SENATE

Tuesday, February 17, 2009

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LATE ARRIVAL OF GOVERNMENT MEMBERS

Mr. President: Hon. Senators, as you see, the Government Benches are for the most part vacant. I am advised that all the Ministers are at the airport saying farewell to His Majesty the King of Spain and Queen Sophia and they will be here shortly.

Because neither the Leader of Government Business, nor the Minister of Health is here, I think I should suspend the sitting for a few minutes and give them a while to get to the Chamber. So I will suspend the sitting until at least one of those two Members on the Government side has arrived. The sitting is now suspended.

1.33 p.m.: *Sitting suspended.*

1.42 p.m.: *Sitting resumed.*

INTRODUCTION OF GUESTS

Mr. President: Hon. Senators, I would like to introduce to you guests of mine from the Tobago House of Assembly (THA), Mrs. Ann Crichlow-Gift, the Presiding Officer of the THA and Mrs. Eula Armstrong, the Acting Clerk of the Tobago House of Assembly. [*Desk thumping*]

I would also like to introduce to you the new special security force that the Parliament has. They were commissioned yesterday, 30 new officers who are Special Reserve Police and they are permanently assigned to the staff of the Parliament. They are our security and ours alone. So we would welcome them as well. [*Desk thumping*]

CONGRATULATIONS TO MEMBERS OF STAFF

Mr. President: I would ask you to join me in congratulating the members of staff of the Parliament on the excellent work that was done yesterday on the visit of His Majesty the King of Spain and Queen Sophia. [*Desk thumping*]

LEAVE OF ABSENCE

Mr. President: I have granted leave of absence to Sen. Dr. Jennifer Kernahan who is unwell.

PAPERS LAID

1. Trinidad and Tobago Heritage and Stabilisation Fund Quarterly Investment Report for the period July—September, 2008. [*The Minister in the Ministry of Finance* (*Sen. The Hon. Mariano Browne*)]

2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Heritage and Stabilisation Fund for the year ended September 30, 2008. [Sen. *The Hon. M. Browne*]

ORAL ANSWERS TO QUESTIONS

Bail Outs
(Details of)

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

Regarding bail outs of private financial institutions by European countries with which Trinidad and Tobago has trading relations under the Economic Partnership Agreement (EPA), could the Minister state:

(a) Trinidad and Tobago's position in the absence of similar bail outs?

(b) Whether such bail outs violate any of the terms and conditions of the EPA?

(c) If the answer to (b) above is in the affirmative, could the Minister state the steps the Government intends to take to address any violation of the Agreement?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I have to apologize, I said last week that this would have been ready in one week but the answer has not yet received approval. So I am not in a position to answer this question today.

Sen. Mark: Mr. President, may I ask the hon. Minister, through you, when this question will be ready?

Sen. The Hon. M. Browne: Mr. President, this question is actually best answered by the Minister of Trade and Industry, so there is a collaborated effort for us to arrive at a final answer, that is why we have had this additional delay. I am not in a position at this stage to say, I am still awaiting final sign off from the Ministry of Trade and Industry.

Question, by leave, deferred.

CCJ and the Regional Legal and Judicial Services Commission (Government's Intention)

12. Sen. Wade Mark asked the hon. Attorney General:

Could the Attorney General state whether it is the Government's intention to request Caricom to place the CCJ and the Regional Legal and Judicial Services Commission in abeyance pending improvement of the region's economic circumstances?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, this question should be ready for the next sitting of the Senate.

Question, by leave, deferred.

Dr. Rupert Griffith and Dr. Vincent Lasse (Status of Debt Incurred in Judgment)

13. Sen. Wade Mark asked the hon. Attorney General:

With respect to the judgment in the matter involving the challenge by the Prime Minister, Honourable Patrick Manning of the Crossing of the Floor Act relating to Dr. Rupert Griffith and Dr. Vincent Lasse, could the Attorney General inform this Senate of the status of the debt incurred by him?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, the position is the same with this question; they would both be available at the next sitting.

Question, by leave, deferred.

Chief Personnel Officer and NUGFW (Agreement between)

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

With regard to the agreement between the Chief Personnel Officer and the National Union of Government and Federated Workers Union (NUGFW), could the Minister state the steps which are being taken to ensure that daily-paid workers are paid a sufficient pension upon retirement?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I am not in a position to answer this question as the answer has not yet been approved.

Question, by leave, deferred.

Sen. Mark: Mr. President, may I engage you for a moment to find out whether Ministers can simply rise and tell you and this honourable Senate that the question is not ready, and there is a collaborative effort between "X" and "Y" Minister or ministry and cannot say what time frame the question will be answered, even though you have approved it and the time has passed?

I want to get your guidance in this matter, Mr. President, in terms of how they are treating matters that have been approved by you.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, Sen. Mark knows very well that you are in no position to answer that question he has posed. The fact of the matter is that questions to Parliament must have Cabinet approval and the way that is done is that they go to a Parliamentary Questions Committee (PQC) where they are considered, and if they are considered to be appropriate, they are approved.

In the case of questions 7, 12, 13 and 14; questions 7 and 12 were recommended by the (PQC) and, therefore, will get Cabinet approval at the next Cabinet meeting and questions 13 and 14 were in fact considered and the answers were found to be deficient and the QPC recommended amendments to the answers. When that is done, they will go through the same process; they go to the Cabinet and once they are approved they will be submitted and answered.

EMERGENCY AMBULANCE SERVICES AND EMERGENCY MEDICAL PERSONNEL BILL

[Second Day]

Order read for resuming adjourned debate on question [February 10, 2009]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: Those who spoke were the Minister of Health, the mover of the Motion, Sen. Dr. A. Nanan, Sen. Baptiste-Mc Knight, Sen. Oudit and Sen. Melville. Those wishing to speak may do so now.

Sen. Wesley George: Thank you, Mr. President. Mr. President, I rise to support the Emergency Ambulance Services and Emergency Medical Personnel Bill, and I feel privileged to contribute to this debate which seeks to enact legislation to ensure that the citizens of Trinidad and Tobago can enjoy a quality of service from our ambulance services that is in keeping with this Government's vision of developed nation status by the year 2020.

1.50 p.m.

I wish to thank my hon. colleagues who have contributed to this Bill at the last sitting and I just want to say from the onset that we have listened attentively; we have taken on board the recommendations and criticisms and we have come to the Parliament today with a list of amendments that we would put forward at the committee stage.

I want to begin my contribution this afternoon by reiterating a few points which the Minister of Health articulated in his opening presentation. The Minister of Health clearly stated that this Emergency Ambulance Services and Emergency Personnel Bill is to provide regulation for the ambulance and emergency services in Trinidad and Tobago and as such, the Bill proposes a governing structure in order to do this in two ways: firstly, by regulating emergency ambulance service providers; and secondly, to regulate the emergency medical personnel.

In this regard let me emphasize that there are three bodies, according to the Bill, to regulate the emergency ambulance service providers. They are the National Emergency Ambulance Services Authority; the Emergency Ambulance Regulatory Committee that advises the authority and the Emergency Ambulance Services Board. In this respect, the Bill provides for the establishment of an appeal committee to review rejected applicants. On the other hand, there are two bodies that regulate the regulation of emergency medical personnel. They are: the emergency medical personnel board and a council of the emergency medical personnel board.

In light of the fact that emergency medical personnel are at this point in time not regulated, what has to be done is that we need to put in place an interim measure; in this case the council, whose primary objective would be to register all emergency medical personnel and to oversee the implementation of the emergency medical personnel board. That is their core function—that is the council.

The hon. Minister also emphasized the benefits of the Bill to the average citizen of Trinidad and Tobago as a result of regulating this particular industry. Consequently, as a result of this piece of legislation, you would have a situation where only qualified individuals who fulfil the requirements of this Bill will be allowed to hold themselves out as emergency medical technicians. We recognize that there are persons who currently work in the industry who are not up to standard as it relates to some of the provisions in the Bill and we would seek to provide training for these persons in due course to ensure that they are brought up to the level and can so operate in the industry.

However, in the meantime they would be allowed to work in non-emergency ambulance cases. Let me take the opportunity to make the distinction between emergency ambulance and a simple ambulance scenario. Emergency ambulance simply means that you can transport patients and basically you have the right to use the sirens, I understand, as opposed to simply moving a patient from one place to another. That is the main difference between emergency ambulance services where you are rushing them through, as opposed to simply transporting a patient from one place to the other.

I want to take this opportunity to address—in fact, not simply take, but I actually decided to challenge myself to respond to some of the comments that were made by the hon. Sen. Baptiste-Mc Knight in her contribution. Firstly, Sen. Baptiste-Mc Knight asserted that the emergency ambulance service is a subset of the emergency medical service system. This is accurate. In fact, to my best recollection, the Minister of Health indicated exactly that in his opening presentation. He went to great lengths in reiterating that this service was part of a larger system and it cannot stand on its own. I recall the hon. Minister did suggest that the entire health care system must operate in a coherent and coordinated form and that the Bill in its present form cannot provide such coherence. That is correct.

So we agree that the entire system must, in fact, operate in some form of unison. However, the objective of this Bill is not to regulate the entire sector, but we are only seeking to regulate the national emergency ambulance service of Trinidad and Tobago. This is simply one of the many initiatives that we at the Ministry of Health are presently pursuing, to ensure that regulation of the entire health sector is achieved.

One that quickly comes to mind is the current review of the public health ordinance. We are currently working with the Ministry of Local Government to bring that legislation to the Parliament, as well as the Health Sector Accreditation Bill. We are hoping that before the end of the year that Bill can be debated in Parliament as well. We are working towards bringing those pieces of legislation to the House.

What we are working towards, essentially in terms of our legislative agenda at the Ministry, is to put on the front burner, legislation that would provide our health care professionals with the framework to deliver improved quality health

care that really and truly the population is calling for. We are quite aware that there is a need for this to happen but it must happen in a structured way. You would notice that the types of Bills we are bringing forward are Bills that are, in fact, designed to do exactly that.

The hon. Sen. Baptiste-Mc Knight further indicated that the regulatory committee ought not to be developing standardized treatment, transport policies, vehicle and equipment maintenance protocol, as this, in her view, was the responsibility of hospitals. Let me again reemphasize that these protocols and standards are not hospital standards and protocols, but rather standards and protocols for the emergency medical service. However, to remove any doubt, we wish to amend clause 4(3) to read as follows:

"In addition to its duties under subsection (1), the Committee shall in respect to emergency ambulance service—

(a) define and recommend to the Minister the minimum medical equipment and medical consumables to be carried on board an ambulance in provision of an emergency medical…"

Sen. Dr. Nanan: Mr. President, that amendment is not before us.

Mr. President: Both of you cannot be standing at the same time, please. Is this a point of order? I am not clear.

Sen. Dr. Nanan: Yes, Sir; it is a point of order because he is about an amendment that has not been circulated and we do not have that information.

Mr. President: Senator, if you are going to speak to the amendments that you have indicated, you really ought to circulate them beforehand or else everybody else is at a disadvantage. You are debating something of which everybody has no knowledge. You did say that you would circulate them at the committee stage, which is fine. If you are going to do that, you can talk about it then, but to talk about it now puts everybody at a disadvantage. If you can, perhaps, get someone to circulate the amendments now, I will allow you to continue, but please try and have it done as quickly as possible.

Sen. W. George: I am so guided, Mr. President. It is presently being circulated.

I will continue. Some concern was also expressed by the hon. Senator that the composition of the regulatory committee did not adequately reflect the competencies that ought to reside therein in order for the committee to perform its functions as detailed in clause 4(3). We have noted the concern of the hon.

Senator and we propose to make some adjustments as they relate to this particular clause so that it is a little clearer and more in line with what the hon. Senator was addressing.

With respect to Sen. Baptiste-Mc Knight's concern about the relevance of the seals, I am advised that this is a legal matter. However, I am told that while some companies abroad have more or less done away with the use of seals, there is provision for the use of seals still within the Companies Act and I am further advised that whereas there are no legal requirements for the use of seals, we have decided to use this mechanism because it helps to prevent any question of irregularity in the execution of documents as there is usually one seal available for signage and it gives the board and board members control over signatories.

Sen. Baptiste-Mc Knight: Mr. President, through you, I think there is a slight misunderstanding. My problem with the seal is that in one clause you say "the seal shall be kept by" that is in clause 6, then in clause 44 you mentioned that the board will also have a seal. So my problem was: Is there one seal or are there more seals?

Sen. W. George: There is one seal.

Sen. Baptiste-Mc Knight: Then there is a problem. If there is one seal and at clause 6 you say "the seal shall be kept by", how does the other body have access to the seal that they cannot keep?

Sen. W. George: Thank you. The Minister of Health will deal with that particular issue in his winding up.

With respect to clause 8, we propose to make some amendments to the phrase "time to time". And in relation to the maintenance of vehicles, I just want to quote the hon. Senator when she said that: "In a system that is suggested at Part IV, where you are not going to have a fleet that belongs to government; a lot of it is going to be outsourced. How is this authority ever going to be able to tell Harry, James and Mary Blinkieye exactly what their fleet management has to be?"

2.05 p.m.

We recognize that it may not be public knowledge that the Government owns the 45 ambulances. As it relates to the Ambulance Authority, those 45 ambulances will be vested in their care. The Ministry of Health will regulate the private ambulances via the licensing provision.

Let me take this opportunity to inform the Senate that the Government has taken the initiative to tender for 14 additional ambulances as a result of its current policy to ensure that the fleet is sufficiently equipped. Furthermore, let me

indicate that the authority is not concerned with other emergency ambulance providers. As was stated before, the Ministry of Health will be charged with the responsibility for licensing these providers of the service.

Another view of Sen. Baptiste-Mc Knight was with respect to clause 9 as it related to persons being asked to perform public duties and were protected from liability. We discussed the matter at length and sought the advice of the legal advisors. We have come to the conclusion that we cannot accede to this particular request because we were advised that the State must protect these individuals from attracting personal liability in the exercise of public function, because we must assume that they are taking decisions in good faith. I am advised that this protection from a personal liability, once the action, permission or omission is in good faith is an inherent principle of law derived from the law of equity. If the action, permission or omission were not in good faith, the board members and authority can be personally liable.

Sen. Seetahal SC: If you will give way. If it is a normal principle of law as you said, then there is no need to include it. I saw it about three times in the Bill.

Sen. W. George: The point was duly noted and the Minister will speak to that in his winding up.

I want to make the point clear as it relates to the original comment that the chairman and members of the board are not absolved from their responsibility as what was interpreted in the original Bill.

With respect to the reporting relationship with the inspectors, they will report to the committee and not the authority. One needs to understand that the authority will be a service provider and has to be subjected to the licence process and as such will come under investigation from time to time. These inspectors will conduct investigations on the authority.

With respect to clause 6 we will be in a position to put forward some amendments as they relate to the phrase, “if required”.

The Senator raised some concern as it relates to clause 24. Let me take the opportunity to assure the hon. Senator and the Senate that resources will be in place to administer the Act. We maintain that because the emergency ambulance care can be critical to the health status of a patient, strict adherence to the Act and regulations is required. It is important to have an annual inspection of the operation of the licence holders. Consequently, we are of the view that in order to safeguard public interest, licences must be issued annually.

Our information reflects that there are 10 private providers and half of them are not in the business of providing emergency ambulance services and the ministry would not be overburdened. As a result, the main provider of emergency ambulance care at this point in time is essentially the State, one body. Out of the 10 private providers they will have to regulate 5. When you look at it in that context, it would not be a burden. We have noted the concern.

The hon. Senator also indicated in clause 27 that the clause does not include standard of service as a criterion. We have taken this on board and we are in a position to make some amendments to clause 27(2). We trust that when these amendments get to you, they would meet the expectation and alleviate your concerns.

As regards Sen. Baptiste-McKnight's concern about clause 34(1) that the emergency ambulance service register should be kept at all local authorities, we wish to advise respectfully, that there is one register. If your concern is accessibility, we are prepared to put the register on the ministry's website for greater access.

Sen. Baptiste-Mc Knight expressed her discomfort at the power granted to the Minister in clause 34(4) which would allow the Minister to restore any name removed from the ambulance service register. We agree to some extent with the intention. One must note that the intention of the name to be restored will only be after the licence is granted. It will not be a situation where on the Minister's admission a person would be re-registered, but it has to be recommended to the Minister via the committee and his licence must be reissued for operation.

The hon. Minister stated clearly that regulations have been prepared and will be laid shortly in Parliament. "Shortly" in this context means 30 days after the Bill has been proclaimed.

With regard to clause 39 and the submission of Sen. Baptiste-Mc Knight that it should be amended in order to include a representative from the National Training Agency, after looking at the Bill we found that it is a reasonable request. In light of the fact that the council will be dealing with training, we see training these emergency medical personnel as key to the proper functioning of this particular service. A representative of the National Training Agency will be an asset to the council. We would bring amendments to reflect that in the Bill.

With regard to clause 51(4), there is a concern as to why the Registrar is absorbed from responsibility for not registering an applicant by allowing the president of the council to do so. I am advised that this is a provision that was

brought about as a result of situations that occurred before. If I am not mistaken, I believe that it was an unfortunate situation that existed with the Pharmacy Board. As a result of that the drafters have taken a decision to put in this safeguard to ensure that we do not find ourselves in such a situation again, where one person is holding us to ransom. That was the genesis of this particular clause.

However, it is material to note that the provision does not resolve the Registrar of his or her responsibility or the council to take action against the Registrar for failing to perform his or her duties. No one is above the law and the governing structure is far-reaching to ensure that all persons are accountable.

I wish to remind you that the incidence of accidents, violence and medical emergencies account for a significant level of morbidity and mortality in Trinidad and Tobago. In this regard, medical knowledge indicates that existing accidents and emergency survival rates are greater when the patients are managed appropriately on site and transported to health institutions in well-equipped and appropriately staffed ambulances. Presently, there is no regulation of ambulance and emergency services. Accordingly, there is a great need to regulate ambulance and emergency services in Trinidad and Tobago and this Bill proposes to do exactly that.

Thank you.

Sen. Helen Drayton: Mr. President, let me open by giving my full endorsement to the intent of the proposed legislation. There is no question that a regulatory framework with respect to the governance of emergency ambulance services is required to set the appropriate and minimum standards with respect to qualification, skills et cetera. Be all that as it may, my problem with this Bill lies mainly in the area of governance which is what the Bill is supposed to be about.

I have reviewed each item and I cannot determine exactly who is responsible for what. Let me first address some of the issues in governance. You have a regulatory committee that will be given all the authority and mandates. You have established an authority with absolutely no teeth, but you are saying in the legislation in this Bill that it is responsible for the delivery of service, but it has no tools under its control that would effect an efficient delivery of service.

This committee in accordance with this Bill is not a committee to advise the board. It is a committee to advise the Minister in accordance with the language here and give support to the Minister. Then you have the Medical Personnel Board with a council, attendant appeal committees and a registrar, but the fundamental and basic decisions or the outcomes and the approvals will reside in the committee.

2.20 p.m.

In going through each clause, I have to say that I endorse fully the observations of Sen. Baptiste-Mc Knight and I have heard nothing here today that has answered in an appropriate way the queries and the concerns that have been raised. I do not think that the Bill, in the context of service delivery, is a Bill to govern emergency ambulance services in the 21st Century.

Sen. Narace: [*Inaudible*]

Sen. H. Drayton: I do not speak for long. I would like to make my contribution. If the Bill does not clarify it, then clarification is required and it needs to be addressed in the Bill. By virtue of fact that you can bring all these amendments—

Sen. Narace: Thank you very much. You are asking about the regulatory committee as opposed to the authority as opposed to the delivery of service.

You can have an emergency authority that provides the service, but they do not have to provide it themselves. They can outsource someone. In fact, the very arrangements that pertain today can remain and they can still provide the service. So, in terms of service provision, Sen. George and I quite clearly indicated that the Government proposes to continue to own the public service ambulances as we do now and as we have ordered.

The regulatory committee is to regulate all other service providers, including the one that is the authority that provides it. It is a regulatory committee and it will regulate everybody and that is the committee that will advise the Minister. The board is the composition of all those EMTs and the council is the body that will upgrade the profession, regulate it, license and so on.

I am trying to figure out what you would like us to clarify.

Sen. H. Drayton: I will continue with my contribution.

The basic principles of good governance would state that there must be clarity of role and function. There must be accountability and objects that are measurable. I will demonstrate each one.

This Bill is not suitable for any country that is aspiring to developed nation status in health care. Exactly who is developing and who is implementing? In some instances, the committee is developing and in others the board has a very peculiar mandate, which it will not be able to execute. Who is responsible for the

efficient delivery of emergency ambulance services? It is not the authority as suggested in this document. It will be severely handicapped by the role of the committee which it has been stated is supposed to be advisory. You have a board with no ability to make any policy or to take any decisions on the ground with respect to the delivery of service.

Let me go through some of the items, some of which Sen. Baptiste-Mc Knight has commented on. Clause 5(1):

> "There is hereby established a body corporate to be known as 'the National Emergency Ambulance Services Authority'…"

Clause 8(1):

> "The Authority shall undertake the following functions:
>
> (a) responsibility, from time to time, for the delivery of a national emergency ambulance service;"

I want to know what is meant by the term "from time to time". Are we saying that national emergencies only happen from time to time and, therefore, its mandate will be "from time to time"? I am sorry, but I think a common entrance student can write this better than is stated here.

While on that subject, at any given point in time, particularly in a national emergency, there will be a shortage of skills, particularly in Advance Level I and II. That exists now. If this Bill is passed and proclaimed as is, the entire ambulance service will be operating outside the law and, in a national emergency—I heard what has been said about people being trained to execute their duties, but this Bill should be proactive in dealing with national emergencies, otherwise all parties are operating outside of the law.

Let us deal with some more of the functions:

> "(b) monitor and evaluate its services."

Any good service provider will undertake the monitoring of their service, but best practice would dictate that there must be an independent third party. I rule out the committee here because it is developing the policy. The committee is the one developing standards and the committee and the Minister are the ones to which the authority has to go to do everything. So, there is no objective assessment. The authority, in any event, has not been given the mandate to do anything about service.

According to this Bill, the authority's major function is the delivery of emergency health care services. Mr. President, when it comes to delivery of any service, particularly that which will make the difference between life and death, decisions must be taken in the line, not in some committee in a Minister's office. Therefore, the authority must have a mandate to do exactly that. It has no mandate.

It is said that this Bill deals with emergency services, but the function is delivery of emergency health care services. So we have a national emergency, whether a flood, a fire, an earthquake, and there is no regulation governing private services because you have deemed that they cannot provide emergency care. Where are we going? Why are you crowding out the private sector service? They are the ones giving an efficient service at this time. It does not make sense. We cannot be talking 2020 vision and developed nation status and you are not bringing all the invaluable resources on board to serve the interest of the people. There is a saying: "If you want all the control and power, take all the blame."

Clause 8(2):

"(d) establish a complaint review committee for the effective management of matters that may give rise to a risk to health or safety of patients;"

The inherent risk in this entire Bill at this time is the greatest risk to the delivery of emergency ambulance service. This document is a risk. In any event, it is the Minister and the committee that have the final say. The authority does not even have the final say about complaints and this is what is wrong with the current health care system now. [*Interruption*] I am not giving you any more way. We have pieces here, there and everywhere. There is no coordination and no coherence, that is why you cannot have a proper inventory management. This is why you do not know who is responsible for incinerators that are broken down. This is why nobody is held accountable.

"(e) develop and monitor a system of optimal fleet management which shall include purchase, upkeep and maintenance of the vehicles;"

This function is compromised by the role of the committee. The committee is the one developing standardized treatment, the transport policies and the vehicle, equipment and maintenance protocols. Why do you need the authority if you have this committee? You really do not need an authority. You just need a regulatory committee. My fear is that while you have some semblance of an ambulance service now, if this comes into force, then zero.

If the Minister is getting advice from the committee and will be holding his meetings with the authority, that is one thing, but that is not the case here. The mandate is with the committee. This is what the legislation says. If that is not what is meant—and I understand all the argument about interpreting the law—and nobody could interpret it in a way that makes sense, then something is wrong and by virtue of the fact that you have to bring so many amendments to everything raised by Sen. Baptiste-Mc Knight, this Bill should not be going anywhere.

Why is the committee not part of the authority, if there is a technical committee advising the Minister? Normally, if you have an authority, you have a chairman, a board—we are talking about big people who are qualified, medical practitioners and whatnot. Why are they not advising the Minister? So I have to ask the question: Where will the tender procedure for vehicles and equipment reside? With the committee or with the authority?

"(g) ensure the provision of continuous and uninterrupted emergency and ambulance service;"

The authority cannot ensure anything; it does not have the tools. It has no control even with respect to who gets a licence. Once you are dealing with service delivery—and I am not talking about service delivery in a twilight zone; I am talking about 21st Century service delivery—you have to give the front line the tools and the authority to do the job. Those persons to whom you are giving the tools and the authority must have the appropriate professional competencies and skills to do so.

Hear this function.

"(h) liaise with the Ministry with responsibility for disaster preparedness management;"

To liaise with anybody is not a function. The chairman could ask his secretary to call the Ministry responsible and that is liaison. If you look under (f):

"(f) develop, monitor and implement disaster preparedness programmes;"

That section should be amended to say "to include developing and maintaining an efficient communication system". You cannot hold anybody accountable for liaising. Liaising is not a function; it is just a duty on the side. To have that in a document as law—

"(i) develop quality improvement programmes and risk management systems;"

The function of the authority in this regard will be seriously compromised since it does not have the responsibility for the ongoing research and development of

standards of practise, including standardized treatment, transport policies, et cetera. It cannot do anything within risk management. It cannot even hire inspectors. That resides with the committee.

2.35 p.m.

If you look at clause 15:

> "The Minister may, in accordance with the subsection (2), appoint an inspector or an inspection team to visit..."

You are saying that the authority is responsible for service, but it ought to have, residing within it, the ability to do that.

This Bill, I think, sadly replicates everything that you want to disband in the public service. It represents an environment that is somewhere in the mid-20th Century. I feel we should leave Jurassic Park behind and not have a set of animals jumping up and biting us; as this Bill would imply. It is bureaucratic. It is cumbersome. This Bill is arrogance; it is not a Bill with respect to ambulance services. It is a Minister of Health Bill. There is a difference. It is inefficient, it is incompetent, it is fat, it is costly, and there is no accountability.

Let me address accountability. Who should the taxpayer hold responsible, the committee, the Minister or the authority? Well, according to this Bill, they are all absolved under the funny guise of acting in good faith. You could be incompetent or inefficient in good faith and that is your cover. Come on, we are in the 21st Century and we are talking 2020. We are talking developed country status. You cannot absolve people from responsibility. I know all the other pieces of legislation going back in history does the same thing, but if we are going forward with the new legislation, let us hold somebody accountable, so when the incinerator breaks down, Mr. Minister could say: You are accountable. But, if as Minister who is setting strategy and policy, you want to take all the operational empowerment, we have a problem. That is governance in an era gone by; it should be for the forward. I think if we are serious about achieving excellence in ambulance emergency health services, then we need a policy that is enlightening and inspiring and we need one that seeks to instill the value system of accountability. That is what 2020 and developed status is all about; it is a value system of accountability. It is a value system of respect. It is a value system of service. It is not about physical manifestations. It is not about centralized power.

Under clause 13, what constitutes contributions from non-emergency services? Is it that the emergency vehicles would be used for other purposes? I think we need that question answered.

Under clause 14, it should specify audited financial statements. You cannot have an authority that you are saying could take loans and do all kind of funny little things and you are saying that they are not going to be accountable for producing audited accounts. In addition to that, under the same clause 14(2)(b), it is not appropriate to say that once it goes to the Minister, then the Minister would lay it in Parliament as soon as possible. Again, that is a cop out from accountability and it goes to the heart of what happens now, where you are getting accounts for 2001 and 2002 and we are spending billions of taxpayers' money. That is not fair. That is not good governance.

I have made an observation and the observation is the last three Bills, if it is public policy, I am not saying it is so, that health services or critical functions will reside in the Minister's office then—if one would ask me, do I have a problem with that, I would say if you have a Government that is elected to govern and has charged its Ministers with responsibilities, then they ought to have the authority to carry it out. But if it is public policy, it must be transparent, because that way it instills and it imbues a sense of trust and confidence. This does not. When you have a Bill coming before you and you have a committee in the Minister's office, doing everything of an authority, you are bound to ask questions. It is no point saying it is how you interpret it. If all of us here are interpreting it the wrong way, then I think the responsible thing to do is to take it back and say: Let me see what they are saying.

I want to endorse the recommendation. Let this go to a special select committee. This Bill does not cut it and it should not even reach the committee stage.

I thank you, Mr. President.

Sen. Mohammed Faisal Rahman: I thank you, Mr. President. I rise to make my contribution to the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009.

Sir, I think by now we can all agree that this Bill is a disaster in need of emergency care and should be taken by the ambulance of this Chamber to a select committee for complete revision. Not only are the clauses deficient, my humble submission is that the concept of the Bill is flawed. This Bill, which is a sort of double-barrelled piece of legislation, seeks to establish two corporate authorities simultaneously in the hope of improving an excellent service by a margin of 10 per cent. We have the present services handling over 63,000 cases per annum.

This Bill, without giving us an estimate of cost and without telling us what is the present cost, is seeking to take the ambulance service to a new level, in the words of the Minister, and it does not give us comparative figures. What will eventually happen, in addition to all the defects that have been shown by Senators Drayton and Baptiste-Mc Knight, is that it is taking us into a disaster zone. What is going to happen is that you are going to cripple this ambulance service with the bureaucracy that is going to be instituted.

This Bill is seeking to create authorities, when the track record of authorities in this country leaves a great deal to be desired. It gives a tremendous amount of leeway for financial mismanagement along the way. We have seen these things in the Regional Health Authorities. We have these things in one of the Nedco offices in Sangre Grande. We are putting into the trust of an authority, complete financial control within their entire discretion, to even mortgage property that belongs to the citizens of this country.

I regret to say that in his presentation, the Minister made a tremendous—what I would only call a mistake. I hope I am not saying the wrong thing. He said as I read from the *Hansard*:

> "Part II of the Bill which contains eight clauses, provides inter alia for the establishment of an emergency medical regulatory committee and the keeping of an emergency medical register by the emergency medical oversight committee."

First of all, it is for the establishment of an Emergency Ambulance Regulatory Committee. Unfortunately, rather than having eight clauses, Part II of the Bill really has only one clause. The Minister is very confused about what he has brought in this Bill. This Bill has run into similar flack like the Tobacco Bill, under the same Minister. We have a situation where, in order to improve upon something that was brilliantly conceived by the UNC government and which was able on its own steam to develop into a tremendous success story, we have the present Government intent upon upstaging the performance, by seeking to produce an improvement that is really a disaster by any standard.

Five pages of amendments on the basis of the contribution of one Independent Senator is an admission of disaster. It is not an admission that the Government is listening to us; it is an admission of disaster. When I am through today, going through the Bill clause by clause, which I propose to—I have not brought amendments. What I want to say is: Pack this Bill up! Withdraw it! Take it to a

special select committee. Let us go over it with a fine tooth comb and work it out. To begin, the entire concept of the authorities, to me, is a retrograde step. It is taking it into another level that is a lower level and bringing in the constraints of bureaucracy that are ineluctable in a circumstance like this.

Mr. President, when I contemplate the RHAs, WASA, Licensing Authority—corruption. When I contemplate the free rein that has been given to several bodies, not the least of which is this tremendous enquiry that is going on with UDeCott; we are setting up these authorities with such a tremendously cumbersome structure. If you were to try to draw an organizational chart and see where responsibility lies, you will find that the good Minister, who is a wonderful person in this incarnation, may turn out to be, by his replacement—I hope he is not replaced because of the last two Bills he has brought here—we have a situation where the Minister of Health who is going to be overseeing this proposed legislation, is being himself unto himself. He appoints as he wishes. Everything is referred back to him. If there is anything that reflects the spirit of the draft Constitution that has been given to this country for consideration, it is this Bill. This Bill represents an autocratic organization ruled, organized and run by one individual who can say yea or nay; come and go; do as I say; this one may have a licence; that one may not have a licence. Imagine the Minister is responsible for a register and every application that comes in to run an ambulance service, it has to pass through the Minister. [*Interruption*]

Sen. Narace: On a point of order. On a point of clarification.

Sen. Mark: "Leh we hear de order!"

Sen. M. F. Rahman: No, no, no. No point of clarification. I cannot have it. I am not allowing that. You have risen on false pretences.

Mr. President: Minister, a point of clarification is not a point of order and if the speaker is not going to give way—

Sen. M. F. Rahman: I thank you. Every time we come close to the nerve, we get tripped up with allegations of points of order and then these metamorphose into explanations and such things. I am protesting, Sir.

2.50 p.m.

Mr. President: Protest nothing. That is my job. It is your job to address the Bill that is in front of you. This is the Senate and there is a courtesy, especially for the Minister who has piloted the Bill to clarify an issue that you may be

misguided on. It is the usual practice to give way with no requirement for you, but it is the usual understanding that you would give way. There is a great deal of goodwill in this place and that is how we operate, but it is entirely up to you.

Sen. M. F. Rahman: I am quite happy to go with that, but I do not like to be told on a point of order and then something else is done.

Mr. President, the National Emergency Ambulance Services Authority starts off with a committee. Now, the funny thing is that nowhere in the proposed Bill is any direction being given regarding the functioning of this committee. The Bill does not say how often the committee meets; what it contemplates; how it manages; and how it guides. I do not understand how this committee turns out to be a nebulous sort of entity that is being given the powers to function without being required to assemble to function. I do not know whether the Minister is going to be advised by them through emails or through other means or whether they assemble at any point. There is nothing that governs the functioning of that committee. I am trying to show the bureaucratic thing here.

The authority is to be governed by a board of directors. There are nine persons plus one who is an *ex officio* member. Now, I must compliment the Government on this point. It is amazing that they have decided to have a quorum of five. Now, that is very intelligent. Having a quorum of five persons in a body of 10 persons is extremely good. I do not know if this has now dawned on them. We have experiences with other committees where on a 10-member committee we must have seven persons for a quorum. If you want things to progress, you must have a reasonable quorum. I want to applaud the Minister for his intelligence, foresight and wisdom for this. I give some credit here. We are seeing some light at the end of the tunnel. So, we are going the way of five as a quorum which is excellent.

Now, the Complaints Review Committee is also appointed by the Minister. The Minister has too central and autocratic a role. Apart from him actually sitting on all these committees, he has his tentacles there and everything under his personal control. Now, I do not want to impute other than the most noble motives and intentions to the good Minister, but I must question his wisdom because, as I said, his successors may not be as noble as he, and certain things may come about as a result of the autocratic power that is being vested in the position of the Minister here.

With respect to the Appeal Committee, one of the funny things about the actual phrasing there is—I believe three persons must be qualified in law and medicine. Now, that is badly worded. It means that each one has to be qualified in

both law and medicine. I think you meant something different to that. You would have to work out a proper phrasing to be able to get one lawyer and one medical person and one of either one, if you want to have three of them. You cannot have three persons being qualified in law and medicine. As we go along, you are going to see that these are simple issues which a layman like myself—I have never gone to law school. As a matter of fact, I never did law. A layman can go through a Bill like this which was piloted by a Minister of Government with a drafting team and see these obvious flaws.

This Government is very adept at "look-good" legislation. I think there is where they have excelled, but these pieces of legislation that capture the meat of the matter for the welfare of the people, I am afraid that there is a certain amount of training that is necessary for them to undertake to be able to come to grips with the problems that are facing the people of this country, and some of the things they have to do to accomplish the objectives that they have by the proper framing of law. When you consider that we have crying needs for other areas of the health service to be attended to—we have had to cut back on hospitals; we have to provide more bed space; and we have to do so many things for the benefit of the population, and we are going now to take time and money to tinker with something that is working well. There is a saying, do not try to fix it until it is broken. Why do you want to gild the lily?

There is a successful ambulance service that is being provided presently through the GMRTT, and it has been resoundingly successful. Having gone the route of TTPost, this is not privatization as such, but this GMRTT is actually contracted out to them. What is very dangerous is that the Minister has stated in his presentation, the distinct intention and possibility that with all these authorities that are being established, and I quote: "the authority will have the power to provide the service or to procure a contractor to provide the service". We already have a contractor providing the service. Are you going to establish two tremendous authorities with committees, boards with all the different aspects of the organizations that I am looking at now, and then turn around and let all these people in their collective wisdom decide that they want to procure what was there in the first place? Are they serious about this? This is really quite puzzling.

After the National Emergency Ambulance Services Authority has been established in the way that the Government proposes, we have to turn our eyes to the Emergency Medical Personnel Board of Trinidad and Tobago which consists of all the registered emergency medical personnel in Trinidad and Tobago.

Mr. President, we have a medical board in Trinidad and every doctor is trained in these areas. I do not understand how the Government is seeking to produce duplicate legislation. It seems as though along the way the Government is going to be

excluding all these doctors from emergency care service if they are not registered. I believe that somewhere in the Bill it says that people who are permitted to do these things under different legislation—this is a problem that has faced me—to perform these duties will not be affected negatively by the authority that is being set up.

You know, for years we have the Boy Scouts, Sea Scouts, the St. John's Ambulance Brigade, the Red Cross Society and all these organizations training people to save lives. They do CPR mouth-to-mouth resuscitation and emergency care. What you are saying here in this Bill is that every little boy scout and everyone who has been trained by the Red Cross and so forth has to come and pay a fee and register, otherwise the next time he touches somebody who has suffered a serious accident or emergency health situation he could find himself in serious trouble. Is this what you really want to accomplish with a 2020 vision—to exclude all the people who have been trained and now tell them that they cannot touch someone in distress?

Mr. President, I believe the Government does not really want to do that. This does not reflect well on the Government's part. I do not want to blame the Minister alone, because I think the principle of collective responsibility is with the Cabinet, so we have to blame the Prime Minister as well, who always takes the credit for all the good that comes to this country. This is a caring Government. So, when you have a caring Government presenting this sort of a flawed Bill—we had the Tobacco Bill and now this Bill—you have to say, is it the Carnival in the air that has caused this calypso kind of presentation here for serious matters? We have to ask ourselves: What are we going to do with this Bill?

I would really like to know that shortly after I sit that the Government seeks to go the way of a select committee and take this Bill back to the cleaners. In addition to five pages of amendments, there are about 20 more pages to come and we have to consider the wisdom of bureaucratizing a freewheeling and happy and successful contractor arrangement that has been serving us so well, that has brought in from 20,000 rising to 63,000 plus persons a year. You know, the GMRTT has been successfully training emergency medical technicians. I cannot understand what is this special stamp of PNM governance—the need to impress upon institutions that are functioning in this country.

I remember when Wrightson Road was paved there was a plaque put up by one Minister Francis who was responsible for the paving—this whole idea of self-aggrandizement—

Sen. Narace: Mr. President, on a point of order, Standing Order 35(1). What is the relevance?

Mr. President: The point I think that the Minister is making is that the attitudes that you are attributing to Ministers of Government really do not form part of the debate. I am inclined to agree. Please move on to something else.

Sen. M. F. Rahman: Mr. President, I do not want to impute any bad motives here. Why do we have to bring a new Bill? Is it to impress upon the people that they are doing something at a tremendous cost and paying committees, authorities, boards and members and so forth? The members who have to meet once in every three months, we do not know from what categories of people they are going to be drawn and whether these people have full-paid jobs; whether they are going to be allowed to serve on these committees; and whether they are going to look after this ambulance service as a moonlighting job or as a secondary piece of employment for themselves. To my mind, this whole matter and without imputing any motives, I am being forced to conclude is a degree of inelegance in drafting and shortsightedness in objective. We have to look at these aspects of things. All credit to the Government for seeking to go to a higher level and a better level. We do not have any problem with the concept of that, but when you are going to do these things you really need to look at the Bill in a little more detail.

Mr. President, when we are dealing with the Interim Council for the Emergency Medical Personnel Board—there is an Interim Council which is supposed to start the registration of emergency medical technicians within one month and after four months to convene the board to elect a permanent council.

3.05 p.m.

If we are going to—I really do not want to preempt the work of any select committee as to what they should do—look at this Bill at all, we really want to be more practical in terms of the time frame and how this interim council is going to function within four months, or something like that, and thereafter, the interim council is to demit office. When you put that it must after four months convene the board, I think you are setting a kind of a time frame for a specific date, and if something happens to prevent that, I do not know how the law would have to be amended to accommodate their sitting at a different time and making different arrangements. So, I want to draw the Minister's attention to that aspect of the interim council.

Also, the same question: Are people going to come to this interim council on secondment so that they can devote their time to this interim council and not be worried about the jobs they are supposed to be doing in the meantime? Because we have a situation where we are undertaking a very, very important thin structure organization, and we really are not making provisions for how these people, who are going to be responsible for this, are going to function to accomplish the objectives that the Government seems to think will result in an enhanced service of 10 per cent greater servicing.

I would like to say, Sir, that in the historic records of that organization, GMRTT, and in the intervening years of the functioning of this contract system, from 20,000 to 63,000 is a 200 per cent or 300 per cent increase. So, when the Government is looking to install two new authorities with all this bureaucratic thing to accomplish a 10 per cent greater efficiency, I do not know whether the candle is not costing more than the funeral. Are we still in the days when we were rolling in money? Are we still in the days when the financial meltdown has not hit this country, and the shockwaves have not started to be felt? We have a situation here where we are supposed to be careful about the expenditures we are embarking upon. Here we have the Government setting out to establish bureaucracies to be autocratically managed, that seems to me to have an additional cost factor to accomplish a very marginal benefit in a highly successful organization that is currently running; that has proven that its own efficiency will allow a greater increase even than that which is contemplated by the Minister in his attempt to create these authorities.

Mr. President, clauses 38 and 43 seem to have some overlap of duties where the board is supposed to do something and the council is supposed to do three or four of those things by themselves. This is a bit of untidy drafting. Is it asking too much to expect carefully crafted legislation to be presented to the Senate for consideration, so that we do not have to stand here and say things that upset the Government to the extent they must object to what we are saying?

I mean the things that we are saying here today are unfortunate, and I am referring to all the contributions that have gone before me on this side of the floor. These are cogent points, and what we are looking at is a continuing—I do not want to say a lack of respect; I do not think the Government wants to disrespect anybody. Is it that it is incapable of presenting polished legislation that accomplishes the objective that the Government has set itself? That might be the question to put.

When I consider the history of the emergency health service, I must say that from the first concept by Dr. Hamza Rafeeq of the UNC administration to the year 2009, we have come a very, very long way. I mean with an average response time of 31 minutes for 97 per cent of the cause, as our Minister had advised us, what could we say but a job well done. A job well done started by somebody that is usually maligned and this is just one of several pieces of legislation. I am delighted that the Minister has seen it fit to pay public tribute to the UNC government, but really, there are several other areas where this is fully deserved.

I would like to go through the Bill clause by clause.

Hon. Senators: What were you doing all the time? [*Laughter*]

Sen. M. F. Rahman: I was dealing with some of the issues all along, but now I want to go into a little more detail, because the sloppiness is a little disconcerting. Clause 3 in this Act:

> "'advanced life support' means the provision of basic life support care...due to sudden illness or injury;"

I cannot understand why you have to define "sudden illness and injury" as the only instances where this sort of service is going to be required. You have people who have been ill for a long time; who take a turn for the worse, and need to get advanced life support. That is a normal development in geriatric care, even with people suffering from diabetes, heart condition and so on. You do not have to be old, but you could be a very ill person requiring advanced life support without having to qualify under sudden illness or injury. Again, clause 3:

> "'ambulance' means a conveyance used to transport..."

This is very dangerous.

> "an individual either by air, land or sea for health related reasons and to transport patients with emergency conditions;"

That immediately puts a criminal element on people with private vehicles. If your neighbour gets sick and you are going to transport him in your car, you know you become an ambulance according to the terms of this legislation. Once you become an ambulance you are subject to the terms of the legislation; you are likely to run into serious trouble because you are now usurping an authority, and you are now providing an authority which the law makes taboo, just as the Bill is excluding all of those people who have been trained in CPR and so on by the various health emergency services, so, they are now excluding vital transport for people who need to go to the hospital or to the doctor.

I do not know if the Government really wants to do that. Does it really want to say that once you pick up somebody who is sick—because I know of people who get heart attacks in motor cars driving down the road and taxis. You start off as a taxi and you end up as ambulance, en route. There is a famous saying, the law is something—you know—we do not want to make the law into that; the law has to be judicious. It has to be not only above board, but it must display an intellect on the part of the framers. We do not want to make things so absurdly difficult that we cause people to say, "Well, look boy, if my wife sick I cannot carry she; let de woman dead". Mr. President, that might suit some people, but I do not think we want to criminalize a simple bit of transport.

This clause here, this definition, this meaning of ambulance has to be changed. I would not tell the drafters how to change it, but I think they get the idea. Clause 4(3)(d), the committee is supposed to:

> "define the minimum interior and exterior design specifications and structural integrity requirements of vehicles to be used as ambulances."

We have a situation here where the Government has an order of 14 or 15 ambulances, and it has been ordering ambulances all around. I believe we would order ambulances along the lines of international specifications. I do not know why we want to say that this committee should have the burden of defining—Are we going to write new specs for ambulances and expect some company that is building ambulances to meet our specs, in terms of interior and exterior designs specs and structural integrity? I do not think we are going to get very far with that. I think the committee should be relieved of that burden and use the international specifications that apply.

I think Sen. Baptiste-Mc Knight made this point and I should like to repeat it. Part III, clause 5(2):

> "The Emergency Ambulance Services Board shall consist of nine persons appointed by the Minister and who shall have qualifications and training in the following disciplines:"

This is my point here, where I think you want to phrase this so that they would have "variously" training in:

> "(a) medicine;
>
> (b) medicine and emergency care;
>
> (c) law;
>
> (d) management;"

The way this thing is phrased it seems as though everybody has to be a encyclopedic qualified person, and I do not think that is what we want. Consider the autocratic power of the Minister:

> "The Minister may at any time revoke the appointment of a member of the Emergency Ambulance Services Board."

Just so.

Sen. Browne: Yes.

Sen. M. F. Rahman: Just so.

Sen. Browne: Yes.

Sen. M. F. Rahman: I am hearing yes, but I do not agree with that. I want to see that there has to be good cause.

Clause 7:

> "The Emergency Ambulance Services Board shall meet at least once in each month or at such other times and at such places as the Chairman determines necessary for the efficient performance of its functions."

I think once a month, as a specified minimum, is rather too little. If you are putting in an authority to run a vibrant service, approximately 70,000, that is about 6,000 a month, that is about a couple hundred a day in calls, are you having your board overseeing and controlling that, sitting once a month? I think you need to look at that.

I want to come back to that matter of the quorum, which I would touch upon. It is not under that particular clause, but the point there that Sen. Baptiste-Mc Knight made, the quorum being five, you have a matter of three people, a majority in the quorum, making decisions on matters of great importance, which really ought to be referred back to the larger committee for a majority vote. You cannot reasonably expect that three people should make—since we are talking about the efficient working of a quorum—they could sit as a quorum and discuss the matters, but for these issues, instead of having a majority of a quorum being three, making serious decisions of huge importance, I think decisions on policy matters, development matters, matters pertaining to funding, expenditure, loans which the authority is being given the authority to do, and all these things, must

be referred back to a larger body, let us say the entire committee, so that a majority at that level can make these decisions that should not be left to three people.

3.20 p.m.

Clause 11(2):

"Notwithstanding subsection (1)(b), the Board shall obtain prior approval of the Minister in respect of remuneration to be paid to the staff of the Authority exceeding one hundred and fifty thousand dollars per annum."

Again, a little praise to the Government, because the last time we had a Bill brought here the unquestionable ceiling was $300,000 salary to be paid as they want. This is a big step forward. I want to tell the Government that, okay, the board can decide on remuneration up to $150,000, excellent, I want to applaud that. I want to say good show, you are getting to understand. We do not want to have Bills coming here as have happened in the past where you give them authority to pay $300,000 to every Tom, Dick and Harry.

These are hard times, not only hard times but you do not want a misuse of public funds being rampant. Again, I want to tell the Government, I am very glad that they have put this ceiling of $150,000 for the Authority to spend.

Now I notice again that clause 13—very dangerous—clause 13(2):

"For the purposes of subsection (1)(e) and subject to sections 32 to 37 of the Exchequer and Audit Act, the Authority may—"

Now this is very dangerous.

"(a) borrow money required by it for the efficient exercise of its functions or for meeting its obligations; or

(b) pledge, mortgage or charge its assets as security for any loan."

Mr. President, you give them carte blanche for corruption. I do not know who the future people are going to be, but you cannot put so much financial power in the hands of people that you do not know who they are likely to be. It is not as if this country has a history of impeccable integrity in public service. Far from it! We have had—do not talk about integrity gone, even the Integrity Commission has come into question now. But this is something that is a no, no. You cannot

have any authority being free to mortgage, pledge and do as it pleases, because at the end of the day it is public funds. Public funds, it should be much more tightly controlled than simply giving this sort of carte blanche.

Sen. Browne: You have to make up your mind.

Sen. M. F. Rahman: Clause 15:

> "The Minister may, in accordance with subsection (2), appoint an inspector or an inspection team to visit and inspect an ambulance service provider licensed under this Act and to submit a report..."

If you are serious about ambulance services—and I still want to cover the ambulances that this Bill does not cover, I have to address that aspect of it—because we have a situation here where you are setting up a tremendous dual authority to overseer and supervise a service for the benefit of the population and you are leaving a sector out whose performance is not being monitored. Now, is either they are very good and you have absolute confidence in them or you really do not care what they do. Which one is it?

Is that private sector that is operating ambulances so excellently done, and if that is the case, why do you want to tamper with an equally effective and excellent service you already have through the contractor that you have? I do not understand it. This question of appointing an inspector or an inspection team is something—and it does not state the qualification of the inspector and the inspection team by the way—that I believe should be made to include anybody who is running an ambulance service of any recognizable sort in the country, because you have to protect the people from unscrupulous operators. This is extremely important.

The standards of equipment and so on in the ambulance—the consumables that were mentioned, the drugs that you have to use and so on, on the ambulances and the equipment that is on the ambulances—these are things, whether it is a private ambulance or a public ambulance. I am talking about the real ambulance, not ambulance that becomes ambulance in route with a passenger that suddenly takes ill. I am talking about real ambulances; they need to be looked at more carefully by the Government. The Government needs to make sure that we have—even with the present contractor system there should be in place some form of control, overview and oversight for all of the ambulances that operate in Trinidad and Tobago. So, I do not see this being a good clause at all for those only licensed under this Act.

Clause 16:

"Every inspector appointed under section 15(2), shall…"

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.

Sen. M. F. Rahman: Mr. President, I am greatly relieved. [*Laughter*]

Sen. Joseph: You got an extension?

Sen. M. F. Rahman: Yes, I must thank the Government Benches for taking this criticism so well. I take it that you are seeing our point of view and that you would be taking the necessary action and putting this disaster Bill into an ambulance and taking care of it.

Clause 16:

"Every inspector appointed under section 15(2), shall be furnished with a certificate of his appointment and on seeking admission to any premises, place or vehicle for the purpose of this Act shall, if required, produce the certificate to the occupier or owner."

Excellent! But, the Minister of National Security and all of the different police arms need to take note of this. We have invasion of premises without the showing of warrants in this country that has become a national scandal and it is a public matter that people's premises are being entered upon and into and the police who claim to have a right to do it are not presenting their credentials. This is a lesson here in this law, defective as this Bill is, that shines with brillance because it gives protection to the public and the public needs to be protected against victimization, because we have a lot of that in this country.

Clause 17, very similarly:

"An inspector appointed under this Act shall, for the purpose of…

(a) to enter with the consent of the owner or occupier at all reasonable times…"

At all reasonable times, not 3 o'clock in the morning, and with the consent of the occupier.

This Minister of Health seems to be possessed of a remarkable level of judicial—what should I say—vision in terms of civil rights and law. I wish that was translated into medical terms. Perhaps, not being a medical man himself, he more understands civil law than medical measures.

I see clause 19, where a magistrate needs to issue a warrant, excellent. These are the areas that warm my heart.

Part IV, Ambulance Services Licence clause 21(1):

"A person shall not provide ambulance services unless he holds a licence to so operate issued by the Minister under section 24(2)."

This is the issue that I mentioned earlier where your neighbour cannot take you in his vehicle which becomes an ambulance immediately upon the patient entering it.

"(2) A person who contravenes subsection (1), commits an offence."

So I want the Minister to consider that clause again. You might say, "A person shall not provide regular established ambulance services" which kind of lets off the hook the poor neighbour who wants to help his friend but dare not otherwise he "gonna" be penalized very seriously. It is not everybody who will be prepared to break the letter of the law in the spirit of the law, you know. So, I think that this clause 21, again, is a clear indication of lack of foresight and understanding with regard to what is really required when you are preparing law.

We have a serious problem—further down the line I am anticipating that area now—where we have basic ambulance service, Advance 1 and ambulance service, Advanced 2; I am going to deal with a clause that is a little lower down now, because it is fresh in my mind and I do not want to leave that out in case I run out of time. Along the way there is a provision in some of the clauses for specific strata of ambulance services to be provided for specific people. How does an individual who has got an emergency in his home decide what stratum of service in the ambulance authority repertoire of vehicles he needs?

You know, you have a situation here where something happens in my house, I cannot diagnose, I do not know what is going on. I cannot tell the people to send an ambulance with a basic service, or Advanced 1 level, or Advanced 2 level. You have a situation here where every ambulance has to be fully equipped—except you are calling an ambulance for simple transport. A boy breaks his leg and we are trying to get him to the hospital and we cannot get a car, I want an ambulance, that is a different matter. That is when you take your neighbour and you put him in trouble, because he becomes an ambulance.

We are not talking about that, we are talking about a situation where people really cannot say what kind of ambulance they need, so you have to find a way around that. You have to find a way around this whole situation about how does the ambulance service level relate to the reality of the emergency that the people of the public are going to face? How does it relate to those incidents of need? This matter about the licence being given, you must bear in mind that the licence must be given to ambulances that are fully equipped to the max.

When you are dealing with an ambulance service, you are dealing with human life, human limb, and the citizens of your country. I do not know if we have a situation here where we are going to be charging for these services. I do not know if in the present system people are charged for these services. I do not know what is contemplated here, whether this is a free meal that is given to the public by the Government or not. However, we want to be sure that when an ambulance goes out, it is fully equipped and fully staffed.

I want to say here, I do not see why ambulances—this may be a bit extreme—should not have interns or fully qualified doctors attached to each one. This seems to be a sure way of making certain that the proper service is given to the people.

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

Because even the emergency medical technicians—and we are only now going to level two and level three; for all of these years that have been going on we have been subjecting people to level one as emergency medical technician capability. I think if you want to upgrade and you really want to spend money in the health service, you want to look at manning each ambulance with maybe one doctor—I do not know how you are going to do it but we need a doctor on board. We definitely need a doctor on board.

3.35 p.m.

I notice that you do not regard 11 months, six months or so jail, as being a flaw in somebody's character. Why do you have it only for 12 months? Let me read clause 28(3):

> "The Minister may also revoke or suspend an Ambulance Services Licence granted under this Act where the holder of such Ambulance Services Licence has been found guilty of an offence under this Act or under any other Act for which the penalty is imprisonment for twelve months or more."

Is the stigma only with a 12-month or more conviction? I cannot see that; I think you really want to address that. [*Interruption*] There are a lot of clauses here, Mr. Vice-President.

Clause 34 states:

"The Minister shall keep a register (hereinafter referred to as 'the Emergency Ambulance Services Register')..."

I do not know if that means what I would like it to mean, but you should say:

"The Minister shall cause to be kept"

Do you want to give the Minister such micro management responsibilities, that he has to keep the register?

"The Minister shall keep a register (hereinafter referred to as 'the Emergency Ambulance Services Register')..."

Mr. Vice-President, I do not like clause 34(4):

"The Minister may, at any time, restore to the Emergency Ambulance Services Register any name removed from the Register under section 28."

I do not know why; there are no provisos there; that is dangerous.

We go on to clause 34(5), and this is very interesting:

"The Minister shall cause to be erased from the Emergency Ambulance Services Register..."

You do not erase names from a register; you draw a line through them. You must be able to see what was there before to make sure that fraud and irregularities did not take place. Even in basic accounting they tell you, "Doh erase; you are in trouble." So the words "erased from the Emergency Ambulance Services Register" have to be reviewed.

Again, it says in Part V:

"There is hereby established a body corporate to be known as the Emergency Medical Personnel Board of Trinidad and Tobago."

By his own admission, the Minister accepts that this is almost a duplication of the Medical Board. I do not know why this has to be there.

I am all for training persons, but why do you need a special authority? Why do you not say that these persons will be registered with the Medical Board? You are really duplicating authorities and institutions that are totally unnecessary in

the circumstances in which we are. So let this register be done by somebody who is keeping such a register already, because you are going to have to reregister all the doctors; all the persons in the profession.

Sen. Narace: EMTs only.

Sen. M. Rahman: I am saying that doctors qualify under the EMT; doctors are super EMTs. You also have the situation of those persons who have been trained by different organizations. In any event, when I reconsider this clause where you have a situation where persons who are trained by the Red Cross, the Boy Scouts and so on, you do not even want to have this register exclude the other persons who have the competence to save lives. I am sure if one of us here is in a critical condition, we will not care who takes care of us: Boy Scout or nurse's aid. [*Interruption*]

All right; I only have two minutes more.

Mr. Vice-President, this matter about:

> "…the Licensing Authority shall not authorize an ambulance which is not registered under the Emergency..."

For goodness sake, because a fellow operates his ambulance, which can become an emergency case on the way, and he is not on the register, you would deny him the use of a flashing red light and a siren? No; I say change that; that does not make sense. It is bona fide; it is shaped like an ambulance, looks like an ambulance, drives like an ambulance and sounds like an ambulance; it is an ambulance. "Put the red light and de siren, nuh."

[MR. PRESIDENT *in the Chair*]

It has been a great pleasure contributing to this particular debate. I really would like to repeat the call to pull this piece of legislation back; take it to the cleaners. Let us do over everything, from the bottom up. This whole thing should go the way of the Tobacco Bill. Send it down.

Thank you, Sir.

Sen. Prof. Ramesh Deosaran: Mr. President, this Bill, if not properly handled, could kill a lot of people. We are dealing with medical emergencies; that is, quite often, the persons already have one foot in the grave. This Bill's intention is to save such people from having their two feet put into the grave.

More than that, that is the special significance of this Bill. This is not merely for persons out there; this Bill is also designed for persons in here, because you never know when destiny will take you in your unguarded moment. That is where the words: the concept and practice of emergency comes in, according to the title of the Bill: Emergency Ambulance Services and Emergency Medical Personnel Bill, 2008.

It is, therefore, no surprise that the speakers who have gone before myself have been so intense and sometimes passionate in their respective interventions—that also includes the distinguished Minister of Health, whose, if I could use an anatomical analogy, heart is in the right place.

In fact, you cannot help but notice the speed with which this Minister brings Bills to this honourable House. There was a Bill disciplining persons in the medical profession and the Regional Health Authorities; then he came with the Tobacco Bill, which I hope does not go up in smoke. [*Laughter*] Now he has come with another very important Bill, which prompts me to make my contribution.

It was quite gracious of him, I believe, to acknowledge the work done by a previous Minister of Health, Dr. Hamza Rafeeq, in 1999. I think that graciousness should be more pervasive in these hallowed chambers. In the same breath, his expression of appreciation must not be taken advantage of, to make it into a political upmanship. I think the graciousness should remain where it rightly belongs, rather than pressing the Minister in untoward directions.

I say no more, because I made mention of this before, that whenever the Government concedes or shows an appreciation for the argument before itself, it should not lead to misguided boastfulness on the other side.

The point has been made that this Bill would cause persons to operate outside the law; but they are already operating, in effect, outside the law, outside a proper legal framework; that is already done. Hence, the Bill seeks to do what I would say, regularize a situation that could get entirely out of hand, if, perhaps, some parts of it have not already gotten out of hand with respect to, not just the service, but to the quality of the service and the capacity, the legal and judicial capacity to hold such professionals accountable in a proper and timely way.

These are some of the ingredients in the Bill: To ensure that everybody involved, both in practice and in service, are kept within a judicious, legal

framework. So the Bill is like regularizing squatters—we should regularize PH taxis too—but it seeks to regularize a situation that has really grown, in my mind, into an emergency situation.

The point has also been made about sending this Bill to a special committee. I will refer to that later on, when I see whether or not there is any need for such an adventure.

The Minister did make what I consider an enlightening introduction to his Bill. He said that he wanted this essential service to be a cost effective and equitable system; that he wanted public accountability; that he wanted persons to be properly licensed. He also made the distinction between an emergency ambulance service—he said that using an ambulance, in itself, would not fall under this Bill, so there is that important distinction, which I was not too sure whether Sen. Rahman understood, in that regard.

He made the point that the private sector continued to grow rapidly, with no formal regulatory system in place; that, therefore, it was now necessary to provide the legal framework to support and regulate this critical medical service. Clearly the intention is here, but what some of the contentions signify is whether the mechanism and the managerial process are appropriate.

He did quote some figures in terms of the number of persons who have used the service. He said that there had been a substantial increase in the number of emergency calls, from an initial 42,000 in 2005 to 63,584 in 2008. The Ministry projected that these calls would increase in 2009 to about 70,000. I do not know if we are expecting a plague or if that is a doomsday statement; I would really like to know why that figure, as suggested, would increase so phenomenally. Is it because of the increase in the services or is it because persons will suffer emergency mishaps, which raises another public policy question? What is it in the country that would lead to such a rapid increase?

There is always this dilemma, because the more you offer services, especially the social and health services, is the more the demand increases. I would contend with that particular explanation.

I have two major considerations: One is a public interest one, Mr. President, and the other one is whether the role of the inspector is properly defined and whether it could be properly executed.

With respect to complaints, it is something that I would wish the hon. Minister, and even the Cabinet, consider very seriously, in this case. It seems to

me as if many services are being provided, but there is no public accountability as to the quality of these services and whether or not they are really reaching the objectives set by the Government itself. There is a big gap.

Even in those professions which are self-regulated: the medical profession and the legal profession, there are serious defects in the capacity of the public to lodge complaints appropriately and have their services met adequately. So when the point was made that the board should not be a board as described here, but it should be the Medical Board, I am disappointed with that view, because of the failure of the Medical Board, in many respects, to discipline and bring accountability to those that fall under their purview.

So let us take the opportunity now, whether we go in this direction or that to ensure that whatever we put here for public complaints and accountability that the system is really working.

3.50 p.m.

In those specific respects, I refer to clause 4(3)(c) where the point is made about setting up or initiating a system. It has to "identify standard data collection and evaluation systems" and it also goes on to clause 5(2)(g) where you need somebody with a background in information technology. So one begins to see the supplementary paradigm that is being established to give and derive accountability from those in charge.

Similarly, clause 8(1)(b):

"The Authority shall undertake the following functions:

(b) monitor and evaluate its services."

That is the National Emergency Ambulance service. It goes on similarly in clause 54(1):

"If a complaint is made to the Council, or the Council has reason to believe that any Emergency Medical Personnel has been—

(a) guilty of infamous conduct or negligence…

Finally, just to ground my point in the intended legislation, clause 65(1) without limiting the generality of subclause (1):

"The Minister may make regulations prescribing…"

(b) standards of service for the holder of an Ambulance Services Licence;

(c) standards of care and service for emergency medical services; and

(d) procedures for the conduct of investigations of incidents and accidents…"

So what we have here, spotted through the intended Bill, is a search for monitoring, evaluation and accountability. In principle, I am not too sure whether that could be derived unless the Minister brings the regulations to systematize these principles, operationalize them as it were, because it does not say clearly to whom an aggrieved member of the public should complain.

Surely, the council will receive the complaint, but in terms of where that council is, and what bureaucracy will execute the mission of the council, such things should be put into regulation in detailed form. And I will go so far as to suggest—because of experiences in having the public lodge legitimate concerns about the shortcomings in the services provided to the public—that for this Bill seizing the opportunity to convince the public that it really cares, and the emphasis is on emergency care, that we should establish a number of complaints bureaux under this legislation across the country so people would know definitely and clearly where to go.

If you look at the Medical Profession Act, the Legal Profession Act and other such regulated legislation, there is provision for complaint but the public does not know where to go. The bureaucracy that faces them in getting access to having their grievance addressed and getting redress is to quote an expression today, "it is like that is Jurassic Park".

I would like to urge the Minister, with respect, to make that an example in your legislation; if you do that, I think the public would be very pleased especially since you are dealing with emergencies. Do not leave it as principle where the council shall receive complaints and so forth. I think the Minister has an opportunity to show, as he has shown in other respects, a businesslike approach and not just leave the issues in principle.

I will interject here, with respect, that people must learn now to trust the Government. We have to reconstruct public confidence. You would have seen—one of the political ironies of the day—as soon as the public felt that the Government was going to have a big hand in Republic Bank, people started to pull out their money. That was because of the element of trust, as if the Government cannot handle it properly, even without any evidence. That was a signal example that we need to restore public confidence in our public agencies. I am sure that the Minister, with due reflection, would lend his attention to this issue because the experience has not been favourable.

So you have your data system which is very vital and I do not think that data should be recorded, compiled and reported only by the professionals involved. I think it should have attached to that some semblance of independence so the data

would be credible and persuasive when you call upon these people to account, and let that be stated somewhere in the legislation that the body/bodies or personnel who would be collecting the data for validating it at least, should be fairly independent of those who actually perform the service.

I am always amused, I would not say disappointed, that might be too strong but I am amused when crime stoppers are reporting how many great successes they had. Or when, in spite of all the good work they do, the Rape Crisis Centre tells you it has had a rapid increase in so many rapes last year—an independent evaluation will add credibility.

This is an emergency situation, and a matter of life and death where the public's access to complaints must be treated swiftly, diligently and resolutely. Let me find out what is this Bill really seeking to do? I do that to see whether the intended legislation is reaching its objectives. I would like to ask seven questions very briefly:

1. Will this Bill help ensure that ambulances are properly located across the country? If yes, then we are in the correct direction.

2. Will this Bill help ensure that the ambulance is properly equipped to provide the three levels of service with respect to Schedule No. 3? Especially the third one which Sen. Dr. Adesh Nanan elaborated upon so eloquently and incisively on the last occasion.

3. Will this Bill help to ensure that such ambulance services be readily available for an emergency call?

The reason I am asking these questions is because I spoke over the last week to several professionals in the industry and I was told it is $500 per trip and in addition to that, I had the opportunity to ride in an ambulance, not as a patient, and it occurred to me that if the patient was half dead when he got in the ambulance, he would have been dead when he reached. To put it in local jargon, the ambulance was a rickety, rackety one. It took the Priority Bus Route to Port of Spain and it was "rak-a-tak, rak-a-tak, rak-rak" and the patient was almost jumping as if he was electrocuted along the way.

That is why you need a proper monitoring and evaluation system. And I like the part where it says: "the Minister will be allowed to ask the Inspector or Inspectorate to execute random checks…," because it is not only a matter of how

many ambulances we have or how many trips made. I get back to my original point in this matter of life and death; it is the quality of the service, the expeditiousness and the accountability therefrom.

4. Will this Bill help to ensure that such ambulances will respond quickly? It is not a matter of location availability, it is a matter of responsiveness because we have the experience of hundreds of police cars not being able to respond swiftly and sometimes not being available. So we have to draw from experience so as to make this legislation appropriate and fitting to its intention, because you can get 45, 47 or 50 more as you say but the question is will they be pertinent in terms of what will be achieved.

5. Will such a Bill help ensure that ambulances would be able to deliver the required emergency services with due care, diligence and competence? So the quality issue in a matter of life and death is important and the Bill stretches itself searching to achieve those objectives.

I want to come to the question of good faith, and we must not always allow the law to govern our lives. Man was not made for the Sabbath, the Sabbath was made for the man and whenever I hear somebody saying the law says this and the law says that, if the purpose and the situation at hand is not properly serviced by the existing law, do not tell me what the law is, I would want you to change the law to suit the demands of the time. I am always hearing that the law says that, and my colleague Sen. Baptiste-Mc Knight was making the point and somebody got up—it means that you need changes.

England is doing that, if the "Mother" of our judicial system is doing these things we must be able to follow suit, so I am glad you put it in and if my advice is worth anything, I think the Minister should keep it in as a means of emphasis.

6. Will this Bill ensure that systems would be put in place to ensure that the Emergency Ambulance Services are properly monitored and evaluated in a professionally independent manner?

7. Will this Bill help ensure that a properly run system will be put in place to ensure that public complaints will be dealt with quickly, fairly and resolutely?

If these seven questions could be properly answered, I think we are on the right track. Having made my point about complaints and the need to have a proper mechanism system in place, and if all that has been said during the debate

including what the Minister has said, I think we have reached the stage where overall, this country needs a health ombudsman, centralized yes, but with decentralized capillaries across the country.

4.05 p.m.

So we will know where to go; we will know what we should do in terms of the bureaucracy, the forms and so on. But a health ombudsman is now a necessity, not only to build public confidence but to make the kind of enquiries that this Bill seeks to accommodate. It cannot be done now in this Bill, I understand; it would be too big an amendment, but it is something in terms of public policy, I respectfully submit, that the Government should look at. It does not have to replicate what the current ombudsman is doing. For example, if you have a banking ombudsman, is our health not more important than money?

So there is a lot of logic, evidence and experience to indicate that is a direction we should go in modernizing our health sector. Because a health sector, like the education service and any other service, is not only about delivering the service—the cost; it is not only about that; it is: is it qualitatively accomplished? Is it to the satisfaction of those who use the service?

This brings me to another point. You have on these boards, committees and so on, a lot of professionals, but if you are able to put one or two ordinary persons who have been patients, who have ridden in ambulances, in some rostered fashion; but hear from the horse's mouth. Because too often professionals tend to seek their own interest, whatever the profession. It is a natural inclination. But if you want a proper adjudication and advice—that is the point—get a couple people who have ridden in ambulances, who have had one foot in the grave and they would tell you—just like I told you; I rode in one and it kept kicking the poor patient up and down because of the condition of the ambulance. So if you can get such people in some way, in addition to which I feel every year you should run a quality service survey across the country; find out from all those who have used the services whether they are satisfied; for what reason they are satisfied and for what reason they are not satisfied.

What these things will give you is a running base on which to make modifications and improve the quality of your service. There is no service which, in its initial stages, would deliver all its intentions. That is a difficult accomplishment. But you must be prepared to learn and do not wait on best practice from abroad. You can develop your own best practice systems, if perhaps such an annual quality service assessment could be made.

Now clause 14 has a very peculiar word and I am quite sure the Minister himself would not be reluctant to revisit this issue. Clause 14(2) (b), in this matter of emergency and heightened anxieties, I do not think it is enough to say that the Minister shall lay "in Parliament as soon as possible thereafter". Let us put three months. I think we need to steady that "as soon as possible". That is too loose, vague and I do not think it would really meet with the Minister's desire for strict accountability and efficiency. That is a small point and I am quite sure he would not be reluctant to put in three months there, or if he is in a good mood he might say one month.

But you see, you have to look at the trend, again. In the Central Bank Act, in the Insurance Act you hear them consulting with the insurance brokers. There is nothing about consulting the people who have suffered at the hands of; who have enjoyed benefits from insurance companies, and the same thing with the banking industry. You are consulting with the bankers. There are people out there too who are directly involved. You call them clients, customers; in this case they are patients under emergency.

So when you are consulting—and as you say you have consulted with the stakeholders. That is quite good but there is an element left out in terms of public confidence, quality service and to make the legislation more rounded, get some people who have used the ambulance service and I have suggested one or two ways in which that could be done.

This matter of good faith in clause 9 brings up an extremely important issue for governments, ministries, agencies and anybody who provides life and death services, especially for the public. It is not enough to say because you did something in good faith it is all right; somebody else will pay for it, which is what happens under different kinds of, whatever you call it. Do you see that "in good faith" business? It has allowed a lot of people to get off the hook indiscriminately and unduly, and implicitly at least, it has helped to perpetrate inefficiency, irresponsibility and negligence.

Do not tell me that is what the law says. Every time you tell me that is what the law says. As I said before, let us change the law; let us hold people more liable in delivering public service, if not totally, but at least partially. Because you cannot tell me if you are incompetent, for whatever reason; if you are negligent; you are sleeping on the job, for example, but you get up in good faith, which is another very abstract phrase difficult to prove, like "intentions", but we have to remove all these things and safeguard the welfare of the public in a more determined and specific way and let those who are deliverers of service know

where the buck stops. Do not have taxpayers paying so much money. Do you know how much large sums of money taxpayers pay because of police officers becoming negligent—undue force; because of a lot of other public officers not doing their duties diligently, being protected under existing provisions? We have to send a message that, yes, taxpayers will pay but not totally, if it can be proven that there is some amount of negligence, irresponsibility and not cloud it by "in good faith".

I come to my other point and, of course, the Minister would help me with his higher wisdom. Clauses 15 to 18: the "Inspectorate". The inspector has a very important duty. He is like the detergent to the system. He is the purifier, to make sure that the system is not contaminated by derelict vehicles, irresponsible professionals, and so on. His scope is wide, but when you come to clause 17 and you tell us that:

> "An Inspector appointed under this Act shall…have the power to do all or any of the following:"

And they list a number, but let us take (a):

> "enter with the consent of the owner or occupier..."

Now, if you have to get the consent from somebody else, you do not really have the power. You might have the privilege; you might have the opportunity, but the power is essentially derived from somebody else, the owner, especially in a case where he has reasonable grounds to believe that such premises or ambulance do not meet the requirements of this Act. So he is the protector of the Act. You should give him the power. And I will come to that a little later on, unless your higher wisdom dictates otherwise.

It says again in subclause (c):

> "examine with the consent (of the owner or occupier)"—again.

So this is no power, really. He has an opportunity to examine documents and so on, and to exercise such other powers. What other powers can he exercise, especially with respect to the constitutional protection of private property, and so on, unless you wish to use the special majority and clear up this whole clause.

Sen. Annisette-George: Senator, would you kindly just give way?

Sen. Prof. R. Deosaran: If you want to tell me about the magistrate, I will come to that later on.

Sen. Annisette-George: All right. Well then I will wait till—

Sen. Prof. R. Deosaran: Wait until I am finished. All right. So clause 18 says:

"…may, at any time, take for analysis—

(a) …samples…"

Quite rightly so. That is an important part of the protection you ought to give to the Act, if it does become an Act. Clause 19 seeks to save the day by not going for a special majority, in my respectful view, because it invokes due process by asking the magistrate to take over if the information reaches the police officer. So the police officer now, has certain powers and the magistrate's intervention now invokes due process.

I am saying, why not give the powers to the Inspector in the first place, as you have done in the Telecommunications Act, where the inspector was able to enter and do his job properly? Rather than creating another level of bureaucracy with all the constitutional impediments and litigation involved and taking up the Attorney General's time and a hard-pressed Director of Public Prosecutions' time; short-staffed as they are, you may go for a special majority which I am quite sure the Opposition would happily support because they are interested in the health of the country, especially in emergency cases.

So it is a matter for consideration. I know there is a balancing to do but, certainly, we would get a cleaner Act with more direct responsibility given to the person called an Inspector, and then you can say "he shall have the powers to", instead of having him in this case as a toothless tiger. This is really what would happen, in effect. That is an important provision because you want people to believe that the Act has certain powers on its own, just as you gave to the Telecommunications Act, where you can go on ships and examine. We did pass it with a special majority. Because it was necessary, useful, I think it was supported.

So my last point is clause 23. It is something that pervades the Bill. I do not know when the Minister winds up or any other Government spokesperson, I think it is necessary—you see, people have grown suspicious of governments and it has taken a life of its own, even when it is not justified. There are talk shows; there are letters to the editor; there are charges; accusations made quite often, I must admit, without any foundation. It is like a culture of the times to mistrust government ministers.

But at the same time we have to understand that we elect a government to execute certain clear responsibilities and through the Constitution you have a Cabinet derived from the Parliament to execute certain responsibilities—sections 85, 75, 53 and 52 of the Constitution. So when a Minister in that constitutional context seeks to execute a duty by appointing and by calling upon, I do not think that there is any transgression in principle, and a Minister should be allowed to execute certain powers if only because he or she will be held responsible, especially since the public officer upon whom we want to transfer such responsibility is protected under our personal liability provisions and so on, and in good faith. He would be leaving over there and coming to sit here the next time. There is a direct risk. There is a gray line between the constitutional principle and public confidence issues.

4.20 p.m.

There is much room here for the Minister to build public confidence and restructure the legislation along the lines that some of us have spoken. The question about sending it to a special select committee, given the tenor of the debate—and there is goodwill even though there have been some impassioned interventions. Given the seriousness of the Bill and the arguments put forward so far, especially with the amendments, it means that you have made some concession. There should be some reflection.

This brings me to another relevant point. You would have noticed that recently several Bills have been coming and after steady deliberations, have to be sent back to the special select committees or joint select committees. This indicates that there is a defect in the parliamentary process. Initially, we should send these Bills to some established committee and then bring them forward in a bipartisan way. Let the arguments be crystallized and condensed and brought forward here, so that there would be less argument and the Opposition having taken part in the deliberation would be hard pressed to regurgitate all that they said already. Perhaps, on another occasion the Independents would be gentler with the legislation. That defect ought to be examined in terms of the parliamentary process because too often we come here and have a full fledged debate; send it back to a select committee and come back again. I think that we recycle sameness too often.

With those good wishes, I wish the Minister well. He is a minister who takes his job very seriously. I do not think that he and his Government will be too reluctant to dispatch this to a special select committee.

Thank you.

Sen. Wade Mark: Mr. President, as we debate this particular measure, this Bill represents a clear case of a medical emergency and ought to be rushed not in 31 minutes, as is being proposed, but in less than five minutes to the casualty department for emergency treatment, if it is not to become a victim of cardiac arrest. It is our belief that with urgent and professional treatment it can be saved from certain death. Only a joint select committee could save this measure before us from entering a state of permanent rigor mortis. Rigor mortis is an involuntary sustained contraction of the muscle.

I suggest to the hon. Minister who seemed to make and commit blunder after blunder and incompetency after incompetency, that he does the decent and proper thing to have this matter sent to a joint select committee because it will have to go to the other place. As Sen. Prof. Ramesh Deosaran intimated if we have a say in these matters long before they are brought on the open floor of the Senate, I am sure that the exchanges would be less acrimonious or aggressive.

I suggest that this Bill in its present form is seeking to bypass the established procurement system; the Statutory Authorities Service Commission; the Office of the Auditor General; the Freedom of Information Act and the Occupational Safety and Health Act. This Bill represents another version of special purpose state enterprise. Given the far-reaching nature of this measure, it is not only necessary to have further consultation with the various stakeholders, but I suggest on behalf of the Opposition that this measure be taken as I said earlier, to a joint select committee.

It is my information that the Medical Board of Trinidad and Tobago; MPATT and the workers' representatives were not consulted and brought on board by the Minister of Health on this particular matter. This Bill is poorly drafted. It is like a cut and paste exercise. It is totally confusing and contradictory. It appears to me as my colleague said, two body corporates are encompassed into one piece of legislation. It appears to be very cumbersome. I do not understand where the Minister is heading and who is advising him.

There is confusion in the legislation and I will demonstrate between the emergency ambulance service being confused with the emergency medical services. I have been trying to find a definition for "emergency medical personnel". If we are dealing with technicians or paramedics, how do you come to emergency medical personnel? The term "emergency medical personnel" tells me that you are talking about doctors and nurses. Let us define it clearly. That should be in the interpretation section of the legislation.

The functions that are allocated to different bodies seem to be outside their scope and competency. It is our view that this measure ought to be sent to a joint select committee so that we can clean up the Bill. Nobody could object to an emergency ambulance service for the people of Trinidad and Tobago. Who can object to that? We are saying that if this measure is to work, it must be properly drafted. Let us not confuse apples with oranges. This is what we are doing in this piece of legislation.

I have a slew of amendments. I have been in Parliament for a number of years, as you are well aware. I have never experienced a situation where after two Senators made their contributions, the Minister could then circulate amendments. I thought the logical thing to have done is after you hear from the Independents and the Opposition, you condense their contributions in terms of amendments and then circulate.

Mr. President: Senators, it is now 4.30 p.m. We will suspend the sitting for the tea break and resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

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

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, it is my intention to adjourn. There are two Motions on the Adjournment. The Minister is on his way. [*Pause*] I beg to move that the Senate do now adjourn to Tuesday, March 03, 2009, at 1.30 p.m. when we will continue the debate on the Bill.

Mr. Vice-President: Hon. Senators, leave has been granted for two matters to be raised on the Motion on the Adjournment by Sen. Wade Mark.

Trinidad and Tobago Electricity Commission (Poor Governance Practices)

Sen. Wade Mark: Mr. Vice-President, the first one deals with the poor Government's practices at the Trinidad and Tobago Electricity Commission (T&TEC) and its implications for proper systems of accountability and transparency. It has been observed over a period of time that T&TEC has been engaged in some very poor governance practices. It is my duty and responsibility to bring these matters to the attention of the hon. Minister, so that he can take

appropriate action to safeguard the public interest. I draw to the hon. Minister's attention a poor governance practice in which there is a development at that commission in which a new metering system has been agreed upon and the process has begun as it relates to the installation of this new system.

5.05 p.m.

What is extremely alarming is that an employee of the Trinidad and Tobago Electricity Commission (T&TEC) has been granted one year's no pay leave and has been awarded a contract to install these meters, contrary to well-established standards and codes of conduct regulating what is called conflict of interest within the commission.

This employee is operating a company called Shades of Green and the name of the individual is Roydan Jailal. This is clearly a poor governance practice which must be addressed by the hon. Minister and those in charge of T&TEC.

Another poor governance practice I wish to bring to your attention, Mr. Vice-President, and that of the Senate, deals with the tendering procedures at T&TEC. There is a tendering procedure that says that once a tender has been awarded in excess of $500,000, that tender must go to open public tender. That is the rule of T&TEC.

Information has reached us that, in June 2007, the former chairman of T&TEC, who has now resigned, corruptly ordered the then Assistant General Manager, one Mr. Ernest Boxhill, who has now assumed the post of General Manager, to purchase $3 million worth of what is called chromated copper arsenate (CCA) poles from a company called Clem Lumber Distributing Company Inc. of the United States.

Now, Mr. Vice-President, this is contrary to T&TEC's tendering rules and the Assistant General Manager at that time proceeded deliberately to split up the order into seven separate orders, each for less than the $500,000 and all generated on the same day. Now this splitting up of the $3 million order into seven smaller orders was done to avoid board oversight.

Now the general manager, who is now in charge of T&TEC, at that time, was the Assistant General Manager and he participated, fully conscious of the rules of that process and yet he has not been fired. He has not been removed from T&TEC.

What is even more alarming is that these poles were ordered for the Street Lighting Unit. They had at one time ordered 1,197 CCA treated wood poles from

this company and split the order into seven purchase orders on June 13, 2007. The total value of each of the seven orders was US $519,560.

The T&TEC board, at its 802nd meeting, held on July 12, 2007, requested quotations for the supply of 2,000, 10 metres and 2,000, 12.2 metres southern pine poles; not CCA poles, but the specification was reviewed by the standards committee and I am informed that they changed the specifications in order to import the CCA-treated poles.

At that time, we were made to understand that Clem Lumber Distributing Company Inc. was the same company that Chan Ramlal Limited used to import lumber from. Chan Ramlal Limited is owned by Devanand Ramlal, who has resigned. This was a corrupt act on the part of the former chairman and the present general manager was complicit in this action because he signed off on the same day six orders for under $500,000, when he knew that the value of the entire order was $3 million on open tender. We see this as a very serious development and this is why we are raising it.

In this period of economic belt tightening, where workers are being placed on the breadline; where the cost of living is out of the reach of ordinary people and poverty is on the rise, we cannot have a situation where persons at certain levels of authority and responsibility in organizations can blatantly breach and violate tendering procedures that are established in the operations of that organization's activities.

These are two poor governance practices that I wish to draw to the attention of the hon. Minister and to call on him to indicate to us what steps have been taken to remove that employer, Roydan Jailal, who is all over the place installing meters worth millions of dollars, having been given one year's leave from the company. Has that individual been recalled? Has action been taken against this person who is in breach of the code of conduct insofar as conflict of interest is concerned?

I would also like the hon. Minister to tell this Parliament what action he or the commission intends to take to bring Ernest Boxhill to book. He cannot tell me that, as Assistant General Manager, he could participate in a corrupt act, conscious that the value of the entire order was $3 million and above and deliberately go under $500,000 when he knew that anything above would have to go to open public tender.

Who has suffered as a result of this? It is the public interest that suffers as a result of these kinds of activities. The time has come for us to have a complete forensic investigation and enquiry into the operations of T&TEC when this former chairman was in charge. We believe that there are many more corrupt acts that took place at T&TEC at the expense of the public of this country and we must never condone and never compromise, in the public interest, when it comes to the issue of corrupt practices by any public official.

I call on the hon. Minister to give this Senate an undertaking today that a forensic investigation will be undertaken into the operations of T&TEC and that those found guilty of corrupt practices and fleecing the public purse—actually denying the public basic necessities—will have action taken against them.

I raise this Motion in the national interest to deal with poor governance practices at that particular commission. I know there is a new chairman. I wish him the best. I hope that he is successful in rooting out corruption at T&TEC, but the trail of corruption that the former chairman has left calls for forensic investigation into the operations of that particular utility.

I call on the hon. Minister to tell the country and the Senate what has happened to that investigation he promised to have into the operations of T&TEC. He had indicated that an investigation would take place involving the Ministry of Finance. That was almost a year ago. We would like to know where the report has reached and whether he would make a copy of the report available to the Parliament of Trinidad and Tobago. Has anyone been found culpable?

The Minister owes this country and this Senate an explanation as to the conflict of interest involving that employee and the General Manager who actively participated in a corrupt act and is still there at T&TEC. We must not condone wrong. If it is wrong; it is wrong. If someone is guilty of an offence, let him pay the price. Do not tamper with the public interest. Do not put your hands into the public purse. If you do it, I say slash it. We can have no compromise when it comes to stealing from the public purse.

We have no compromise on that matter, therefore, we say if it is happening at T&TEC, then the Minister has a duty and responsibility to safeguard the public interest, the public good and to launch a forensic and independent enquiry into the operations of T&TEC.

I have not gone into the street lighting programme, the muffler arrangement, the Roopnarine Hardware arrangement. I am not taking that on today. I have dealt with two specific issues and would like the hon. Minister to provide this Parliament with an undertaking or bring us up-to-date with the action taken to have this matter properly addressed.

I call on him, on behalf of the Opposition, to launch an independent enquiry into the operations of T&TEC.

I thank you very much.

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Thank you very much, Mr. Vice-President, it is a real pleasure for me to be here this afternoon. I thank you very much for the opportunity to respond to this Motion filed by the hon. Sen. Wade Mark.

The Motion as listed speaks to the poor governance practices at the Trinidad and Tobago Electricity Commission and its implications for the proper system of accountability and transparency. From the Motion as worded officially, we were speaking of proper systems of accountability and transparency, but instead the hon. Member has taken the opportunity to ask me to provide answers as to what steps the Minister is going to take to remove a Mr. Jailal and to bring Mr. Boxhill to book, the Senator having concluded that Mr. Boxhill was participating in some corrupt act and knew what he was doing while he was performing that act.

Mr. Vice-President, I happened to be present when, sometime ago, the hon. Senator declared himself to be king. Little did I know at that time he was also judge, jury and executioner.

[MR. PRESIDENT *in the Chair*]

So I would like to ask the hon. Senator to accept that whenever he has major issues like this one with which to deal, that he treat with all matters in strict accordance with proper processes, consistent with what one might call international best practices.

5.20 p.m.

But, since we are talking about governance practices and proper systems of accountability and transparency, I would like to put the hon. Senator's contribution in its proper context. A major part of proper accounting to our population and the Parliament is the submission of the annual audited accounts of various state agencies. In particular, we are speaking about T&TEC's annual audited accounts. Those accounts, when submitted, are normally referred to the Joint Select Committee of the Parliament, which would give Members of Parliament an opportunity to, very closely, scrutinize and examine those accounts; ask questions and bring members of the Commission before the committee; explore in detail and get answers for a lot of those accusations that the hon. Senator would have made. In some cases, I am sure, if not perhaps in all of the cases, there may be reasonable explanations available. One ought properly to ask

the questions before coming to conclusions. The submission of the reports to the Parliament and the subjection of the Commission to the scrutiny of the Joint Select Committee is a proper mechanism by which that can be achieved, but it depends on the submission of the reports to the Parliament. The submission of the reports would indicate a government's commitment to the proper scrutiny of the state agency.

The agency, in the case T&TEC, and its willingness to submit its report and the Government's duty in fulfilling it by making sure those reports are available to Parliament, speaks loudly about that particular government's commitment to integrity in public life. It also allows members the opportunity to make reference to the documents in Parliament, make informed reference, and to raise issues in public as they might exist. These mechanisms and reports are critical to the success and it ensures that there are proper systems of accountability and transparency. There is a reason I have said all of that.

Only this week, the Cabinet approved T&TEC's annual audited accounts for 2006 and 2007 and those will be coming to the Parliament in due course, very shortly; one might imagine within the next month or so. Hon. Senators and others would have an opportunity to examine those documents in detail. We have already submitted the reports for 2005. It was laid in the House of Representatives on January 07, 2008 and in the Senate on January 15, 2008; 2004, those were laid in February in both Houses in 2006; for 2003, they were laid in 2004; that is the following year. The report for 2002 was laid in 2004 as well. The report for 2001 was laid in November 2004, and the report for 2000 was laid in December 2002. Do you know what is striking, Mr. President? For the years 1995—1999, when hon. Senators opposite were occupying the offices of government, I have checked with the Parliament, the annual audited accounts for T&TEC cannot be found in the records of the Parliament. They never, ever submitted the annual audited accounts for four years when they were in government, yet, they come today to preach from a high pedestal that they stand for transparency and accountability.

Madam—I was here once upon a time and there was a Madam President when I was here last time.

Mr. President, it is an indication and a clear example of the hypocrisy that characterizes the members of the United National Congress. Hypocrisy! You argue one case when you are on that side and this afternoon arguing your case, it is obvious that you have no commitment to governance. I want to get some of the issues you would have raised. I am asking the population to understand you. I am inviting the population. When you make a case, they must know the character of

the person who is making the case. No, they must understand you. They must know who you are. I think they do. The fact that you are sitting there is a clear example that the population understands you very well.

Mr. President, there was established, a Central Audit Committee in the Ministry of Finance. I want to read from the document that established that particular committee.

> "…a Central Audit Committee headed by the Director, be established within the Ministry of Finance to monitor the internal operations of all state agencies. The powers and duties of the Central Audit Committee set out hereunder to provide auditing guidelines and procedures to state agencies to:
>
> - determine whether funds are being spent appropriately by state agencies in accordance with agreed guidelines;
> - evaluate internal control processes and procedures;
> - ensure compliance by state agencies with applicable laws, instructions, and regulations;
> - evaluate and analyze the procedures and practices relating to the auditing of the procurement of goods and services by state agencies; and
> - conduct a review of the internal audit plans of state agencies."

There are a number of items listed here to satisfy itself that appropriate arrangements are in place:

> "• promote economy, efficiency and effectiveness within a state agency;
>
> - perform ad hoc investigations as identified by the Minister of Finance; and
> - have access to all relevant information of state agencies in order to carry out a proper internal audit."

There are a number of other items listed here, but I wanted to highlight the ones that are critical and most relevant to our discussion.

Established in the Ministry of Finance is this Central Audit Committee, which has the power to enter into any state agency to perform an audit itself, review documents and review procedures and processes. We have opted to utilize this particular mechanism to look into the processes that exist and the transactions

within the Trinidad and Tobago Electricity Commission. Matters have been raised in the public domain and we are of the view that any matter serious enough that has been raised, ought to be investigated. Once that investigation is completed, whatever outcome the investigation yields, we would be prepared, as we must, to accept the results of that particular investigation. We have opted, in this case, to utilize this particular mechanism which, I would remind the hon. Senator, was established by Cabinet, the Central Audit Committee, on September 19, 2001. It is a mechanism with which he should be familiar and in which he should have confidence. Once you have established a mechanism, that mechanism is a mechanism with which we are satisfied, it will provide the kind of results, because it is a proper independent unit within the Ministry of Finance, properly staffed with professionals having the expertise, power and authority to undertake the kind of investigation that is required in this particular case.

I would invite the hon. Senator and the national population to take note that on October 17, 2008, the Minister of Public Utilities wrote the Minister of Finance requesting of the Minister of Finance that she direct the Central Audit Unit of the Ministry of Finance to conduct an audit to determine the procedures and processes employed in the procurement process and/or the award; to identify whether there was compliance in all respects with the applicable tender rules, procedures and practices governing the procurement and/or award; and to identify breaches, if any, found to have occurred in the procurement process and/or the award by the Trinidad and Tobago Electricity Commission in the following contracts:

- the advance metering infrastructure project;
- the purchase of poles from Klum Lumber Company;
- the purchase of street lighting luminaire arms;
- lease of property from Kamus Muffler Works Limited; and
- purchases from Roopnarine Hardware.

We also requested that an audit of the systems, processes and procedures of the Street Lighting Implementation Unit be conducted to ensure compliance with all governing laws, rules, regulations, practices and procedures and to identify, if found, any instances of breaches and failure to adhere to established practices, procedures and methodologies.

Mr. President, what we have here, clearly, is a Government that is committed to ensuring that the best practices are indeed observed. We have taken all appropriate steps to ensure that a thorough investigation is indeed conducted and

that this audit report—we expect to have the final report. In fact, I am in receipt of an interim report. We expect to have the final report within the next few weeks. The hon. Minister in the Ministry of Finance has advised that we should have it somewhere by mid-March; so we are waiting on that final report. On the basis of that, then we are going to be in a good position to determine what course of action might be required at that particular point in time.

May I reiterate that this Government has done everything that is required of it. We have dutifully submitted all our annual audited accounts of T&TEC, as is required of us and in contrast to what might have obtained prior 2001. In addition, once issues were raised in the public domain, understanding that there are issues of confidence and understanding as well that the population has confidence in T&TEC, we have taken every possible action that is dutifully required of us to ensure that proper procurement practices, proper governance systems and transparent governance systems are in place in the Trinidad and Tobago Electricity Commission. We are quite confident that the population in turn would have confidence in the actions that we have taken and we would get exactly the results that we desire.

Thank you very much, Mr. President.

Financial Mismanagement (Ministry of Foreign Affairs)

Sen. Wade Mark: Mr. President, the second matter I have on the Motion for the Adjournment is the alleged reports of financial mismanagement and disregard of the financial regulations in the Ministry of Foreign Affairs.

I have in my possession the Auditor General's Report on the Public Accounts of Trinidad and Tobago, Republic of Trinidad and Tobago for the financial year ended September 30, 2007 which was issued on April 29, 2008. On page 3 of that report it reads:

> "Appropriation accounts for the financial year ended September 30, 2007 were received from five accounting officers after January 31, 2008. At March 19, 2008, the appropriation accounts were not received from one accounting officer."

The non-submission of the appropriation accounts for the financial year 2007 by January 31, 2008 was in violation of section 24(1)(b) of the Exchequer and Audit Act, Chap. 69:01.

5.35 p.m.

Mr. President, the issue that I wish to draw to your attention is that under Appendix II, on page 157 of the Auditor General's Report, item 47, the Ministry of Foreign Affairs, as at that date, which is April 29, 2008 when this report was issued, went beyond the deadline date set by the Exchequer and Audit Act which is January 31, 2008, and at the end of March 19, 2008, the Auditor General did not receive the appropriation accounts from the Ministry of Foreign Affairs. Now, this is a very serious matter.

Under the Exchequer and Audit Act, Chap. 69:01, section 24 is very specific and clear. It says within a period of four months, after September 30th of each year or such longer period thereafter as Parliament may by resolution appoint:

> "(b) accounting officers shall prepare and transmit to the Auditor General appropriation accounts of the moneys expended under the votes for which they were responsible, showing the services for which the money was voted, the sums actually expended on each such service during the period of account, and the state of each vote compared with appropriation. Each such appropriation account shall contain an explanatory statement for any variation between the expenditure and the sum voted, and shall contain such other information and shall be in such form as the Treasury may direct…"

This is section 24 of the Exchequer and Audit Act.

The Ministry of Foreign Affairs is in clear breach of the Exchequer and Audit Act. This is a matter that the very Exchequer and Audit Act says that the Minister of Finance can surcharge the accounting officer, whoever that accounting officer may be, for violating the Exchequer and Audit Act. I would like the Minister of Foreign Affairs to tell us if the Minister of Finance has invoked sections 28 and 29 of the Exchequer and Audit Act to ensure that there is proper accountability. So, that is one area of grave concern; the absence of proper accountability in the Ministry of Foreign Affairs.

I go further to pages 116, 117, 118 and 119 of the Auditor General's Report where we have observed that there is a runaway horse called the Ministry of Foreign Affairs with absolutely no sense of accountability, violating and breaching all financial directives and regulations. With respect to this particular ministry, we are seeing—whether it was in the Embassy of Brasilia; the Consulate General in Miami or Washington—the litany of violations continue. I will just give you an example of what is taking place in Brasilia.

With respect to "Vote Control", there is a complete breakdown. In Brasilia, they are doing their own thing. They are employing people as they wish without any authorization from the Ministry of Foreign Affairs to do so. It says:

> "As at 2007 August 31, expenditure totalling TT$983,845.41 was incurred in excess of amounts released contrary to Financial Directives."

So, there is a mission in Brazil spending moneys in excess of what they were supposed to spend—almost $1 million without any sense of accountability—and there is the absence of proper inventory for vote books and the employment of personnel without any authorization.

When you go to the Consulate General in Miami—I think some party hacks were located there recently. What is taking place in Miami? With respect to "Vote Control" it says:

> "At the time of audit in 2007, expenditure totalling $497,260.27 was incurred in excess of amounts released. This is contrary to Financial Directives."

The Auditor General is saying that people in the Consulate General's office in Miami were engaging in a splurge. They were spending money as if it was coming from their own pockets and there is no accountability. Nobody was held accountable for this, so it had to appear in the Auditor General's Report.

Mr. President, with respect to "Internal Controls" it says:

> "The Travelling Register was not properly maintained in that pertinent information relating to travelling officers was not recorded."

If you go to the Embassy in Washington, under "Personnel Expenditure" it says:

> "Four (4) persons were employed in excess of the number of locally recruited staff approved in the Estimates. Authority for this was not seen."

Mr. President, with respect to "Vote Control" I quote:

> "Expenditure totalling $432,996.58 under six (6) sub-items was incurred in excess of amounts released as at 2007 August 31."

So, whether it is in Washington or Miami or Brasilia, people are spending money as if it is their own. I have estimated close to $1.9 million that was expended by these three missions without any authorization from the Minister, the ministry or the accounting officer in the Ministry of Foreign Affairs and this is unacceptable conduct.

Whilst all this is taking place, the Ministry of Foreign Affairs is unable to meet its legal deadline in accordance with the Exchequer and Audit Act, Chap. 69:01, where they are supposed to submit their appropriation accounts no later than January 31. We are being told by the Auditor General that as at April 29, 2008, the appropriation accounts were not received by the Treasury.

Now, what is going on in the Ministry of Foreign Affairs? You are not to be responsible, but you must take accountability for this development. This is a 2007 report. We come to this Parliament and vote for expenditure and allocations for the various ministries and they must be able to spend the public moneys in accordance with the votes that were given to them. They just cannot take it upon themselves to spend taxpayers' money without any approval from the Minister of Finance or the accounting officer or the Minister of Foreign Affairs. How can they do these things?

What we are asking on this side is what steps are being taken by the Minister of Finance. Ultimately, the Minister of Finance is accountable to the taxpayers of this country. We would like to know what steps are being taken. For example, has any public officer been surcharged for what has happened in the Ministry of Foreign Affairs over the period that I have mentioned? What steps have been taken to rectify this problem? I would like the Minister to tell us why the Ministry of Foreign Affairs violated the Exchequer and Audit Act. Why at the end of April they had not submitted their appropriation accounts to the Treasury when under the law they were supposed to do so by January 31? Why did they not do it when the law says January 31? Mr. President, through you, the hon. Minister must tell us if the Ministry of Foreign Affairs has submitted its appropriation accounts to the Treasury as we speak today.

Mr. President, as I said, at the appropriate time, I am going to take the Minister of Finance to task. This is the Auditor General's Report on the accounts of this country, and we see under every ministry that is detailed in this report, a feature in which laws are broken; financial directives are breached; and all regulations of a financial nature are completely ignored by officials in several ministries. Therefore, the time has come for Ministers to properly account to this Parliament for these kinds of developments that are taking place in their ministries. I call on the Minister of Foreign Affairs whose responsibility it is to account to this Parliament to tell us this afternoon what measures have been taken to ensure that these infractions of the financial regulations and directives will not occur in the future.

In addition, what steps have been taken to ensure that we have justice in the system? What steps have been taken to surcharge anyone, particularly the accounting officer, who is responsible for this particular madness that has occurred in this particular ministry? What is taking place in Brasilia, the Consulate General's office in Miami and Washington? We want to know what steps have been taken by the Minister of Foreign Affairs, through the accounting officer, to ensure that we do not have a repeat of this kind of event when the Auditor General reports to us very shortly on the accounts for Trinidad and Tobago for 2008.

Mr. President, it is against this background I have brought this matter to the attention of the hon. Minister of Foreign Affairs. We have a responsibility as lawmakers that when moneys are passed in this Parliament, they must be properly accounted for; they must be properly spent and spent in accordance with whatever we have agreed to and, therefore, there must be proper accountability in terms of expenditure of public funds. I, therefore, call on the hon. Minister to tell this Parliament and this country what is being done to address these deficiencies in the system.

Thank you very much. [*Desk thumping*]

The Minister of Foreign Affairs (Hon. Paula Gopee-Scoon): Mr. President, thank you. I just want to start by reassuring the public to whom we all speak, that the Ministry of Foreign Affairs is no runaway horse, as Sen. Wade Mark has proclaimed. As a matter of fact, I wish that he was properly bolted in moving this Motion and was more specific in the matter he wanted me to address, so that I could answer to the public, all that he had asked today, which are matters under the Auditor General's Report for 2007.

Instead, the Motion was put as the alleged reports of financial mismanagement and disregard of financial regulations in the Ministry of Foreign Affairs, alluding to some sort of grave infraction. I do not know whether it was an individual allegation; whether it arose in any newspaper article; or whether it was in the Auditor General's Report. I wish he had been a little clearer so that I could actually speak to the questions at hand and give a responsible answer to the public, but here we are. Nevertheless, I would try to enlighten you on how we operate in the Ministry of Foreign Affairs with regard to financial matters.

I cannot give you specifics, because I had no idea of where the Senator was heading with the Motion in the form in which he did. It was really very silent on what particular issue he wanted me to address. Notwithstanding, I want to say that by now we should have had the Auditor General's Report for 2008, and I

would hope that the missions which the Senator referred to, namely, the Embassy in Brazil, the Consulate General's office in Miami and the Washington Mission—in fact, those missions would not have been spoken of in the subsequent report, because all of the infractions which occurred in 2007 would have been properly cleared.

5.50 p.m.

Indeed, if you go back historically in the Auditor General's Report, 2007, it spoke to those three missions: the Embassy in Brazil, the Consulate General's office in Miami, and the Washington Embassy. If you go back to the previous year of 2006, you would find that the irregularities of that report were in the missions of New Delhi, Jamaica, Pretoria and Toronto. Even if you go back to the previous year, I believe 2005, it would have been the Consulate General's office in New York, Brussels, the Embassy in Brazil, the permanent missions to the United Nations, New York, in Geneva and the Embassy in Caracas.

You would find that what happens every year is that a thorough analysis is undertaken by the Auditor General and it is that all of our missions are audited. If you listened to what I have just said you would realize that the same missions do not keep popping up year after year after year, and that says very clearly, that all of the allegations made or the infractions raised in the particular reports have been satisfied, and I hope that the 2008 Auditor General's Report reveals all about those particular missions which you addressed.

I doubt very much the Minister of Finance will allow the non-receipt of appropriation accounts to go by without being addressed, so I would think that it is all in order now. Let me just tell you about how our accounting system is set up, and that would give you an idea of the difficulty with which we are faced sometimes.

The Ministry of Foreign Affairs is a rather peculiar public office and it is perhaps the only one of its kind, in that most ministries would have one substantive accounting unit. Here we are in the Ministry of Foreign Affairs with 18 missions abroad, and I could list them all for you, ranging from Brazil to Geneva to New York to Cuba, most recently in Costa Rica, in the United Kingdom and somehow it is pointless naming all 18, but it is the three Consulate General offices, and of course the other 15 missions.

Each one of these missions has its own accounting unit, in addition to headquarters. So, the Ministry of Foreign Affairs, small as it is, in terms of budget and the number of personnel, notwithstanding we grapple with 19 accounting units, and therein lies the difficulty in managing. We are not at all happy about these irregularities, which keep popping up annually. The fact is that there are 19 units to manage from headquarters and there will be difficulty sometimes.

I have to admit that perhaps when we open a new mission or so, and it is the practice that our head of mission and diplomatic staff would reside in a hotel until their residences or the chancery is ready, and therefore sometimes there is an overlap in the receipt of funds, moving into the relative buildings, and of course, sometimes we may not have sent the remittances in time.

There are occasions which would appear to be irregularities, but at most times, and of course, the Auditor General Report would bear the subsequent one, and these are things that are dealt with. It is just that it is a very, very intricate accounting system that you are working with, and we want you to understand.

You hinted that in 2007 we went over budget, and the Ministry of Foreign Affairs was excessive. If you read that report you would realize that the Ministry in fact, used probably $60 million less than it was allotted in that year. So, I just want to correct you on that point.

Sen. Mark: May I? I did not say the Ministry, hon. Minister. I talked about the three missions; they went in excess of what they were authorized to spend, over $1.9 million.

Hon. P. Gopee-Scoon: But I just cited to you the kinds of things that pop up at times, these irregularities and some of the challenges that we deal with when you have such an intricate structure in the accounting system, but we deal with them. Of course, as I said, the Auditor General's Report, 2008 will bear this out, that those irregularities have, in fact, been put to rest.

Mr. President, as I said, there were no details and the language was loose, and I apologize to the public for not attending to each of the allegations raised, and in future, I would rather that Sen. Mark be more specific. You tell me what the findings are and I could attend to them. Again, there are times when the missions are unable to meet their commitments on account of inadequate funds provided on the releases, and then the expenditure appears apparent. As I said before, and I

feel that I am repeating myself, this is the reality of dealing with 19 accounting units, both in the Ministry of Foreign Affairs, at headquarters and in the other branches.

The irregularities are varying in severity, and I do not think any one point that you made is of any particular note, and I am sure that it has all been answered. You must remember that the audit which is done by the Auditor General is a comprehensive audit; an audit on all of the units, and therefore, the irregularities being found in only three units say that the other 16 units were found generally to be in order.

Let me say in closing, that the Ministry continually reviews its operations and we would continually examine our structure and manpower requirements for the accounting units. I give the public that assurance and this hopefully would assist in minimizing, if not eliminating, all of the instances when the Auditor General will have to cite the Ministry's accounting units for breaches or infractions of financial practices and procedures. I want to give every undertaking that it is not our intention to violate or breach the Exchequer and Audit Act.

With these few words, I think I fully answered you, Sen. Mark, I wish to end this contribution.

Thank you.

Data Protection Bill
Joint Select Committee
(Appointment of)

Mr. President: Hon. Senators, before I put the question for the adjournment, I have received the following correspondence.

"Honourable President,

Appointment of a Joint Select Committee

At a sitting held on Friday, February 13, 2009, the House of Representatives agreed to the following resolution:

> ***'RESOLVED that a Bill entitled An Act to provide for the protection of personal privacy and information be referred to a Joint Select Committee comprising an equal number of members of the House and Senate and that this committee be empowered to discuss the general principles and merits of the Bill along with the details and be mandated to report within two months.''***

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

Respectfully,

Hon. Barendra Sinanan, MP

Speaker of the House"

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move the following Motion:

Be it resolved that the Senate appoint an equal number of Members as that of the House of Representatives to a Joint Select Committee to consider a Bill entitled An Act to provide for the protection of personal privacy and information, and that this Committee be empowered to discuss the general principles and merits of the Bill along with the details and be mandated to report within two months.

Question put and agreed to.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.01 p.m.