Public Service Commission come with the amendments to the Constitution but, do not use us to do your dirty work.

Madam Chairman: Do you want to come back to—

Sen. Mark: Withdraw the amendment. It is offensive to our Constitution.

Madam Chairman: Let somebody else speak. Sen. Mark, you are monopolizing this whole thing and I will call a halt to it now if we do not get some kind of silence so that we can listen.

Sen. Mark: You do not think I should monopolize?

Madam Chairman: No.

Sen. Mark: I am entitled to monopolize.

Madam Chairman: You are entitled to state your ideas, but not to monopolize.

Sen. Mark: You are in bed with Mc Nicolls. You should be ashamed to be here. You went to bed with Mc Nicolls.

Madam Chairman: We are at the point where we were going to take a division. Shall we take a division now?

Sen. Mark: I think the Government needs some time to rethink that position. Do not go for a division. Let the Government rethink its position.

Sen. Seetahal S.C.: It would be useful if I read section 121(1) of the Constitution, which states:

"Subject to the provisions of this Constitution, power to appoint persons to hold or act in offices to which this section applies, including power to make appointments...and to remove and exercise disciplinary control..shall vest in the Public Service Commission. "

That is clearly stated there. It would seem to me that if you are going to derogate from that, there must be an acknowledgement that you are derogating from it. There is actual acknowledgement that you are derogating from it, which is what I understand the complaint to be. If that is the complaint, it must be treated with some seriousness. Not to say, as some have said, it is time we do away with it. I am not saying this side, but I have heard a voice saying that. I do not think that is acceptable.

Sen. Jeremie S.C.: That is not our position.

Sen. Seetahal S.C.: One of your Senators said that just now.

Sen. Jeremie S.C.: I am certain nobody on this side said that.

Sen. Seetahal S.C.: Really.

Sen. Jeremie S.C.: We are talking about contract officers.

Sen. Dr. Mc Kenzie: Madam Chairman, I have two suggestions to make.

Madam Chairman: Can I hear Sen. Dr. Mc Kenzie please?

Sen. Dr. Mc Kenzie: One is that the amendment by the Minister be withdrawn.

My second suggestion is that the clause should read:

"The Division may employ on contract suitably qualified persons to be inspectors of homes."

Mr. Roberts: Would you consider the "Ministry" instead of the "Division"?

Sen. Dr. Mc Kenzie: Whatever, "the Ministry". It should be on contract. That is the only power that would have.

Sen. Jeremie S.C.: That formulation, I believe I heard my colleague say that it is acceptable to him.

Sen. Mark: What formulation?

Sen. Jeremie S.C.: “The Ministry may employ on contract suitably qualified persons to be inspectors of homes”.

Sen. Mark: May I intervene again? It is a normal practice in the public service. The Minister, through his Permanent Secretary, takes the Notes to Cabinet and that is done. You do not have to put that in legislation. It is not in legislation. It is superfluous. This is done all the time. There are approximately 5,000 or 6,000 workers in the public service who are on contract. That is a normal thing that the Minister does, through his Permanent Secretary. Why are you trying to put that into legislation? Delete the clause. That clause is unnecessary. Do not come to the Parliament to undermine the Constitution.

Sen. Prof. Ramchand: Where would the Act indicate that it has the ability to appoint inspectors? Will the whole thing about inspectors be deleted?

Madam Chairman: Look at 30(6).

Sen. Prof. Ramchand: That is in addition. If we agree on a change to clause 30(1) and say:

“The Ministry may employ on contract...”

Sen. Jeremie S.C.: You must have a 30(1).

Sen. Mark: We did not have that problem in the original Act.

Madam Chairman: You are withdrawing the amendment?

Sen. Jeremie S.C.: We are using Sen. Dr. Mc Kenzie's amendment.

Madam Chairman: Which means what?

Sen. Jeremie S.C.: “The Ministry may employ on contract suitably qualified persons to be inspectors of homes”.

It may be superfluous as Sen. Mark said but—

Sen. Mark: We do not believe that it should be in legislation.

Madam Chairman: All right, you would vote.

Sen. Mark: We should not be promoting contract in this Parliament.

Madam Chairman: The Minister is withdrawing the amendment that is circulated, which is clause 30(1), and substituting it with the following: Senators, please listen so that you will know what you are voting on. Do not tell me after that you did not know.

“The Ministry may employ on contract suitably qualified persons to be inspectors of homes.”

Question put.

Sen. Mark: We want a division on that because that is illegal. Not into law. We are not going to support that.

The committee divided: Ayes 21 Noes 6

AYES

Jeremie S.C., Hon. J

Joseph, Hon. M.

Yuille-Williams, Hon. J.

Madam Chairman: We cannot hear what Senators are saying—yes, no or what.

Division continued.

Montano, Hon. D.

Sen. Seetahal S.C.: If we are going to say the “Ministry”, is that it? You have to define “Ministry”.

Madam Chairman: Can I have some—you are still.

Sen. Seetahal S.C.: It says that the Ministry shall be construed accordingly. Therefore it is saying the same thing. It is saying Minister.

Madam Chairman: Please go on.

Division continued.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Sen. Mark: They took a “fella” with two bars.

Madam Chairman: Oh God, Sen. Mark, I cannot hear anything.

Sen. Mark: Sorry, Ma'am.

Madam Chairman: Good Lord.

Homes For Older Persons Bill
[SEN. MARK]

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Division continued.

Dumas, Sen. R.

Sen. Mark: “Dumas, you is ah trade unionist boy and yuh supporting contract labour?”

Madam Chairman: Sen. Mark, I just spoke with you.

Division continued.

Abdul-Hamid, Hon. M.

Sen. Mark: Sorry.

Madam Chairman: You know the meaning of sorry?

Division continued.

Titus, R.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Padmore, O.

Hackshaw-Marslin, Mrs. J.

Mc. Kenzie, Dr. E.

King, Mrs. M.

Seetahal S.C., D.

Khan, Bro. N.

Ali, B.

Cropper, Mrs. A.

NOES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Ramadhar-Singh, Dr. G.

Phillip, R.

The following Senators abstained: Prof. K. Ramchand, Prof. R. Deosaran, Miss A. Rocke.

Question agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clause 31 ordered to stand part of the Bill.

Clause 32.

Question proposed, That clause 32 stand part of the Bill.

Madam Chairman: We have an amendment circulated for clause 32.

Mr. Roberts: Madam Chairman, I beg to move that clause 32 be amended as follows:

In sub-clause (2), delete the words "an authorized person" and substitute the words "a police officer."

Sen. Mark: Which one is that?

Madam Chairman: Put "an authorized person" instead of "a police officer."

Sen. Mark: After this particular amendment that you are dealing with, I have a proposal.

Madam Chairman: You have supported the amendment.

Sen. Mark: I have no problem with that.

Question put and agreed to.

Clause 32, as amended, ordered to stand part of the Bill.

Clause 30 recommitted.

Question again proposed, That clause 30 stand part of the Bill.

Sen. Mark: We would like to propose the deletion of clause 30(6). That is an infringement and violation of the Public Service Commission. No Minister, as far as I know, has the power to assign any public officer to do any duties. He is out of place and the only person who has the power to do that under the Constitution is—you cannot assign a public officer. A Minister of Government does not have the power to assign any person. A Permanent Secretary could do it Ma'am, but not

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a Minister. What does he mean by Order? What kind of Order is he talking about? You have an edict or a fiat? Are you a dictator to tell people that?

Madam Chairman: You are giving me a headache today. I have a migraine just listening to you here today.

Sen. Mark: Tell me something, what does he mean by Order?

Sen. Mark: He is finding out.

Sen. Mark: If I were a Minister, I cannot order a public officer.

Sen. Mark: He is finding out. Just cool it, cool it. Time to go for tea-boy. Minister, are you answering the question please? This is going on and on.

Mr. Roberts: The Attorney General is responding to him.

Sen. Jeremie S.C.: Ma'am, as I understand it, the power to make delegated legislation is a power which we recognize throughout. Delegated legislation might be in the form of a Notice, bye-laws or an Order. Once you have an enabling provision, that is the end of it.

Sen. Mark: An Order cannot supersede the Constitution. The Constitution of Trinidad and Tobago says that the only body that has the power to assign officers on the request of a Permanent Secretary, is the Public Service Commission and not a Minister.

Madam Chairman: Sen. Seetahal S.C., are you saying something?

Sen. Seetahal S.C.: I did not see the word "assign" in section 121. Maybe there is another section. Section 121 really deals with power to appoint, hold, act, transfer, promote, confirm, discipline and so on. It does not say "assign".

Sen. Jeremie S.C.: He knows that.

Sen. Mark: I have been the Minister of Public Administration and Information, I know what happens.

Madam Chairman: Sen. Mark, leave out the speeches and tell me what you have proposed.

Sen. Mark: I am suggesting that we delete clause 30(6) because it is illegal, unconstitutional and *ultra vires* the Constitution.

Sen. Dr. Mc Kenzie: I suggest that subclause (6) is a follow on from subclause (1), just as we have had the Ministry, we change "Minister" to "Ministry", thus the Permanent Secretary would have that authority to assign an officer. I

have worked in places where they are paying me here and assign me to work there. I know that.

Sen. Seetahal S.C.: You cannot say the “Ministry by Order”. The Ministry cannot issue an Order.

Sen. Dr. Mc Kenzie: That is why I said take out Order. The Ministry may, in addition to inspectors employed under subsection (1) that we have just amended, and assign a public officer to be an inspector.

Sen. Seetahal S.C.: If you have Order, it provides for control. If it is done by Order, which is delegated legislation, there is more control. It is better to leave it as it is.

Sen. Dr. Mc Kenzie: I want “Minister” changed to “Ministry”. That is my—

Sen. Seetahal S.C.: If you change it to "Ministry," you cannot have by Order.

Sen. Dr. Mc Kenzie: Okay.

Sen. Seetahal, S.C.: If you leave "a Minister" you can have “by Order”, which is more controlled.

Sen. Dr. Gopeesingh: The Minister ought not to assign.

Sen. Jeremie S.C.: By Order.

Sen. Dr. Gopeesingh: Transfer is the same as assigning. If you move someone from A to B, you transfer them but you could also assign them from A to B as well. The Constitution has transfer, subject to the Constitution. The Minister cannot assign.

Sen. King: I was looking for clarification here. When we say: "The Minister may assign a public officer", are we assuming that public officer is within that particular Ministry?

Madam Chairman: Yes.

Sen. King: Well, that is not clear here and I think that could be where the problem lies.

Sen. Mark: The Minister does not have the power. I am a former Minister of Public Administration and Information. That does not exist. That is an invention of the PNM.

Sen. King: Within his Ministry.

Sen. Mark: He has no power to do that. I was the Minister of Public Administration and Information. I had no power to do that.

Madam Chairman: Senators, I think what we will do at this point, while the Minister—please can I have some silence. I am going to go back and we will suspend for tea, by which time the Minister and the Attorney General would have a chance to look at the different clauses and this one. When we come back, we shall continue.

Sen. Jeremie S.C.: We are ready to deal with it. The Minister, may by Order.

Madam Chairman: You are not changing it?

Sen. Jeremie S.C.: No.

Madam Chairman: Sen. Mark is proposing the deletion of this clause. I have to put the question.

Question, on amendment put. [Sen. Mark]

The committee divided: Ayes 10 Noes 19

AYES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Ramadhar-Singh, Dr. G.

Phillip, R.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Cropper, Mrs. A.

NOES

Jeremie S.C., Hon. J.

Joseph, Hon. M.

Yuille-Williams, Hon. J.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Abdul-Hamid, Hon. M.

Dumas, Hon. R.

Titus, R.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Padmore, O.

Hackshaw-Marslin, Mrs. J.

Mc Kenzie, Dr. E.

Seetahal S.C., D.

Khan, Bro. N.

Ali, B.

Miss A. Rocke abstained.

Question agreed to.

Clause 30 again ordered to stand part of the Bill.

Madam Chairman: Hon. Senators, I will resume the Senate and we will take the tea break and then we will return.

Senate resumed.

Madam President: Hon. Senators, the Senate shall now suspend for tea and we will return at 5.05 p.m.

4.35 p.m.: *Sitting suspended.*

5.07 p.m.: *Sitting resumed.*

Senate in Committee.

Madam Chairman: Hon. Senators, you have circulated an amendment to clause 32, which reads:

In sub-clause (2), delete the words “an authorized person” and substitute the words “a police officer”.

Sen. Dr. Mc Kenzie: We did that clause.

Madam Chairman: Okay. Yes, we did that clause. I am sorry.

Clauses 33 to 36 ordered to stand part of the Bill.

Clause 37.

Question proposed, That clause 37 stand part of the Bill.

Sen. Mark: Madam Chairman, I think in the interest of transparency and accountability, and for the Parliament to have a greater oversight role on the activities of this ministry, I would like to suggest that the Minister may make regulations, but subject to an affirmative resolution of the Parliament, so that we would have an idea as to what is taking place, and we can keep the interest of the elderly at the uppermost, in terms of our concerns.

Madam Chairman, as you are on that clause, if you look at clause 37(3), again, you will see:

“In addition to the specific regulations which the Minister may make under subsection (1), the Minister may make regulations in respect of policies and procedures...”

This should be subject to an affirmation resolution of the Parliament.

Sen. Jeremie S.C.: Madam Chairman, we agreed with the philosophy which underpinned the 2000 Act. In section 34(1) of that Act, it is provided that the Minister may make regulations to give effect to this Act, and without limiting the generality—*[Interruption]*—Madam Chairman, will you protect me?

Madam Chairman: I am protecting you.

Sen. Jeremie S.C.: Thank you, Madam Chairman.

“The Minister may make regulations to give effect to this Act and without limiting the generality of the foregoing, may provide for the following in relation to Homes for Older Persons:”

This is in order to unduly bureaucratize the statute. We have adopted that aspect or the philosophy in the 2000 Act, and we wish to commend it to the Senate this afternoon.

Sen. Mark: Madam Chairman, clearly, that was an oversight on our part, and we would now like to correct it. We are, therefore, suggesting to the hon. Minister, that we would like him to incorporate into the legislation under clause 37(1), “subject to an affirmative resolution of the Parliament”, and also in clause 37(3). We would like him to correct our oversight and error. We made an error there and we are now correcting it. Minister, through the Chair, are these guidelines by order? With respect to subsidiary legislation or delegated power, how would we know about these guidelines? Are you going to bring them to Parliament?

Madam Chairman: Why did you not put this on paper?

Sen. Mark: I have to apologize. I know that is the normal practice.

Madam Chairman: Late apology.

Sen. Mark: Madam Chairman, please exempt me on this occasion. I normally would do it. I am going to do it the next time.

Madam Chairman: Senators, did you hear what Sen. Mark has proposed? He has proposed that 37(1) should read: “The Minister may make regulations subject to an affirmative resolution of the Parliament” and, similarly, in clause 37(3), “...the Minister may make regulations in respect of policies and procedures subject to an affirmative resolution of the Parliament...”

Sen. King: Madam Chairman, may I suggest that we ensure, we make regulations subject to “a negative resolution of the Parliament”. This Bill is absent on whether it is negative or affirmative.

Sen. Seetahal S.C.: If I may say, there is no resolution. My point is, I can understand the need for possibly some say in the regulations, but my concern is that we have to spend so much time doing one Bill. This is the fourth week that we are debating this one Bill, and if we have an affirmative resolution, which we have for many other things, we will never get any work done. I am very concerned with the movement or lack of movement of the legislative making process that is going on. So, I would suggest “negative resolution” for that reason.

Sen. Jeremie S.C.: We would agree reluctantly with the “negative resolution”.

Sen. Seetahal S.C.: You do not have to say “reluctantly”. If you are agreeing, then agree.

Sen. Jeremie S.C.: You are pulling us to it. We do not have the numbers, so we have to concede. [*Laughter*] [*Interruption*]

Madam Chairman: How do you mean that, you do not have the numbers?

Sen. Jeremie S.C.: Did I say “numbers”? I am so sorry.

Sen. Mark: We stand very firmly on the affirmative aspect of our proposal. Since Sen. Dana Seetahal S.C. and Sen. Mary King have said “negative”, we would reluctantly withdraw and support the “negative”.

Sen. Jeremie S.C.: Because you do not have the numbers.

Madam Chairman: Clause 37(1) should read: “The Minister may make regulations subject to a negative resolution of Parliament” and, similarly, in clause 37(3): “...the Minister may make regulations subject to a negative resolution of Parliament...”

Sen. Ali: In clause 37(1)(e), “prescribing the powers and duties of the Facility Review Team”, I am saying that is addressed in the Act, in section 28, under powers of the Facility Review Team and in section 29, under duties of the Facility Review Team. I am suggesting that you should delete clause 37(e).

Madam Chairman: The Minister was not listening.

Mr. Roberts: I am sorry about that.

Sen. Ali: In clause 37(1)(e), “prescribing the powers and duties of the Facility Review Team”, I am saying that in the Act we have under section 29, the duties of the Facility Review Team and section 28, which is the powers of the Facility Review Team, and I do not know why we should have that. I am suggesting that we delete clause 37(1)(e) and renumber the rest of the subclauses.

Question put and agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clauses 38 and 39 ordered to stand part of the Bill.

Clause 40.

Question proposed, That clause 40 stand part of the Bill.

Sen. Dr. Gopeesingh: Madam Chairman, there is an irony in clauses 40 and 42. Clause 40 reads:

“The Private Hospitals Act shall not apply to Homes for Older Persons licensed....”

In clause 42, you are now amending the Private Hospitals Act. So, if an Act does not apply, why are you amending it? Why are you choosing to amend an Act that does not apply? Do you see the irony of it?

Sen. Jeremie S.C.: It does not apply to the operative provisions of the Act. To the layman it would seem ironical.

Madam Chairman: While the Minister is checking on the Private Hospitals Act, let us return to the clauses. We need an explanation.

Sen. Jeremie S.C.: The explanation is, we are saying that the Private Hospitals Act does not apply to this piece of legislation here. That is one thing. It is separate and apart from saying that the Private Hospitals Act is amended by x, y and z. One does not override the other. There are two separate conditions: one is saying that, the Private Hospitals Act does not apply to this piece of legislation and the other is amending it. It could be amended anywhere.

Madam Chairman: Why?

Sen. Jeremie S.C.: That is a policy matter that the Minister would have to—

Sen. Seetahal S.C.: There must be something in the Private Hospitals Act which might have a different kind of registration, and a different sort of thing. I think that we could just say that is why. Maybe there are specific requirements for private hospitals. We already have the requirements for homes for older persons, so it would not apply. I think that is really what the Senator is asking, rather than just saying that it does not apply.

Madam Chairman: But you are only amending the section which is defined for the homes for the elderly.

Sen. Seetahal S.C.: The regularization there is separate.

Sen. Bro. Khan: Madam Chairman, as a matter of information, could this Act apply to hospitals, seeing that we have old people there too? I am just putting it the other way around.

Madam Chairman: I do not know. The Minister is saying that it has to be left like that. It is not contradicting. It is not the whole Act that you are amending, but just that section which is homes for the elderly.

Sen. Prof. Ramchand: So, are we saying now that we have thought about the definition of “homes for the elderly”, we need to amend it in the Private Hospitals Act?

Hon. Senators: Yes.

Sen. Prof. Ramchand: And the principle that a subsequent piece of legislation can amend a previous legislation is established.

Sen. Seetahal S.C.: That is what we do every day.

Sen. Prof. Ramchand: That is what we do all the time, so we do not have a problem.

Question put and agreed to.

Clause 40 ordered to stand part of the Bill.

Clauses 41 and 42 ordered to stand part of the Bill.

Clause 6 reintroduced.

Madam Chairman: Senators, we need to go back to clause 6. Minister, are you ready?

Mr. Roberts: Yes.

Madam Chairman: We had to put in a 6(3), which should read—was clause 6(3) approved?

Hon. Senators: Yes.

Madam Chairman: What was the other point?

Hon. Roberts: The other point has to do with liability insurance.

Madam Chairman: Is that in clause 6?

Sen. Jeremie S.C.: That is in clause 6(2). Sen. Mark raised it; liability insurance.

Sen. Dr. Mc Kenzie: Madam Chairman, I saw in the regulations, where in one of the reporting forms on page 23, No. 62 asked the question: Is the home insured, yes or no? Does the coverage include fire, natural disaster, personal injuries, theft, et cetera? I do not know if that would suffice.

Mr. Roberts: We are putting it in the law.

Sen. Dr. Mc Kenzie: Okay.

Mr. Roberts: This would be an “(h)”.

Madam President: Where?

Mr. Roberts: So, clause 6(2)(h) would read: “Evidence of liability insurance to the sum of fifty thousand dollars.” [*Interruption*]

Sen. Mark: Madam Chairman, we understand the dilemma for persons who are involved in this, but we had put it at \$100,000. We thought that was a reasonable floor for these people to meet. It is not \$300,000 or \$500,000, but \$50,000 in 2007? I would like us to keep the \$100,000.

Sen. Dr. Gopeesingh: The premium for that is small.

Sen. Jeremie S.C.: What the technocrats are saying, is that there are high premiums attached to the high risk which you carry for the elderly, and that few homes would be able to afford it. Apparently, they did a study and that was the reason they wanted to leave it. It was not left out inadvertently, but it was left out on purpose, because a number of existing homes are going to be affected. They are saying that they have an objection to carrying it beyond \$50,000, because of the premiums that the persons would have to pay.

Sen. Mark: That is why I am saying, we do not want to rob them up too much, but that \$100,000 would not really kill them.

Sen. Jeremie S.C.: They are saying that they have done a study.

Sen. Dr. Gopeesingh: Do you know what we pay for medical malpractice insurance?

Sen. Jeremie S.C.: You could afford medical malpractice insurance.

Sen. Dr. Gopeesingh: But people's lives are involved. People must feel that their families would be taken care of. If they feel that they do not have any redress—

Sen. Jeremie S.C.: This is a sector which is served by persons who are not able to pay the type of premiums which would attract to the risk.

Sen. Dr. Gopeesingh: No. They would be able to leverage their fees based on having to pay that. You could give them support.

Sen. Mark: Would the Government provide them with annual subventions?

Madam Chairman: Let me hear Sen. Prof. Ramchand.

Sen. Prof. Ramchand: If the Government believes that these homes are performing a public service and helping the Government to do some of its work, surely some arrangements could be made whereby they get a rebate on the insurance. At least, you could help your citizens. They are performing a service which the Government ought to have been doing. So, give them some kind of subsidy through their insurance.

Sen. Mark: I would support the professor. Give them a subsidy.

Sen. Dr. Gopeesingh: That would show that you care.

Sen. Prof. Ramchand: And then, you allow them to take out proper insurance.

Madam Chairman: Sen. Ahmed, could you give us an idea as to what the premium on one hundred thousand dollars would be?

Sen. Ahmed: Underwriters are not going to insure anybody for \$50,000.

Sen. Prof. Ramchand: Are we accepting the principle?

Madam Chairman: We are still talking. *[Interruption]* So, it would read: "Evidence of liability insurance in the sum of one hundred thousand."

Sen. King: I believe there is also the outstanding 6(3) where we had included, besides the penalty, that there would also be a term, and you were trying to collate the term. Later in the Bill, we have that term as two years for the same \$25,000.

Madam Chairman: We had accepted that.

Sen. King: We never got that.

Madam Chairman: So, the term of imprisonment should be two years and not six months.

Sen. King: Later in the Bill it is \$25,000 and two years.

Sen. Seetahal S.C.: Is that so? Well, why is clause 5(2) not "twenty-five thousand dollars and two years"? There must be consistency.

Sen. King: That is right. So that should be included in that as well.

Sen. Seetahal S.C.: Although it was already passed. Clause 5(2) says:

"A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or two years."

That is the requirement to have a licence. So, clause 6(2) deals with fraudulent information and then there is some other breach. There is another offence somewhere.

Sen. King: It is clause 34(1)(a).

Sen Seetahal S.C.: There should be always an alternative.

Sen. Jeremie S.C.: Okay, we accept that. We accept that we should be consistent. So that if we speak of "twenty-five thousand dollars", then it should be two years.

Madam Chairman: “And a term of imprisonment for two years” and not six months.

Sen. Jeremie S.C.: Wherever it appears.

Sen. Seetahal S.C.: We could say it just like we say it in clause 34(1)(a) “...and to imprisonment for two years”.

Sen. Prof. Ramchand: I want to go back a little. I want to be clear as to what to put down in my diary. The compassion that was in evidence when we said, insurance of \$50,000, that was a compassion being extended to the owners of the facility. The larger question—

Sen. Jeremie S.C.: No, it is a compassion being extended to the owners and the users, because if you have no owners, you will have no users.

Sen. Prof. Ramchand: We agreed that insurance of \$50,000 would not go very far.

Sen. Jeremie S.C.: Well, for you, the premium might not be much, but for the operators of these homes—

Madam Chairman: Why have we gone back to insurance?

Sen. Prof. Ramchand: I was looking for better coverage for the inmates. I was wondering whether the Government would be willing to subsidize to ensure that there is better coverage.

Sen. Jeremie S.C.: We have said \$100,000.

Madam Chairman: We have passed that and we voted on it.

Sen. Prof. Ramchand: A subsidy?

Sen. Jeremie S.C.: We did not say a subsidy; we said \$100,000.

Madam Chairman: Can I just go back to what we were dealing with. Senator, you have taken me completely off track. We were dealing with clause 6(3)—

Sen. Seetahal S.C.: And the alternative should be: “to an imprisonment of two years”.

Madam Chairman: We are putting in a clause 6(3) to read:

“An applicant who submits incorrect or fraudulent information under subsection (2) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for two years.”

Sen. Seetahal S.C.: And in clause 5(2)—

Sen. Jeremie S.C.: He said they will deal with that as a typo.

Sen. Seetahal S.C.: In clause 34(2)—

Madam Chairman: We will come to that.

Sen. Seetahal S.C.: We have already reached there. In clause 34(2)(a) it says: “twenty-five thousand dollars, where the offence is a summary offence...” It should be the same thing, “twenty-five thousand dollars and to imprisonment for two years”.

Madam Chairman: That will be a typo, because we have already passed that.

Sen. Seetahal S.C.: Madam Chairman, that is in clause 34(2)(a).

Madam Chairman: So, you will have to insert that.

Sen. Seetahal S.C.: Actually, if you are looking at clause 34(2)(a)—I think we should leave it like that.

Madam Chairman: It is a body corporate.

Sen. Seetahal S.C.: Okay, I now realize that it is a body corporate.

Madam Chairman: Okay, so we are going to leave that.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 11 reintroduced.

Madam Chairman: Clause 11(4) says:

“The Minister shall grant an extension of a licence with...”

It says “shall” and you were asking to change it to “may”.

Sen. Cropper: Madam Chairman, may I make a comment on this?

Madam Chairman: Just one second, let me see where I am.

Sen. Cropper: In my opinion, there is no contradiction between clause 11(2) and clause 11(4). Clause 11(2) provides that the Minister “shall” give a licence an extension once certain conditions have been met. It is obligatory on the part of the Minister once the conditions have been met.

Clause 11(4) says that the Minister “may” in giving that extension attach certain terms and conditions and, therefore, that is a discretion that is given to the Minister. So the appropriate word there is “may” and we should leave it as such. The operative clause there is “attaching terms and conditions”, and he may do that having given the extension that is satisfied under clause 11(2).

Madam Chairman: Were you going to do some research on this?

Sen. Jeremie S.C.: We are going to stay with “may”.

Sen. Prof. Ramchand: We started off arguing that.

Sen. Seetahal S.C.: What Sen. Cropper is saying is correct, except that clause 11(1), (2) and (3) deals with renewal. I think people should take notice of that. Whereas clause 11(4) deals with an extension which is why there is a “may”, there is a requirement that you renew, which is you are bound to renew, but before you renew, you may have an extension. Supposing you do not get there in time for whatever reason, in clause 11(4), in philosophy, it is different.

Madam Chairman: It should be “may”.

Sen. Seetahal S.C.: It has to be “may” because there is no requirement.

Madam Chairman: So, in clause 11(4) “shall” should be changed to “may”.

Sen. Prof. Ramchand: Madam President, I just want to be sure that when we say “extension of a licence” we mean something different from a renewal of a licence. I just want us to be absolutely sure that is what we mean.

Madam Chairman: There is another amendment to clause 11 and that is to “delete subclause (5)”.

Sen. Prof. Ramchand: Madam Chairman, just one more question. Is there any other point where we speak about an extension of a licence in this Bill? For the first time, dry so, we bring in the extension.

Sen. Jeremie S.C.: Not “dry so”.

Sen. Seetahal S.C.: You could have an extension, but you bound to renew.

Madam Chairman: The other amendment that was suggested here is that we delete subclause (5).

Sen. King: Madam Chairman, could we just ask, why? Why are we deleting that?

Mr. Roberts: We are saying that there is no requirement in the Act to display a licence.

Madam Chairman: So, there is no requirement. You do not have an offence so you cannot. Members, do you understand that?

Sen. Prof. Ramchand: I just want to sleep at peace. I am being told that if a person applies for a renewal of a licence, the effect or the result of that renewal could be that, a decision would be taken to give the person an extension, but why?

Sen. Jeremie S.C.: He may not have complied with x, y, or z so subject to certain terms and conditions we would give him an extension.

Sen. Prof. Ramchand: So, the purpose of the extension is for them to carry out—

Madam Chairman: To put things in place.

Sen. Prof. Ramchand: That is usually it.

Sen. Seetahal S.C.: There are other reasons that you may not know. You cannot create eventualities that you do not know. For instance, you have all kinds of licences and you have that extension of time and, usually, you may not have produced your health or maybe there was a coup and you could not get things done and so forth. You must have a saving kind of situation for that kind of eventuality.

Madam Chairman: Do we agree with the second amendment which is to delete subclause (5)?

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 23 reintroduced.

Madam Chairman: We have to go to clause 23 which deals with the 24 hours and the 48 hours and so forth. Are you going to put it in?

Mr. Roberts: Yes, we have it included.

Madam Chairman: The Minister has agreed that in clause 23(2) we will add: “within six hours of such death, report the death to the Police and an autopsy should be ordered.” Tell us the wording.

Mr. Roberts: “...an autopsy shall be performed by a pathologist registered under the Medical Board Act.”

Sen. Seetahal S.C.: All the DMOs do it. I know this. I do not see why it has to be a pathologist. You are only allowed to do a thing if you are a DMO or a pathologist.

Sen. Dr. Gopeesingh: Do you remember the case that went to court and the evidence was given that this doctor was not registered by the Medical Board as a pathologist and the case was struck off.

Sen. Seetahal S.C.: And the Privy Council held that the judge was wrong.
[*Laughter*]

Sen. Jeremie S.C.: We have taken this from legislative precedence. There is legislative precedence in the Coroners Act. We just lifted it from the Coroners Act.

Madam Chairman: So, clause 23(2) would read: "...report the death to the Police and an autopsy shall be performed by a pathologist registered under the Medical Board Act."

Sen. Cropper: Madam Chairman, before you take the vote, I wonder whether this should also read: "...shall within six hours of the discovery of such death", rather than "within six hours of such death". Surely, it is the discovery and within six hours of that moment.

Sen. Seetahal S.C.: It would be interpreted to mean that. Madam President, just one last word. I just still have a difficulty in law in legal terms with this thing about the pathologist being registered under the Medical Board, because specialties are not registered. I do not know if Sen. Dr. Gopeesingh is not registered. They have not been. It has only been in recent times that people have started to send their specialties in.

Sen. Dr. Gopeesingh: The Medical Board has a special registration for those persons who are general practitioners and who are specialists and you must satisfy the Medical Board that you have acquired the knowledge and expertise to be a specialist. So, a DMO is not a pathologist, and in the court of law it would be struck down if the DMO goes to give evidence, as opposed to a pathologist who is registered under the Medical Board.

Sen. Seetahal S.C.: I think we should put a district medical officer or a pathologist.

Sen. Dr. Gopeesingh: I would disagree with you on that.

Sen. Seetahal S.C.: Why? If he does it for an ordinary person, why can he not do it for an older person?

Sen. Jeremie S.C.: We are amending the law. There is a piece of legislation which is now before the LRC, which is the Medical Board Act which seeks to mandate specializations. So this is really consistent with what we are doing and with best practice.

Sen. Seetahal S.C.: Do we have enough of them now who will satisfy? The next thing you know is that you have one person. We had Dr. Chandulal, the only person who was registered and was made to stay here for many years.

Sen. Dr. Gopeesingh: We have about four pathologists.

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

First Schedule.

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

Mr. Roberts: I beg to move that the First Schedule be amended as follows:

Delete and substitute the following:

FIRST SCHEDULE

REPUBLIC OF TRINIDAD AND TOBAGO

(Section 4)

CLASSIFICATION OF HOMES

Type I

Any Home for Older Persons which provides care and housing to four or more healthy older persons and older persons who are not in need of acute medical care, but who may require assistance with performing activities of daily living, including the administration of medication and who may also require supervision by a member of staff.

TYPE II

Any Home for Older Persons which provides care and housing to four or more infirmed older persons, who shall require the administration of medication and continuous supervision by a registered nurse or physician.

NB. Where a Home is classified as a Type I, such classification does not authorize the operation of the Home as a Type II.

Where a Home is classified as a Type II, such classification authorizes the operation of the Home as a Type I and II.

Sen. King: With respect to classification of homes in “Type II”, the word “infirm” is incorrect. The word is “infirm”. Should we take that as a typo?

Madam Chairman: Yes.

Sen. Seetahal S.C.: Madam Chairman, “...shall require the administration of medication...” this does not make any sense. It is:

“Any home for Older Persons which provides care and housing to four or more infirm older persons, who shall require the administration of medication...”

Sen. King: It should be “who require”.

Sen. Seetahal S.C.: I just want to make sure that I know. I want to know if we are talking about the future rather than the command.

Madam Chairman: The word “shall” should come out. The Attorney General has agreed.

Sen. Ali: Why is Type III out? Is there a reason why Type III is no longer in the schedule? You now only have Type I and Type II whereas we had Type III before.

Mr. Roberts: There is not much difference between Type I and Type II.

Sen. Padmore: If you have a Type I home, but in the course of time those people become infirm, et cetera, what happens to that home in terms of its classification?

Madam Chairman: Are we still on the First Schedule or have we gone somewhere else?

Sen. Prof. Ramchand: I think whether an older person has a disease or not, I think a certain amount of dietary guidance is required. I would like to see something about diet like in Type I, “may require dietary guidance” and in Type II, “dietary supervision”. I could be okay and they will go in there and feed me all kinds of sugar and saturated—

Sen. Seetahal S.C.: This is a definition of the Act. A definition cannot tell you what they should feed you. This is merely saying a home which provides care and housing and people who are not in need of acute medical care. That means if you have a dietary problem, you would fit under that. The definition cannot say that. Those details would have to be in the regulations.

Question put and agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule.

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

Mr. Roberts: Madam Chairman, I beg to move that the Second Schedule be amended as follows:

In item 9, delete the words “Residential-Type III” and the accompanying check box.

Question put and agreed to.

Second Schedule, as amended, ordered to stand part of the Bill.

Third Schedule.

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

Mr. Roberts: Madam Chairman, I beg to move that the Third Schedule be amended as follows:

Delete Part B.

Substitute the following:

PART B

(SECTION 7(3))

LICENCE FEE FOR HOMES FOR OLDER PERSONS

Type of Homes for Older Persons	No. of Residents	Level of Care Provided	Fee \$
Type I	4-10	Level I	400.00
Type I	10 and over	Level I	450.00
Type II	4-10	Level II	550.00
Type II	10 and over	Level II	600.00

Sen. Ali: Type I says “4-10” and then there is a Type I “10 and over”. So, you cannot have “10” two places. One of them should be over “10”. It should be “4-10” and then “over 10” and not “10 and over”. That is not a typo. That is a change.

Madam Chairman: It should be “11 and over” and, similarly, in Type II, “11 and over”.

Sen. Seetahal S.C: I see this level of care provided, and I may have missed it. Remember, I was not here all the time. Is there somewhere a definition of level I and level II in terms of care?

Sen. Jeremie S.C.: Yes.

Sen. Seetahal S.C: Is it in the regulations? I do not know. I want to know. We are loosely talking about levels of care, so we need to know what we are talking about.

Sen. Jeremie S.C.: It is in the regulations.

Sen. Seetahal S.C.: Where?

Madam Chairman: Could we go on to the Fourth Schedule in the meantime?

Third Schedule deferred.

Fourth Schedule.

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

Mr. Roberts: Madam Chairman, I beg to move that the Fourth Schedule be amended as follows:

- A. In the first paragraph—
 - (a) delete the word “I”
 - (b) delete the word “have” and substitute the words “has/have”; and
 - (c) delete the words “I am” and substitute the words ‘is/are’.
- B. In the penultimate paragraph, delete the words “(nature of services)”
- C. Insert after the last paragraph the following:

“Date of issue..... Date of expiry.....

.....

Minister of Social Development”

Sen. Seetahal S.C.: Madam Chairman, you have the name of the licensee and we have “has”, so it is a statement rather than an active. I just want to know, with respect to the type of facility, are we saying “class of homes”?

Madam Chairman: Where are you looking at?

Sen. Seetahal S.C.: I am looking at the same Fourth Schedule. When we say “Type”, I presume that we mean Type I and Type II. Okay, just now, I want to get that clear. We called it “class of homes” in the First Schedule.

Madam Chairman: I am not seeing it. Where are you reading from Senator?

Sen. Seetahal S.C.: From the Fourth Schedule, the fourth to last line from the bottom, the italic type of facility on the extreme right. I am merely pointing out that under the First Schedule where you have Type I and Type II, it is called “classification of homes”. I wonder if that should not be called “class of homes”, rather than “type of facility”. Instead of introducing new words where you have not used them before, it would seem to me to be reasonable to say “class of homes”, but it is not facility.

Madam Chairman: They have agreed that it should be “class of homes”.

6.00 p.m.

Sen. Mark: Madam Chairman, I think Sen. Seetahal S.C., was asking the Attorney General, when we talk about level I or level II care, I looked through the regulations and there is no definition of what are the components, elements or criteria.

Sen. Jeremie S.C.: Okay, under 26 it says, “Where a home is licensed to operate as a Type I home you shall have on duty at all times at least one member of staff to every 15 residents.” Type II, “It shall have on duty at all times a minimum of one staff to every 10 residents.”

Sen. Mark: Okay.

Sen. Jeremie S.C.: Type III, “It shall have on duty at all times one registered nurse to every 40 residents and a minimum of one staff to every five residents.”

Sen. King: That does not give us level anything.

Sen. Seetahal S.C.: I am trying to find out a response, hon. Attorney General, to the level I/level II?

Sen. Jeremie S.C.: I am sorry.

Sen. Seetahal S.C.: Is that what you are saying, it relates or reflects level I/level II? I missed from what you are saying?

Sen. Jeremie S.C.: Yes.

Sen. Prof. Ramchand: I think there is implicit in the description of Type I and in the description of Type II a level of care. Type I says:

“...not in need of acute medical care, but who requires...”

So there is an implicit level of care built into that definition [*Interruption*] and when that is supplemented by what is in the regulations I think we could form a notion of what is the level of care.

Sen. Jeremie S.C.: Yes.

Sen. Seetahal S.C.: What we should do is delete Type III in the bottom of that—this is the Third Schedule, Madam Chairman, because there is no Type III. Right?

Madam Chairman: Right.

Sen. Seetahal S.C.: Then we delete the whole column marked “Level of care provided”, because there is no need for it?

Madam Chairman: But Type III is deleted in the circulated amendment you know.

Hon. Senator: Yes.

Sen. Seetahal S.C.: All right, well if you delete it, fine.

Madam Chairman: Yes.

Sen. Seetahal S.C.: But I am saying in addition to which delete the column headed “Level of care provided”, because it serves no purpose. Because as the Attorney General said 26 already talks about 1, 4, 10 and whatever.

Sen. Jeremie S.C.: Okay, no problem. [*Crosstalk*]

Madam Chairman: So you are taking this whole thing off?

Sen. Seetahal S.C.: Because if you refer to any level of anything in legislation you have to refer it back and you have to define it and so on, and there is no need.

Madam Chairman: Yes.

Question put and agreed to.

Fourth Schedule, as amended, ordered to stand part of the Bill.

Third Schedule reintroduced.

Sen. Seetahal S.C.: And then Sen. Basharat Ali was saying that we should have 10 and over.

Madam Chairman: Yes, we should have 11 and over.

Sen. Seetahal S.C.: Over 10, I beg your pardon. Where we just have 10 and over we just say—

Madam Chairman: Ten and over—

Sen. Seetahal S.C.: It will be four to 10 and we just say over 10.

Madam Chairman: Eleven and over, or over 10; which one?

Sen. Dr. Mc Kenzie: Over 10.

Sen. Seetahal S.C.: Over 10 is much more efficient.

Madam Chairman: Over 10.

Sen. Seetahal S.C.: Because that is how you do it in other legislation.

Sen. King: Greater than.

Question put and agreed to.

Madam Chairman: We did the fourth?

Hon. Senator: Yes.

Madam Chairman: We did the fourth already. Do we have another clause to go back to?

Hon. Senator: No.

Madam Chairman: So, hon. Senators, the Bill—

Sen. Roche: Excuse me.

Madam Chairman:—shall now be reported to the whole house of the Senate.

Sen. Roche: Excuse me, Madam Chairman.

Madam Chairman: Oh, I am sorry.

Third Schedule, as amended, ordered to stand part of the Bill.

Fourth Schedule recommitted.

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

Sen. Roche: Just a point of clarification. We have included here in the Fourth Schedule, Minister of Social Development, but the argument was being made

earlier that this may change between ministries, et cetera, so should we have Minister of Social Development or just Minister? [*Inaudible*] The signatory; it was circulated to be amended for the Fourth Schedule to include—

Sen. Seetahal S.C.: Minister of Social Development, that is what you are saying; right Althea?

Sen. Rocke: Yes, I am saying the argument was made earlier that it may change between ministries—

Madam Chairman: So we could take that out.

Sen. Rocke:—so if we put Minister of Social Development then that comes back to haunt us.

Madam Chairman: Yes.

Sen. Rocke: So I am saying if we just say Minister.

Madam Chairman: All right, so we take that off, as amended.

Question put and agreed to.

Fourth Schedule, as amended again, ordered to stand part of 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.

ADJOURNMENT

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I move that this Senate do now adjourn to Tuesday, May 15, 2007 at 1.30 p.m. At that time, Madam President, we would like to do from the Order Paper a Bill entitled, “An Act to amend the Criminal Injuries Compensation, 1999”, and if we are finished, a Bill entitled “An Act to amend the Legal Professions Act, 1986”.

These are very short Bills so I am asking the Senate to be prepared for any one of these four pieces of legislation, if time permits.

Sen. Mark: We are prepared for all four.

Sen. Montano: Very good.

Madam President: Hon. Senators, leave has been granted for a matter to be raised on the Motion on the Adjournment by Sen. Dr. Kernahan.

Agricultural Sector, Wallerfield
(Failure of Government's Proposed Development Plans)

Sen. Dr. Jennifer Kernahan: Thank you, Madam President. I rise to raise this matter for the Motion on the Adjournment. “The failure of the Minister of Agriculture to ensure the continued existence and productivity of the agricultural sector of the Wallerfield community in the context of the Government's proposed [*Interruption*] development plans for this Community.”

Madam President, I raise this matter on the adjournment in the context of a deep concern for the future of those persons in our society who have a deep love, a passion and a knowledge of agriculture, and those persons who actually come from a generation of food producers in our country.

This matter is raised and this concern is deepened by this administration's cavalier attitude towards the agricultural sector. While they mouth their platitudes and promises, and their hollow affirmations that the agricultural sector is a driving force in the economy the actions seem to point in the opposite direction. Our concern is heightened by the fact that internationally there is an emerging fear that basic food items, eggs, dairy products, grains, rice, wheat and so on are going to increase—the prices of these products are going to increase, and therefore out of the range of the most vulnerable in our society, including pensioners and those living on fixed incomes.

What is the international situation? The reason I am raising the international situation is because we have to understand the importance of what is happening here, locally in the agricultural sector.

Madam President, Al Edwards of the Jamaican *Observer* on April 27, 2007, he made this statement:

“The popularity of bio-fuels, more particularly ethanol, has led to an increase in corn prices which, in turn, has caused a spike in US food prices. With the Caribbean importing most of its food from the United States, this will result in a sustained rise in the region's food bill, and as a consequence, an increase in inflation.”

Madam President, this is the context in which we have to look at the displacements of farmers from farming communities at this point in time. This is the context in which we have to look at another assault on a farming community in Wallerfield where the Government proposes to build a city and totally displace the farmers with no alternative offered for alternative lands and so on. In the

Wallerfield area there are scores of pig farmers, dairy farmers, cattle farmers, tree crop farmers, short term crops and so on. They are important sources of food in the eastern region and in the country as a whole. They ought to be conserved, protected and given the infrastructure and the resources that they need to produce food.

All the economists are saying the same thing. Internationally, an economist, Chris Hurt of Purdue, University is predicting that food prices will increase between 5 and 7 per cent between this year and next year due to the conversion of corn to bio-fuels, and he says that this will undoubtedly affect food prices in the Caribbean. Also a university professor from Missouri, Prof. Ron Plain said:

“...The growth in the US ethanol production will increase the price of meat, eggs and dairy by around 12 per cent by 2009.”

Madam President, I am sure that you would have read—would have felt it in your pockets already that the price of eggs in this country increased recently; all classes of eggs, all sizes of eggs went up incrementally and dairy products have also gone up. Given this very sombre outlook in the international situation and the escalated prices on imported food we want to know what is the strategy of the Ministry of Agriculture, Land and Marine Resources with respect to supporting food producers in this country? Specifically, I am speaking about the Wallerfield farmers this afternoon.

It is vital; we have a very coherent and very clear strategy because of what is happening internationally. They must be offered alternative lands to produce foods. If you are talking about a city, any self-respecting city has a food belt around it, they call it a green belt. What is the point of putting all of these people, gathering thousands of people together, building a city and you do not have a source of food nearby for them to access at reasonable prices? I had expected that one of the first things you would think about if you are talking about building a city or developing a city is where people are going to source food and at reasonable prices?

It has reached the point where people are pointing out that this conversion of the quantities of corn that are going to be used for bio-fuels is going to exacerbate world hunger. It has reached to that point, people are making that prediction. Fidel Castro has made that prediction, he has sent out that warning to the world that world hunger is on the agenda now, especially the most vulnerable. And we are not going to be exempt from this. We already have 40 per cent of our people

Agricultural Sector, Wallerfield
[SEN. DR. J. KERNAHAN]

Tuesday, May 08, 2007

living below the poverty line under US \$1 a day. This is going to exacerbate the situation and we must have clear strategies to deal with agricultural production here if we are going to even make an attempt to deal with that situation.

What the international experts are saying is that this is not only going to affect corn, but farmers, because of the high value that is going to be placed on corn and the high demand for it in the quota, they have already established 20 methanol plants and farmers are now converting their production going into corn production. Therefore, the price of wheat and rice—these are staples in our diet—are going to go up because people are leaving production of these grains and so on and going into corn. So given our present situation, the crisis in our country, the extraordinary hot dry season, the worst in 10 years; given the fact that the main reason for the inflation in our country right now is the year-round increase in food prices; given the fact that there is the external scenario with respect to importing food, means that we are going to be importing inflation.

This Government, especially this administration can no longer afford to become complacent about a \$2 billion food import bill which clearly, given the figures offered by international economists and so on, can go up anywhere between 10, 15 or 20 per cent within the next couple of years, given the projections. It is clear that if we are to confront this threat and if we are to manage this threat we must not be in the bizarre position of dislocating farmers at this point in time, in demoralizing farmers, not offering them alternatives with respect to food production. This is a time to gather our farmers together to give them some sort of encouragement, give them the infrastructure that they need to produce food and to ensure that they know the importance that they are going to play in the economy in the very near future and in the long term.

Madam President, from what I have said I am sure it is clear to you that the solution to the high prices of food in our country right now, clearly, is not to be found in the Government's grandiose plans to import food from Argentina, Brazil and so on, allegedly at lower prices. They spoke about Barbados, Belize and Jamaica being in a position to supply food to this country at lower prices. It is interesting to see, Jamaica mentioned in this context, because the Jamaican Broiler Association, which is the largest organization of its kind in the English-speaking Caribbean has had to raise the price of chicken by 5 per cent due to the higher cost of corn, grains and so on within the last four periods. The price of corn went 100 per cent within the last four periods in the American market. The moral of the story is there are no quick-fix solutions, because we have a lot of money, because we have billions of dollars we are going to be able to import food. The

moral of the story is there is no cheap food to be had anywhere! All the countries that the Government has mentioned will be affected by the higher cost of grains and the constraints on food prices.

Madam President, I just want to quote the Vice-President of the Jamaica Broiler Association:

“It is way past our ability to absorb corn prices, and it is moving so fast that it is scary almost...‘I know it is not good news, but it is a reality that we have to face.

This is what this huge international company has said with respect to the price of grain and their ability to keep pace with it. They are losing money; their pocket margins have gone down precisely because of the increased cost of the raw materials for broiler production. The reality that this Government has to face is that it must conserve agricultural lands for food production; that it must support food producers and provide the infrastructure necessary for food production in this country. It must desist from decreasing our ability to grow and produce our own food in Trinidad and Tobago. It must channel what economic resources we have to local farmers in the local economy instead of visualizing sending our economic resources abroad to prop up foreign economies and foreign producers. This is what they are actually saying that they are going to do when they talk about importing food.

It is significant that the Minister of Agriculture of St. Lucia on World Food Day in October 2005, said and I want to quote the article:

“The increase in corn prices as a result of the demand for ethanol is all the more reason for the Caribbean to reduce its food import bill and rely more on homegrown agricultural products.”

Madam President, other Ministers of Agriculture are recognizing the importance of relying on homegrown products. Do you know what this administration is doing here? [*Interruption*] Every Monday morning you hear them displacing masses of farmers from lands that they have toiled traditionally over generations and this augurs no good for the future of this country. The cost of food internationally is going up, we are going to be unable to compete with larger countries, larger economies that are demanding food when the crunch comes. And we, with all our billions are going to be left hungry in this country if we do not wake up and smell the coffee and stop treating the farmers as second-class citizens in this country.

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Madam President, I am asking this Government to think about the future, to think about the children of our country. This generation might not see the results of what they are planning to do, what they are actually doing for farmers but surely the future generations will reap the whirlwind if this Government does not desist.

I thank you.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Thank you very much, Madam President. [*Desk thumping*] I wonder whether I am answering the two Motions I have on the adjournment at once, because what I heard here is not what the caption was when I came with the answer, “The failure of the Minister of Agriculture to ensure the continued existence and productivity of the agricultural sector of the Wallerfield community in the context of the Government's proposed development for the community.”

Madam President, permit me to firstly correct the misconception that the proposed development plan for the Wallerfield area will cause the demise of the agriculture sector in that community. As a matter of fact, the proposed development will contribute to increasing the demand for agricultural produce and therefore aid in enhancing the development, productivity and profitability of agriculture in the Wallerfield community and other regions of the country.

Government's policy is to promote agriculture development in those areas where the natural resources are suited to sustainable agricultural development. The natural resources include fertile and productive soils, adequate water and the farming population with the knowledge base and the will to pursue productive agriculture. Unfortunately, Madam President, Wallerfield does not have the resource of fertile or/and productive soil. There may be specific locations in the area where the soil and other conditions can be managed for agricultural production. However, in the main, Wallerfield soils are not suited to commercial cultivation. That should be very obvious to someone who is supposed to be a graduate in agriculture.

By way of background, the agriculture development programme in the Wallerfield community was firstly put in place by the PNM administration in the late 50s to early 60s, under the Government's Five-Year Development Programme. Under that development programme the Government initiated agricultural activities in the Wallerfield area; the main activity was dairy farming but other activities included pig farming, poultry farming and some food crops farming. These agriculture developments were not restricted to Wallerfield but were in fact national in scope and included such areas as Carlsen Field, Tureure, Charlieville

and south Trinidad and Tobago. The key objectives of this national agricultural development programme include to make Trinidad and Tobago self-sufficient in cows milk; to create sustainable jobs for citizens in the agricultural sector; to improve the protein nutrition for the nation, particularly that of school children; to improve national food security; and to develop sustainable agriculture industry.

Madam President, the agricultural project at Wallerfield became a source of criticism and vilification for the government of the day. You may recall that when the Government was soundly criticized for developing dairy farms and other types of agriculture at Wallerfield. The detractors of the day claimed that the lands at Wallerfield were unsuitable for any type of agriculture whatsoever. They argued then that the Wallerfield lands could be better utilized for housing development and for the establishment of industrial estates. As a matter of fact, there was a standard joke at that time that during the dry season the cows at Wallerfield had to be fitted with sunglasses so that they could be fooled into thinking that the grass was green. *[Interruption]* The point I would like to make is that the very poor opposition politicians who criticized the previous PNM administration for establishing farms at Wallerfield are today criticizing the Government for attempting to correct this historical wrong.

In the early 1960s when the Government made the decision to establish agricultural farms at Wallerfield the land capability studies of Trinidad and Tobago were not yet available. The decision to establish agriculture in that area could not have been based on the scientific information that is available to us today. Today we are in a position to say that agricultural projects are, in the main, not well suited to the Wallerfield area. The texture, the structure and the chemical composition of those soils made them unsuited for any type of cultivation. The soil types in the Wallerfield area are mainly composed of Valencia sandy clay and Piarco fine sand. These soils are extremely acidic in nature, poorly aerated, lacking internal drainage, lacking in plant nutrition and are infertile; prone to flooding in the rainy season; easily dried out forming a hardpan in the dry season; classified as class V and VI soil types to rough pasture forest and timber; that is the type, V and VI soil.

And you are well aware that Prof. Ahmed from the University of the West Indies in 1975 after this development did the soil types of Trinidad and Tobago and classified the soil types from I to VII. One, II, III and IV are considered good agricultural lands, but V, VI and VII are considered not good agricultural lands. If you are in doubt ask Dr. Steve Bennet who has a farm in Wallerfield and who is now closing down; his buffalypso herd is being sold because he has spent years

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trying to alleviate that soil type that he had. Generally unproductive; considered marginal soils better suited to non agricultural development.

Madam President, I would like to take the opportunity to commend those Wallerfield farmers who persisted with their farming operations under very adverse conditions. They continued to farm under very trying circumstances even while more than 50 per cent of their colleagues abandoned their farms. Over several decades they have contributed to the food security of this nation at a tremendous cost to themselves.

A responsible Government charged with the task of promoting sustainable development of Trinidad and Tobago will want to use the best available scientific and other technical information in making prudent decisions for the national development. Given the information at our disposal today we must change course with regard to the nature of the development programmes to be pursued at Wallerfield. I am very sure that if the information, the texture structure and productivity of Wallerfield lands were available to the policy makers in the early 1960s a different approach to the development of the area would have been pursued.

In pursuing our national development the Government will be guided by the suitability of the region in accommodating proposed development projects. It is now clear that all that agriculture development can only be successful and profitably pursued at specific locations in the Wallerfield area. Therefore in pursuing an integrated approach in the development of the area, Government intends to identify those locations that are suitable for agriculture development and utilize them for appropriate agriculture production.

It was amazing to listen to Sen. Dr. Kernahan, a graduate in agriculture advocating that we should continue to promote commercial agriculture at Wallerfield.

Sen. Dr. Kernahan: Madam President, may I clarify—

Hon. J. Narine: Probably her studies in agriculture—[*Interruption*]

Sen. Dr. Kernahan: May I clarify? [*Crosstalk*] I said no such thing. [*Crosstalk*]

Hon. J. Narine:—and should know that the natural conditions that exist in that area are unsuitable—[*Crosstalk*]

Madam President: Please, can I have some quiet!

Hon. J. Narine:—for agricultural development. [*Interruption*] Madam President, maybe her studies in Cuba are therefore not familiar with the conditions at Wallerfield. [*Crosstalk*]

[*Sen. Dr. Kernahan remains standing*]

And every now and then, Madam President—

Madam President: Minister, just one moment; the Member is saying that she did not say—what?

Sen. Dr. Kernahan: Can I clarify?

Madam President: Yes.

Sen. Dr. Kernahan: I never said farmers should be allowed to continue—I spoke about poultry, pig farming and so on. I spoke about the reallocation of other suitable lands for the farmers. [*Interruption*] I never promoted that they should—

Madam President: All right!

Sen. Dr. Kernahan: I said if you are going to develop housing give them alternative lands. [*Crosstalk*]

Madam President: All right! All right!

Sen. Dr. Kernahan: That is what I said. [*Crosstalk*]

Hon. J. Narine: Thank you, Madam President. I hope I will get injury time—

Madam President: You are not really allowed injury time Hon. J. Narine—

Hon. J. Narine:—because this is a Motion on the Adjournment.

Madam President: Exactly!

Hon. J. Narine: I listened carefully [*Interruption*] but you see every time elections come they suddenly find a losing seat for that Senator. [*Interruption*] And I am certain that Arima will prove you and that you have been losing elections every year. [*Laughter*]

Madam President: Minister, please! Please continue, Minister!

Hon. J. Narine: And certainly Arima will not forget that!

[*Madam President pounds gavel*]

Hon. J. Narine: I am certain that you know about Jacob Hill—

Madam President: Minister, you are talking—[*Inaudible*]

Hon. J. Narine: I am looking for another hill to name it in Wallerfield area. [*Interruption*] Maybe, Jones Hill. [*Crosstalk*]

Madam President: Minister! Minister!

Hon. J. Narine: Madam President, it is amazing—

Madam President: Minister—

Hon. J. Narine:—that the development—[*Crosstalk*] [*Laughter*]

Madam President: You have three minutes! [*Laughter*] You have three minutes, please continue!

Hon. J. Narine: Madam President, I was interrupted and this is a Motion on the Adjournment.

Madam President: Yes, I agree! I agree!

6.30 p.m.

Hon. J. Narine: Madam President, the Government is undertaking a new type of development at Wallerfield. The project is called Wallerfield Industrial and Technology Park, better known as Tamanap. A company responsible for implementing this project is E-teck, Evolving Technologies and Enterprise Development Company of Trinidad and Tobago Limited.

This project is intended to make available new and better opportunities, to the people of Wallerfield and surrounding communities and to the citizens of the country, as a whole. Some of these opportunities include:

- The creation of sustainable employment;
- Better paying jobs that will be available;
- Improved infrastructure will accompany this development;
- Improved housing will become available;
- Enhanced technologies will be made available to farmers and other enterprises;
- Significant increases in the demand for agricultural produce;
- Improved access to tertiary education for all citizens;
- Better utilization of the natural resources of the area; and
- The development of a new town will help to ease the congestion in other areas of the country.

Madam President, 1,100 acres of land were initially allocated to this project, however, Cabinet agreed to lease an additional 525 acres of State land to E-teck, for development of the Park. There are 25 farmers situated on these additional 525 acres. Permission was granted to E-teck, to pursue negotiation for the acquisition of those 25 leases by private treaty. The Ministry of Agriculture, Land and Marine Resources is providing assistance to E-teck in this process.

Information from E-teck indicates that 25 farmers within the area, six have been acquired by E-teck already; two are close to acquisition and 17 have yet to be compensated, and negotiations to acquire these farms are currently ongoing. Those farmers whose holdings are to be acquired will also be eligible to apply for agricultural lands under the Ministry of Agriculture Land Distribution Programme. Government is determined to provide better opportunities for these farmers, so that they can employ their agricultural knowledge, as well as the additional financial resources they earned from the acquisition of the previous holdings.

Madam President, the Wallerfield Industrial and Technology Park is intended to be an integrated development project. Some elements of the project will include:

- Housing development;
- Improved technology;
- Urban development; and
- The establishment of tertiary education facilities.

Madam President: How much you have Minister because you are coming to the end of your time.

Hon. J. Narine: Notwithstanding the establishment of the Industrial and Technology Park. The Ministry of Agriculture, Land and Marine Resources continues to demonstrate its commitment to the productivity—

Madam President: Can you wind up? Wind up.

Hon. J. Narine:—of the agricultural sector.

In winding up, Madam President, what I can assure the goodly Senator, is that, between last year and this year we have developed a tremendous amount of road works, drainage for agriculture in the Wallerfield area. We are not going to totally take away the agricultural lands. Those lands that are good for agriculture

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will remain in agriculture and those lands that are not good for agriculture will be placed under E-teck and the University of Trinidad and Tobago.

I thank you. [*Desk thumping*]

Madam President: Hon. Senators, before we take the adjournment, I want to wish all mothers here a very happy Mothers Day. So do have a good day.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.34 p.m.