

*Leave of Absence**Tuesday, March 11, 2008***SENATE***Tuesday, March 11, 2008*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Jerry Narace.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“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. FOSTER CUMMINGS

WHEREAS Senator Jerry Narace 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, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 11th March, 2008 and continuing during the absence from Trinidad and Tobago of Senator Jerry Narace.

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 10th day of March, 2008.”

Oath of Allegiance

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OATH OF ALLEGIANCE

Sen. Foster Cummings took and subscribed the Oath of Allegiance as required by law.

CONDOLENCES

(MR. BISOONDATH OJAH-MAHARAJ)

Mr. President: Hon. Senators, I have the unfortunate duty to inform you that a former Senator, Bisoondath Ojah-Maharaj, died on March 05, 2008. Senators may say a few words if they wish.

The Minister of Local Government (Sen. The Hon. Hazel Manning): Thank you very much, Mr. President. I rise to pay tribute and to honour the memory of Bisoondath Ojah-Maharaj who served two terms in this honourable Senate and who passed away in the early morning of March 05, 2008 and was cremated at the Caroni Cremation Site last Sunday, following a funeral service at his Valsayn home.

Former Sen. Ojah-Maharaj served in the Senate from 1971—1981 and during his term he enjoyed the friendship and respect of Members on both sides. We on this side knew him well as a loyal and devoted party political colleague and one committed to community service in the tradition of his late father and dedicated party member from its inception, Pundit Karoo Ojah-Maharaj.

Former Sen. Ojah-Maharaj's focus in Parliament was agriculture and rural development. He was a senior employee at Caroni (1975) Limited, both under Tate & Lyle and continuing when it was acquired by the Government of Trinidad and Tobago. He was quite knowledgeable about the circumstances of the company and more generally the sugar industry in Trinidad and Tobago. Always mindful of the great disparity between the sugar production costs and revenues, he was utterly dismayed at the major sugar strike in 1975, at a time when the sugar price on the world market was at its historically highest level ever, resulting in much of that year's good crop being lost to industrial action. Caroni (1975) Limited never really recovered. He was distressed by what occurred and saddened because of the knowledge of what could have been.

Former Sen. Ojah-Maharaj was also a great advocate within the PNM's rural development and many of the Government's initiatives in the agricultural rural development sectors took note of his concerns and interventions in the Senate.

He was active in the management of Senate affairs. He served on a number of select committees of the Senate, examining various pieces of legislation, as well as on the House, Regulations, Privileges and Public Accounts Committees.

Condolences

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When he eventually left the Senate in 1981, it could be truly said of him that his segment of the parliamentary relay was well and truly run and that he passed on the baton superbly.

Service in this honourable Senate was also equally matched by service outside. He was deeply involved in community affairs and served as President of the Lions Club of Valsayn and President of the Valsayn District Association. In the former capacity in particular, he rendered service and assistance to many underprivileged members of society.

Former Sen. Ojah-Maharaj's integrity, loyalty and his commitment made him a shining example of all of what a person in public life should be. For his outstanding contribution, the Government and, indeed the PNM, wish to extend our deepest condolences and appreciation to his wife Dulcie, his children: Robert, David, Omah and Shivan, as well as his brothers and sisters.

May he rest in peace.

Sen. Wade Mark: Thank you, Mr. President. Former Sen. Bisoodath Ojah-Maharaj has passed on to another realm of existence. Whilst he served in this Chamber for two consecutive terms, I was never able or privileged to meet him at the Senate level, but I was able to interact with him, from time to time, whenever we were able to greet and meet each other in the wider society. To me, he appeared, at all times to be a very jovial, friendly and helpful individual. He appeared also to be a very good social and, of course, religious and community worker. He came from a very large family and was a person extremely loyal to whatever cause he had undertaken.

Whilst he lived in England, he studied and worked there, Sen. Ojah-Maharaj was always yearning to return to his country. On his return to his country, after spending over two decades in England, he was employed as a manager in the Caroni (1975) Limited Lands Department. Later he was employed at the HE Robinson Motor Vehicle Plant. He finally graduated to be his own employer when he established his own real estate business operations.

He was cremated on the banks of the Caroni River last Sunday. On behalf of the UNC-A, and my colleagues on the Opposition Bench, we would like to extend our collective grief over his passing and we extend our profound condolence and sympathies to his family, friends and well-wishers.

May Almighty God grant him eternal peace and may his soul rest in peace.

Sen. Basharat Ali: Mr. President, on behalf of the Members of the Independent Bench, I join with the Government and the Opposition in extending our condolences to the family of Sen. Bisoodath Ojah-Maharaj, who served in the Senate for, as Sen. Wade Mark said, two consecutive Parliaments, 1971—1976 and 1976—1981. Sen. Ojah-Maharaj gave 10 years of his life in public service.

I had only one personal meeting with the hon. Senator. That was probably in 1975. I met personally with him to thank him because my sister, now deceased, had come back from the United Kingdom as a well-qualified nurse and was having difficulty in penetrating the public service. Sen. Bisoodath Ojah-Maharaj was one who cleared the way for her, because she was well qualified for the position. I had the opportunity to say “thank you” to him for what he did, purely in the interest of a person who wanted to come and work in the public service in Trinidad and Tobago.

I believe the Ojah-Maharaj family has a long connection with the ruling PNM party. I think another brother has been associated as General Secretary—*[Interruption]*

Sen. Prof. Deosaran: Assistant Secretary of the PNM.

Sen. B. Ali: —Assistant Secretary of the PNM. The family continues to serve within the public sector and to give public service, in that the sister-in-law of the deceased former Senator, Mrs. Indra Sinanan Ojah-Maharaj, the Member for Toco/Sangre Grande, is a recent addition to the Parliament of this country.

On behalf of the Members of our Bench, I would like to extend condolences to the family of the deceased, Bisoodath Ojah-Maharaj and to the extended family and friends. We pray that God will bless his soul. Thank you.

Mr. President: Hon. Senators, on behalf of my family, myself and the staff of the Senate, I would like to join with all of you in sending deepest sympathies and condolences to the widow and family of former Sen. Ojah-Maharaj.

1.45 p.m.

The Senator was born on April 08, 1935—a long time ago for all of us—and a great deal has happened since then. He served in the Senate for ten years, from 1971—1976 and 1976—1981. I think we must take note of the fact that service to the country is an honourable thing and having served with some distinction, I think Senators that we can rise for a minute's silence and express our prayers to him and his family.

The Senate stood.

OUTSTANDING ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, may I advise the Senate that questions Nos. 14, 20 and 27 have been approved for oral answer and questions Nos. 1, 38 and 39 have been approved for written answer.

With respect to the others, we have taken note of the fact that we require special arrangements and we have put special arrangements in place to speed up the answers to these particular questions.

However, those matters are still being worked out, but today we are able to answer questions Nos. 14, 20 and 27, and we are working assiduously to ensure that the other questions are, in fact, available on the next occasion that we meet. And for written replies, those that have been approved are Nos. 1, 38 and 39, which should be circulated, and the rest are in fact being worked on.

Mr. President: Very well.

WRITTEN ANSWER TO QUESTION**Special Offences****(Status of)**

1. Sen. Prof. Ramesh Deosaran asked the hon. Attorney General:

With respect to the specific offences of robbery, burglary, larceny, abduction, kidnapping, assault, house break-in, possession of drugs and drug trafficking, could the Minister inform the Senate for each of the last four years 2003, 2004, 2005 and 2006:

- a. How many times each offence was committed (reported) in each of these years?
- b. How many persons have been charged for each offence in each year?
- c. Of those charged, how many have been granted bail or refused bail in the Magistrates' Court?
- d. Of those refused bail in the Magistrates' Court, how many on appeal have had such bail subsequently granted in the High Court?
- e. Of those granted bail in the Magistrates' Court, how many have had this decision on appeal reversed in the High Court?
- f. Of those granted bail in the Magistrates' Court, or in the High Court, how many have subsequently been charged for one or more of these offences?

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- g. What type(s) of offence(s) have they been charged for while out on bail?
- h. Of those charged for each of such offences while out on bail, how many have been convicted?
- i. Of this convicted lot, what type of sentence did they receive?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

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

**Trinidad and Tobago Fire Service
(Details of)**

- 8. Would the hon. Minister of National Security inform this Senate:
 - i. whether the Fire Service of Trinidad and Tobago is sufficiently equipped to combat fires in high rise buildings now being constructed in Port of Spain and environs and San Fernando?
 - ii. if the answer to (i) is in the affirmative, would the hon. Minister inform this Senate of the type of equipment provided to the Fire Service?
 - iii. if the answer to (i) is in the negative, would the hon. Minister state what steps are intended to remedy the situation?

**Magistrates' Court
(Details of CAT Proceedings)**

- 10. Would the hon. Attorney General inform this Senate when she expects to have full computer aided transcription of court proceedings in the Magistrates' Court in Trinidad and Tobago?

**Tertiary Education
(Grant of Financial Assistance/Scholarship)**

- 11. A. Could the hon. Minister of Community Development, Culture and Gender Affairs inform the Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at universities in Trinidad and Tobago, the Caribbean region and/or internationally?

- B. If the answer is in the affirmative, will the Minister provide this Senate with the following information:
- i) a list of the names of persons who have benefited from such assistance for the period 2002 to December 2007;
 - ii) the amount of financial assistance provided to each person; and
 - iii) the names of the institutions involved?

**Mr. Douglas Mendes SC
(Details of Retention of Services)**

- 12.** Could the hon. Attorney General provide the Senate with:
- A. a detailed list of the matters in which Mr. Douglas Mendes SC has been retained by:
- i) the Government of Trinidad and Tobago;
 - ii) the Integrity Commission;
 - iii) the National Lotteries Control Board;
 - iv) the Telecommunications Authority of Trinidad and Tobago; and
 - v) any other state enterprise and/or statutory authority during the period January 01, 2002 and December 31, 2007?
- B. Could the Attorney General also provide a detailed breakdown of the fees paid to the said Senior Counsel during the same period?

**Ministry of Community Development, Culture and Gender Affairs
(Funding/Grants and/or Financial Support to Organizations)**

- 13.** Could the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with:
- A. A list of all organizations that have received funding/grants and/or financial support from the Ministry of Community Development, Culture and Gender Affairs during the period January 02, 2002 to December 31, 2007?
- B. Could the Minister also provide the details of the amount provided and for what purpose?

**Granting of Scholarships/Funding
(Committee Members)**

- 15.** A. Could the Minister of Community Development, Culture and Gender Affairs provide the Senate with a list of the Members who comprise the committee in the Ministry of Community Development, Culture and Gender Affairs charged with the responsibility for determining the grant of scholarships/funding to needy individuals?
- B. Could the Minister provide the Senate with copies of the brochures/pamphlets containing the procedure and criteria adopted by the committee for determining the eligibility for scholarships/funding?

**National Service Programme
(Structure of)**

- 16.** A. Could the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with the details of the structure of its National Service Programme?
- B. Could the Minister also inform the Senate of the amount of money allocated to this National Service Programme on a yearly basis for the years 2002, 2003, 2004, 2005, 2006 and 2007?
- C. Could the Minister indicate to the Senate the total number of citizens who have benefited from the National Service Programme and what type of programme was offered to these citizens during the period?

**Multimillion-Dollar International Waterfront Project
(Status of)**

- 25.** With respect to the multimillion-dollar International Waterfront Project, could the hon. Minister of Planning, Housing and the Environment inform the Senate:
- (i) how many contracts were signed between the State and UDeCott, for the management of the project;
- (ii) the names of any other company that signed contracts with UDeCott for project management and construction from the commencement of the project to December 31, 2007;
- (iii) the details of the amount of money paid to each of these contractors;

- (iv) whether these contracts were the subject of competitive tendering or a sole selective basis; and
- (v) if the contracts were on a sole selective basis, what were the rationale and reasons for same?

**Official Residences
(Details of Payments)**

- 26.** A. Could the hon. Minister of Finance provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value-added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

Questions, by leave, deferred.

The following questions stood on the Order Paper in the name of Sen. Basharat Ali:

**V.T. Shipbuilding International
Interim Facility Contract
(Details of)**

- 19.** A. Could the hon. Minister of National Security inform the Senate whether the two interim vessels procured under an interim facility contract with V.T. Shipbuilding International were delivered in October 2007 as promised by the hon. Prime Minister in his statement to the House of Representatives on April 20, 2007?
- B. If the answer to (A) is in the negative, could the Minister outline the reason or reasons for the delay?
- C. Could the Minister state what is the revised delivery date of these vessels?

**Contract to Austal Ships Pty.
(Details of)**

- 40.** With respect to the award of a \$390.6 million contract to Austal Ships Pty. for the construction of six (6) fast patrol vessels, could the hon. Minister of National Security inform the Senate of:

- (i) the details of the tendering process; and
- (ii) the arrangements that are in place for the financing of this contract?

Questions, by leave, deferred.

**Nationals of Trinidad and Tobago
(Granting of Scholarships)**

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

With respect to the grant of any scholarship, assistance or funding to nationals of Trinidad and Tobago by the Ministry of Community Development, Culture and Gender Affairs, would the Minister advise the Senate:

- i. the total amount of money allocated for each of the years 2002, 2003, 2004, 2005, 2006 and 2007;
- ii. the amount of money utilized from the overall allocation for each of the years 2002, 2003, 2004, 2005, 2006 and 2007;
- iii. the various purposes of training/areas of study; and
- iv. the criteria used by the Ministry in determining eligibility for accessing funding/assistance?

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. President, with respect to question no. 14 posed by Sen. Wade Mark, I now wish to advise as follows:

- i. the total sums allocated for the grant of assistance by the Ministry of Community Development, Culture and Gender Affairs to nationals of Trinidad and Tobago for the pursuit of studies at universities in Trinidad and Tobago, the Caribbean region and internationally were as follows:

| | | |
|------|---|--------------|
| 2002 | - | Nil |
| 2003 | - | \$ 1,500,000 |
| 2004 | - | \$ 5,000,000 |
| 2005 | - | \$ 5,518,000 |
| 2006 | - | \$18,364,000 |
| 2007 | - | \$15,715,000 |

- ii. the total sums utilized from the overall annual allocations were as follows:

| | | |
|------|---|-----------------|
| 2002 | - | Nil |
| 2003 | - | \$ 1,190,805.11 |
| 2004 | - | \$ 4,932,322.48 |
| 2005 | - | \$ 5,516,512.10 |
| 2006 | - | \$18,363,806.13 |
| 2007 | - | \$15,261,182.00 |

- iii. the various purposes of training/areas of study were as follows:

A+ Service Technician Certificate (Building, Maintaining & Repair of Computers)

ABE Business Information Systems

Associate Degree in Computer Animation

Associate Degree in Culinary Management

Associate Degree in Diesel Technology

Associate Degree in Digital Production

Associate Degree in Hotel Operations

Associate Degree in Sports Tourism Management

Associate of Science Management

Associate of the Chartered Certified Accountants (ACCA)

B.A. (Hons) Human Resource Management

B.A. (Hons) Marketing Management

B.A. (Hons) Media Performance

B.A. Accounting and Finance

B.A. Applied Foreign Arts

B.A. Applied Psychology and Human Development

B.A. Broadcast Journalism

B.A. Business Information Systems

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B.A. Business Management
B.A. Clinical/Child Psychology
B.A. Communications and Journalism
B.A. Criminology & Sociology
B.A. Education/Early Childhood Care
B.A. English Language and Literature
B.A. Fashion Design & Technology Women's Wear
B.A. Fashion Merchandising
B.A. Fine Arts
B.A. French
B.A. Global Business
B.A. Graphic Designs
B.A. History
B.A. Humanities
B.A. International Criminal Justice
B.A. International Relations & Psychology
B.A. Liberal Arts
B.A. Linguistics
B.A. Marketing
B.A. Media and Communications
B.A. Music Education
B.A. Music Educator and Flute Performance
B.A. Musical Arts
B.A. Performance—Voice
B.A. Religion
B.A. Spanish
B.A. Theatre Arts

B.A. Theology
B.A. Visual Arts
B.B.A. Criminal Justice
B.F.A. Computer Animation
B.F.A. Dance
B.Sc. Biology/Chemistry
B.Sc. Accounting
B.Sc. Actuarial Science
B.Sc. Advertising
B.Sc. Aeronautical Engineering
B.Sc. Agribusiness Management
B.Sc. Agriculture
B.Sc. Anthropology
B.Sc. Applied and Environmental Geology
B.Sc. Architecture
B.Sc. Arts & Sciences
B.Sc. Aviation Management
B.Sc. Banking & Finance
B.Sc. Behavioural Science
B.Sc. Biochemistry and Molecular Biology
B.Sc. Biomedical Engineering
B.Sc. Caribbean Studies
B.Sc. Chemical & Process Engineering
B.Sc. Civil Engineering
B.Sc. Clinical Laboratory Science
B.Sc. Communications
B.Sc. Communications Design

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B.Sc. Computer Science & Management
B.Sc. Computing & Information System
B.Sc. Criminal Justice
B.Sc. Culinary Arts
B.Sc. Economics
B.Sc. Economics and Mathematics
B.Sc. Electrical & Computer Engineering
B.Sc. Engineering
B.Sc. Environmental Science
B.Sc. Environmental Toxicology
B.Sc. Forensic Science
B.Sc. Geology
B.Sc. Geomatics Engineering
B.Sc. Government
B.Sc. Hospitality Management
B.Sc. Hotel Management
B.Sc. Human Ecology
B.Sc. Industrial Engineering
B.Sc. Industrial Psychology
B.Sc. International Relations
B.Sc. Life Sciences
B.Sc. Management
B.Sc. Management & Economics
B.Sc. Management Information Systems
B.Sc. Marine Biology
B.Sc. Mass Communications
B.Sc. Mechanical Engineering

B.Sc. Medical Technology
B.Sc. Music
B.Sc. Natural Health Studies
B.Sc. Neuro Sciences
B.Sc. Nursing
B.Sc. Oceanography
B.Sc. Osteopathic Medicine
B.Sc. Petroleum Engineering
B.Sc. Pharmacology Science
B.Sc. Physical Education/Therapy
B.Sc. Physician Assistant
B.Sc. Political Science
B.Sc. Psychology
B.Sc. Public Health & Epidemiology
B.Sc. Public Relations
B.Sc. Public Sector Management
B.Sc. Quantity Surveying
B.Sc. Social Work
B.Sc. Sociology
B.Sc. Software Engineering
B.Sc. Sports Management
B.Sc. Sports Science & Physiology
B.Sc. Telecommunications Engineering
B.Sc. Travel/Tourism Management
B.Sc. Zoology
Bachelor of Medicine and Bachelor of Surgery (M.B.B.S)
Basic Nursing Education Programme

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Basic Offshore Survival Course
Certificate Course in Project Management
Certificate in Caribbean Culture and Society
Certificate in Communications Arts
Certificate in Dance and Dance Education
Certificate in Deaf Studies
Certificate in Microsoft Office (Levels 1 & 2)
Certificate in Music
Certificate in Occupational Health & Safety Specialists
Certificate in Public Administration
Certified Accounting Technician
Certified Private Helicopter Pilot
Certified Welding Inspector Programme
Commercial Multi Engine Pilot Course
Certificate Course in Air Traffic Control
Diploma in Esthetics
Diploma in Food & Beverage Supervision
Diploma in Front Office and Travel Agency Management
Diploma in Graphic Design
Diploma in Home Repair & Remodelling
Diploma in Hospitality Tourism
Diploma in Nursing
Diploma in Public Sector Management
Diploma in Technology
Doctor of Dental Surgery (DDS)
Doctor of Jurisprudence
Doctor of Veterinary Medicine (D.V.M.)

Global Young Leaders Conference Instrument and Commercial Rated
Helicopter Licence

Legal Education Certificate

LLB

M.A. Architecture

M.A. Business Administration

M.A. City and Regional Planning

2.00 p.m.

M.A. Engineering

M.A. Fine Arts

M.A. Human Resource Management

M.A. Industrial Management/Psychology

M.A. International Business Administration

M.A. International Diplomacy

M.A. International Law and Business

M.A. Languages and International Business

M.A. Mass Communications

M.A. Strategic Business IT

M.Sc. Corporate Communications

M.Sc. Engineering, Planning and Development

M.Sc. Environmental Engineering

M.Sc. Forensic Sciences

M.Sc. Journalism

M.Sc. Leadership and Project Management

M.Sc. Marketing

M.Sc. Petroleum Geochemistry

M.Sc. Physiotherapy

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M.Sc. Counselling
 M.Sc. Strategic Business and Information Technology
 Masters in Education
 M.Sc. in Management
 Masters in Marriage and Family Counselling
 Masters in Public Health Administration
 Masters in Public Service Management
 MBA Business Administration
 MBA Executive Management
 Microsoft Certified Systems Engineer
 Microsoft Office Specialist (MOS)
 Mphil Gender and Development Studies
 M.Sc. Dental Orthodontics
 Post Graduate Diploma in Arts and Cultural Enterprise
 Post-graduate Diploma in—

Mr. President: Minister, excuse me. Do you have many more to go on that list? Because if you do, I will suggest that you take your seat and simply circulate the answer. If you have just a few left, then I will allow you to complete.

Hon. M. Mc Donald: Mr. President, I have just two left which are:

Private Pilots Licence; and
 Professional Pilot Programme.

In concluding, the following criteria were used by the Ministry in determining the criteria for accessing the funding or assistance:

1. Applicants must be Trinidad and Tobago citizens;
2. the programme of training must be of relevance to the country;
3. applicants and/or their households must provide evidence of financial need in respect of the proposed programme of training;

4. new students were required to seek acceptance at approved institutions in Trinidad and Tobago which offer the proposed programme of training;
5. preference was given to programmes of training being offered by local and regional training institutions;
6. preference was given to undergraduate as opposed to post-graduate programmes of training;
7. applications for non-traditional areas of training were also considered;
8. applicants had to provide evidence of ability to cover costs in excess of the level of assistance recommended by the Selection Committee;
9. programmes of training must be at approved institutions;
10. applicants were not to be in receipt of awards/financial assistance which covered the assistance being sought;
11. applicants had to demonstrate the ability and the required level of commitment to successfully pursue the chosen programme of training; and
12. applicants had to submit a written application for financial assistance and a completed Financial Means Assessment Form, along with relevant supporting documents.

Thank you, Mr. President.

Sen. Mark: May I ask the hon. Minister, through you, Mr. President, whether there is a programme of contract involving these various persons who have enjoyed these scholarship assistance programmes to be contracted to the State upon the completion of their programmes and studies?

Hon. M. Mc Donald: Mr. President, I probably need to clarify that it is not a scholarship that the Ministry awards. It is really financial assistance and I have been informed that there is no binding contract between the student and the Ministry. It is just a financial assistance that we give to needy students.

Sen. Mark: May I also ask the hon. Minister, whether these programmes of assistance are advertised, and as such, open to the general public? Could you indicate to us if it is an open programme?

Hon. M. Mc Donald: Mr. President, I want to state that when the other question comes up next week you will recognize that we now have brochures and pamphlets on the financial assistance we offer at the Ministry, so for all intents and purposes I will say, yes, from now we are advertising.

Sen. Mark: So, Mr. President, if I may, through you: Is the hon. Minister saying, Sir, that between the period 2003—2007 these programmes of assistance by the Government were not advertised and were offered on a selective basis?

Hon. M. Mc Donald: Mr. President, I could not answer that question.

Sen. Mark: Mr. President, through you, could I ask the hon. Minister, whether the programmes offered, could you indicate to us whether the bulk were within the local jurisdiction or outside of the local jurisdiction of Trinidad and Tobago?

Hon. M. Mc Donald: Mr. President, if we are talking between 2002 and 2007, that is a new question. I do not have the information and will not be able to answer this afternoon.

**La Brea Industrial Development Company
(Status of)**

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

- A. Could the Minister inform the Senate as to the status of the ongoing investigations into the La Brea Industrial Development Company (LABIDCO) project?
- B. Could the Minister also inform the Senate what steps are being taken to have this outstanding matter concluded?

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. In response to question No. 20: Police investigations into the LABIDCO Project, which commenced in May 2002 on a directive from the Director of Public Prosecutions, are currently ongoing and are at an advanced stage. Given the nature of the investigations, the Ministry is receiving the assistance of the Central Authority in the Ministry of the Attorney General. However, in light of the fact that investigations have not yet been concluded, the Minister does not consider it prudent, at this point in time, to disclose any further details on the case.

Sen. Mark: Mr. President, I would like to ask the hon. Minister, whether, after seven years of investigations, if he is in a position to advise us in this Senate, as the Minister of National Security, how many more years it will take for this particular investigation to be completed?

Mr. President: Senator, that calls for an opinion and some conjecture on the part of the Minister and I do not think it is a proper supplemental. Can we move on to question No. 27, please.

**The Mustill Tribunal
(Conduct of the Chief Justice)**

27. Sen. Wade Mark asked the hon. Prime Minister:

With respect to the Mustill Tribunal that enquired into the conduct of the Chief Justice, could the Prime Minister inform the Senate:

- iv. whether official copies of the report would be made available to Members of Parliament;
- v. if the answer is in the affirmative, could he state exactly when;
- vi. whether he intends to table the report in Parliament; and
- vii. if the answer is in the negative, could he provide the rationale and reasons for not doing so?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, as the hon. Members of this Senate would be aware, copies of the report of the Mustill Tribunal were Tabled at the Fourth Sitting of the Senate, First Session 2007 - 2008, the Ninth Parliament on Tuesday, January 29, 2008. In the circumstances a response to each part of the question posed is no longer necessary.

Sen. Mark: Mr. President, may I, before we proceed. There are several questions that have not been answered and I was hoping that my hon. colleague, the Leader of Government Business would have been in a position to tell us what time frame he would require of the Senate to have these questions properly answered. Apart from telling us that a new mechanism is being introduced, we did not get from you what is the time frame, given the fact that they are outstanding for some time now.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. Every single question except one, I believe, has in fact been answered and has in fact gone to the Parliamentary Questions Committee. In many instances though, the Parliamentary Questions Committee has referred them for additional information. That is what the issue is now. Once that information is submitted—at caucus yesterday we were advised that this is being submitted—they will be available the next time we meet. That is the plan.

**BASEL CONVENTION (REGIONAL CENTRE FOR TRAINING
AND TECHNOLOGY TRANSFER) BILL**

[Second Day]

Order read for resuming adjourned debate on question [March 04, 2008]:

That the Bill be now read a second time.

Question again proposed

Mr. President: The following are the persons who spoke: Sen. The Hon. Dr. Emily Gaynor Dick-Forde, the mover of the Motion and Sen. Dr. Adesh Nanan who spoke for 45 minutes and has 15 minutes left. Sen. Dr. Nanan.

Sen. Dr. A. Nanan: Thank you, Mr. President. As I rise to continue my contribution on this Bill before the Senate, once again I do so in an atmosphere of uncertainty. We see again murders that are at an all time high and we even see an oil spill in Cedros. Mr. President, I have to ask the question here, we are dealing with a Bill with a framework agreement attached to it and we call upon the Minister of National Security to do the honourable thing and lay the framework agreement for the agreement with respect to the criminal gangs for parliamentary scrutiny. It has been reported that the Minister of National Security is renegotiating the treaties with criminal gangs. And I will give way for the Minister of National Security to clear the air with respect to these treaties with the criminal gangs that he has entered into.

[Sen. The Hon. M. Joseph shakes head]

I would like to continue with respect to the toxic substances. *[Laughter]*

Sen. Mark: You think you get away. You "ain't" get away, you know. "I coming for you, you know". *[Laughter]* I am coming with those framework agreements. *[Laughter]* All right, I am moving a Private Members' Motion.

Sen. Dr. A. Nanan: Mr. President, as we go into the toxic substance and the definition of the toxic substance, the Environmental Management Act of 2000 when the hon. Basdeo Panday was Prime Minister at the time, the passage of this Act defines what is a toxic substance or what is a hazardous substance. It defines a hazardous substance in the Environmental Management Act of 2000, as a substance that can cause harm to a human or damage to the environment. It is the physical or chemical property of the substance and the evidence based on technical, scientific and medical trials that will determine the harmful effect of the

substance, whether to humans or the environment. The environment definition in the Environmental Management Act of 2000 points to land, areas under land, the atmosphere, climate, sea, the seabed, rivers, coastal areas and the entire range, natural resources under the jurisdiction of Trinidad and Tobago.

2.15 p.m.

This particular Basel Convention deals with the management of the hazardous waste. I want to give an example to the Senate because it is important that we understand the hazardous waste—and I want to give an example of a common day practice, the waste of the use of mercury.

In many dental practices today, Mr. President, there is the use of mercury and it comes in the form of a capsule. In the olden days, it came in the form of a powder as the alloy, and the mercury as a liquid and they would compress the two with a squeeze cloth and use that as a restoration in the mouth. But today, we have been far advanced in terms of a capsule that can be put into what we call an amalgamator and vibrated very quickly, so that you have the mixture taking place.

This Bill can also go towards the Occupational Safety and Health Act because the Government has been tardy in bringing the regulations for the Occupational Safety and Health Act. In the dental environmental, there is need with respect to the amalgam waste; there is need for these dental chairs to be equipped with what you call traps, to trap amalgam particles that are coming via the suction from the oral cavity. These traps have a certain filtering capability. So that is one way in terms of getting rid of excess amalgam, that is, after the mercury and the alloy have been situated, and the alloy is a combination of silver, tin and copper that reacts with the mercury. So you have a plastic form initially, and as time passes, it sets a harder form.

So in terms of the management of this amalgam waste, as we deal with that particular area and the lack of regulations in the dental environment, we are dealing with handling and disposal of this particular hazardous waste. The Environmental Management Act defines under sections 55 and 56 in terms of what the Environmental Management Authority should have in place with respect to acceptable standards for disposal of this particular waste. So in the dental office, there is supposed to be amalgamators and the reason you are going to have those amalgamators is because you want to minimize amalgam vapour entering into the operatory, because the mercury vapours can be detrimental.

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It goes even further with respect to mercury going into the waste water system and leaching into the rivers and streams. You would recall that mercury has a cumulative effect on the food chain and that is why in the Gulf of Paria it is possible that there are large sources of mercury, or the fish stock in the Gulf of Paria can have large accumulations of mercury.

We have to be careful and that is why the Basel Convention gives the opportunity for the parties to be able to transfer technology—Canada is a party to the Basel Convention. In fact, in Toronto, you have what they are using now called amalgam separators. This technology can be transferred into our environment where you have amalgam separators, so you are actually capturing 80 or 95 per cent of the amalgam waste that will be coming out from the suction unit of our dental operatory. So that is the kind of technological transfer that can take place.

Amalgam separators I think are running at US \$300 minimum to \$3,000 as the case may be, but it is that transfer of technology that parties to the Basel Convention allows, and it points to the minimization of the waste which is the hazardous waste and mercury is a toxic substance.

I want to go a little further with respect to mercury as it is important in another scenario, because we are dealing with mercury as a hazardous waste and a toxic substance. I do not know how many of us are aware in terms of the use of mercury in fluorescent tubes because mercury has a unique characteristic. If you trapped mercury vapour in a tube and you applied a voltage, because of the voltage, the mercury vapour would become energized and give out ultraviolet light because these fluorescent tubes are glass coated with phosphor. Phosphor is the chemical that fluoresces when the UV light passes through it.

You have a situation where the mercury vapour within these fluorescent tubes emits UV light and the phosphor fluoresces and gives off a white light. We have so much fluorescent tubes in this country that have been abandoned in various areas and in various parts of the country and that is a source of mercury because there is mercury in those fluorescent tubes. So we have to be very careful in terms of management of this particular waste. This is only one example. There are many other examples that I can point to, but I wanted to point to those two areas in terms of the transfer of technology because many fluorescent tubes are on the market and there are also more expensive fluorescent tubes. The reason for that is because the concentration is very minimal or the mercury level in these tubes is lower and that is why you have that situation where these tubes are more expensive.

Mr. President, what they have done, those tubes are 20,000 hours in terms of their shelf life. They have given it a longer period in terms of its usage, but from time to time, you have a situation where you might have a blowout of a tube and you have to discard it. If you take a survey through this country in terms of the disposal of these fluorescent tubes, there is no place really, and if you discard these fluorescent tubes and they end up for some reason in a landfill site and you have uncontrolled fires, as we have seen by this Government, in terms of their negligence of managing the landfills in our country, you will have mercury vapour emanating from these landfills because of the uncontrollable fires. Once you have mercury vapour entering the atmosphere, at one point it is going to end up in our rivers and streams.

Mr. President, mercury itself is not toxic. Mercury vapour can be harmful, but it is the combination when mercury enters the rivers and streams, the bacteria that acts on the mercury converts into an organic compound, metal mercury, and that is the compound that affects the nervous system. I just want to draw a reference for the Senate in terms of history—

Mr. President: Senator, excuse me. I have given you a fair amount of latitude here and you have made the point that the centre is relevant to train locals in terms of how to handle mercury. I think you have made that point and at this point, I do not think that you are making any reference whatever to the Bill in front of us and we really need to do that. I am going to caution you and other speakers to confine your remarks to the legislation in front of us. This is not a debate on the environment or the management of the environment, it really is a debate on the establishment of a regional training and transfer of technology centre. Now, unless you can draw your remarks directly, one point and make it once, not keep repeating it over and over again, I will have to confine you to strict—

Sen. Dr. A. Nanan: Mr. President, I have no problem with your ruling, but it has to be seen in the context of what we are dealing with. We are dealing with a Basel Convention, this framework agreement that is before the Senate today, and in this agreement you will see the relationship between parties and the ability, as you said in terms of technology transfer. When we look at the Basel Convention and management of the waste system, it has to be linked—I know you do not want to go into a debate on the environment—because we are dealing with the jurisdiction of Trinidad and Tobago. If we are dealing with our country, what is governing our environmental controls? The regulations for the Environmental Management Act must be in place. So I just wanted to go to that little historic part to give the Senate some idea of how dangerous mercury could be, just a small part.

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In the 19th Century, people who used to make felt hats used mercury to give the metallic sheen on these felt hats and what you had, was the phrase “mad as a hatter” because the people who worked on these hats, the mercury affected their nervous system and they became very shaky and had slurred speech; that was a characteristic. So we have to be very careful in terms of our management of the waste.

The Environmental Management Act states clearly what should have happened, so that is why I brought it into the debate because sections 55 and 56, if you go back to the Environmental Management Act as I said before, makes allowances. The Minister has that allowance under that particular Act when you are dealing with the Basel Convention because you have to accede to the Basel Convention within the confines of the management of your own hazardous waste.

If you minimize your hazardous waste, then in terms of transboundary movement—because we are dealing not only with health, we are dealing with the Caribbean and the environment—many of the islands that are part of this treaty or this particular agreement will be agreeing for this particular reason in terms of preserving their tourism infrastructure or their coral reefs around the island. They would not want to have anything passing through to damage their particular industry and that is why these particular parties have acceded to this Convention.

Mr. President: Are you finished?

Sen. Dr. A. Nanan: No. [*Laughter*] So, Mr. President, we are very happy with the agreement. As I said before, if it is used as it is designed to help, it will be the impetus for sound environmental management in Trinidad and Tobago.

Thank you, Mr. President. [*Desk thumping*]

Sen. Basharat Ali: Thank you, Mr. President. I am very pleased to make a contribution on the Basel Convention (Regional Centre for Training and Technology Transfer) Bill, 2008. The long title of this Bill is an Act to establish the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region in Trinidad and Tobago and for related matters.

Mr. President, I felt that in order to make a meaningful contribution to this debate today, I would have to get myself genned-up on the Basel Convention in the first instance. And that I proceeded to do—and I would like to acknowledge the Basel Convention website which is a well-designed website, with a vast

amount of knowledge and I say in advance that I am acknowledging that website from which a lot of my data came. Just in case. I do not want to breach any Copyright Act, so that is my acknowledgement.

The Basel Convention's long title is also the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal. That convention has at this moment, at this time, 170 contracting parties and it went into force on May 05, 1992. We acceded to the Basel Convention on February 18, 1994.

If I were to ask this Senate today, what do Haiti, Afghanistan and the United States of America have in common, I wonder how many people would be able to answer that question. I open the Senate to it. No answer? Well they have one thing in common. Those are the three States which were signatories to the convention and which have not deposited instruments of ratification of the convention. I can understand Haiti, I can understand Afghanistan, they have many more serious problems than anybody else, than us for example, but the position taken by the United States, as with some of the other conventions, is an unusual one.

2.30 p.m.

The US did file on the Convention a number of declarations as far back as March 1996. Mr. President, I would like to read one of the items which has been included in their declaration. It says:

"At the time that the United States of America deposits its instrument of ratification of the Basel Convention, the United States will formally object to the declaration of any State which asserts the right to require its prior permission or authorization for the passage of vessels transporting hazardous wastes while exercising, under international law, its right of innocent passage through the territorial sea or freedom of navigation in an exclusive economic zone."

This is a common declaration by many States as to their position with respect to the transport of hazardous waste across territorial waters. There are other conventions which address that subject. I think the Rotterdam Convention is one, and I will mention it en passant.

I would like to go to the Preamble of the Basel Convention itself. I found it a very worthwhile document to read and digest, because it really gives the reasons so many parties have entered into the Basel Convention. I looked at the Preamble virtually as a position statement by the parties to the Convention. Allow me to read just a few of these sentences out of the Preamble:

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"The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has a sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also that the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and other conditions in conformity with the provisions of this Convention,...

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,...

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the

Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology..."

This is really the background under which the terms and conditions of the Basel Convention have been put forward and accepted by the 170 parties to the Convention.

Mr. President, the Basel Convention does not have an all-inclusive scope. First of all, let me treat with the exclusions. Some exclusions are given in Annex II of the Convention. The items under Annex II are very simple: Categories of Wastes Requiring Special Consideration. They are:

"Wastes collected from households

Residues arising from the incineration of household wastes"

I noted last Friday that the hon. Minister of Local Government gave in the post-Cabinet press forum; I was going to say show, but that is not the right word. [*Crosstalk*]

Sen. Mark: "Pappy show".

Sen. B. Ali: It was not a show. The hon. Minister gave a brief account as to what that was. It seemed to cover this Annex II, Categories of Wastes Requiring Special Consideration, because among the things said by the Minister at the Cabinet Press Conference was:

"Cabinet yesterday approved a municipal solid waste management policy, plan of action, and contractual extensions for existing garbage collectors from March 1, 2008, to February 28, 2009."

I am sure we will hear more from the hon. Minister on this subject today or some other time. It is excluded under the scope of the Basel Convention. Radioactive wastes are also excluded, because they are:

"subject to other international control systems...applying specifically to radioactive materials..."

I think the United Nations (UN) Division for Sustainable Development addresses programmes towards the handling of hazardous radioactive waste.

The other category not coming under the Basel Convention is:

"Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument..."

In this case we have Marpol, which is the International Convention for Prevention of Marine Pollution, and the UN Convention of the Law of the Sea, which is all inclusive on the question of pollution in marine waters and in the sea generally.

One may ask the question, "What is, indeed, the scope to be addressed by the Basel Convention?" That is covered by reference to two annexes to the Basel Convention; firstly, Annex I, which is a long list of categories of wastes to be controlled, and Annex III, which is a list of hazardous characteristics. Annex I covers some 45 categories of wastes. If I may just point out one or two, among them:

"Y1 Clinical wastes from medical care in hospitals, medical centers and clinics..."

That is probably an item which would have been covered by Dr. Nanan's remarks about mercury. He spoke to me briefly outside, and I thought that I should support him in saying if that is poisonous then it is covered; waste products from that mercury are covered by the Basel Convention.

You have Y4:

"Wastes from the production, formulation and use of biocides and phytopharmaceuticals..."

That is for the Minister of Agriculture, Land and Marine Resources.

"Wastes from manufacture, formulation and use of wood preserving chemicals..."

We do some of that here locally.

"Waste mineral oils unfit for their originally intended use..."

This would be used lubricating oils. I know that we have had projects associated with that.

"Waste oils/water, hydrocarbons/water mixtures, emulsions..."

Typical material coming from a refinery.

"Waste substances and articles containing or contaminated with...(PCBs) and/or other polychlorinated terphenyls..."

Those are dangerous chemicals, in fact, in a sense.

"Waste tarry residues arising from refining, distillation and any pyrolytic treatment..."

We are talking about waste that emanates either from Lake Asphalt, the refinery, or other places where they use heat to treat oils and tars.

"Waste from production, formulation and use of resins, latex, plasticizers, glues/adhesives.

Waste of an explosive nature not subject to other legislation..."

Mr. President, I thought that an easy way to bring this to the attention of our Members was really to give some examples. I have chosen about three or four examples. The first one refers to an item which is listed in Annex I, Y36, asbestos. Before I talk about that I should list some of the hazardous characteristics from Annex III. I have just picked out explosivity, flammability, spontaneously combustible, acutely poisonous, toxic, either delayed or chronic. Those are hazardous characteristics. If one of those chemicals that appear in the first Annex come under any of these categories of hazards then they are deemed to be hazardous substances.

This is why I chose to give a few examples. The first one I have here is Y36, asbestos. If we combine that with toxic, delayed or chronic, then we get to the stage where this is a substance which when inhaled or ingested may involve delayed or chronic effects, including carcinogenicity. That is a typical waste from a hazardous waste. Last year or year before, 2006, we were demolishing the Grand Stand and the question of asbestos came up. That was the reason the whole project was stopped. I ask today, and I hope I will get some answers from the powers that be, UDeCott or whoever, "How did we handle the disposal of those asbestos wastes, because we are a party to the Basel Convention?" It is a question I pose. I ask the hon. Minister; she may want to answer at the end of the debate in her winding up.

Another example is lead compounds. We all know about the hazards of lead. I recall one incident which occurred quite a few years ago, and the sad aftermath of the dumping of lead acid batteries. That happened at Wallerfield. At that time the contamination of the soil was of such that it led to serious health problems and even fatalities, particularly among children who lived on lands that were contaminated with lead from dumped used acid batteries. That was a sad case.

2.45 p.m.

There is a good news case also with respect to lead and it comes from the handling of wastes from Petrotrin refineries. It is a matter I have looked at because we are all familiar with lead as the octane for automotive gasoline and aviation gasoline now phased out, so I will reduce my comments and not give a lecture on what prompted all this lead addition to gasoline; it was really the race for power. Power in the engine meant more octane to prevent knocking of engines whether they are motor car engines or aviation engines, but that has disappeared now with the turnover or the widespread use of the jet engine but we still have the end results or the after effects of that.

Firstly, let me look at a case which is completed which was with respect to the Point Fortin refinery where the Shell Refinery was and it was shut down—

Mr. President: I need to stop you. Clearly, you know a great deal about the subject, but you need to make some nexus between what you are saying and the establishment of the technology and transfer centre. At this point, I am struggling to find what the nexus is, and I would ask you to bring it back to what we are talking about.

Sen. B. Ali: Thank you, Mr. President, but this particular case is very relevant because I was going to say in the case of the material at Point Fortin where they shut down the refinery, one of the things they had to do was decommission the tanks which used to contain lead and in doing so they had to collect all the materials and the sludge, the scale, et cetera, and the procedure which was used was critical because they went back to OCTEL, the people who were the advisors and this is the first case that I know of where the Basel Convention has been fully complied with, and this is why I bring it here today.

It is good news for us that since we signed this convention in 1994, this, I think is the first case where the material was shipped to Ellesmere Port, through the Netherlands via Rotterdam. My information is that the Basel Convention was fully complied with by the people at Petrotrin and more than the Basel Convention because in order to get through Rotterdam or Holland, they had to satisfy the Rotterdam Convention, so it took all that time.

Today, I would want to acknowledge the people who spoke to me on this matter. The person is Miss Valerie Quanvie of the HSE Department of Petrotrin who had given me all this information with full adherence to convention, et cetera, and it was a pleasure speaking to a well-informed, knowledgeable, technical person in this field. I would say today, well done Petrotrin, well done HSE Petrotrin. I thought I would have had some desk thumping from the persons in front of me because the Manager of HSE Petrotrin is none other than the Member for Couva South, who is just about retiring from his job. So I am really disappointed that there was no desk thumping. [*Desk thumping*]

One final item I would like to speak to and it is a hot item at the moment in terms of the Basel Convention and that is spent pot lining from aluminium smelters. Mr. President, I say this now that spent lining from smelters are in fact seriously recognized hazards because of the amount of fluoride they contain and traces of cyanide, therefore, it is recognized that it is subject to the Basel Convention.

I know there has been a long argument of whether we can get it out of Trinidad and there are many experts now on the Basel Convention, I am not one, but I know that one way of handling it is to ship it to another country like the United States of America

where they treat and recycle it to recover and destroy the fluorine and to recover the rest of it. But I am not going to get into that because there are too many experts now on that item within our country.

I will not refer to the final item in any length, because that was related to an item with which you, Mr. President, and I are very familiar—direct iron waste from plants—but I will not go into that one. I was going to go into it because it resulted in a death and that is always something critical to me. I come from that side of hazardous processing industry where death on the job is always something that hits me very hard, but when that matter came to this Senate, it was said they did not know the exact cause of the incident. I asked if we could not have a coroner's inquest and the reply of the hon. Attorney General at that time was critical and he said—and this is a quote from the *Hansard* of November 08, 2005:

“It is an unnatural death and under the Coroner's Act, I believe that the Director of Public Prosecutions (DPP) has the power to order an inquest. What I am going to undertake to do is to follow up the matter to see whether that could be done in this case.”

That was November 2005 and he was going to approach the DPP on this matter. I checked the DPP in December and nothing had been done.

I know the pain this causes to families. I myself coming from that industry feel the pain for these people and I would like, through you, Mr. President, the Attorney General to see whether anything has been done for this person whose name was Dale Paul and it was an accident that happened at the International Steel Group Plant at Point Lisas.

Mr. President, I have brought these examples to this Senate purposely to impress on all of us the importance of this Convention. Our active participation by taking a lead role in the operation of a regional centre for training and technology transfer is an indication of our commitment to the protection of the environment and to the health of all our people, not only those within our own corporation.

Mr. President, I come now to an issue which is part of the Bill before us which is the institutional arrangement for the regional centres. I believe the hon. Minister in piloting the Bill did say in this region there are three regional centres in Latin America and the Caribbean; they are based in Argentina, El Salvador and Trinidad and Tobago.

The reason for having these centres in countries like ours is a feature which is put into the developing countries and the principal objective is to provide a base for development for capacity build-up for the systemic handling of hazardous

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wastes. So this is why we have become a regional centre for the Caribbean within the context of this, but we are not completely isolated because in the region, there is also a Coordinating Centre in Uruguay which was set up in January 2004. The core functions of that centre I would like to read from a press release from the convention centre from Uruguay dated January 30, 2004 because it is connected to the regional centre.

“The core functions of the Coordinating Centre are to develop training programmes in the field of the environmentally sound management of hazardous and other wastes and to work on the transfer of environmentally sound technology and the minimization of the generation of hazardous waste. Special emphasis is also placed on executing programmes of regional scope in coordination with the sub-regional centres and on information exchange in the field of hazardous wastes and other wastes with Parties to the Basel Convention of the region and the Secretariat of the Basel Convention.

Further, The Basel Convention Coordinating Centre will contribute to the promotion of a lifecycle approach to the management of hazardous materials through the coordinated implementation of the Basel Convention, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.”

This is tying up our proposed regional centre here in the context of the coordinating centre and other than the Basel Convention namely the Rotterdam Convention and the Stockholm Convention on Persistent Organic Pollutants. So that is where we find ourselves and I would like to go now to the framework agreement which is Schedule I of the Agreement before us and tie that with the proposed Bill which is before us.

Mr. President, the purpose of the framework agreement to provide for the establishment of the Basel Convention and Regional Centre for the Caribbean is related in Article II of the Framework Agreement which is Schedule II of the Bill before us and it states:

“(2) The Centre referred to in paragraph 1 above shall be an autonomous institution with its own legal personality and shall be established by the Government upon the recommendation of the line Ministry and in consultation with the Secretariat...”

It was within various periods of time and the final date after four extensions was January 31, 2008.

Mr. President, the Leader of Government Business would recall that I spoke to him on this matter and he assured me that it was seen and the hon. Minister had taken steps to apply for the extension of the time beyond this date. This has really expired by now so I expect that the hon. Minister would tell us that she has received the confirmation that there is an extension beyond today's date or beyond the period it would take for this Bill to go through both Houses of Parliament. Perhaps she will address that at the end of the debate in winding up.

3.00 p.m.

So I am hopeful that that will be in place, otherwise this Framework Agreement is of no effect, in fact, and that is what we are all talking about here, the giving of a legal personality to the Caribbean Regional Centre, which is our business.

The ninth meeting of the Basel Convention is scheduled to be in Bali from June 23—27, 2008, so I presume we will get there because I think we generally here will support it. I see Members of the Opposition said yes, and I am pretty sure we will, on these Benches. So I am hoping that by the time we are ready to go in June to the Bali Convention we would be able to say, happily, that we have in place an Act to give effect to the legal status of the Trinidad and Tobago Regional Coordination Centre.

Article III of this schedule of the Framework Agreement, speaks to the siting of the centre. It provides that, and I quote:

“The Centre shall be established in the Republic of Trinidad and Tobago. It shall be located at the Caribbean Research Institute (“CARIRI”), situate at the Tunapuna Post Office...or at such other suitable location as the Government with the consent of the Secretariat and the Steering Committee...”

Which will be established by the Act when we have the Act:

“shall designate, such consent to not be unreasonably withheld.”

It is something that has been troubling me, because the regional centre seems to be standing on its own. So I ask this question: Is it the intention, then, to retain the centre at CARIRI? I think it is a fair question to ask because CARIRI has been at the centre of the negotiations and in developing the position, where Trinidad and Tobago was the choice for the Regional Centre. I am sure there were other parties who would have competed for that centre, Cuba for example, who is one of the parties; Jamaica is another party.

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We have had for all these years now a very strong technological infrastructure at CARIRI and it is sad to say today that the people at CARIRI do not seem to know what is going to happen to them, because CARIRI moved from trade to STTE and they were told nothing and now there is talk about them being part of UTT, but in what capacity. The same holds good for the IMA people. The intent may be good but I think the people who are there—and they are professional people that I speak to; I do not speak to the fellows on the floor; I speak to the professional people there—and they are very concerned. I think morale is at a low in that place, because I get very negative vibes talking to those people.

So I would like, through the Minister in the Office of the Prime Minister—to talk to the people and find out where we are going with respect to this Centre. This Centre cannot operate on its own. I am saying so categorically; it cannot operate on its own as a Centre servicing all these areas which are in the Schedule to the Agreement. It just cannot, because it has not got the infrastructures to do it. So there must be some way whereby they will join with—or when they have the money, to engage people, whatever position CARIRI, for example, will take. I do not know.

People say that it is going to be a commercial centre with UTT. I do not know that. More importantly, the people who work there do not know that. So I appeal to the powers that be on that side to do something about it, because that is the place where we have a lot of knowledge sitting down and I would hate to see that institution go to pot. I have a long connection with that institution.

As an anecdotal story, I remember when I first resigned from my job there was an advertisement there for the executive director of CARIRI. That was in 1973—a new centre. I saw the advertisement and I thought, well, I think I am fairly qualified for that in terms of administrative experience; technical background, but the one thing I did not have was the piece of paper that said I had done research. My research was applied research done in refineries and such-like things. So I have a brother who was a politician and he said, “Yes, you will qualify.” But I decided just before I was age 40, I had never applied for a job and I would hate to be turned down at that age for any job because I was not qualified enough. So I did not, but I have a very good relationship with the CARIRI people and I can vouch for many of the people who have passed through there and who had contributed, not only in pure technology but in technical information services, et cetera, which is key to what they will be doing in this regional centre.

So I appeal once again for that. I see the hon. Minister in the Office of the Prime Minister is saying we will do all of that and I look forward to that.

Sen. Dr. Saith: You might have been Chairman—

Sen. B. Ali: Well, I chose right at that time; I chose to go as a consultant in the Ministry of Petroleum and I think I have done well other than that, and I did not have to apply to anybody.

That addresses the question as to how we got to be the regional centre and how we are going to be handling it as we go along. Article XII of the Framework Agreement addresses the question of the director of the centre. The director of the centre is a Government appointee recommended by the Ministry in consultation with the Basel Convention Secretariat. That is what it says. It says in this document here, under Article XII:

“The Director shall be the chief administrative officer of the Centre and...shall have overall responsibility for the activities and administration of the Centre.”

I do not see anywhere a job specification for this position, but it strikes me that a lot of the functions of administration require a certain kind of skill and experience and I want to know that the incumbent to this position will be able to handle his or her function, which is primarily administration and coordination with all these 12 or 13 countries which are in Schedule II of our Bill; that they have the capability to do that. I note that in the proceedings of the Eighth Convention, which was in 2006, there was a minute 64 which says:

“In accordance with the terms of the agreement, a Director of the Centre was appointed in March, 2005.”

I understand this may be an interim Director. I have spoken to a certain person who says that he is basically the interim Director. But the Basel Regional Centre has been located in the Ministry of Public Utilities and the Environment, at that time, and there have been expenditures to this centre in estimates from 2004 onwards. I can give you the numbers: In 2004, \$289,000; 2005 actual, \$387,000; 2006 actual, \$447,500 and 2007/2008 estimates, \$450,000 for each year. Looking at that item in the absence of any subvention—and I believe there are no other subventions—this would seem to be just a recurrent expenditure for personnel and other like costs.

So all these business plans that have to be executed—and that is a primary task of the regional centre in conjunction with the Steering Committee, to prepare business plans for the region—I ask who are the people who are going to be doing that. I note also that in the document, both in the Framework Agreement and in the Bill itself, within the Steering Committee, there is a position for Trinidad and Tobago to have a representative; one of eight members of the Steering Committee. If

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my reading is correct, that is a position which is separate and apart from the Director of the Centre who is an ex officio participant with the Basel Convention Secretariat at the meetings of the Steering Committee.

So we, in fact, will have to make another appointment of a person who is required to be an expert, in fact. Clause 9(1) and (2) of the Bill require that members be experts of recognized standing and experience in the sound management of hazardous waste and other wastes. So we are talking about a member of the Steering Committee as distinct from the Director of the Centre. This position here, then, is one who has to have all the knowledge and experience associated with the management of hazardous waste. So I would like to know that we are putting ourselves in a position to appoint our member of the Steering Committee and to confirm or otherwise the position of Director of the Centre based on what is conceived as the requirement for that particular position.

Getting to the bill—and I would like to speak to clause 4 of the Bill, the role and function of the Centre. Clause 4(3) refers to the role of the centre—I will give you the core roles of the centre—and a long list of other functions, but I would like to point out that these are not the other functions of the centre. They are, in fact, an elaboration of the core functions, and you can check that out by going to the Framework Agreement where it is like an explanation of what these core functions are: (a), (b), (c), (d), (e), and I would like to see the correction made accordingly, because they are not—as this document says—other functions of the centre; they are an elaboration of what the functions of the centre should be. That is one item I would like to raise in committee and perhaps the hon. Minister would look at it in the meanwhile to see how he can frame it in, in conjunction with the Framework Agreement.

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Prof. R. Deosaran*]

Question put and agreed to.

Sen. B. Ali: Thank you, Mr. President; thanks to my colleagues for the extension of time and I will not be taking the full 15 minutes, I do not think. Clause 9(1) and (2) of the Bill, as I said, speaks to this position of the Director and the members of the steering committee.

Clause 14 is headed “Audit” and the auditor’s report is a biennial review and is submitted to our Minister. I would ask that that report be laid in Parliament within one month of receipt. I feel that should be included under clause 14 “Audit” because this is a question of expenditure of public funds.

Clause 15(2), similarly, under “Reporting”, an annual report of the business plan is submitted to the Minister. I am saying that also should be laid in Parliament within one month of receipt, because that is a document which will attest to the performance, or otherwise, of the centre. So those are the two things. I do not have any more comments on the document because a lot of what is in the Bill is really part and parcel of the Framework Agreement.

In concluding, I would like to acknowledge the assistance and cooperation which has been given to me in order for me to react to this and for my own critical understanding of what the Basel Convention and the Framework Agreements and Coordinating Council are all about. I would like to acknowledge Mrs. Sharon Laurent, who is a retired CARIRI scientist and who provided the institutional memory associated with our choice as the regional centre for the Caribbean. I would like to acknowledge Mr. Megnauth Gosine who is the corporate secretary of CARIRI who was pinch-hitting for the CEO, Mr. Liaquat Ali Shah, and I would like to acknowledge Dr. Ronnie Sookhoo of the environment unit of—it used to be the Ministry of Public Utilities; I presume it is the Ministry of Planning, Housing and the Environment—who, if my understanding is correct, is the interim Director of the Basel Regional Centre.

I wish to endorse the Bill, subject to the clarification of the role of the existing players and hope that we would be able to report positively at the upcoming Ninth Basel Convention in June 2008.

Thank you. [*Desk thumping*]

3.15 p.m.

Sen. Cindy Devika Sharma: Mr. President, I am glad to have this opportunity to contribute to the debate on the Basel Convention (Regional Centre for Training and Technology Transfer) Bill. I am pleased to do so especially since we are now living in a time when our environment is facing many problems and stresses from varying angles. These have potentially devastating outcomes for the population locally, regionally and internationally. Of course, we in Trinidad and Tobago should be even more concerned because of the fact of our small size and limited space for the disposal, management and treatment of hazardous waste or

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any other type of waste that is produced as a by-product. We should be more concerned because we are notorious for not implementing and enforcing simple rules and legislation that already exist.

This is a very grave concern of mine because a regional centre such as this will be functioning in ways that other agencies currently function. In the past, the experience has been that bodies such as the Environmental Management Authority (EMA) and perhaps, advice given by CARIRI have been disregarded almost completely by the government of the day in order to pursue further economic development and industrial development. While it is well and good for us to seek to utilize our natural resources, nothing is wrong with that, we must also do so within the framework of an environmentally friendly and sound management policy which I believe is lacking. Probably, one of the reasons that we have this problem is because of the widespread powers that exist among different bodies under different ministries and agencies. There does not seem to be a central authority that speaks to developing a very sound framework for dealing with the disposal and management of hazardous waste.

I endorse the comments of Sen. Basharat Ali who outlined earlier, one area in particular, the disposal of lead in batteries. I believe that a study was done in the past concerning that. I add to that concern with reference to the agricultural sector which we know has been in decline over the last few years because of this Government's lackadaisical attitude towards the agricultural sector. My concern lies with the treatment of the obsolete pesticides, weedicides and chemicals that exist in our country now.

I will make reference to a report done by Michelle Ann Williams entitled, *The Background on The Management of Obsolete Pesticides Stockpiles in the Caribbean, July 2007* under the purview of the Organization for American States. In this document Miss Williams underlines the poor record we have in the Caribbean, especially in Trinidad and Tobago in regulating and monitoring obsolete pesticides, stockpiles and toxic substances. According to this report, certain agrochemicals have not been used not only because of the slow-down in that sector but also as time has passed, certain chemicals have been prohibited by both domestic as well as international laws or rendered unwanted or obsolete by various stakeholders. She cited the unfortunate lack of a centralization of efforts in terms of not only a move towards controlling and regulating the stockpiles that exist currently, but also in terms of gathering and utilizing technical assistance that would aim to manage the stockpiles. Unfortunately, she did note that much of this has yet to be identified as well as the locations remain unknown to the Government.

This information is important since we are speaking about introducing legislation that will establish a regional centre for hazardous waste management and to give technical advice as well as to inform and raise public awareness on these issues. It seems to me that we already have a pesticides and chemicals control board—I am wondering how much teeth they have to control what exists currently. Do they have the means to give exact data on where the stockpiles are; how they are disposed of and where they are located? Location is extremely important because if we have pesticides and chemicals in unknown locations and there is some kind of leakage and it is not monitored, over time we could face potentially devastating outcome in terms of something as simple as our water supply. This could be contaminated very easily since we know that we have a very high water table. We have some serious problems to face with the possibility of these stockpiles being located near places where our main watersheds are.

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

I hope that with the establishment of this regional centre, whatever advice is given or policies developed and perhaps implemented at a later date, they would seek to move and work alongside bodies such as the Pesticides and Toxic Chemicals Control Board, to name one, to ensure that hazardous wastes that pose a severe threat not only to the environment, but also to human health via poisoning would be controlled.

It will be interesting if the Minister of Health could tell us where the current storage facilities for hazardous waste and chemical waste from the agricultural sector are located. How much involvement does the Government expect to give in terms of creating further storage facilities? Since we have a system where much of what is being done is by the private sector and economic interests, we need to know how much assistance these private entities will be gaining from the Government through advice given by the Basel Regional Centre when it is established and working in full force.

It is interesting to note in this report that during the National Hazardous Waste Inventory that was conducted in 2003 by the Caribbean Environmental Health Institute, it backed up what was found in Miss Williams' document that many of the storage containers that hold these chemicals are seriously damaged. Clearly, this raises the issue of contamination. What is even more frightening is that this is probably going on right now. What is being done to control it? While we want to establish a regional centre that will trade and give further information to parties that exist, we already have bodies such as the Environmental Management Authority, CARIRI, the Pesticides and Toxic Chemicals Control Board that have

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been giving advice concerning legislation such as this as well as policies and technical assistance to organizations that need it. How much has been implemented over time?

Bearing in mind the state of our environment today, it does not seem likely that much has been done, since they lack much knowledge about it. I did notice in the *National Hazardous Waste Inventory* that was conducted by the Caribbean Environmental Health Institute on behalf of the Ministry of Public Utilities and the Environment during the period August 2005 to March 2006, that initially, the aim was to inform on the amount and types of hazardous wastes that were generated annually as well as current disposal practices. The document states:

“Provision of information in order to inform the development of legal and institutional systems to ensure the environmentally sound management of the different categories of hazardous waste generated in Trinidad and Tobago and provision of information to allow for reporting to the Basel Convention, so that the finance and technical assistance can be rendered to Trinidad and Tobago on the management of hazardous waste.

It is interesting to note that initially, 2,500 organizations were targeted for the survey. However, after the initial screening it was reduced to 775, following which there were 675 companies targeted in Trinidad and 100 in Tobago. After the 675 companies and organizations were targeted to participate in the survey 360 declined the invitation to participate. Of the 415 companies that actually agreed to be involved, 32 subsequently declined saying that they did not generate any hazardous waste.”

The point I want to make is that we moved from a figure of 2,500 and it was whittled down over time. This survey seemed to be a voluntary action. Because of the crucial nature of this kind of information more should have been done to force these organizations to give information. I suspect that the problem is that they do not have information because they do not monitor properly what is taking place. This is a serious concern that I have and I am sure that it is echoed by anyone who is serious about environmental management and preservation of the environment. I know clearly, that the Minister of Planning, Housing and the Environment should be.

While we hope to have this regional centre for training and technology in Trinidad and Tobago, the Government should also seek to strengthen bodies that exist currently in terms of providing them with a stronger legislative framework within which they can

operate. They should be allowed to act independently and the Government should not seek in any way to undermine efforts of this body or other bodies by political interference or by not even consulting with them on important environmental issues.

I wish to refer to one to show that we might have a policy or environmental management authority in place, but yet we do not consult them when we need to when we are amending legislation or enacting new legislation. I refer to *Environmental Watch* by Anne Hilton in the *Newsday* dated Sunday, February 24, 2008. It refers to how we consider our environment. In this article she refers to an amendment to the Miscellaneous Taxes 2007 Certification of Environmental Clearance (Designated Activities) (Amdt.) Order, 2007.

3.30 p.m.

What this latest amendment to the CEC rules does is allow quarry operators, for example, who are up to 150 acres in size to begin quarrying without a Certificate of Environmental Clearance. It was noted that when she consulted Dr. John Agard, who, I believe, is the current chairperson of the EMA, she was told in no uncertain terms by him that the EMA was in no way consulted either before, during or after this amendment. He further went on to say, and I quote from the report:

“I was in a rage about this, feeling betrayed and so forth, she, (the Minister) didn't tell me anything. You could write that down. The EMA was not involved in any way in the Amendment, it was not advised, neither was it involved in any meetings or discussions of the Designated Activities. It was a surprise to the EMA...

...in the meanwhile, the EMA's position is that if you still want to clear land of more than two hectares, you need a CEC.”

While this is important, I want to refer to what took place with regard to how the Government operates with the construction of the Brian Lara Stadium. *[Interruption]* This is a point to show that while advice might be given, it is often disregarded by government bodies. I am just trying to make it very clear with regard to the regional centre, which will provide this kind of—

Mr. Vice-President: Hon. Senator, I think you have to get back to the Bill before us. You are straying.

Sen. C. Sharma. Let me refer to the core function of the Basel Convention Regional Centres. They include training, technology transfer, information, consulting and awareness raising. I raised the point on consulting because a body that currently exists, the EMA, already has that to do and it is expected that Government would seek to

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preserve and manage the environment in the best way possible. What Ms. Hilton is showing us is that the Government moves to do things on its own and often acts almost against the law that currently exists, which is unfortunate.

I do not have much to say again. While we are aware that we face severe repercussions from how we treat our environment, especially from the rampant dumping that currently exists with solid waste, garbage and untreated sewage, for example, toxic waste from both households and commercial establishments, which is all coming alongside increasing industrial activity; and while we welcome legislation such as this that would establish this centre, a body that is already operating, there does not seem to have been, despite the increase in funding towards these organizations, any sort of decrease or visible impact that these policy organizations might have had. Perhaps it is like the fate of crime in Trinidad and Tobago—more money is being spent there and nothing is happening.

I would like to appeal to the Minister of Planning, Housing and the Environment that she continue to work diligently to preserve the environment as well as to be strong in the light of pressures that could be put upon her to act in a way that is outside of her usual jurisdiction. She must do so in a way that is ethically sound and work alongside her principals and not be swayed by other parties seeking more economic benefits as opposed to preserving and sustaining the wonderful natural resources in Trinidad and Tobago.

I do hope that when we enact this legislation, which we support, that other bodies will be further empowered and act independently to work alongside such a regional training centre to ensure that what is being done works for all and that we preserve what we have.

I thank you.

The Minister of Local Government (Sen. The Hon. Hazel Manning):
Thank you very much, Mr. Vice-President. I rise to join the debate on the Basel Convention (Regional Centre for Training and Technology Transfer) Bill, 2008 and to deal with its positive impact on the management of waste in Trinidad and Tobago.

In the national and environmental policy of Trinidad and Tobago, the Government envisages a country in which all of us will treasure the environment and voluntarily use its resources to ensure that it is well protected and there is conservation and restoration to meet the needs of this present generation and the future generation—to ensure quality of life for all of us.

This policy was revised to take into consideration the development of the petroleum and the petrochemical sector of Trinidad and Tobago. We are very concerned with the expansion of industrialization in this country and the impact it is having in the world. We are now the number one exporter of ammonia in the world and the Government is duty-bound to ensure that Trinidad and Tobago finds the right balance between economic development and environmental protection and sustainability.

Mr. Vice-President, the policy recognizes the link between poverty reduction, hunger and environmental sustainability. [*Interruption*] Senator, you have spoken already. It therefore takes into account the relationship between environment sustainability and human health. Most importantly, the policy is aimed at providing a national, practical and comprehensive framework for environmental management in Trinidad and Tobago. Therefore, the laying of this Basel Convention (Regional Centre for Training and Technology Transfer) Bill, 2008 and its implementation—[*Interruption*]

Mr. Vice-President: Hon. Senator, I would like to hear the contribution of the hon. Minister. You are disturbing.

Sen. The Hon. H. Manning: Thank you very much for your protection, Mr. Vice-President. I am being disturbed. —will facilitate the development of the management of the environment in Trinidad and Tobago. When the Bill is approved, it will establish the Basel Convention Regional Centre for Training and Technology Transfer for Trinidad and Tobago and the Caribbean region as a body corporate.

Mr. Vice-President, the core functions of the centre as identified in clause 4 of the Bill is for training, technology transfer, information sharing, consultancies and awareness raising. These functions would guide the relationship between the Secretariat of the Basel Convention and the Government of Trinidad and Tobago. The other functions of the centre—and I want to agree with Sen. Ali that as you go through the other functions they are really explanations of clause 4(2). They speak to developing and conducting training programmes, workshops and seminars and associated projects in the field of environmentally sound management of hazardous waste and specific emphasis on training trainers and the promotion, ratification and implementation of the Basel Convention and its instruments.

It also speaks about research, gathering and assessing and disseminating information in the field of hazardous and other waste, which is also important to us in Trinidad and Tobago. It speaks about facilitating networking at national and

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regional levels. It speaks to organizing meetings and symposiums and missions in the field and carrying out these objectives regionally. It speaks to providing assistance and advice and promoting public awareness.

It also encourages best practices, good and promising practices, best approaches and methodologies for environmentally sound management through case studies and pilot projects. It speaks to support from international agencies, cooperation from the United Nations and other bodies and other relevant inter-governmental organizations and industries, NGOs and, where appropriate, other institutions. It talks about coordinating activities and developing and implementing joint projects and developing multinational environmental agreements. Finally, it talks about cooperating to mobilize people, money and materials to solve problems which cannot be solved by individual parties.

I now turn to the mechanisms, which have been set up in this country by this Government and other governments, for the disposal of hazardous and other waste. I talk to the Caribbean Industrial Research Institute (CARIRI), the Solid Waste Management Company Limited (SWMCOL), the Environmental Management Agency (EMA), the Ministry of Local Government and the Ministry of Public Utilities. These agencies have special programmes in place to deal with hazardous and other waste and they have and will continue to strengthen the approaches to make sure that what they are doing is well done because there are a number of chemicals and other materials used in this country that are categorized as hazardous.

3.45 p.m.

I have done the research, maybe in the same place as Sen. Ali, because I have some of the same chemicals that he identified. One of the hazardous wastes generated in Trinidad is arsenic. This is used as an alloy in the lead shot and electrical circuits, as a pesticide and a preservative for wood and is highly toxic. We also have asbestos, which is used in gaskets, brakes and roofing.

I want to inform this honourable Senate that over the last six years, the Ministry of Education removed asbestos from all of our schools. This was done by the HSE Department of Petrotrin and I am sure that the waste was disposed of, maybe, in the same manner that Sen. Ali described, because we know that inhalation of this material may cause lung cancer.

We also have in this country the use of cadmium, used in batteries, pigment, metal coatings and plastics. The exposure risks include workplace activities, cigarette smoke and contamination of food. There are damages to lungs, kidney disease and digestive tract.

In this country, we also have chemical waste from hospitals. Hospitals must carefully dispose of their syringes, medication and other materials that can be infectious, including mercury, spread pathogens and harmful microorganisms; all part of the chemical wastes found in this country. Cyanide, a poison in large doses, can cause paralysis.

We have lead used in the production of batteries, ammunition, paints and metal products. If ingested or inhaled, this can harm the nervous system, kidneys and reproductive system.

I want to make reference to Demerara Road in Wallerfield. There, it was discovered that lead was used in the development of the road system in that squatting village where a young child died. The lead was removed with the assistance of the EMA and was disposed of in an area that is now well sealed and off limits to all; all in keeping with the Basel Convention.

Mr. Vice-President, the private service industries are responsible for the treatment of hazardous wastes. These wastes are collected by the Solid Waste Management Company Limited (SWMCOL) for disposal, either through incineration or by treatment with acid.

The services that SWMCOL now provides extend to the public and the private sector and the NGOs and international agencies throughout the Caribbean. These services include general and liquid waste collection and disposal, waste reduction, reuse and recycling programmes, environmental audits and assessments and consultancy services in environmental engineering and management, design development, and operation and closure of landfills. They also include environmental public education awareness programmes.

It is not true to say that not much is being done. With specific responsibility to manage the collection, handling, treatment and disposal of solid waste in Trinidad and Tobago, SWMCOL has established waste recovery systems and markers for recyclable materials such as glass, paper, cardboard, metals, used oil and textiles, as part of its comprehensive waste management solution. This was done since 1989.

SWMCOL has various sizes of vacuum tankers carrying large volumes of liquid waste economically. The staff is trained in the handling of most mechanized collection systems and they provide a 24-hour service for industrial commercial waste.

SWMCOL also deals with faecal waste. That waste is collected from residential, commercial and industrial clients, including waste from ports and ships. This waste is disposed of in stabilization lagoons. This ensures that the waste collected does not become a source of future contamination.

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SWMCOL also deals with oily waste. That oily waste is collected and transported to the National Oil Company for recycling, thus ensuring proper disposal. Services are also provided for grease traps at commercial and industrial clients.

The safe disposal of end-of-life waste, as it is called—electrical and electronic equipment (WEEE)—is currently dealt with through an integrated system of secured storage and recycling. In the long term, SWMCOL views taking back used electrical and electronic equipment from consumers as a viable solution. This is the practice that is used in developed countries.

SWMCOL has developed a recycling programme and has initiated a dry cell battery recycling drive. The objective of this exercise is to reduce potentially hazardous material and to treat that through the dry cell batteries; whatever threat they generate. Dry cell batteries pose a threat, as you know, to human health and the environment but SWMCOL is able to retrieve and recycle.

SWMCOL accepts dry cell batteries generated in Trinidad and Tobago such as those used in cell phones, transistor radios, cameras, computers and even in toys. SWMCOL disposes of this waste accordingly.

We have the Environmental Management Authority. Through the EMA Act, 2000 it has defined hazardous waste and made recommendations as to how to manage that waste. The EMA is mandated to make recommendations for a national environment policy. The EMA coordinates environmental management functions performed by persons in Trinidad and Tobago, develops and implements policies and programmes for the effective management of the environment, develops and establishes national environmental standards and criteria, takes action towards the prevention and control of pollution of the environment and conserves the environment. It lists among its strategic objectives, the development of an emergency response plan for the oil and gas sector.

Mr. Vice-President, as you see, we have been addressing the problems associated with the disposal of increasing volumes of hazardous and other wastes and the improper handling of hazardous wastes and substances.

The EMA has developed technical instructions for waste rules. These rules have been developed and are being monitored right now. The EMA has developed a non-oil spill response plan. There is ongoing monitoring. The EMA shall review the range of emergency situations reported and consult with the relevant industry specialist to develop and implement the appropriate procedure for the handling of such emergencies. These development plans and inspections are ongoing.

The EMA has completed a characterization of lead contaminated sites. In keeping with the National Environmental Policy, the EMA's mandate in the Environmental Management Act, 2000 has given them that lead and, therefore, they have characterized lead contaminated sites and it will continue to identify, rank and clean up contaminated sites throughout Trinidad and Tobago.

Mr. Vice-President, it is in this context that I now discuss the very recent development, by the Government, of a municipal solid waste management policy and action plan programme. Only last week, Cabinet approved:

- a draft policy framework for municipal solid waste management and hazardous and other wastes removal;
- a short-term draft action plan, with reference to the revision of solid waste collection systems for Trinidad and Tobago for hazardous and other wastes;
- the implementation of an action plan to improve solid waste collection, hazardous and other wastes; and
- the extension of the existing scavenging contracts for existing garbage collectors, starting with effect from March 01, 2008.

The draft policy takes a comprehensive approach to detailing a path forward for Trinidad and Tobago, with respect to solid waste management, and it forms the necessary framework and strategies for developing and implementing a sustainable solid waste management system in Trinidad and Tobago.

The policy outlines the mechanism for implementation and is structured around a vision, goals, objectives and policy measures and guidelines for contracting of private service providers to collect and dispose of hazardous and other wastes. The policy objectives include the management of wastes in a manner that would protect the environment and integrate waste management systems in a very cost effective way. It would also encourage waste generators to take responsibility for the environment and ensure that there is sound management, especially where the disposal of waste is concerned.

4.00 p.m.

The policy framework advocates greater private sector involvement in solid waste management and it sets out the procedure for identifying, selecting, contracting, monitoring and devaluating private sector service providers in solid waste management.

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So, the Ministry of Local Government, SWMCOL, EMA, Ministry of Planning, Housing and the Environment and other environmental agencies would surely welcome the services that the Basel Convention Regional Centre would provide: services of training, technical assistance, sharing of information and consulting as we examine hazardous waste, waste from households and other wastes requiring special consideration.

Already we at the Ministry of Local Government are working with the United Nations to develop a programme to ensure that waste management is well implemented. We have begun to put in place a demonstration programme for the implementation of the collection and the disposal of waste, town by town, in all 14 corporations.

We are developing guidelines to conduct environmental sensitization and awareness programmes. We are conducting waste characterization studies. We are conducting effective certification of contractors; we are looking into that, to ensure that that happens; designing and implementing a waste disposal strategy and establishing source separation demonstration projects to ensure that we separate the waste as we industrialize.

It is only by putting all of these procedures in place that this country can effectively implement the management of waste in Trinidad and Tobago. Therefore, as we strategize to implement a comprehensive programme on waste management, I would like to appeal to the Members on the other side to join with us in approving this Bill on the Basel Convention Regional Centre, 2008, which seeks to establish a Basel Convention Regional Centre for Training and Technology Transfer. It can only augur well for this country as we continue to keep Trinidad and Tobago beautiful.

Thank you.

Sen. Subhas Ramkhelawan: Thank you, Mr. Vice-President. As I rise to make my contribution on the establishment of the Basel Convention Regional Centre for Training and Technology for the Caribbean Region in Trinidad and Tobago and for related matters, I am mindful that this is not a debate on the Basel Convention. Yet still, I am grateful to Sen. Basharat Ali, in one case for a wide coverage of some of the requirements of the Basel Convention, also to Sen. Dr. Nanan for his dissertation on dentistry. I am also grateful to hon. Sen. Hazel Manning for her dissertation on local policy and what SWMCOL and other institutions are doing in this nation. Yet I am mindful that this is a discussion or debate on the whole question of technology transfer and training insofar as it is supportive of the Basel Convention.

Many of the hon. Senators who went before omitted to mention that this is a centre for technology transfer and training for essentially the wider Caribbean and not just Trinidad and Tobago. I think it was worth stressing that this whole notion of technology transfer affects the wider Caribbean and affects us in ways that go beyond Trinidad and Tobago, in that we are dealing with, I would say, sophisticated waste disposers, which are not only disposing of chemical waste but also nuclear and other waste, and which are much more sophisticated in terms of their ability to transport and deliver in a very clandestine way, waste that would be inimical to the interest, not only of Trinidad and Tobago, but as I said before, of the wider Caribbean.

So, the question is, is the transfer of technology and training a good thing? And if it is, is the legislation that we are seeking to put in place sufficient and appropriate to validate the objectives which we are seeking to achieve? The Bill, as I understand it, is to give effect to the establishment of the training centre, and as hon. Sen. Manning quoted, the core functions, which are technology transfer, information, consulting and awareness training. The question is really, is this a good thing?

I believe that, apart from the nuances that may arise at the committee stage as to the correct wording to give effect to this piece of legislation, it is a good thing, and as a result, I am prepared to give support to it. I am prepared to ask my learned colleagues to come forward and give support to this Bill.

I think one of the concerns that I have, Mr. Vice-President, is that we have so much work to do and sometimes we spend a lot of time on Bills that probably might be determined in a much quicker way. Have we spent a lot of time going, as we say, around the road, as opposed to going down the highway? I would go down the highway and say I am in support of this Bill and I ask my colleagues to support it as well.

I thank you, Mr. Vice-President.

Sen. Dr. Jennifer Kernahan: Thank you, Mr. Vice-President, for giving me the opportunity to make my contribution on the Basel Convention (Regional Centre for Training and Technology Transfer) Bill, 2008.

Industrial production is the basis of all the conveniences, luxuries and advantages of modern society, as we know it today. Any item you can name that is beneficial to us, pharmaceuticals, household appliances, transport, computers, televisions; all the things that make our lives—and we cannot imagine our lives without them—also have a downside, because the production of these items also generates hundreds of millions of tons of hazardous waste every year.

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They also generate, in addition to solid waste, chemical waste by-products, which are hazardous to human health, because they may be poisonous or corrosive, flammable or infectious. So, there is a balance that we need to strike in terms of industrialization, especially when it comes to small-island economies like ours, but I will go into that later.

Crossborder transport of hazardous waste came into public focus in the 1980s when international communities became aware of ships such as the *Carnaby* and *Pelicano*, which were sailing from port to port trying to offload their poisonous cargo. And as you would know, Mr. Vice-President, this development took place because of the fact that the industrialized countries, the more advanced countries were tightening their environmental laws, rules and so on.

Therefore the hazardous wastes, which are very, very expensive to dispose of were just put on ships and they cruised around hopefully looking for poor, undeveloped countries with very corrupt governments, whom they could bribe or buy and entice them to take these hazardous wastes into their countries and dispose of them very carelessly, posing tremendous health hazards to the unsuspecting citizens.

We know that Haiti has been one of the targets of unscrupulous industrialists, using Haiti as a dumping ground. Eastern Europe, Africa have been targets for these very, very cynical and very malicious persons.

Mr. Vice-President, the reason that we are discussing the whole question of transfer of hazardous waste across borders, is because in the first place, there is an excessive generation of hazardous waste in industrialized countries. In the second place, they are very resistant to detoxifying these substances, because you have to use very expensive technologies to do so; they do not want to spend that money. Therefore, that insensitivity and reluctance to deal with hazardous wastes at the point of generation, has led them to indiscriminately transfer these toxic wastes across the seas and so on.

These are the issues that generated the treaty negotiation that came into effect with the Basel Convention in March 1989 and the treaty was enforced in 1992. Under this Basel Convention, and I am relying very strongly on a document I have here, UNEP Basel Convention, Minimizing Hazardous Wastes: A Simplified Guide to the Basel Convention, the definition of "Waste" is as follows:

"...substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law".

Wastes that are classified as hazardous are subject to control procedures. Wastes classified as hazardous are subject to control procedures under the Convention. Disposal includes operations resulting in final disposal or operations which may lead to partial recovery, recycling, reclamation or direct or alternative uses.

So, Mr. Vice-President, the implementation of this Convention is promoted through a network of 14 regional centres for training and technology, and right here in Trinidad we have one of those regional centres stationed at CARIRI in Tunapuna. The centres are supposed to provide, according to the Secretariat, practical and hands-on support on technological enforcement issues. They are supposed to offer training, disseminate information and promote public awareness, as indeed is outlined in clause 4 of the Bill before us.

4.15 p.m.

Mr. Vice-President, a number of positive solutions to the problems of hazardous waste have been advanced or are in the hands of these training centres and are available to governments which they serve, the focal points as they are called. We have available to us in the Caribbean here, based on the training centres located in Trinidad technical guidelines for the disposal of waste. We have available to us a manual entitled Model National Legislation for the Transboundary Movement and Management of Hazardous Waste. The centre would advise governments on how to establish an effective regulatory system containing the necessary legal and administrative measures and we also have available to us manuals for the implementation of the Convention, and it describes the whole process of how to implement the Convention.

Based on the framework convention that we have signed, we also have another resource available to us, the secretariat which is the Secretariat of the Basel Convention. This secretariat has a number of important functions which we have available to us. They work with the national authorities to develop legislation; they set up inventories of hazardous waste; they help to strengthen national institutions; they assess the hazardous waste management situation in your country and they prepare hazardous waste management plans and policy tools, and they strengthen reinforcement effort. All these tools, all these regulations and support systems and infrastructural systems are available to Trinidad and Tobago and to the islands of the Caribbean which this centre serves.

This training centre was set up here. We ascribed to the implementation of the Basel Convention in 1994 and the training centre was set up in 1998, and that was 10 years ago. When we look at all the issues the previous speaker, the hon.

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Minister of Local Government had raised in terms of all the alleged actions that are being promoted by the EMA, SWMCOL and all these other organizations the Minister mentioned—

We have a report made to the Conference of the Parties (COP7), October 2004, and it is a statement by the Head of the Trinidad and Tobago Delegation, Mr. Bernard A. Weston, presented at the “High Level Segment of the Seventh Meeting of the Conference of the Parties (COP7) to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.” This report does not seem to be in sync with all the wonderful things that are supposed to be happening at the level of the EMA, at the level of SWMCOL and so on. First of all it made the point, and I quote:

“The availability of relatively cheap energy has contributed to the development of heavy industries such as iron and steel, cement, methanol, LNG, nitrogen and phosphate fertilizers, specialty chemicals and petrochemicals. Trinidad and Tobago also has a wide variety of small scale manufacturing industries...”

They elaborated all the industries. And it went on to say:

“The heavy economic reliance on the petrochemical, industrial and manufacturing sectors as well as wastes generated by the country’s three (3) major hospitals, twenty (20) private clinics and forty (40) medical laboratories, vehicles, the agricultural sector and domestic activities, results in the production of a large amount of hazardous waste. In this regard we feel that the Basel Convention, will be invaluable for providing technical and financial assistance...”—it says that in Trinidad and Tobago—“...the options for waste disposal are limited with no dedicated hazardous waste landfill or disposal facility on the island.”

This is seven years after the establishment of the Regional Training Centre in our country. With all the facilities, with all the options, with all the training programmes, and with all the technology transfer that is available to the administration.

In 2005 our report to the COP—and this is what we are saying to them:

“Some of the other major constraints relating to waste management are:

- There is no single institution/agency responsible for waste management in Trinidad and Tobago. Waste management is shared among several Ministries, statutory bodies and other government agencies. Moreover, because there is no one responsible institution/agency, there is often duplication of efforts in some areas and negligence in others.”

It went on to say in our report to the COP:

“...Trinidad and Tobago's National Environmental Policy requires the Environmental Management Authority to develop a list of hazardous wastes, establish requirements for handling and disposal of same, establish standards and design criteria for hazardous waste handling and disposal facilities, and enforcement of these requirements through licensing and permitting requirements. The Environmental Management Authority is also required to develop legislation to give effect to the Basel Convention and has to date completed a technical background paper for rules on waste management which was developed by a multi-stakeholder committee.”

As far as we are aware, and as far as the Minister seems to be aware, there is no legislation before this Parliament on the question of giving effect to the Basel Convention in terms of how you deal with the penalties and so on for infractions of proper handling, disposal and transport. As far as we are aware the listing of hazardous waste and establishing requirements for handling and disposing of the same are still outstanding by the EMA. The Minister reported but she did not mention that that was accomplished.

The establishment of the standards and designs criteria for handling waste is still outstanding. The Minister is talking about municipal wastes and so on, but these are fundamental and really critical issues where we are talking about hazardous waste, but I am not surprised. You cannot handle the garbage disposal in Belmont, Gonzales and Laventille that have rubbish all over the road everyday but you are going to handle the issue of critical hazardous waste in this country. I am not surprised. *[Interruption]*

Mr. Vice-President, the Basel Convention and the Regional Centre for Training and Technology have certain stipulations and policy requirements—

Mr. Vice-President: Sen. Mark, I would also like to hear the contribution of Sen. Dr. Kernahan.

Sen. Mark: I too, am listening.

Mr. Vice-President: Okay, thank you very much.

Sen. Dr. J. Kernahan:—and some of these issues have been raised in the guidelines of the regional training centre and they are:

1. that you need to minimize the generation of hazardous waste;
2. that you need to treat the waste as close as possible to the source.

And therefore, you will reduce the movement of hazardous waste across boundaries and so on.

It is in this context that we must view this sudden rush to industrialize this country and bring in all these dirty industries in this country, because when you look at what is happening in the Basel Convention you understand that the whole thrust is to establish these industries here so that you have to deal with the waste products and the very toxic hazardous waste as close as possible to your source. That will mean in Trinidad and Tobago. So, when you look at the smelter plants and so on that are being brought from other countries, they cannot establish them anywhere and so they bring them here. The Basel Convention demands that you treat with spent pot liners and so on at source, and we have seen in consultations, the consultants are calling for a hazardous waste facility for the Alutrint plant and we must look at that.

The Basel Convention and the regional centre have this focus that you must minimize generation and you must treat with care and concern, but, apparently it is being used against, because when you bring the dirty industries right here, then they are going to say that the whole policy is to treat and deal with the hazardous waste right here. That is important because we are not going to sit back and allow these extremely toxic spent potliners and so on to be dealt with in Trinidad, because the very convention says that you can only deal with these issues at a local level:

1. if you have the legislation and infrastructure in place;
2. if you have a very high technological standard of waste management facilities;
3. if you have very highly qualified site operators; and.
4. if you have very sophisticated monitoring procedures to detect and assess skills and so on.

Clearly, we do not have that here.

Mr. Vice-President, we are not going to allow that issue of dirty industrialization, bringing all the dirty industries here and turn the Basel Convention against us. We are not going to allow it to happen because these prerequisites as stated in the convention are not present in terms of our ability to monitor, availability of technical personnel and so on.

The Minister mentioned SWMCOL, and I saw this document, "Managing Solid Waste in an Urban Environment, Integrated Planning and Institutional Capacity Building Trinidad and Tobago". This is a document that was produced by SWMCOL, a case study prepared by the Trinidad and Tobago Solid Waste Management Company Limited for the UNDP Caribbean Capacity 21 Project in

February 1998. So, since 1998 you have documents like this being produced. The PNM is full of plans. Any possible plan that you can imagine, the PNM has it. The problem is implementation of the plans, [*Interruption*] so, since 1998 SWMCOL has had plans—yes this is our plan, but I am talking about the plans the Minister talked about just now. Any possible plan that you could imagine they have it, and still our streets are dirty, still we have no proper management of solid waste and hazardous waste in this country. Only plans! [*Interruption*]

In 1998 we had a plan by SWMCOL, and I want to link this to the fact that we have had to report to the COP in 2005 the very dismal situation with respect to the management of hazardous waste in this country. Since 1998! It said here that as a consequence of the alarming public health and environment problems arising from waste disposal, it was considered imperative that a national solution should be found to the solid waste problem, and then they outlined a plan:

“There is also a component to address the management of hazardous waste due to the expected growth of the heavy industrial sector. The Trinidad and Tobago Solid Waste Management Company was established in 1980 by the Government of Trinidad and Tobago to implement the plan.”

So in 1998 they outlined a plan, they were established since 1980 and in 2005 we had to go to the COP and admit that we have all these industries, we have all these different management problems, we do not have any coherent approach to hazardous waste and we basically have not taken advantage of the training centre which was established here in 1998 to give us advice, to help us with the training, to help us with the technology transfer to deal with these issues. Since 1998 the training centres have been here—in 2005 we had to go and make this horrendous report to the COP.

So the failure of the Solid Waste Management Company Limited, the failure of the EMA to advance solutions is really inexplicable, because we are spending so much money; we are going to spend money to set up the centre; we are going to spend money to pay directors, to pay staff and so on, and they are not taking advantage—

Mr. Vice-President: I think we will pause now and have the tea break. We will resume at 5.00 o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. PRESIDENT *in the Chair*]

Sen. Dr. J. Kernahan: Thank you, Mr. President. The parties to the Basel Convention, through the regional training centers, have at their disposal a series of technical guidelines that would allow us to deal effectively with organic solvents, waste oils, persistent organic pollutants, household waste, chemical waste, pneumatic tyres and other types of hazardous wastes. Through the regional training centres, we have access to guidelines as to a whole range of disposal methods relevant to the landfills, specially engineered landfills and the question of high temperature incinerators and biological treatments.

The problem is that the Minister of Planning, Housing and the Environment in her introduction of this Bill, did not take the time to tell us, based on our access to all these technical guidelines and the information and so on that is available to us, as to how to deal with these hazardous wastes, what legislation she is prepared to bring in the context of the number of industrial estates that are being proposed.

Mr. President: Senator, please excuse me, but it is far heartier from a parliamentary standpoint when you refer to the Minister, you refer to the Minister as the Minister rather than as she. That is acceptable parliamentary practice. Okay, if you would refer to the Minister as the Minister rather than as she. Okay? Thank you.

Sen. Dr. J. Kernahan: The Minister did not take the time to indicate to us what are the pieces of legislation that she is prepared to bring to this honourable Senate, to deal with the generation, transport and disposal of hazardous waste, especially given the fact, that a number of industrial estates are being planned apparently for the south-west peninsula, and as we speak, a number of smelter plants are being contemplated and so on. Therefore, these issues of legislation, the transport, the disposal, and the generation and so on are essential at this point in time.

The Minister introduced this Bill before us and did not take the opportunity to tell us what is happening, especially given the fact that the Minister has at her disposal, all this information, all the technologies and so on that are available from the more developed countries.

Mr. President, the Minister did not take the time to allow us to understand how the technical centre, how the information centre is allowing us to deal far more effectively with landfills in Forres Park and in Guanapo. We have terrible problems in these landfills. How is the information available in these guidelines to deal with landfills? There is technology now that will allow us to use the methane generated in these landfills for generation of energy and so on. Why is that

technology not being brought to bear on the development and the proper management of landfills in Trinidad and Tobago, when we have a regional centre there with all this information that we are neglecting to use?

One of the issues that I hoped the Minister would have addressed, is the issue of the disposal of plastics in this country because that is another technology that is available to us at the information centres. It is very clear in this document, the Basel Convention Minimizing Hazardous Waste, that all these technical solutions are available to all signatories of the convention.

Mr. President, as you would be aware, the use of plastic bags—plastic products are very prominent in our society. Sometimes you go to the grocery and you come home with approximately 25 plastic bags with about five items. They are trying to make it look like you got so much for your money, they put every single item in a different plastic bag. In the industry, you have plastics in buildings, in automobiles and so on; there is a lot of plastic being used.

In the SWMCOL case study, it was noted that in 1993, SWMCOL initiated a project to collect polyethylene terephthalate (PET) from the Beetham and Forres Park landfills. The plastic was collected and it was baled for shipment. What happened during that period, due to the slump in world market prices of this product, the project was discontinued, but plastics remain a problem for disposal. So the tons of plastics that would have been removed from the system based on this project that was discontinued, have now found their way into the landfills and are disposed of, for the most part, through uncontrolled burning in these landfills.

I know that the Minister of the Planning, Housing and the Environment will tell us when she is winding up, that she knows that this method of disposal of plastics is totally unacceptable, because open burning releases pollutants in the air; some pollutants, such as furans and dioxins cause a wide range of health problems for the nearby communities.

So either the Minister will tell us, "Well, you know, I have accessed the training centre's technologies on plastics and the disposal of plastics and we are no longer burning plastics in the landfill." Or she will tell us that she has not been able to do so. She has not been able to access the technology; the Ministry has not been able to implement that technology and we continue to pollute the atmosphere by burning of plastics in the landfill. I am sure the Minister will clear that up for us.

I would have expected the Minister to deal with one of the other serious problems that we have in this country, the question of the acid lead batteries. Mr. President, this issue was raised by some of the previous speakers and I notice that

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the Minister of Local Government spoke to lead batteries, but she did not speak to the issue of the acid lead batteries. This is an important issue because the training centre, based on clause 4 of the Bill, that transmits the technology and information can deal with these problems. I am sure that the Minister will tell us that she understands that this technology is there for the taking and for us to access—that the training centre understands and they have said it in this document, “Minimizing Hazardous Waste, a Simplified Guide to the Basel Convention”, that lead acid batteries offer a serious challenge, but the safe recycling of lead acid batteries used in automobiles, industrial facilities and portable tools, requires strict environmental and occupational standards that can only be ensured by specialized firms of which only a few are found in developing countries.

As a result, retired batteries are often broken up manually in our countries which is dangerous to the health of workers because of the dust fumes, the vapours and so on, and a serious problem arising out of that, is chronic poisoning from the absorption of low amounts of lead over a long period of time. I am sure it slipped the Minister's mind when she stood up—she seemed in a hurry to reclaim her seat—to indicate to this Parliament, how well the technical guidelines that are available in the regional training centres with respect to the safe disposal of lead acid batteries are being implemented.

The Minister will tell us of course, how many recycling plants are in operation in Trinidad and Tobago and what are the best practices and principles that have been implemented in recycling these batteries, because the technical guidelines available to the Minister are very clear. They describe how to collect, transport and restore used batteries. They give specification for the storage chambers and the transport facilities. They describe how batteries are delivered to the recycling plant; how they should be drained of their electrolytes; how they should be identified and segregated and stored; they explain how the recovered lead must be refined in order to remove unwanted contaminants; they address public relations; these technical guidelines that are available to the Minister in the regional training centre address the issue of public awareness.

So I am sure that the Minister would be able to tell us when she winds up, how well the implementation of these guidelines is moving forward under the Ministry; and how much we have come to grips with the question of lead poisoning and so on in this country.

Mr. President, I have a final report here, the Basel Caribbean Sub-region Centre, CARIRI/UWI project, Unused Lead Acid Batteries by Ivan Chan Yen, PhD, senior lecturer, Analytical Chemistry, University of the West Indies, Trinidad. It

was undertaken as a memorandum of understanding of October 19, 2001 between the University of the West Indies, St. Augustine, and the Basel Caribbean Sub-region Centre, CARIRI, St. Augustine for the Ministry of the Environment of Trinidad and Tobago.

This is a report dated January 11, 2002. That Centre was set up in 1998 and four years later with all the technology available, with all the information available in the centre, it says here in the executive summary of this document that the problems caused by discarded lead acid battery waste and lead smelter waste in Trinidad and in Jamaica are well recognized. That activities involving the repair and recycling of lead acid batteries have been identified as major contributors to lead pollution in many sites in Trinidad.

Similarly, the storage of discarded batteries around homes and workplaces has resulted in large amounts of lead being accumulated in places readily accessible to young children, and the system used for the recycling of discarded lead acid batteries is largely ineffective and presents a significant risk to the health of the population, particularly, the young children who are most susceptible to the toxic effects of lead.

This study done in collaboration with the regional training centre, CARIRI and the University of the West Indies, says that our study has shown that of 160,000 to 170,000 batteries estimated to be discarded annually in Trinidad, most are collected by the informal sector and returned to a single recycling company in east Trinidad for export to Venezuela.

They went on to give an idea of what is happening in Tobago. They said in Tobago, unlike Trinidad, many lead acid batteries are discarded in the domestic waste and delivered to the landfill at Studley Park. This practice has resulted in large numbers of batteries being buried at the site and raises the possibility of leaching of lead from this site into groundwater. This site is also up-stream of Barbados Bay on the picturesque eastern coast of Tobago. Tobago thus has an urgent need for an efficient battery recycling system to prevent continued burial of hazardous materials at the site.

At the end of this executive summary, they went on to say—and I know the Minister is very much aware of the study and she will tell us what has been done since the study was done to ameliorate this situation—that what is clearly needed is a sustained public education campaign on the hazards posed by lead acid batteries to occupational public and environmental health. A more efficient system of collection and recycling of discarded lead acid batteries is also urgently required to prevent the accumulation at locations accessible to young children and livestock.

In addition, sites that have been used for battery repair and recycling are likely to be extensively polluted and require environmental assessment and remediation.

5.15 p.m.

I am certain that it slipped the Minister's mind, but she will tell us, when she is winding up, what was done by the Ministry of Planning, Housing and the Environment with respect to this study; what sites were investigated; what environmental assessment work and remediation work was done in order to rid the environment of the pollution posed by these lead batteries. That is a recommendation, in effect, of the training centre.

If you are going to have a training centre; if you are going to pay a director and staff, if you are going to go through all the rigmarole and you are not going to implement the recommendations, then why bother? Why come to this Parliament and fool the people of Trinidad and Tobago and make them believe that you are doing something about hazardous waste?

Actually, they are not fooling anybody, because there is no way you can be a firm believer in the whole question of minimizing hazardous waste, which is the core of the Basel Convention, and talk about building three smelters; something is wrong there. Something does not gel.

Mr. President, I also have access to another UNEP/CARIRI study, which deals with this question of lead acid battery waste. It brought forward the point that you have to deal with this in terms of the Caribbean. This is what the regional centre is about; there is no one country that could deal with this all by itself, because in one country you probably have a lot of generation, and in another you probably have the recycling plants and so on. To establish efficient operations you have to get all the countries together; you have to be committed to the policy of proper disposal, and then you get together on a regional basis to deal with the problem. This is what CARIRI and the United Nations Environmental Plan did.

The objective of this study was to launch a multi-stakeholder consultative process in order to prepare a strategy aimed at achieving the environmentally sound management of used lead acid batteries in Central America and the Caribbean in a period of a few years. The other objective was to enhance regional networking on the issue of the management of used lead acid batteries in Central America and the Caribbean through the regional centre in Trinidad, CARIRI—which is the regional Basel Convention centre here—and in El Salvador, with the aim of sharing experiences, information, methodologies, proven policies and initiatives and raising their awareness of decision makers from national government and other stakeholders.

I am certain that when the Minister rises to close the debate on this Bill, she will let us know what has been happening with respect to this initiative to launch the multi-stakeholder consultative project and what strategies have been advanced by the region in consultation with the Regional Training Centre and the other stakeholders to deal with the very serious problems of lead acid batteries which affect the children of this country.

This project was to be completed by 2005; there was a cost attached to it. There were a number of countries involved Belize, Colombia, Costa Rica, Cuba, Antigua and Barbuda, the Bahamas, Barbados, Dominica, the Dominican Republic, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, St. Kitts/Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago and Venezuela. This is another interesting project that was launched under the auspices of the Regional Training Centre.

I would very much appreciate if the Minister, when she is winding up—and I hope she would take a lot more time than she did when she introduced the Bill—would let us know what is happening with these projects. We are hosting this Regional Training Centre; we will be paying for the staff, the Director and so on. We want to know what the outputs are; what we will get; what is the information; what are the technologies that we could access, and how we have used those technologies to advance the whole question of minimizing hazardous waste or generating as little as possible and dealing with the hazardous waste that we do generate.

It is no point telling us that this is a very good Bill and that we need to support it; all that is fine. What are the outputs? I would like the Minister to tell us what has come out of all the recommendations and studies that have been done in collaboration with the Regional Training Centre; what were the results and how we are dealing with the hazardous waste that they have identified and have indicated the relevant technologies to deal with.

Another aspect of hazardous waste that comes under the Basel Convention are the e-wastes. This includes computers, electronics, mobile phones and other items that have been discarded by the original users. Many very dangerous substances are generated by e-waste: arsenic, barium, beryllium; all these things cause lung cancer; brain swelling and muscle weakness, in the case of barium, lung cancer in the case of arsenic, and in the case of beryllium, it is also a carcinogenic. Many dangerous substances come out of e-waste. The Minister, of course, will tell us what the technologies are that have been put forward in the regional centres to deal with e-waste.

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Mr. President, the Basel Convention seeks to minimize generation of hazardous waste. In spite of paying lip service to the Convention, we are moving headlong, despite the opposition of 70 per cent of the people of this country, to establish smelters in Trinidad and Tobago that generate the most dangerous chemicals of all in modern industry: fluorides, cyanide and benzene products. This Government is bringing this Bill, therefore, from a position of zero credibility.

The Minister of Local Government spoke about human health, but she spoke from a position of zero credibility, because her voice has not been heard in defence of this population against the establishment of smelter plants in this country. Sound management involves taking all the steps to protect human health. We have seen clearly from COP7, when we went to report in Geneva, that practical steps have not been taken to protect human health in this country. We are still in a daze as far as that is concerned. [*Interruption*]

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to. [*Laughter*]

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, March 18, at 1.30 p.m. when we will continue debate on this Bill. Time permitting, we will begin with the Caribbean Court of Justice (Headquarters) Bill, as the next matter for debate.

Mr. President: Hon. Senators, I have given leave for two matters to be raised on the Motion for the Adjournment.

State Owned Enterprises (Use of Political Emblems on)

Sen. Wade Mark: Mr. President, the first matter I would like to address deals with the issue of the use of political emblems by state owned enterprises for advertising and promotions.

There has been an unrelenting assault on our fundamental institutions by the Patrick Manning-led administration. A dangerous trend is emerging in our country in which we have witnessed the use of the political emblem of the ruling

party on a state entity. We know that is the thin edge of the wedge. Some have argued that it is designed to brainwash and even condition the minds of the citizens into accepting the rule of the party that happens to be in Government today and, to some extent, to demonstrate an unquestioning loyalty and obedience to that said party.

First it was the coat of arms on the Prime Minister's car; then a \$148 million residence and diplomatic centre; then a private security unit for the residence, office and personal escort of the Prime Minister. Now it is the balisier on the logo of a Caribbean Airlines aircraft.

We are not going into the private jet; that is a separate motion that we are going to address next week, [*Laughter*] the Prime Minister's private jet.

This development on the part of the ruling party, using state-owned enterprises like Caribbean Airlines, is a recipe for chaos, anarchy and civil unrest in our country. It reflects a fascist tendency, which is known as the supremacy of the party. It is an attempt by the PNM to place its organization, the party called the PNM above that of the State. Burnham hoisted the PNC flag on the Court of Appeal building in Georgetown.

Mr. President, in totalitarian States, photos and statutes of dictators usually litter the political landscape of those countries. In the instance of Caribbean Airlines, the frivolous and, at times, inane explanations offered by the CEO imported from abroad, called Philip Saunders, that the balisier was put there, to quote him, "It is beautiful" did not fool anyone. [*Laughter*] It did not fool anyone except the PNM. [*Laughter*] We all know that the management team was instructed and directed by the Government to paint the Balisier on the tail of the Dash 8 aircraft.

Dr. Kernahan: "That is de sting in de tail!"

Sen. W. Mark: Subsequent to a hail of protests and public outrage, the airline management and the board of directors, headed by a "fella" called Arthur Lok Jack, whom we will deal with at the next sitting, backed down and allowed good sense to prevail.

5.30 p.m.

Mr. President, we look at the *Daily Express* of Tuesday, March 04, 2008 and the headline was "Balisier Back-Off Political fallout from 'PNM flower' on plane" Pressure forced them to withdraw, just as in September 2006 when pressure forced them to say they were not buying a plane. Now they believe pressure eased up, so they pay \$400 million to buy a plane—and we are coming to that next week.

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Mr. President, not only did the airline use the balisier on the tail of the Dash 8 aircraft, but it also had the PNM emblem on its website, its stationery, its brochures and people who have something called Club Caribbean Cards had the balisier on them. It was a pattern of conduct and behaviour emerging at CA which was the dry run to extend it to other institutions and ministries throughout the country.

Could you imagine these people putting these flowers on brochures and stationeries? Why did the Chairman of Caribbean Airlines, Mr. Arthur Lok Jack, allow this blatant abuse of power to take place without the slightest opposition or resistance?

The removal of the PNM emblem is not the end of the matter, the PNM will not stop, it wants to continue its thrust towards complete control of the society. Information has it—I have not seen it yet, Mr. President, but I understand—that even on our new machine-readable passport there is some logo appearing on this particular document. But I will have more to say about that later on.

Mr. President, even the former head of the public service, former diplomat Reginald Dumas, has been forced to condemn this outrageous behaviour on the part of this Government and especially its head, the Prime Minister. In an article written in the *Daily Express* on Friday, March 07, 2008, page 12 the headline was: “The assault continues” and in this article he pointed out some of the almost incomprehensible remarks attributed to have been made by some senior Government officials.

“Neil Parsanlal strangely asked if companies could be categorised as pro-UNC if they used a version of the rising sun.”

That was the Hon. Neil Parsanlal’s response to this particular development.

“Stanford Callender said he didn’t care what was painted on the plane; he was interested only in the service provided.”

That was Callender out of Tobago. The former Ambassador went on to say:

“I have to conclude from this that a Hitlerian swastika or an image of Osama bin Laden would leave him totally unfazed.”

Another amazing statement came from the Minister of Tourism, the hon. Joseph Ross, and he is quoted as saying:

“...if they felt they could put that, so be it. Everyone was free to think as he liked, the Minister assured us, and, after all, CA ‘was a private company’.”

Imagine our Minister of Tourism does not know that Caribbean Airlines is a state-owned company. He is quoted in the newspaper as saying that CA is a private company. So where do we go from here?

We in the UNC-A want to record our condemnation in the strongest possible terms against this fascist, criminal, and gangster-type behaviour on the part of this administration and we openly and publicly warn them of the serious and severe consequences if they continue along this dangerous path of development. We want to put that on public record today.

Mr. President, this Government is not about running and managing the affairs of this nation, all it is concerned about is what kinds of tricks it can employ to manipulate its stay in office for as long as is practically possible and there is a new psychology at work aimed at terrorizing, and harassing the people of our country.

I have information which I shall reveal some time in the next two weeks about bullying tactics on the part of this administration towards members of the press in this country. They are going to the media and bullying journalists and I will expose those elements in the next two weeks. They want to control this country and every institution and I want to tell them they are playing with fire. You are provoking the citizens of this country and if you continue to do so, you are going to feel their wrath.

I understand, and the Minister of National Security must tell us, that they have sent police officers to Teteron to train soldiers as to how they must go about exercising the powers of arrest of civilians. We understand a “fella” called Justice Ulric Cross is given the mandate to review the Defence Force Act and in that Act they want to give the soldiers the power of arrest and to move the Riot Squad from the police and put it in the hands of the army. We will say more about this as we go on.

Mr. President, we are on this particular matter of the emblem and we are saying to this Government and the ruling party that it is one error we dare you never to repeat. Do not repeat that error; it was not an error but a deliberate plot on your part to test the will of the people of this country. When we look at all the newspaper articles: “Fly PNM”, *Newsday* of September 20; another article “No Pressure to Remove the Balisier”—Caribbean Airlines CEO and public relations officer.

State Owned Enterprises
[SEN. MARK]

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Mr. President, all I want to ask is that the Government reaffirm its commitment today to the democratic principles of this country and we want to condemn their decision to encourage CA to put on their Dash 8 tail that emblem and because of public pressure, it was removed.

I thank you, Mr. President.

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, it is the policy of the Government of Trinidad and Tobago to have no political emblems displayed in its state enterprises.

Sen. Dr. Kernahan: What about the Parliament?

Sen. The Hon. M. Browne: We on this side represent a party which has won power and we represent the people as a party on this side, we wear this tie in recognition of that party. [*Desk thumping*] The balisier was chosen as a specific emblem for the party because it is ubiquitous and represents strength and its colour represents the diversity of this country and it represents something that was local. That is what this party represented, what it still represents and what it has always stood for is democracy and the rule of law. [*Desk thumping*]

I rise today to respond to allegations of irresponsibility from what is meant to be our responsible Opposition and I am minded to remember Shakespeare and his comedy: Were not these circumstances today so tragic, much ado about nothing. [*Desk thumping*]

I make the point that at no time has the Government attempted to influence Caribbean Airlines in its selection of marketing material; at no time has it attempted to do so. I could understand that there would be some furore if there was a political symbol on the tail fin. There are in fact, five or six distinct items on the tail fin of the plane all of which are advertising material which were developed by a UK firm which was used by Caribbean Airlines and have been in position for approximately 16 to 18 months of its existence.

In other words, this was something which was not commissioned by the Government. Furthermore, we wish to point out that the item which is on the tail fin is a Heliconia. It is one of approximately 200 varieties of Heliconia and it is not the emblem of the party, it is different. It is a Heliconia and I want to make the point that a Heliconia is a very popular flower which is much revered and in great demand in metropolitan countries and it is considered to be an emblem of tropical bloom. It is generally available in New York at a price of approximately \$9 per stem, it is also marketed elsewhere in the Caribbean, in fact, by the BS&T group of companies which is definitely not a Trinidadian company yet—[*Laughter*] and is sold for a price of between Barbados \$2.50—\$4.95 depending on the variety of Heliconia that is used.

I want to refer to Barbados of course, because it is the place where I have been for the last 14 years.

Hon. Senator: You should have stayed.

Sen. The Hon. M. Browne: Well, I am here now and you have got me, now. [Laughter] Just to make the point that it is available at literally every super centre store, it is a popular flower that is being used. I went to Barbados last weekend to clear up a matter which had been outstanding for a while. I visited approximately seven places including Polo Ridge, the Polo field in the clubhouse had about six different varieties of the Heliconia flower growing there. In the house opposite, again in Polo Ridge, there was a 60th birthday party, the first birthday— [Interruption] They do not have a plane.

Sen. Dr. Kernahan: Well, whatever.

Sen. The Hon. M. Browne: In fact, they use Air Jamaica which is the nominated airline for Barbados and I came across a big bouquet of flowers and, of course, included were a series of Heliconias. Once again, I make the point that the Heliconia is ubiquitous. At the Internet site, Aloha tropicals.com, which is where I went to in Wikipedia to find exactly what these Heliconia look like and to determine exactly the genus and the species that are on this particular plane, it turns out, as I said before, there are approximately 200 different species of Heliconias, a flowering plant native to the tropical Americas and the Pacific Ocean islands west to Indonesia and I quote:

“It is normally referred to as lobster-claw, wild plantain and false bird-of-paradise. The last term refers to their close similarity to the bird-of-paradise flowers. They are an important food source for forest humming birds, especially hermits, some of which, such as the rufus-breasted hermit which also use the plant for nesting.”

5.45 p.m.

The point I am making is that the Heliconia is very much a Caribbean flower and Caribbean Airlines is attempting to position itself differently, not as BWIA or BeeWee or Trinidad and Tobago Airways, which had a particular flavour, a particular brand image, which was directly related to Trinidad and Tobago, but as the airline of the Caribbean. That is the reason the airline chose to put a number of items and it did not have a steel pan on the plane. If it did, that would signify Trinidad and Tobago. It moved away from that emblem very clearly and it used flora and fauna which is common to the Caribbean.

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At no time has the Government attempted in any way to influence what has been used in its marketing material, marketing material that has been designed abroad. As I understand, the commission of this design on the plane's tailfin was given to a local company and its brief was to use all the preparations with all the flora and fauna which had been designed and been used by Cagney of London. That is what it was. They put together a collage of the things that Cagney had done. Why was it withdrawn? It was clear, because there was a lot of noise. What does Caribbean Airlines do? It sells to the travelling public. Therefore, it is sensitive to its sales revenue. So if there are people who are likely to take umbrage over something that was put there in innocence, then the airline would remove it. There is an economic rationale for removing it; the potential loss of revenue. It is as simple as that.

The one thing I am disappointed about is that as a people we seem to have a capacity for the salacious and the fallacious. It seems to happen here in all different sorts of ways and all too quickly; too easily. Too much information is also disinformation. Not too long ago—a week or two ago—one of my colleagues, the Leader of Government Business, attempted to move a Motion simply to revitalize, reinvigorate, the committee for the Standing Orders. We had a whole debate which led us down the road about an attack on democracy, and when the minutes of the last Standing Orders Committee were read, I think the Leader of the Opposition Business on the other side recognized his own words. It was simply an attempt to put into position what was there before, but instead we on this side were treated to a whole series of attacks which suggested that this party, that this Government was about to attack the very fundamental essence of democracy, freedom of speech and everything else that goes with it.

I make the point: this Government stands for democracy; this Government stands for the rule of law; this was a commercial decision that was taken in isolation and on which we had no influence. It was done on that basis; it was reviewed on that basis and it was removed on that basis.

Thank you, Mr. President. [*Desk thumping*]

Ownership Structure of Indigenous Banks

Sen. Wade Mark: Mr. President, the second area that I would like to address is the Government's policy with respect to the ownership structure of indigenous banks in the Republic of Trinidad and Tobago. Fifteen days from today, shareholders of the RBTT will decide the future of this indigenous bank, the biggest on the financial landscape in our republic.

We know that shareholders have the right to sell their shares to others. Would we have the power over future buyers of the bank which the Royal Bank of Canada is interested in snatching away from the national community? What is the policy of the Manning administration in respect of the ownership structure of indigenous banks in Trinidad and Tobago? Who will protect the interest of the depositors in this transaction? Is there a mechanism in place to protect the future sale of RBC to, let us say, another BCCI, that is the former Bank of Credit and Commerce International that was involved in money laundering? What mechanisms are in place to safeguard this country's national interest? Finance, as you know, constitutes the life blood of any economy and society. The Government should not take a hands-off approach to this issue. Banking should be treated differently from the rest of the economy of our country. Banks are fragile institutions. They need to be carefully regulated and without proper rules and regulations banks can become over-extended, resulting in runs and economic collapse.

The PNM regime has not articulated its position on the ownership structure of indigenous banks since the localization revolution of the 1970s. The Government has, through the NIB, some 22 per cent of the share ownership in that particular bank today, called RBTT. We understand that in Canada, no one, either a resident in Canada or a foreigner going to Canada, could buy more than 5 per cent into any Canadian chartered bank, including RBC that is coming to buy us out through a scheme called amalgamation, using the Companies Act.

What is good for the goose should be good for the gander. What steps will the Government be taking to protect the interest of successful indigenous banks from being gobbled up by foreign multinational corporations? Is FCB next on the chopping block? What is the role of the Government in protecting indigenous institutions such as RBTT? Should our indigenous banks not remain under national control? Were RBTT to be amalgamated with RBC, what would be the future of the First Citizens Bank? Should we allow key strategic national assets to be acquired by foreign multinational corporations? Who stands to benefit from the sale of this bank?

Let me outline to you and to Members of this Senate the ownership structure of this institution called the RBTT. The National Insurance Board has about 22 per cent as we speak; the Unit Trust about 4 per cent; Guardian Life Holdings, 15 per cent and the three most powerful individual shareholders in this institution are Arthur Lok Jack, Richard Azar and a chap called Imtiaz Ahamad, son of the late Naz Ahamad.

Ownership of Indigenous Banks
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I would like to refer you to an article in the *Guardian* of Thursday, January 18, 2007, entitled: "RBTT and the plantation economy" by Mr. Anthony Wilson. I quote:

"The sale of RBTT or any of this country's indigenous banks would be short-sighted and against the national interest of T&T. I feel the Governor of the Central Bank and the Minister of Finance must reject any proposal that is made either by the two Canadian..."

Banks that were trying to get here before:

"or the specious, self-serving logic of the Canadian analysts."

He goes on:

"The sale of RBTT would be contrary to the national interest because I have come to the conclusion that one of the ways in which countries build wealth is by encouraging their citizens to maximize the ownership of income-producing assets, both local and foreign."

He goes on:

"One of the crucial factors in the accumulation of capital in any country is that the providers of capital should be owned and managed in the interest of the country.

The English who developed the plantation economy understood this very well. Regional politicians do not...

...it really would be an economic crime if the shareholders of RBTT allow it to slip into foreign hands."

He goes on to talk about a book written by Professor Girvan some 36 years ago and he quoted:

"The case for national ownership and control of the Caribbean bauxite industry derives from the case against ownership and control by the multinational aluminium companies'."

He goes on:

"What we should do is modify Girvan to state that the case for the national ownership and control of the indigenous banks derives from the case against their ownership and control by Canadian banks.

...'we will have to own the industry if we are to use the profits for our own development, to give ourselves the chance to bring food, clothes, housing and education to all Caribbean people.'"

I am quoting these statements because I think Trinidad and Tobago would like to know why the Government is not articulating in a very clear manner its policy position on the ownership structure of indigenous banks in our nation. Let me just refer you to another article by Mr. Anthony Wilson of the *Trinidad Guardian*, Thursday, February 15, 2005 headed: "Who profits from RBTT sale." Who is to profit from this particular arrangement? He states:

"GHL (Guardian Holdings Limited) has more incentive to sell its stake in RBTT because of the way in which GHL accounts for its shareholding in RBTT."

This is what Mr. Wilson is saying. He is saying that this particular institution has \$47.2 million bank shares which they bought in the year 2000 at \$14 per share. Now they are getting \$40 per share. To them it is good business sense, but what is being said here is that they would realize about \$2 billion in cash to shore up their company called GHL. But what is going to happen to our country, to our economy?

The first thing that would happen is that RBTT will be delisted from the stock exchange. That is the first thing that would happen. The second thing is that this foreign bank is using this loophole in the law under the Companies Act in order to amalgamate with the RBTT. They have formed a dummy company in this country in order to swallow up RBTT. Do not tell me because a bank has had a flat performance rate for the last three years is any justification for this kind of invasion that has taken place.

All we are asking the Government of Trinidad and Tobago to do is let the depositors, in particular, hear your voice. What are your views on this impending takeover of RBTT by the Royal Bank of Canada? You cannot go into Canada to take over Canadian banks, but they are coming to Trinidad and Tobago to take over the Trinidad and Tobago banks.

6.00 p.m.

They were here from 1902 and left in 1987. They have come back in 2008 to take control of what they consider to be their baby. We ask the Government to articulate its policy position on this matter. Let the country know how the Government is thinking and the Government's position, whether it is a small shareholder or a depositor or a nationalist in this country. Let the country know how the Government is thinking as the thinkers with national assets of a strategic nature, by giving those assets to foreigners who have their objective.

My information is that the bank's headquarters will be removed from here. A couple days ago, we saw an article in the *Trinidad Guardian* where executive management and certain directors are in collusion with Royal Bank of Canada (RBC) in order to sell out this bank for their self-interest. That was reported in an article by Mr. Wilson in the *Trinidad Guardian*. Tell the country the truth. Tell the country whether a deal was made.

In closing, the Minister in the Ministry of Finance must tell the country whether in their haste to sell Royal Bank of Trinidad and Tobago (RBTT) to RBC some deal was struck with him. [*Laughter*] He must tell the country. Put your cards on the table! Tell the country what has happened! "How come a matter involving you in Barbados drop out of the sky all of a sudden?" Tell the country if something else happened. I am not accusing you of anything. We cannot tinker with the rights and interests of this country because people want self-exoneration. Let us know what is going on and who is fooling who.

In closing, we reiterate, the people of this country will like to know the Government's stance on this very important issue. That is all they want to know. If the Government clarifies its position today, I am sure that the national population would be happy. Is the Government going to direct NIB to dock the sale or Calder Hart who is in charge of NIB to proceed with the sale on March 26? Tell the country the truth.

Thank you.

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, firstly, let me start by putting a few facts on the table. I am a shareholder in RBTT, as I am in Republic Bank, as I was in BNS which shares I sold, as I am in Guardian Life and a number of other companies, all of which have been disclosed to the Integrity Commission. To start off, I make the point that I have no interest in this transaction, other than the benefit of my shares as disclosed above. I have not been paid and whatever allegations were made against me by the parties in court, which was a private commercial matter, was a dispute between two warring parties, RBTT on one side and a firm of which I was in control on the other side, for the acquisition of a bank in Barbados has been settled without payment of any money on my part and anybody's part as an inducement. That dispute has nothing to do with this transaction. That matter is now settled. Its settlement is simply a recognition that some mistakes were made and needed to be corrected, lest they come out in court.

Right! So now that I have cleared the matter on that one, let me deal with the matter of economic policy. Sen. Mark used the term "localized and indigenous" in equal sets. As far as I am aware, there is one fully indigenous entity or fully indigenous banking institution in this country. There were three before. Fortunately or

unfortunately, as the case may be, all the shares are owned by the Government of Trinidad and Tobago and that entity is First Citizens Bank. The other existing institutions were owned previously by foreign entities whose shares were sold on the local stock exchange and the majority have fallen into local hands. Those sales came about as a matter of economic policies which were articulated in the second development plan.

The third development plan identified the failure of the financial system to address the legitimate financial needs of the country, in particular the mismatch between the direction of lending and the requirements for development and growth. That was set out in a very simple pamphlet which was written by William Demas, the architect or coordinator of two development plans in a small article published in 1972, by the Caribbean Ecumenical Consultation for Development, Study Paper No. 4, *The Political Economy of the English Speaking Caribbean*. On page 20, in the section where he was speaking with regard to the need for changes in the key economic institutions, he identified international corporations, mass media, the educational system and had much to say about trade unions. I read in brief a paragraph as it relates to the commercial banking community. It says:

There are now only three locally controlled banks in the Caribbean, one each in Jamaica, Guyana and Trinidad and Tobago. The banking system is therefore dominated by branches of large international banks. Decisions about interest rates and lending cannot be influenced by central banks in a situation where the locally operating commercial banks and branches of large international banks can freely transfer funds from head office to branches in different countries and conversely.

Moreover, the pattern of lending by the commercial banks is heavily anti-developmental and if anything, serves to strengthen the import orientation of the economies. Their lending criteria are more appropriate to a developed than an undeveloped country. Commercial banks in the West Indies still lend mainly for distributive trades or for hire purchase, usually for goods with high import content or for personal loans. Their operations encourage consumption, particularly of imports and not production.

The third five-year development plan identified mobilization of resources as a critical area and the investment of local savings and the direction more favourable to long-term development of the national economy. As a result of that, the Central Bank Act was changed or passed in 1964, as a precursor to some of the developments which took place in the '70s.

In addition, the third five-year development plan set out as its objective, the need to achieve greater economic independence. The financial system would have to be reoriented to provide finance for production and exports rather than consumption and imports. The plan committed itself to develop a local securities market for saving and investments; to develop local financial institutions; to encourage the formation of locally-owned and controlled commercial banks; to urge branches of international banks to incorporate locally; to disallow new foreign insurance companies, commercial banks or hire purchase companies and to regulate and monitor the establishment of branches and commercial banks.

In pursuance of that policy, there were two successive budget speeches in which the Minister of Finance set out a policy of localization. And as luck would have it, during the period 1970—1972, economic necessity and political opportunity joined hands. The commercial banks were the subject of attack by the national movement of that day and age and the government responded positively. Circumstances gave the Government an opportunity. The Bank of London and Montreal was a joint venture between the Bank of Montreal and Barclays Bank. Barclays Bank operated in Trinidad in two legs; Barclays Bank as well as Bolam. Essentially, that partnership broke up and they decided that they would change it and the Bank of Montreal would take it over. The government used that opportunity and told them that they could not do it.

As a result, the partners sold the assets and the government sponsored a company called the National Commercial Bank which bought the assets of the Bank of London and Montreal. That began the policy of domestication of financial resources. In addition to that, the government passed and incorporated in legislation a number of issues of public policy, not the least of which was the restriction of insurance companies from investing abroad. In one of its regulations, the Insurance Act required the insurance company to invest approximately 80 per cent of its total resources in domestic assets. That continued to be the policy of the country until the '80s. I will get to that particular point.

To follow the line of economic history, in 1972, adjustments were made to the Central Bank Act which effectively gave it control over reserves and the ability to control the lending portfolio of commercial banks. Between September and December, 1972, Barclays Bank and RBTT commenced the localization by selling off shares. I think that that was finalized, in the case of RBTT in 1986, when there was an attempt to take over by a domestic insurance company called CLICO by buying the shares. Subsequently, the management of RBTT was able to engineer and otherwise, arrange the acquisition of the rest of RBC's shares.

It is also to be noted that RBC exited the Caribbean in each of the major countries with the exception of Barbados and the Organization of Eastern Caribbean States (OECS). The same is also true of CIBC as well as Barclays Bank. Eventually, Barclays Bank was acquired in an acrimonious takeover battle which started in 1989 and came to an end in 1996, if I am not mistaken, when there was a bit of a peace treaty, negotiated and brokered by some members from the other side.

The policy of localization continued throughout the '70s and '80s. Eventually, banks carried on and sold their shares in the domestic market. At the same time, the government in pursuance of its economic objective which was set out in the third five-year plan set up several institutions: the National Insurance Board came; the Trinidad and Tobago Stock Exchange was established; the Unit Trust Corporation was established in 1981, the Home Mortgage Bank was established in the decade of the '80s to provide a secondary form of financing; the Trinidad and Tobago Mortgage Finance Company (TTMF) was established in the decade of the '70s. A number of new economic institutions came into being. Those economic institutions were restricted in their ability to invest abroad as part and parcel of the foreign exchange regime.

In 1971, another indigenous entity was set up. The Workers' Bank Act was initiated by the Seamen and Waterfront Workers Trade Union (SWWTU). The three indigenous entities came to an end in the '90s. They were Workers' Bank, Trinidad Co-operative Bank and the National Commercial Bank which at various stages were merged into one entity, which now trades, on its own as, First Citizens Bank. That was the policy. We also have the benefit of that policy, an insurance company now called Guardian Holdings which was a foreign company in 1971, called Jamaica Mutual Society. Eventually, that became public and morphed into what is now called Guardian Holdings.

By the mid '80s the process of localization had been completed. Two banks did not become part of that group. They are Chase Manhattan Bank and Citibank. Scotia Bank and the Bank of Commerce, which was CIBC, eventually localized in very small quantities. The Bank of Nova Scotia never went as far as Barclays Bank or RBTT. Citibank sold approximately 30 per cent of its shareholding and became known as United Bank in 1984, after 1981 when the government gave it and Chase Manhattan 12 months to localize. It indicated that at the beginning of January 1981, its deposit would have had to be reduced by a factor of 8 per cent per month. In other words, they would have had to wind up operations in one year. Citibank gave in but took approximately 36 months to offer shares. Bank of Commerce did it in 1980 and Chase Manhattan Bank decided to leave. They closed up operation and its assets were then acquired by NCB.

The process of localization started in the decade of the '70s. It was articulated in the decade of the '60s, continued in the course of the '70s and came to pass virtually in full by 1985. Around that time, there was a slight change in policy which was indicated by the operation or existence of BCCI which was allowed to come into the market. The other change in policy occurred in 1989 when Citibank acquired the outstanding shares of United Bank and once again became the Citibank.

6.15 p.m.

Mr. President: You have three minutes more.

Sen. Dr. Nanan: Standing Order 83(1) gives the authority for the Minister to be given more time to complete his answer. [*Laughter*]

Hon. Senator: Surprise, surprise!

Sen. The Hon. M. Browne: I thank you. Such generosity! It was completely unexpected this evening. The point is that, in large measure, the objectives of the third five-year development plan were largely met by the middle of the 1980s. A couple other things took place in the middle of the 1980s. Economic circumstances and economic conditions changed and the policies which were espoused in the 1970s changed somewhat. At that stage of the game, we ran into difficulty. The economy went into recession and a different plan was envisaged. In 1986 or 1989, we entered a standby arrangement with the IMF and, as a result, we adopted a number of economic policies which were completely the reverse of those of the 1970s. In fact, we talked about liberalization of the financial markets.

In evidence of that, we have had the formation of Intercommercial Bank, which was done in 1998, and, of course, I indicated that in 1989 Citibank was allowed to repurchase the local shares and become once again a fully fledged bank of Citibank, North America. So the change of which we are speaking in fact started in 1989 and is the economic policy articulated at this time. It has been in existence since 1989.

The other example of that is the establishment of the Intercommercial Bank, which was done, not by a local entity, but by a non-resident and 100 per cent of the shares was owned by that non-resident company. In point of fact, the localization and the policy of localization had largely ended by 1990. The policy of liberalization of the financial markets continued to April 1993 with the adoption of the floating exchange rate. Therefore, with respect to this particular transaction, the economic policy has been well established.

We are operating in a liberal financial market; we have not continued with the policy of localization. The institutions which were required to be built to facilitate the mobilization of financial resources are largely in place. There continue to be

developments to strengthen the financial framework so that these institutions can achieve their objectives. We do recognize, and it is recognized by all concerned, that the economics of the New World Order speaks about globalization and free movement of funds and investment.

In recognition of that fact, the previous restrictions which prevented the insurance companies from investing any more than 20 per cent of their assets abroad have since been removed; therefore we are now operating on a point of reciprocity. Mr. President, this is a private financial transaction in which the shareholders will make a decision.

The point made by Sen. Mark in his opening remarks was that the shares would be delisted. It is not that there will be no benefits by way of shares. The offer on the table is 60 per cent cash and 40 per cent ADRs, that is, depository receipts, which will allow investors in RBTT today to own a portion of RBC. There is nothing in our regulations that prevents any person in this country from buying any share in any bank anywhere in the world. We operate in a liberalized financial market. That is the policy we have adopted, and that is the policy today.

I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.20 p.m.

WRITTEN ANSWER TO QUESTION

Special Offences (Status of)

The following question was asked by Sen. Prof. Ramesh Deosaran:

With respect to the specific offences of robbery, burglary, larceny, abduction, kidnapping, assault, house break-in, possession of drugs and drug trafficking, could the hon. Attorney General inform the Senate for each of the last four years 2003, 2004, 2005 and 2006:

- a. How many times each offence was committed (reported) in each of these years?
- b. How many persons have been charged for each offence in each year?
- c. Of those charged, how many have been granted bail or refused bail in the Magistrates' Court?

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- d. Of those refused bail in the Magistrates' Court, how many on appeal have had such bail subsequently granted in the High Court?
- e. Of those granted bail in the Magistrates' Court, how many have had this decision on appeal reversed in the High Court?
- f. Of those granted bail in the Magistrates' Court, or in the High Court, how many have subsequently been charged for one or more of these offences?
- g. What type(s) of offence(s) have they been charged for while out on bail?
- h. Of those charged for each of such offences while out on bail, how many have been convicted?
- i. Of this convicted lot, what type of sentence did they receive?

The following reply was circulated to Members of the Senate:

The Attorney General (Sen. The Hon. Bridgid Annisette-George):

- a. With respect to the number of times that each offence was committed (reported), please see Table I of the attached Appendix I.
- b. The number of person who have been charged for each offence is listed in Table Ii of appendix I.
- c. See response at h.
- d. See response at h.
- e. See response at h.
- f. See response at h.
- g. See response at h.
- h. In order to provide a response to the question posed, the Ministry of the Attorney General requested information from the Ministry of National Security and the Judiciary, the agencies within which the relevant information resides. However, the Ministry of the Attorney General was able to source data only from the Ministry of National Security, which provided responses to parts a and b of the question. The Judiciary provided the following response to parts c to i:

With regard to Question No. 1 (parts c to i) a number of obstacles have impacted on the exercise initiated by the Statistical Unit to gather the data requested. These include tracking and locating matters where bail is

given/refused. It was necessary to liaise with the police in order to determine which of the persons who are on bail may have committed other crimes. This exercise is ongoing. Given the constraints, it is estimated that the minimum time required to complete this exercise is approximately six (6) months.

Accordingly, it is not possible at this time to provide a response to parts c to i.

Table I
Table Showing Number of Crimes Reported

| | Number of Crimes Reported | | | | | | | | |
|--------------|----------------------------------|-------------|----------------|-------------|---------------|-------------|-------------|------------|----------------|
| Year | Kid. | K.T. | B&B | Lar. | P of D | DT | AABH | APO | A&B |
| 2003 | 235 | 50 | 4863 | 1299 | 4718 | 505 | 303 | 280 | 13765 |
| 2004 | 177 | 28 | 5214 | 1516 | 6142 | 589 | 249 | 261 | 13836 |
| 2005 | 280 | 58 | 4582 | 2752 | 4671 | 506 | 270 | 227 | 12395 |
| 2006 | 214 | 17 | 4973 | 3064 | 5051 | 543 | ** | ** | 11422 |
| TOTAL | 906 | 153 | 19632 | 8631 | 20582 | 2143 | 822 | 768 | 51418 |

Table II
Table Showing Number of Persons Charged

| | Number of Crimes Reported | | | | | | | | |
|--------------|----------------------------------|-------------|----------------|-------------|---------------|-------------|-------------|------------|----------------|
| Year | Kid. | K.T. | B&B | Lar. | P of D | DT | AABH | APO | A&B |
| 2003 | 180 | 39 | 870 | 380 | 5306 | 687 | 220 | 280 | 967 |
| 2004 | 130 | 24 | 1038 | 523 | 6711 | 810 | 177 | 260 | 1116 |
| 2005 | 283 | 78 | 768 | 436 | 5127 | 674 | 227 | 223 | 871 |
| 2006 | 224 | 32 | 881 | 453 | 5486 | 762 | ** | ** | 111 |
| TOTAL | 817 | 173 | 3557 | 1792 | 22630 | 2933 | 624 | 763 | 3065 |

| KEY | |
|----------------|--|
| Abbrev. | Full Term |
| Kid. | Kidnapping |
| K.R. | Kidnapping for Ransom |
| B & B | Burglary & Break Ins |
| Lar. | Larceny |
| P of D | Possession of Drugs |
| DT | Drug Trafficking |
| AABH | Assault Occasioning Actual Bodily Harm |
| APO | Assault of Peace Officer |
| A & B | Assault & Battery |

*** Information not available