SENATE

Tuesday, March 03, 2009

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Lenny Saith and Senators Wesley George, Helen Drayton and Subhas Ramkhelawan who are all out of the country.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D. I have four instruments of appointments and therefore I will truncate the reading of them:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. NOEL GAYLE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily a member of the Senate, with effect from 3rd March, 2009 and continuing during the absence from Trinidad and Tobago of Senator Dr. Lenny Krishendath Saith.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of March, 2009."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. ANWARIE RAMKISSOON

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ANWARIE RAMKISSOON, to be temporarily a member of the Senate, with effect from 3rd March, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Wesley George.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of March, 2009."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: DR. ROLPH BALGOBIN

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

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

hereby appoint you, ROLPH BALGOBIN, to be temporarily a member of the Senate, with effect from 2nd March, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Subhas Ramkhelewan.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20th day of February, 2009."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: PROFESSOR DAVID PICOU

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DAVID PICOU, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Helen Drayton.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of March, 2009."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance:

Noel Gayle, Anwarie Ramkissoon, Dr. Rolph Balgobin and David Picou.

JOINT SELECT COMMITTEES

(Appointment of)
Data Protection Bill

Mr. President: I have received the following correspondence from the Speaker of the House:

"Honourable President,

Appointment of Members to Joint Select Committee

At a sitting held on Wednesday, February 18, 2009, the House of Representatives agreed to the following resolution:

'*Resolved* that this House appoint the following six Members to serve with an equal number from the Senate on the Joint Select Committee established to consider and report on the Data Protection Bill, 2009:

Mr. Mustapha Abdul-Hamid;

Mr. Neil Parsanlal;

Mr. Kennedy Swaratsingh;

Mr. Peter Taylor;

Mr. Ramesh Lawrence Maharaj SC;

Dr. Roodal Moonilal.'

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

Respectfully,

Barendra Sinanan, MP

Speaker of the House"

Mr. President:

Electronic Transactions Bill

"Honourable President,

Referral of the Electronic Transactions Bill, 2009 to Joint Select Committee

At a sitting held on Wednesday, February 18, 2009, the House of Representatives agreed to the following resolution:

'*Resolved* that the Electronic Transactions Bill 2009 be committed to the Joint Select Committee already established by both Houses to consider and report on the Data Protection Bill, 2009; and

That that Committee be also empowered to discuss the general principles and merits of the Bill along with the details.'

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

Respectfully,

Barendra Sinanan, MP

Speaker of the House"

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. At the appropriate time I propose to move a motion in response to the resolutions passed by the House of Representatives after consultation with my colleagues.

PAPERS LAID

1. Administrative report of the Penal/Debe Regional Corporation for the period October 01, 2006 to September 30, 2007. [*The Minister of Local Government* (*Sen. The Hon. Hazel Manning*)]
2. Administrative report of the Mayaro/Rio Claro Regional Corporation for the period October 2006 to September 2007. [*Sen. The Hon. H. Manning*]
3. White Paper on the Health Services Accreditation Council. [*The Minister of Health* (*Sen. The Hon. Jerry Narace*)]
4. Audited financial statements of Education Facilities Company Limited for the financial year ended September 30, 2006. [*The Minister in the Ministry of Finance* (*Sen. The Hon. Mariano Browne*)]
5. Annual audited financial statements of East Port of Spain Development Company Limited for the financial year ended September 30, 2006. [*Sen. The Hon. M. Browne*]
6. Annual audited financial statements of East Port of Spain Development Company Limited for the financial year ended September 30, 2007. [*Sen. The Hon. M. Browne*]

ORAL ANSWERS TO QUESTIONS

Rent Restriction Act
(Re-validation of)

1. Sen. Gail Merhair asked the hon. Minister of Legal Affairs:

Would the Minister inform the Senate of the steps which are being taken to re-validate and/or amend the Rent Restriction Act, Chap. 59:50?

The Minister of Legal Affairs (Hon. Peter Taylor): Mr. President, the Rent Restriction Act, Chap. 59:50 expired in February 2002 and is no longer part of the statutes of Trinidad and Tobago. Consequently, there are no steps being undertaken to revalidate or amend the Rent Restriction Act.

Sen. Merhair: Would it be possible for the Minister of Legal Affairs to state if there are any matters pending to institute such an Act or to have it revalidated, and how soon it could be done? I know you said that there are no steps but it would seem that this is an urgent matter in terms of the legislation that was there and are there any steps to revisit it in the earliest possible time frame?

Hon. P. Taylor: Mr. President, this matter was studiously deliberated upon and I can inform the Senator that there are no steps or no future plans to revisit this matter.

East-West Maxi-Taxis
(Regulation by Government)

2. Sen. Gail Merhair asked the hon. Minister of Works and Transport:

Would the Minister inform this Senate of the steps, if any, which are being taken to regulate maxi-taxis that work parts of the route along the East-West Corridor?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Minister was supposed to have been here to say this to you but I will say it on his behalf. The answer to that question was prepared but it required an amendment and therefore was deferred. I expect it should be ready within two weeks.

Question, by leave, deferred.

1.45 p.m.

Brian Lara Cricketing Academy
(Details of)

5. Sen. Wade Mark asked the hon. Minister of Sport and Youth Affairs:

Could the Minister inform this Senate of:

(a) the current status of the Brian Lara Cricketing Academy in Tarouba;

(b) the total sum expended on the project as at December 31, 2008;

(c) the estimated sum required for the completion of the project; and

(d) the completion date of the project?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Likewise, Mr. President, I expected him to be here to say to you that the question was in fact prepared and it did suffer the same fate as that of the last question, that is to say, that it was deferred pending an amendment and it should be ready in two weeks' time.

Question, by leave, deferred.

Ministry of Education Tower
(Details of)

6. Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister inform this Senate of:

(a) the current status of the Ministry of Education Tower located on lower St. Vincent Street, Port of Spain;

(b) the total sum expended on the project as at December 31, 2008;

(c) the estimated sum required for the completion of the project; and

(d) the expected completion date of the project?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Thank you, Mr. President. The answer is prepared, but the process was not completed on time, so it will be ready by next week.

Question, by leave, deferred.

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): Thank you, Mr. President. With respect to parts (a) and (b) of the question, the Economic Partnership Agreement is a Trade and Development Agreement and its provisions do not restrict actions in a form of bail-outs. Therefore, the bail-out of private financial institutions by European countries and those with whom we have trading relationships, does not violate any terms of the EPA.

Given that the response to (b) is negative, there is no need to answer (c).

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 Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Attorney General should have been here and if she were, she would have indicated the following:

The Government does not intend to request Caricom to place the CCJ and the Regional Legal and Judicial Services Commission in abeyance pending the improvement of the region's economic circumstances.

Sen. Mark: I do not understand what happened here, Sir. He was very quick to the draw. I would have asked supplementals, but I imagine that he will not be in a position to answer. So, with your leave, Sir—he caught me unawares, I did not know he was going that way—I would like question No. 12 deferred to next week when the Attorney General is here.

Question, by leave, deferred.

Mr. President: Very well. Then question No. 14 to the Minister of Finance.

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): Thank you, Mr. President. Article 23 of the subsisting collective agreement between the Chief Personnel Officer and the National Union of Government and Federated Workers governs daily paid workers and retirement pension upon retirement and the provisions of this agreement are as follows:

The pension plan: The employer and the union by separate Memorandum of Agreement, dated October 19, 2000, agreed to the introduction of a pension plan for the workers of the bargaining unit. Currently, however, government daily rated workers are paid retirement benefits based on the severance pay formula as set out in Article 17 of that agreement, the severance pay of the collective agreement, and the existing formula is as follows:

- for those with one to four years' service, the entitlement is two weeks of full pay for each year of completed service;
- for those with five to nine effective years, three weeks' full pay for each such year of completed service; and
- for 10 effective years and over, four weeks of full pay for each year of completed service.

In accordance with subsection (17)(iii), retirement benefits, pending the implementation of a pension plan, an employee with one or more effective years of service who has retired, is eligible for benefits on the following basis:

1. where the worker who has an effective year of at least 200 days, he is paid at the appropriate rate of the severance pay; and
2. where the worker does not have an effective year, he may qualify for the benefit as provided under Regulation 14(1) of the Pensions Regulations, Chap. 23:52.

Under Regulation 14(1), an officer holding a non-pensionable office may be granted a compassionate gratuity, not exceeding 12 days' pay for each year of service completed. The above-mentioned arrangements are currently utilized to provide retirement benefits for government daily rated employees.

In the context of the agreement to implement a pension plan for daily rated workers, efforts have been under way for some time to do so. On October 19, 2000, an agreement was signed between the Chief Personnel Officer and the National Union of Government and Federated Workers for the introduction of a

pension plan for the hourly, daily and weekly rated employees of the central government, the regional corporations, the Tobago House of Assembly, and certain statutory authorities in respect of whom the Chief Personnel Officer (CPO) is deemed to be the employer.

The main features of the plan agreed upon are as follows:

- the plan is to be a joint contributory funded plan with the employer's contribution being at the rate of 8 per cent of the aggregate amount of the employee's pensionable wage, that is, basic wage plus COLA; and
- the employee's contribution being at the rate of 4 per cent of his or her pensionable wage.

The plan is to be mandatory for all workers in employment on October 01, 2000, and those joining the service thereafter who are 18 years and over, but who have not attained their fiftieth birthday and who have completed two consecutive and effective years of service. Employees in service between the ages of 50 and 55 as at October 01, 2000, that is, the effective date of the plan, are to have the option to join the plan. The pension plan is to replace the existing lump sum retirement and death benefit provision in the collective agreement in respect of those employees who become members of the plan. For those employees who were 55 years of age and over as at October 01, 2000, and therefore not eligible to join the plan, and those who were 50 years and over at the same date, but who have opted not to join the plan, continue to be eligible for the collective agreement lump sum retirement and death benefits provisions outlined above.

The retirement pension is calculated at 1.67 per cent of the final pensionable wage for each effective year of future service only. Subject to a guaranteed minimum pension at the rate of $1,000 per month, the maximum pension payable to an employee shall not exceed two-thirds of the highest pensionable wage received by him or her in any one year of pensionable service. The payment of a pension under the plan whether full or actuarially reduced, shall be guaranteed so long as the member is alive and in any event for not less than five years. An implementation team was subsequently established to facilitate the implementation of the plan and has actively been involved in the following:

- finalizing nominations for membership of the management committee;
- reviewing the trust deeds and rules;
- drafting circular instructions for ministries and departments:

- drafting a pension plan booklet for the purposes of information sharing and as a marketing strategy; and
- liaising with the consulting actuaries to finalize the documentation required for the tendering process.

In the process of reviewing the draft trust deeds and rules, discussions were held with the union, which then requested major changes to the agreed features of the plan. These changes related to the following:

1. the treatment of back service:
2. the rates of contribution;
3. the minimum pension; and
4. the option to join the plan.

In order to advance the matter, it has been decided that the services of an actuary should be procured to provide consultancy services for the introduction of a pension plan for daily rated workers of the central government, regional corporations, the Tobago House of Assembly and specified statutory authorities. The international firm of Mercer, which is currently engaged in providing consultancy services to the Ministry of Finance on pension reform in the public service, is also to provide the necessary support with respect to the proposed pension plan for daily rated employees referred to above.

Thank you, Mr. President.

Sen. Mark: Mr. President, through you, could I ask the hon. Minister, when is the plan most likely to be effected and fully implemented?

Sen. The Hon. M. Browne: Mr. President, I am not in a position to answer that question. Suffice it to say that the agreement which was set out in October 2000, was overtaken by certain events, not the least of which will be the changes to the Senior Citizens Grants and a number of other issues, including changes to the NIS pension which left the numbers as agreed in October 2000, literally out of date.

In addition to that, the other options: the treatment of back service, the rates of contribution and the minimum pension and the options to join the plan also require substantial redrafts of the trust deed and also require valuations. In order for us to advance the matter, as I have indicated, Mercer has been asked to do so. They have not given us a date at this stage by which we can expect the matter to be finalized. In any event, even when we finalize proposals, this matter still has to

be discussed and agreed with the union, as a result of which I am not in a position to answer that question.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, questions Nos. 15, 16 and 17 are to the hon. Minister of Works and Transport who is not now here, and therefore I am seeking a two-week deferral for those questions.

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

Motor Vehicle and Road Traffic Act
(Date for the full enforcement)

15. Could the hon. Minister of Works and Transport inform this Senate of the date for the full enforcement of the Motor Vehicles and Road Traffic Act with specific reference to the introduction of the Breathalyzer?

Upgrade of Old Piarco Airport
(Cost of)

16. With respect to the proposed refurbishment and upgrade of the old Piarco Airport facility, could the hon. Minister of Works and Transport state:

(a) The estimated cost of the proposed refurbishment and upgrade of the facility?

(b) The names of the companies contracted to undertake the works and the values of the contracts?

Upgrade of the Port of Spain Harbour
(Details of)

17. With respect to the proposed dredging, refurbishment and upgrade of the Port of Spain Harbour, could the hon. Minister of Works and Transport inform this Senate of:

(a) the estimated cost of dredging, refurbishment and upgrade of the Harbour; and

(b) the names of the companies contracted and the values of the contracts?

Questions, by leave, deferred.

Mr. President: We could revert to questions Nos. 12 and 13 to the Attorney General.

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

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Thank you, Mr. President. With respect to question No. 12, the Government does not intend to request Caricom to place the CCJ and the Regional Legal and Judicial Services Commission in abeyance pending the improvement of the region's economic circumstances.

Sen. Mark: Mr. President, could the Attorney General indicate whether the Government intends to revisit that decision, having regard to the worsening economic conditions in the region, in the future?

Sen. The Hon. B. Annisette-George: Mr. President, if I am not mistaken, I believe the supplemental is the very question that has been asked with respect to whether we intend to request. What you are asking, our intention to request is the same thing as revisit, so that the answer remains the same.

Dr. Rupert Griffith and Dr. Vincent Lasse (Status of debt incurred in Judgment)

13. Sen Wade Mark asked the hon. Minister 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, I must apologize. This response has not as yet received approval and I would ask if it could be deferred for two weeks.

Question, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Sen. Wade Mark:

Caribbean Court of Justice (Details of)

11. With respect to the Caribbean Court of Justice (CCJ) headquartered in Port of Spain, could the hon. Attorney General provide the Senate with:

(a) the number of cases brought before the CCJ from its inception to December 31, 2008;

(b) the number of matters determined by the Court over the same period;

(c) the total cost to Trinidad and Tobago for the establishment and operations of the CCJ from its inception to December 31, 2008?

Backlog Cases in the Magistracy
(Details of)

19. Could the hon. Attorney General inform this Senate of:

(a) the number of backlog cases in the Magistracy as at December 31 2008;

(b) the administrative arrangements, if any, being made to reduce the backlog of cases in the Magistracy?

Vide end of sitting for written answers.

2.00 p.m.

EMERGENCY AMBULANCE SERVICES AND EMERGENCY MEDICAL PERSONNEL BILL

[Third 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 on February 10th were Sen. The Hon. Jerry Narace, the Minister of Health; Sen. Dr. Adesh Nanan; Sen. Baptiste-Mc Knight; Sen. Oudit; Sen. Melville. On February 17, those who spoke were Sen. Wesley George; Sen. Drayton; Sen. Rahman; Sen. Prof. Deosaran. Sen. Mark had spoken for only eight minutes; therefore, I invite him to continue.

Sen. Mark, You have 37 minutes more to continue.

Sen. W. Mark: Mr. President, the Bill before us seems to be lopsidedly preoccupied with form, while blissfully inattentive to substance. It is a virtual legislative child, born truly after the image of its self-absorbed creator.

Consistent with the way the Government has been governing the country for the last so many years, the purpose, as we are told, of this Bill is to regulate emergency ambulance services, provide for the registration of emergency personnel and to establish a national emergency ambulance authority. Where are the people in this Bill?

When one examines the laws governing ambulance services, whether it is in Queensland, Australia, which is entitled the Ambulance Service Act, whether it is the Statewide Emergency Medical Care Systems of the State of Virginia or even the Emergency Medical Services Systems Act in the State of Illinois, the focus in all those pieces of legislation is on the people and how these laws will protect and assist them in instances of injury or when experiencing real serious emergencies.

In those jurisdictions, the system is well coordinated and integrated, involving all activities concerning what is called “prehospital” and "inter-hospital emergency medical services", as well as non-emergency medical transport and the overall planning, evaluation and regulation of prehospital emergency medical services systems.

These pieces of legislation centre on people and the provision of top of the line services. What we find in this piece of legislation is that a lot of emphasis is being placed on regulation, registration and setting up, what I would like to describe, as another pathological authority.

Mr. President, in our own jurisdiction in Trinidad and Tobago, my research has led me to conclude, temporarily and tentatively, that there are some 45 ambulances in the public sector. We also understand that in the private sector there could be 45 and/or more ambulances in the system. What we do know is that the public sector ambulance service falls under a group or an organization called "GMRTT", which is Global Medical Response of Trinidad and Tobago. Of course, the private sector, as I said, has close to 50 per cent of the ambulances in Trinidad and Tobago.

Under the Global Medical Response System or organization, we understand that there are close to 265 persons who are called emergency medical technicians, and they operate 24 hours a day, seven days a week. In the private sector we understand that it is about 125 emergency medical technicians, and they operate on an 8.00 to 4.00 basis, unlike the Global Medical Response.

I would like to indicate to the hon. Minister of Health that we need to have some explanation from him, when he is concluding or winding up on this particular measure. Why has it cost this country's taxpayers some $50 million to $52 million a year to maintain the Global Medical Response organization? We understand that they recently signed a three-year contract, and it is $150 odd million. I just want to remind the hon. Minister, that under our watch we were able to engage a private sector organization at just under $20 million a year. Here we are paying $50 million per year and above, I understand, to perform almost the same service.

I also want to let you know that the response time under the UNC was between 10 to 15 minutes, max 20 minutes. Here we have the Government boasting, virtually, that their response time is about 31 minutes; it averages 31 minutes. Well Tito Lara, the famous veteran parang singer, died because after waiting for an hour last Saturday, no ambulance could have appeared with the requisite personnel to save him. So 31 minutes is something I suggest that the hon. Minister revisit and set his eyes on a response time of 10 minutes, max 15 minutes. You have to decentralize your operations in that regard.

Before I go into details, I would also like to find out from the hon. Minister, when this Bill becomes law, in a revised form, whether persons who are seeking medical care, on an emergency basis, would be taken to private care institutions; whether they would be taken to private hospitals. It cannot be that if an emergency crops up and a citizen is picked up, that person could only be taken to public hospitals or public health centres. We would like to know if those citizens would be entitled to be taken by the emergency ambulance service to private hospitals.

The reason I have raised this is because over the last two years my information has unearthed that we have spent close to $80 million in subsidizing, virtually, private health institutions, as the Government takes persons out of the public health system because of its inadequacies in order for them to get treatment in the private sector. We have spent, in that regard, close to $80 million.

I believe that it is incumbent upon us to ensure that when this particular system comes into being, the Government gives consideration to allowing patients to use the private hospital system, in the event of emergencies.

I would also like to call on the hon. Minister to look into the situation facing one Mr. Roger Frederick, the individual who exposed the scam taking place at the Eric Williams Medical Complex, as it is called. He is lying lonely in a one room place in Barataria, since he exposed this scam. In today's *Express* it is reported that he is awaiting an ambulance which was supposed to pick him up two days ago to take him to that place called the Mount Hope Medical Complex. To date, this young man 32 years of age, who cannot move, is lying in a one room place and is awaiting the Government's intervention.

In today's paper the headline is:

"Patient begs Health Minister for help"

I appeal to the hon. Minister of Health to go to his assistance; not you personally, but get the personnel who are supposed to take up this citizen of this

country. He is there and cannot do anything for himself. He is appealing to the hon. Minister of Health to intervene and provide him with the kind of emergency medical care and attention that he requires.

I would like to also indicate that while we talk big about developed nation status, and that is where the Government would like to take us, do not bring primitive legislation to the Parliament. I regard this legislation, in its present form, as primitive, retrograde and backward legislation; it is almost medieval in substance and content. I do not understand how a Government and a minister could bring such a piece of legislation to our Parliament in the year 2009.

If I go to the preliminary part of the legislation that is before us, there are several definitions that need to be incorporated in the interpretation section, which are largely absent, even though in the body of the legislation they are mentioned over and over and over. When we talk about an emergency ambulance service, it is incumbent on the Minister to define very early in the interpretation section what an emergency means. I would like that to be defined in the interpretation section what an emergency is, so there would be no doubt in the mind of those who are going to be operating this piece of legislation to define and understand what an emergency means. [*Interruption*]

Yes, it is defined in legislation, my dear, and I will let you know. I am not a lawyer, but I have the legislation, so do not tell me that we cannot define that. It can be defined; sorry, sorry.

Mr. President, I also advise my honourable colleague that he should look at defining the term "emergency health care services" in the interpretation section. Define for us "emergency medical services system"; define "protocol and standards of practice" in the interpretation section.

2.15 p.m.

What is trauma? You use that term in the legislation, but in the interpretation section, it is not defined. We know there is level one and level two trauma and we need to have those things defined.

What do we mean by “pre-hospital care”? That needs to be defined. What do we mean by “inter-hospital care”? It is in the legislation, but we do not understand what it means. I am asking the hon. Minister to clearly define an “emergency medical technician”. Let us know what he/she is and what that person does in the legislation. What do you mean by basic, intermediate and advanced emergency medical technician?

What does the Minister mean or what does the legislation mean when it talks about "emergency medical technician paramedic"? That needs to be defined. What is an "emergency medical instructor"? I would like the Minister to consider these concepts and have them properly defined. What do you mean by "emergency medical personnel"? You need to clearly define these terms.

The Bill talks about "trauma centres". What do you mean by that? Let the people who are going to be governing, regulating and supervising this piece of legislation in a redraft form understand what you mean by these measures.

Mr. President, as we go to Part II of the legislation we come upon the term Emergency Ambulance Regulatory Committee, but again we are seeking to get into the fast lane of advanced, developed nationhood and we see where the Minister is given a lot of power to appoint members of this committee. We believe that the Minister has too much power under clause 2: I would like to advise that we incorporate the Chief Medical Officer rather than a representative of the Ministry of Health and under clause 2(d), instead of "two medical practitioners", we would want them to be registered. So this section should be amended in an effort to ensure that it is clear that these persons be registered. They must not only be experienced, but trained. We would like him to look at those particular areas to ensure that the interests of the people are in fact met.

Mr. President, we are seeing as we go on to Part III subclause (2) where it says:

> "The Emergency Ambulance Services Board shall consist of nine persons appointed by the Minister…"

And he talks about the qualifications, I see medicine and medicine and emergency care. I do not understand the difference.

> "(3) The Minister shall appoint from among the members of the Emergency Ambulance Services Board—
>
> (a) a Chairman; and
>
> (b) a Deputy Chairman."

So here he is appointing again the two critical office holders and I notice in clause 6 where the Minister is going to have the power to appoint persons like the CEO:

> "…for a term not exceeding three years, and under such terms and conditions of service as may be fixed by the Minister."

I never knew whether the Minister fixes salary in this country. I do not know from where he got this power to fix salaries. I know that is a function of the

Salaries Review Commission (SRC) or the Chief Personnel Officer (CPO) and, therefore, I am asking that this be revisited and addressed.

Mr. President, we go to clause 8, we see that the Minister may at any time revoke the appointment of a member of the Emergency Ambulance Services Board. There is too much power in the hands of the Minister; he should not be given that kind of power to revoke the appointment at any time, whimsically. That is too much power in the hands of the Minister.

Mr. President, I see in clause 5(10) under Part III where the Emergency Ambulance Services Board could:

> "…exercise its powers and functions in accordance with special or general directions as may be given to it by the Minister from time to time."

That is dangerous. The Minister must put in writing—and I am putting a qualification here. If you want that power, you put your instructions in writing from time to time if you so desire.

Mr. President, as we go on to clause 8(1):

"The Authority shall undertake the following functions:

(a) responsibility, from time to time…"

How can you have an Authority taking on responsibility from time to time? It is either you have the responsibility or you do not. You say that one of the functions of this Authority is to deliver emergency ambulance service. Not from time to time, but all the time. So again, we want him to look at this.

When we look at the regulatory committee and this Authority, we are seeing where the operational oversight of this Authority conflicts with those of the ambulance regulatory committee and I would like the hon. Minister to revisit clause 8(2) and do not confuse operational oversight functions and responsibilities with those of the emergency regulatory system. Therefore, I would like the hon. Minister to examine those particular clauses.

As you go to clause 9, it states:

> "No personal liability shall be attached to any member of the Emergency Ambulance Services Board or personnel of the Authority for anything done, permitted to be done or omitted in good faith…"

This is dangerous, and I ask the Minister to look at this again. The Integrity Commission recently acted in good faith in the Rowley matter and they left office

believing that they acted in good faith, but a judge ruled that they were guilty of misfeasance and bad faith. So you cannot depend on people acting in good faith; that is deadly business.

Therefore, I would like to advance to the hon. Minister an amendment which says: Unless the act or omission was the result of wilful and wanton misconduct. You have to put a qualifier and not give a blank cheque on these matters.

Mr. President, as you go down to clause 11, you come again to the Minister fixing the terms and conditions of employment. It says:

"The Emergency Ambulance Services Board shall—

(a) employ such administrative, technical and other staff…

(b) fix the qualifications, terms and conditions…

(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…"

What business is it of the Minister to give prior approval to the terms and conditions of employment of staff members in any organization? Where does he derive that power from? He does not have that authority now, why does he want it in the future? We are totally opposed and object to the Minister having that power to fix terms and conditions of employment for workers of the Authority.

Mr. President, when you go to clause 13, you realize that the funds from this Authority will come from taxpayers, and it talks about "monies collected as fees" and from other sections but the bulk of the money will come from the Consolidated Fund.

As we look further down we see where they are giving this Authority—this is another UDeCott you are creating you know. We are told at one time that the residence of the Prime Minister was $148 million, it went up to $173 million, and now we hear it is $244 million. And you are going to give power to the Authority to borrow money? This is a runaway horse, this is a Quango you are trying to create here and we cannot support this.

Mr. President, it goes on further to tell us that the members will enjoy the privileges of remuneration and allowances. We come to the question of which agency will audit the accounts of this runaway Quango after getting moneys from the Consolidated Fund. Do you know what we are told? For the purposes of this part, GAPP which means—

Mr. President: Senator, I do not know what a Quango is, I have never heard that word in my life.

Sen. W. Mark: That is a state enterprise in New Zealand.

Mr. President: Thank you very much.

Sen. W. Mark: I am sorry, Sir, that you did not reach that level. [*Interruption*] I withdraw that, Sir, it is a misunderstanding. It was not meant to be disrespectful, I withdraw the statement; it was never meant to be disrespectful. I do not disrespect my President, and I will never disrespect my President. I hold my President in high regard, so do not put words in the President's mouth. [*Laughter*]

Mr. President, as I was saying, when you go to clause 14(4), it talks about the Generally Accepted Accounting Principles which will include the International Accounting Standards. What does this mean, Mr. President? You are going to be taking money out of the Consolidated Fund to run this operation, but there is no agency of Government that will audit the accounts of this authority. We are saying there must be an amendment to give the Auditor General the power to audit the accounts and books of this authority and not leave it up to any private sector organization. We do not want that in this legislation.

Where public funds are concerned, the Auditor General under law must be the agency that will be responsible for auditing the accounts of that particular authority.

2.30 p.m.

Then we go on again where the Minister is going to appoint an inspector. Where does the Minister derive this power? He is going to:

> "…appoint an inspector or an inspection team to visit and inspect an ambulance service provider licensed…"

Who gave the Minister that power to appoint people?

"The Minister may appoint inspectors from among…

(a) employees of the Ministry of Health;

(b) public health inspectors;

(c) medical practitioners;"

The hon. Minister is appointing a bio-medical engineer. It goes on to say in (e):

"such other persons as the Minister deems necessary."

Since when has the Minister overtaken the role of the Public Service Commission or the Statutory Authorities Service Commission? Where are you going? This is primitive legislation in the 21st Century! It is retrograde and backward! Not even in your own company, hon. Minister—do you remember when you had your own private company in Barbados? You would not do that. But anyway, this is public money; that is the difference—public money and, therefore we have to be accountable to the people.

I am suggesting to the hon. Minister that this whole clause 15 needs to be revisited. We do not believe that the Minister should have the power to appoint anyone in any capacity as employees of this particular authority, in particular, given the functions that the inspectors would have to execute.

We believe that clauses 15, 16, 17, 18 and 19 are operational matters and ought not to be confused with the functions of the regulatory authority. Therefore we do not believe that these clauses are properly placed in the legislation. So there is some degree of confusion in the legislation as it currently stands. We believe that the inspector has too much power. If you look at clause 18, it states:

"An inspector may at any time, take for analysis-

(b) any equipment which he suspects to be defective."

Not, which he found, you know, to be defective; "which he suspects to be defective". Again, we want to make changes to the legislation in this regard.

Under clause 19(b), again we see where a police officer can get a warrant from a magistrate and detain a person. That is draconian in this context. I believe if the Government wishes to give the police this kind of authority, come with the constitutional majority in order to get it, not to use this backdoor method.

If you go to clause 20 you will see, again, where it states:

"No personal liability shall attach to any inspector or member of an inspection team appointed…"

Again, I want to advise the Minister, you could go with that but have a qualifier: unless the act or omission was the result of wilful and wanton misconduct. So do not give these people a blank cheque.

If you go to Part IV of the legislation, again we are seeing some of the measures are very vague; they are not specific. For instance, if you look at clause 22(2)(d), you will see what are some of the requirements that you would need to satisfy to obtain a licence. It goes on in clause 22(2)(d) to say:

"such other information as the Minister may require."

What does that mean? When you say: "such other information", this is a recipe for abuse of authority and misuse of authority. I must know, if I am applying for a licence, specifically what are the criteria required so that I can obtain my licence as an ambulance provider. You cannot put a blank, vague and unspecific statement to the effect that "such other information as the Minister may require". That cannot be proper in a 21st Century kind of vision in terms of legislation and, therefore, I call on the Minister to delete that clause completely.

When you go to clause 23 under this Part IV, you will see again where the Minister, who is going to appoint the committee, is going to be able to also—all applications from this committee will go to the Minister for approval. They will make recommendations. So it is himself reporting to himself. The Minister appoints a committee; they evaluate all applications; they make recommendations and if the Minister refuses, the Minister refuses. So it is a very unhealthy situation in terms of what is in clause 23 of this particular piece of legislation.

If you go to clause 24(1), when you evaluate the applications and make recommendations, they say that the Minister could grant or he could refuse, but nowhere in the legislation is it stated that he shall give reasons for refusing. You must be able to have natural justice. We want to move towards developed nation status, not so? You cannot be primitive in your drafting here and this is primitive legislation. Therefore, we are saying that if you are going to refuse, you must be able to advance reasons for refusing.

Mr. President: The speaking time of the hon. Senator has expired.

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

Question put and agreed to.

Sen. W. Mark: Thank you very much, Mr. President. If you go to clause 31, again the Minister is arrogating unto himself too much power. He is appointing an appeals committee to review decisions that he refused in terms of licences. We believe too much power in the hands of the Minister is unacceptable. We will not support that.

Again in clause 34(1):

"The Minister shall keep a register…"

I do not know what the Minister is doing keeping a register. What business is that of yours, Mr. President? I do not know, but it is in the legislation. We do not support that whatsoever.

If you go to the emergency medical personnel, I ask the question: What constitutes the emergency medical personnel? Do they include nurses, doctors or just paramedics? Let us know. We are not too clear on this. Then we talk about "regulate the profession" in clause 38(d). What profession are you referring to? You talk about developing "standards of practice" As I said earlier, what are these standards of practice that you wish to develop? I believe that the Council of the Board should also have a representative of the University of the West Indies coming from the faculty of medicine: I would like to have a person included from UWI in this area.

Again, when you go to clause 40(5), we talk about the Interim Council which shall be made up of the following persons. Nowhere in the legislation have we defined what is an emergency medical technician. What are the standards we are going to set? What are the qualifications we are going to set for:

"(a) Emergency Medical Technician — Basic

(b) Emergency Medical Technician — Intermediate

(c) Emergency Medical Technician — Paramedic; and

(d) Emergency Medical Technician — Instructor."

These people have to be trained. Somebody must authorize their qualifications. They must, after four years, undergo retraining, re-educating and re-licensing. Where is this in the legislation?

One of the problems we have in this country is that our personnel on these ambulances are undertrained. They do not know how to deal with basic medical services. Giselle Salandy may have been alive today in this country if she had gotten proper professional care when she was bleeding to death under the overpass.

So what we are saying is that you cannot just put these blanket categories in legislation. You must be able to put in the legislation what are the standards expected; what are the qualifications; who are going to accredit these people and every four years they must undergo re-educating, retraining and re-licensing in an effort to serve the population of this country. Therefore, I am calling on the Minister to pay attention to this matter.

If you go to clause 43 where the council will have powers to do x, y and z, we are recommending that the council must have the power to prescribe education and training requirements for all levels of EMTs. They must have the power to

prescribe licensing, testing requirements for all levels; they must have the power to license individuals and they must have the power to prescribe annual continuing education and training. If you really want to serve the population you must establish standards protocol and keep education and training at a very high level of professionalism.

This is why we are saying that the legislation is a bit clumsy; it is contradictory and, therefore, it requires a complete remaking. In fact, this Bill ought to have been withdrawn. My task in this Parliament as a lawmaker is not to redraft legislation in its totality. This legislation is clumsy; it is contradictory and it is almost bordering on irrelevance. Therefore, I would ask the Minister to withdraw this legislation; have properly drafted legislation brought before us so that we can make a real serious contribution towards it; not to go through and dot all the "i's and cross all the t's and things are confused in this area. You confuse the regulation committee; there is confusion with the ambulance regulatory committee; the ambulance authority; operational functions confused with the regulatory functions. You have areas that ought not to be under a particular section and it is placed there. No, we cannot really tolerate that kind of sloppy drafting of legislation.

I am seeing where they are seeking to suspend and remove your name from the register. You cannot remove people's names from a register just so. You are constitutionally violating my rights. My work is my property. When I am an emergency medical technician and you remove me from that register and some flimsy reasons are being given as to why you must remove people from the register, I am saying that if you want to do that, you have to do that for good reasons.

It is also said in clause 55(4):

"A decision of a Judge under this section shall be final."

Where does a judge have the authority under this Constitution of our country to have a final decision? The Privy Council is the highest court of appeal in this country and if you violate my rights, I will go directly and finally to the Privy Council. Therefore, you cannot put in legislation, "a decision of a Judge shall be final". That does not make sense.

Therefore, we are calling on the Minister to revisit all these areas that are not making sense at all, that is, clause 55(4) which states:

"A decision of a Judge under this section shall be final."

2.45 p.m.

I go to clause 60 where the Minister may make regulation. This Minister is only making regulations; "he eh come to de Parliament"; he is not coming for approval and he is doing his "own ting". Not you, Minister. I am not saying that you are doing that. You are not going to be here forever. I am talking about for longevity. You have to ensure that there is legislation that will stand the test of time.

Under clause 60 of this legislation we want to put the qualifier that all such regulations shall be subject to an affirmative resolution of Parliament. Wherever you have negative resolution, we are calling for affirmative resolution because standards and protocols are very important with medical care. We do not want to leave that to chance. Do not put it on the table and expect Wade Mark to file a motion. We are demanding that it be an affirmative resolution. It must be debated.

If you go to Schedule 3 of the legislation, it talks about categories of ambulance services, licences that may be issued under this clause. It goes on to talk about "Advanced Life Support, Level 2" ground ambulance transport and the provisions.

I want you to note that nurses are not legally registered or licensed to administer intravenous medication. They are not. Therefore, the emergency medical technicians would have to be categorized above the nursing profession. These emergency medical technicians will have the authority and power to administer intravenous medication and not even a nurse has that authority. We believe that this is a matter that the Government must look at very seriously.

When we look at some of these procedures listed in the Schedule, they are beyond the domain and scope of an emergency medical technician. It is only within the domain of the medical practitioner that this could really work. We need to ensure the presence of appropriately trained medical practitioners which is needed in order to make this piece of legislation work properly.

We have attempted to inform and advise this Government that the legislation before us today requires much redrafting. We have to rethink carefully some of the provisions that are contained in this piece of legislation. I join my colleagues in calling on the Government to have this matter referred either to a joint select committee or a special select committee of the Senate so we can go through this document carefully and try to come up with the best possible piece of legislation, in the interest of the people of Trinidad and Tobago. We cannot be engaged in any hodgepodge arrangement as it relates to legislation. Health care is too important.

In this country, the money has run out and everybody "talking about belt-tightening". If you are talking about belt-tightening and money run out, we have to ensure that whatever we are doing is being done in a highly professional way, so that health care and attention given to the ordinary man and woman out there must be first class.

As we are talking about belt-tightening, I will like the Minister of Finance to make a statement in Parliament to let us know how drapes at the Prime Minister's residence and the diplomatic centre could cost $3 million. I want to know what door you could have in your house that could cost $47,000. In terms of emergency, when poor people go to the San Fernando Hospital, they have to be on benches for three days before they can get beds and within 24 hours they have you outside. What kind of care is this in our country? If you are talking about medical emergency treatment for people, in San Fernando as we speak, there is no burns and plastic reconstruction surgeon. None is available. As we speak, neurosurgeons no longer exist at the San Fernando Hospital. They do not even have pathologists.

When we pick up people via emergency ambulance service, where are we taking them? We are going to take them to hospitals that are inadequately manned and do not have the necessary equipment, machinery and personnel to provide the proper health care for our people, whilst in the residence of the Prime Minister you have a door costing $47,000. I do not know if it is the front door, the back door or the side door. What I do know is that there is an article in yesterday's papers which says that a door at the residence of the Prime Minister cost this country $47,000. I want an explanation from the Minister of Finance. I want the Minister of Finance to tell this country how a building that was estimated initially to cost $148 million ended up being $244 million and poor people are dying because of lack of medical attention.

We call on the Government to take this Bill back to the drawing board and if they do not want to do that, send it to a special select committee or I would much prefer that we send it to a joint select committee because it is going to the other place, so that we can get the wisdom and knowledge of all our colleagues, so that at the end of the day we can bring a piece of legislation that all of us would be proud to call the Emergency Ambulance Services and Emergency Medical Personnel Bill.

Thank you.

Sen. Dana Seetahal SC: Mr. President, my question to the Minister is: What is the purpose of this Bill at this time? We have heard what the Minister said and

the long title says that when this Bill becomes an Act, it would be "to regulate emergency ambulance services; for the registration of emergency medical personnel and the establishment of a national emergency ambulance authority."

I want to know if a problem is existing currently that demands the introduction of this Bill, at a time when we have so many other pressing needs in terms of a legislative agenda, such as SAUTT legislation and other major pieces of legislation that are necessary in the criminal law arena, the criminal justice system, as my colleague reminds me. Is there a problem with our emergency medical personnel? Is it that our ambulances are not functioning that we need to have provision for licensing ambulances? How is the country at large going to be affected by this Bill, so that there is this crying need for a Bill to regulate emergency ambulance services?

As far as I know, right now, from the number of ambulances with sirens that pass me on the street every day, making all the traffic move from the way, there is a functioning ambulance service. Is this Bill so necessary to save lives? Is this what we are saying, or more than a correction of what is happening in the health institutions where there are serious crises? The regulating of emergency ambulance services, we need to know what services. Is it only the Government's ambulances? If that is so, surely some unit under the Ministry of Health could do this.

If there were a business of running ambulance services such as the homes for older persons that we passed legislation for, every place people are setting up homes for older persons, then we might see a pressing need. If people were dying because there was no oxygen in ambulances or persons with very little qualifications attending to these persons, then we might see the need. For example, in some nursing homes—I do not know if there is any regulation for those. All over the place you have nursing homes with personnel who are nursing assistants and are not trained or not required to be trained, there would be a need for that.

In all these several aspects there is a need. Is it that for every one you will bring an expansive Bill of this type, or ought we not to have some general provisions for operations in the health services? I cannot tell you what is best. It seems to me that a Bill where you have seven different subsets is too bureaucratic. If you are talking about a regulatory committee comprising nine persons, you have to get nine experts from all over to form an advisory body to the Minister. Then, you need to get nine persons to belong to the board and five persons for the appeals committee if the licence is refused. You have issues as to whether or not

some of these people will have to report to the Integrity Commission. We know what that is in terms of having persons who are independent and willing to serve on bodies of this kind. You are creating all these little groups all over the place and you must people them with qualified persons. Is it necessary for the purpose, just to regulate, in my view, emergency ambulance? It is not to regulate the Anti Crime Unit of Trinidad and Tobago or the whole medical/health services. You are talking about a very small area and you have a committee to advise the Minister to regulate ambulance services and how to go about registering medical personnel.

You have an authority with a seal; a board with nine persons and a whole system of ambulance licensing; a registrar; an appeals committee for refusal; emergency medical personnel board and the two councils, the interim and the final. All these little groups will take much time. That is why you need proclamation because you need to have persons to sit on them.

I suggest that some of these bodies be eliminated, if we are going with the legislation. I have asked why it is necessary. Cut out some of these. Does the Minister need a committee to advise him on how to go about regulating emergency ambulance services? One group should be enough. This is not the entire subset of a very important area in the whole of Trinidad and Tobago. It is one tiny area within the medical field. That is my issue in relation to the purpose. Connected to that is the bureaucratic nightmare that would flow if this Bill as it is now is made law. We need to eliminate about four of those and bring it down to about three little groups.

Insofar as other areas raised by previous Senators, why are salaries included in main legislation? Salaries will never be something normally included in legislation, whether the parent Act or the regulations because next year the Government might decide that there is need to cut salaries by 5 per cent. Is it that you will not be able to cut those persons because they have $150,000? If you want to increase their salaries—suppose you have inflation in five years, will you have to come back to Parliament for that? It is nonsense. That is why you have a CPO that bargains and other groups dealing with salaries outside of legislation.

The question of the retention of services of an attorney, my understanding is that this is normal in a company or state organization. You do not have to have it in legislation that you will retain an attorney if you need and the attorney would be paid. I would hope, if I am to be retained in the normal course of life by any governmental agency, it does not have to find its way in legislation. You do not need it.

3.00 p.m.

Finally, to respond to two concerns raised by Sen. Mark—there are more than two, but I will respond to two; one was in relation to the Minister not giving reasons—the Bill does not say that the Minister should give reasons. I would advise that, from my general appreciation of the law, even though a piece of legislation does not say reason should be given, that person would usually be required to give reason. In these days, the courts have said that fairness and reasonableness require reasons. So, you do not need to say that in the legislation; it is implicit. If called upon, the authority must give reasons. It is only the President of the Republic of Trinidad and Tobago who does not need to give reasons.

The second issue has to do with the decision of a judge being final. There have been many cases, but I remember a 1991 case in which it was held that the statement was of no effect. All it means is that the decision, insofar, possibly, as facts are concerned, is final. Even at the Court of Appeal level sometimes facts are challenged and, if you have fresh evidence, the court will still listen to it. That matter about the decision of a judge and this issue being final means little because the Court of Appeal will always say, or the High Court, if you go for a judicial review challenging any lower body's decision, or the Court of Appeal challenging a judge's decision if he made an error in law or acted unreasonably or illegally, it can be challenged. Therefore, clause 55 is unnecessary. It can be eliminated because it will have no effect.

Thank you, Mr. President. Those are all the matters I wanted to mention.

Sen. George Hadeed: Thank you very much, Mr. President. This Bill seeks to provide for the regulation of ambulance and emergency services in Trinidad and Tobago. It seeks to establish a statutory authority which will be solely responsible for the National Emergency Health Services of Trinidad and Tobago.

This Bill will require persons, such as emergency medical technicians who practise in the emergency medical field in Trinidad and Tobago, to be licensed. These licences will be issued by the Ministry of Health. It also seeks for persons who wish to operate an emergency ambulance service in Trinidad and Tobago to apply to the Minister for the licence to operate.

Mr. President, this Bill provides the regulatory framework for quality risk control.

1. Registration and inspection of ambulances. As Sen. Mark said, in the private sector, we do not have an idea of how many functioning ambulances are available. This Bill will bring all these ambulances to be registered and also to be inspected so that they would be fully functional and the Ministry, at any given time, would know the number of ambulances that are available to the people of Trinidad and Tobago.
2. Staffing on ambulances. As it is, driving an ambulance is not something each and every driver in Trinidad and Tobago can do. There is a siren blaring and you need a lot of practice in how to manoeuvre through traffic, which is a task by itself. You need trained personnel to operate these ambulances.
3. The condition of the ambulance. Many a time, in the private institutions, you may have an ambulance that is not in tip-top condition, but which is still being used. This Bill will ensure that the condition of our ambulances is kept to a certain standard.
4. The equipment requirement on an ambulance. Many a time there is lack of equipment on an ambulance or equipment that we do not fully use.
5. Documentation. This will allow for the keeping of proper documents and records on those ambulances.

Mr. President, this Bill will also provide for paramedics. Another area this Bill addresses is earlier intervention—having trained and certified personnel on these ambulances. Currently, the EMTs are not trained and certified to that level. The system will now require better trained accident and emergency staffing to guide paramedics.

This regulatory framework will provide for the growth and monitoring of the private sector ambulance providers thus increasing public confidence in knowing that competent personnel are available on ambulances.

Once all these things are put in place, we can all be assured that when an ambulance is called for, we will have prompt response and immediate medical care of patients. Sen. Mark spoke about the people. This Bill will benefit the people by providing pre-medical attention before the person reaches the facility.

Mr. President, I do not know if any Senator has ever had the displeasure of seeing, when an ambulance is called for, that the only thing that could be provided is first aid treatment. Now the people can get first class treatment immediately the ambulance arrives.

Sen. Mark is not here, but again he gave us the impression that Jizelle Salandy could have been saved if she had gotten quicker medical attention. That is not so. From all medical reports, there was no way that Jizelle Salandy could have survived.

Another bit of misinformation that Sen. Mark provided us has to do with Tito Lara. Tito Lara collapsed and died on the spot. Sen. Mark is always giving misinformation in this Senate.

Sen. Rahman said that if it is not broken, why fix it, but here the Government is being proactive and not reactive.

Let me take this opportunity to congratulate the Minister of Health and the Ministry for bringing this Bill to Parliament to regulate these services. After speaking to people in the industry, I have been told that they welcome this Bill.

So, Mr. President, with these few words, I fully support this Bill. Thank you very much.

Sen. Dr. Jennifer Kernahan: Mr. President, thank you very much for the opportunity to contribute to the Bill before us.

Mr. President, emergency medical services are expected, all over the world, to provide out-of-hospital care, acute medical care and prompt transport to a place of definitive care in cases of medical emergency. The objective of this emergency medical service is to preserve life, prevent further injury and to promote recovery.

On looking at the Bill, I concur with Sen. Seetahal SC that one's first impression is that the Bill provides for three or four layers of bureaucracy. It seems to me that these layers of bureaucracy for this area of emergency medical service are more elaborate than the system set up for definitive hospital care.

It is also very striking that all the layers of bureaucracy are very tightly controlled by the Minister of Health. It seems to me that the Minister of Health, through this piece of legislation, is bent on establishing a virtual fiefdom that he controls, under the guise of setting up an emergency medical service.

The other thing that strikes us immediately, as we look at this Bill, are the layers of bureaucracy that are set up and the duties and responsibilities outlined, each overlap, and there is confusion as to the lines of authority. Obviously, that will impact negatively on the quality of emergency medical service that we are able to deliver to the people of Trinidad and Tobago.

Mr. President, first, some of the layers that we are talking about are the Emergency Ambulance Regulatory Committee, the National Emergency Ambulance Services Authority, a whole body of inspectors appointed by the Minister, the Emergency Medical Personnel Board and the Emergency Medical Council. The real horror of all this is that the Minister would have set all these elaborate boards, committees and councils to provide one aspect of medical care and you will find that, in the best case scenario, you will have a very efficient movement of persons very quickly to the places of definitive care, the hospitals, only to languish in corridors, on the benches and open spaces for two and three days. This is the scenario in our hospitals today. It makes you wonder what the purpose is, if you are not going to deal definitively with the ultimate place to promote recovery. This is the first mind-boggling aspect of the Bill.

3.15 p.m.

The other aspect is, that this will cost us. The system is set up where we have all these boards and a number of people employed by the board as they see fit to deal with this system—spend the taxpayers' money. We are not sure that we will get value for that money.

First of all, we have under this legislation, the Regulatory Committee, which comprises nine members, all appointed by the Minister. The duties include evaluation of the applicant for licences. They have to define and recommend to the Minister the minimal medical equipment and medical consumables to be carried on board an ambulance. They are also required to develop and recommend to the Minister's standards of practice, which includes developing standardized treatment and transport policies; vehicle and equipment maintenance protocols; identifying standard data collection in evaluation systems; defining the minimum interior and exterior designs specifications for the vehicles; and providing advice on emergency ambulance systems.

Mr. President, the point I made earlier is when you look at the duties of the Emergency Ambulance Regulatory Committee and you compare them with the duties of the National Emergency Services Authority, which has this nine member board also, with persons who have training and qualification in medicine, medicine and emergency care, law, management, accounts, human resource management and information technology, this board is very tightly controlled by the Minister, because in addition to appointing these persons, the Minister also appoints a chairman and the deputy chairperson. I took a quick look to compare what is happening here with the overlapping between these two institutions.

One of the duties under the role of the regulatory authority is that they would recommend medical equipment and medical consumables to the Minister and evaluate applicants and deal with the standards of practice and transport policies. When we look at the role of the authority, the authority has the responsibility, as mentioned in the Act, from time to time, which is a very strange way of putting this legislation as Sen. Mark said. I do not understand the phrase "from time to time". They have the responsibility, from time to time, for the delivery of a National Emergency Ambulance Service. Strangely enough, they also have the duty to monitor and evaluate its services. I would have thought if you have an authority set up to deliver this service and you have a regulatory committee, that it is the regulatory committee which would monitor and evaluate the authority, the authority is expected to monitor and evaluate itself with no reference to the so-called regulatory authority.

The authority is also expected to develop and monitor a system of optimal field management, which shall include purchase, upkeep and maintenance of vehicles. That overlaps with the purported role of the committee, which says that they are to monitor transport policies, vehicle and equipment maintenance and protocols. The authority is also expected to develop quality improvement programmes and risk management systems. The committee is also expected to develop standardized treatment and transport policies and standard data collection and evaluation systems. What happens if these two institutions differ on standardized treatment protocols or transport policies? Both of them have overlapping roles with respect to these issues.

The authority is also expected, under the Act, to ensure the provision of continuous and uninterrupted emergency and ambulance services. But it is the committee that recommends to the Minister on the issuance of licences. The authority has the responsibility to ensure an uninterrupted proper functioning emergency medical ambulance service, but it has no say, apparently, in the organizations which get the licences to offer these services. They sit there and another committee deals with that, and they are responsible, at the end of the day, for ensuring a proper functioning, continuous and uninterrupted emergency ambulance service. It seems to me there is a problem. You give this authority the responsibility, but somebody else has the responsibility for actually getting providers on board.

Another very strange provision in this Bill before us was the fact that we saw in the regulatory committee that they are persons or a representative from the Ministry of Health, a representative from each of the Regional Health Authorities,

a representative from the Ministry with responsibility for disaster preparedness and two medical practitioners with experience in emergency care and ambulance purposes. The regulatory committee has on its board a representative from the Ministry with responsibility for disaster preparedness, but one of the functions outlined under the authority is to liaise with the Ministry with responsibility for disaster preparedness management. You have the disaster preparedness management person on the regulatory committee, but it is the authority that has to liaise with the Ministry for disaster preparedness. How does that work? Will the Ministry then refer the authority to the person on the regulatory committee? It seems to me, in a situation like that, that the authority will have, maybe if they go to the Ministry, a certain line of information then you would have the person on the committee with another set of information. You would have a situation where the right hand does not know what the left hand is doing. This is pure confusion.

Under the duties of the regulatory committee, it is stated in this legislation that they are there to provide advice on emergency ambulance services. That is a very wide portfolio; emergency ambulance services. In the authority you have people who are trained in medicine, emergency care, law, accounts, management, human resource management and information technology. What is their role in providing advice on emergency medical care? Is it that the authority has no role to provide advice to the Minister with respect to this very serious issue of ambulance services? What is the relationship between the committee and the authority, with respect to the type of advice? In the case of conflicting advice, what will be the solution to that? I think many of the Senators have pointed out that this Bill before us is not well thought out; it is very confusing. The main objective of this Bill seems to be to get a number of organizations together, who would be well remunerated under the direct control of the Minister. Later on we will see where that will be so very dangerous when we come to the role of the inspectors and how they are expected to operate.

In addition, we also have, under the authority, a Complaint Review Committee for the effective management of matters that may give rise to risk in health and safety. What is the role of the Complaint Review Committee in the whole question of effective emergency medical services, when it is clear the Minister would take advice by law, from the regulatory committee?

Mr. President, we have the role of the inspectors. We have another layer of bureaucracy with these inspectors appointed, again, by the Minister. The Minister always seems to get into the Act. In clause 15 it states:

"(1) 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 to him upon any inspection.

(2) The Minister may appoint inspectors from among the following qualified persons:

(a) employees from the Ministry of Health;

(b) public health inspectors;

(c) medical practitioners;

(d) bio-medical engineer…

(e) such other persons as the Minister deems necessary."

What you have is a situation where the Minister now has, by law, the power to handpick inspectors from any one of these designated fields and appoint them.

We have another set of confusion, because in clause 15(4) it says that after the Minister has personally handpicked and appointed these inspectors:

"Inspectors appointed…shall take direction and instructions from the Committee in respect of their functions and duties."

Clause 15(5) states that this team shall:

"…provide a report of its investigations to the Committee within twenty-one days of his or its appointment or such other time as the Committee may determine."

This is where it begins to get really interesting. The Minister appoints the inspectors, he handpicks them, but the inspectors now have to report to the committee. Then they come back in clause 15(6), "notwithstanding subsection (4)," where the inspectors purportedly take instructions and directions from the committee, the Minister gets back into the Act. The law says:

"…the Minister may give instructions to an inspector or inspection team to conduct random inspections where the need arises."

It continues in subclause (7):

"An inspector or inspection team appointed under subsection (6), shall report to the Minister within seventy-two hours of receipt of his instructions."

What is happening here? Where are we here? You have a situation where these handpicked inspectors are appointed by the Minister and the Minister has the power to call them at any time and give them instructions to do a random inspection when the need arises. What does that mean; "when the need arises"? Is this Nazi Germany? Are we talking about Trinidad and Tobago which is aspiring to developed country status? On what basis is the Minister going to order this search "when the need arises"? What is the "need" and on what basis? Against which organization is he going to order this random search at any time by these handpicked inspectors and for what reason?

3.30 p.m.

What is the role of the committee in this? You negate the committee when you say—in spite of the inspectors having to report to the committee—this search and destroy team will report to the Minister within 72 hours. This is in clause 15(7). They have 21 days to report to the committee, but they have to report to the Minister within 72 hours. This is a handpicked crack-shot team of inspectors. Where are we going in this country when Parliament is being asked to pass such fascist pieces of legislation? So, we have the authority; we have the committee; we are paying for the inspectors; we have the board and the Council but, at the end of the day, the Minister can order a random search and get a report within 72 hours.

Mr. President, the powers that these inspectors have are instructive, once they are issued by a certificate by the Minister. Clause 17 says:

> "An inspector appointed under this Act shall, for the purpose of the execution of this Act, have the power to do all or any of the following:"

This is a handpicked, crack-shot team that we are talking about here. It continues:

> "(a) to enter with the consent of the owner or occupier at all reasonable times any premises, places or ambulance where he has reasonable grounds to believe that such premises or ambulance do not meet the requirements of this Act;"

This clause speaks to reasonable grounds, but under clause 15(5), the Minister does not have to give any reasons. It says that where the "need arises", he can order a random search. So, on one hand, you are saying that you should have reasonable grounds to enter somebody's premises, and on the other hand you are saying that the Minister can order a random search "where the need arises", whatever that means. I believe there should be a definition for that phrase in the Bill.

Sen. Narace: What is the number of the clause?

Sen. Dr. J. Kernahan: That is clause 17. It says that the inspectors need to have reasonable grounds to enter, and we are saying that the Minister, in his own discretion, can appoint these inspectors to visit and inspect the ambulance service provider "where the need arises". This is in clause 15(6).

Mr. President, I was talking about the powers of these inspectors. They can enter "where the need arises"—forget all the talk about reasonable grounds and so forth, because the Minister can override all of that. So, they can enter people's premises whenever they feel like it and do random searches. It continues:

"(b) to make such examination and enquiry as may be necessary for ascertaining whether the provisions of this Act are complied with within any premises or ambulance;

(c) to examine with consent either alone or in the presence of any other person, such documents as he thinks fit, with respect to any matters under this Act;"

So, this SAUTT, crack-shot, handpicked person could be sent by the Minister to do a random search and can enter a person's premises alone and examine any document he thinks fit. In the case where he has no reasonable grounds, he can go and examine anything. It continues:

"(d) to exercise such other powers as may be necessary for carrying out his functions."

Mr. President, what does that mean? I do not know. Is that defined anywhere in the Bill? He can tie you up and put you in a chair and hold a gun to your head while he does his search. Is that "such other powers as may be necessary"? I do not know what is "necessary" for carrying out his functions when he has the mandate of the Minister to carry out this "random search as the need arises".

Mr. President, clause 18 says:

"An inspector may, at any time, take...

(a) sufficient samples of any material which he suspects to be contaminated; and

(b) any equipment which he suspects to be defective."

So, this is where we are in Trinidad and Tobago. This is the type of legislation that this administration is bringing to this Parliament. This is the type of fiefdom that the Minister of Health is establishing in this country where he has all these handpicked people doing his bidding and reporting to him in 72 hours. I want to

find out from this Senate if we are going to stand here this afternoon and legislate away the democratic rights and freedoms enshrined in the Constitution of this country. Are we prepared to give that away this afternoon to the Minister of Health? [*Desk thumping*]

Mr. President, another curious aspect of this legislation before us has to do with the other layer of bureaucracy that we spoke about and that is the Emergency Medical Personnel Board. This is a whole system that is being set up now. We are not talking about organizing the hospitals for people to survive the ordeal—people who are going there with any critical complaints. This is just the emergency medical services that we are dealing with. This is just to get them to the hospital. We are not talking about the definitive elaborate care and so forth where we need to keep people alive and so forth. We are talking about just getting them to the hospital.

Now, we have this Emergency Medical Personnel Board. Of course, the Minister gets into the act again. He appoints the board. What is even more interesting is apparently they cannot wait for the election for the Council of the Board because the board consists of:

"(a) five emergency medical service personnel elected by the Board;

(b) one emergency medical service personnel;

(c) one medical practitioner nominated by the Medical Council under the Medical Board Act;

(d) a representative of the Ministry with responsibility for health;

(e) an attorney-at-law nominated by the Law Association of Trinidad and Tobago; and.

(f) a person nominated by the Council for Nurses and Midwives..."

So, we have this Council which is going to run the affairs of the Board and so on, and they are supposed to be elected.

This legislation before us says that given the fact that we are so anxious to establish this emergency medical service—we cannot wait and it is so important to get these people to the hospital corridors, the walls outside and to the stretchers and so forth—when this Bill is passed this afternoon, the Minister is going to elect an Interim Council. So, we cannot wait to get our board organized, and we cannot wait to get the board organized to set up the Council and so forth.

The Minister is going to set up an Interim Council consisting of:

"(a) two medical practitioners...

(b) a representative of the National Training Agency;

(c) a representative of the Accreditation Council; and

(d) a representative of the Ministry with responsibility for health."

This is interesting, because this Council has serious powers. So, you are going to have the Minister setting up this so-called Interim Council purportedly until election could be held, and this Council has serious powers over the personnel involved in the medical services.

Clause 43 says:

"The Council shall have the power to—

(a) evaluate and recommend the registration of Emergency Medical Personnel;

(b) direct the Registrar to enter or remove names of Emergency Medical Personnel to the Register;"

I hope that my colleagues are alarmed as I am. Immediately, this Interim Council which is handpicked, is going to direct the Registrar to enter or remove names of Emergency Medical Personnel. It continues:

"(c) regulate the Emergency Medical Personnel profession; and

(d) discipline its members."

It says that the Interim Council has all the powers and the functions of the substantive Council, so this is what we are going to have.

Mr. President, we are going to have persons who are at the mercy of this so-called Interim Council who can be removed, dismissed, disciplined and so forth. We do not have any regulations before us to determine what are the disciplinary procedures; what are the infractions; and what sort of penalties will occur and so forth, but we are going to pass a law here saying that the Minister has the power to appoint this Interim Council and this Interim Council can discipline its members, for what? Where are the regulations? What is our role in all of this? Are we just going to give the Minister a blank cheque to discipline people, remove people and regulate people and so forth through this Interim Council that has not been elected by the board that they are purporting to establish? Why do we want to do that? Why does the Minister want to do that? What is the purpose?

Mr. President, finally, we come to the crux of the matter. The fact is—I think Sen. Mark mentioned this point—that we have a Bill before us which deals with A to Z. There are 66 clauses in this Bill before us and it deals with every imaginable issue of bureaucracy, especially with respect to who the Minister could appoint, dismiss, send home and bring back and so forth, but the Bill did not say anything about the regulations, training and proper registration of trainees and which institutions have the authority to train and ensure that these emergency medical technicians and so forth are properly trained to do what the Bill requires them to do. The Bill does not say anything about these things.

Strangely enough, the Bill speaks to the establishment of different classes of technicians. It speaks to the Emergency Medical Technician—Basic; the Emergency Medical Technician—Intermediate; the Emergency Medical Technician—Paramedic; and the Emergency medical Technician—Instructor. We do not have before us the institutions that are licensed to train these persons. What level of training is required? Who will monitor them? What is the oversight, in terms of the practice of these persons in the field and so on?

3.45 p.m.

The reason I am so alarmed is because when I looked at the legislation in different jurisdictions, for example, Canada, you see they are very detailed in terms of who trains, who registers, who does the oversight, how these people are managed, and they work overseeing in the field. Mr. President, I would like to quote a document here called:

"Conjoint Accreditation Services

Summary of provincial regulations/legislation relevant to paramedics (Reference document for use by CMA accredited programs and accreditation survey teams) January 2007"

So, the medical association in Canada puts together this document summarizing in the different provinces the legislation and the regulations for scope of practice by province. They defined who regulates the paramedics' designations, role of the medical authority and they give an idea of the implications for educational programmes.

So, we are helter-skelter here this afternoon with this Bill, talking about registering various classes of emergency medical technicians, but nowhere in this Bill are we apprised of which institutions are going to be training these personnel; who are the people going to be overseeing the work of these personnel in the field.

For example, in Alberta they said under the legislation, the scope of practice is legislated and they have three different pieces of legislation: Health Disciplines Act, the Emergency Medical Technicians Regulations and the Health Professions Act. So, that is the legislation under which they operate, and they are very clear in this Bill about who regulates the work of the emergency medical technicians: basic, intermediate, paramedic and so on.

They have under "Who Regulates?" the "Ministry of Health and Wellness, Alberta College of Paramedics". They said that registration examinations are in place for all levels including both written and practical evaluations. That is in their regulations, in their law; they specify who would regulate these practitioners, the EMT basic, intermediate, paramedic and so on, and they have registration and examinations in place for all, practical and written. Then they defined their designations; we have defined our designations; they have the Emergency Medical Responder (EMR), their Emergency Medical Technician, similar to ours; their Emergency Medical Technologist Paramedic.

In their legislation, they go on to say that:

> "EMS employers must designate a physician to provide medical control to registered practitioners. Medical control is defined as orders (medical control guidelines, protocols, direct orders, or medical audits) that define patient management within the practitioner's scope of practice."

So, you just do not bring a piece of legislation here and establish categories of emergency technicians, and we have no idea how they are going to be monitored, evaluated, or trained, when in other jurisdictions all this is very clear in their legislation and regulations. They go on to say under the "Implications of educational programs", which we do not have, which I have not seen; I do not know which institutions here are responsible, is it UWI, UTT, what? Which institutions here are going to be training these personnel? They say here:

> "Practitioners must stay within their scope of practice;…"

So, have you established a scope of practice for these four basic areas that we have outlined here? The Minister was very clear on who has to get what, salaries, boards, how many people they could employ, how much they could pay them, but we are not clear on how the people who are out there to save people's lives are going to be trained, registered, monitored, how they are going to stay within their scope of practice. It says here:

> "students must be directly supervised by a practitioner who is registered at or above the level the student is being trained to. The medical director of the EMA service providing a student with a field placement must accept the fact that practitioners will be supervising students in that service."

So, we do not have anything like that in our legislation; we do not have the regulations before us; we do not know what the regulations contain and what will be the guarantee that we are going to have all these emergency medical practitioners out there, apparently with all these designations, and these designations are very specific. You have a specific period of training; you have a specific course of work; you have to pass practical and oral exams; you are monitored out there in the field by registered practitioners and so on to ensure that you know what you are doing and so on, and even after that you are constantly monitored by a presiding practitioner out there in terms of your day-to-day work.

What are we doing here? What provisions have we made to make sure that these things are in place to give proper emergency medical care to our people? This document goes on, it says, for British Columbia they have their three pieces of legislation; that in their case the Emergency Medical Assistant Licensing Board, that is the registration, examinations, and so on; they have about five different paramedic designations, which are very specific and each person who is licensed to a certain level would provide patient care under the direct supervision of a licenced practitioner based on what he is licenced to do.

All the other states have similar provisions. What do we have here? We have a big board, we have councils, we have people who are drawing plenty money; we have jobs overlapping; we have confusion and we have no trained personnel; we have no accreditation; we have no registration; we have no oversight. So, this is what we have; this is what this Parliament is expected to pass this afternoon in the name of improving emergency medical services in this country.

It is a travesty; it is a joke; it makes no sense and the Minister of Health really should withdraw what is laughingly called here a piece of legislation. [*Desk thumping*] This has no place in the law books of Trinidad and Tobago. Anybody looking at this in any advanced country would laugh at us, and really, this is not the road to 2020, or 2022, or 2025, or even 2050.

We are going backward every time we come to this Parliament; we are horrified; we are appalled at the type of legislation that this Government brings to this Parliament. The Minister seems intent on establishing this system where he has control over every little person, every little thing, and he could dismiss them

any time he wants, and take this one, bring this one. It is really about power; this legislation has nothing to do with health; it has nothing to do with our people; it is about power. We reject this totally and we call on our colleagues in this Senate this afternoon to reject this Bill.

I thank you.

Sen. Gail Merhair: Thank you very much, Mr. President, for allowing me to contribute on the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009. First of all, I think the intention, the essence or even the spirit of the Bill before us is very admirable by the hon. Minister of Health, but going through this very heavy documentation, two words came to mind, and that is, one, privatization and secondly, special purpose state enterprise company.

I looked at it in detail and Mr. President, through you, I would like to request from the hon. Minister, if it is at all possible, an organizational flow chart of how these agencies are going to connect. I tried to do one and in all honesty, I think this Bill represents a human resource nightmare, in terms of the authority and the Internal Communications of what it is trying to achieve.

We have the National Emergency Ambulance Services Authority; the Emergency Ambulance Services Board; the Emergency Ambulance Regulatory Committee; inspectors, the Appeal Committee; the Emergency Ambulance Services Registrar; the Emergency Medical Personnel Board of Trinidad and Tobago; the Council of the Emergency Medical Personnel Board, and we have an interim council. All these bodies include nine bodies.

According to what was said in the last sitting that we had, it would seem that there are 45 ambulances in Trinidad and Tobago. The Permanent Secretary in the Ministry of Health indicated that 14 additional ambulances were supposed to be acquired. So, if you have 59 ambulances, let us assume the case of two persons in each of the 59 ambulances, that is 118 persons. If three persons are in each ambulance, that is 177 persons. Tell me how would nine bodies with an estimate of five persons, which is 45 persons—for argument sake I am putting five persons operating each of these nine bodies. You have 45 well-paid individuals set up in offices, paid by the Government. How could that control 118 persons to 177 persons? I do not seem to understand, and it is my hope that the Minister of Health could explain why is it all these persons are needed just to manage 118 persons or 177 persons. I cannot seem to do the math, it is not coming out right.

The organizational structure is too large; there are too many parallel authorities, and I think what is going to happen is that you are going to have massive confusion. Again, in Trinidad and Tobago what normally happens is that when you have so many people with authority and responsibility, when you have crisis, when something happens, you know what is going to happen? When you start to try to get accountability, everybody is going to say it is not my job, it is not my responsibility, it is someone else's.

Let us say hypothetically, somebody dies in an ambulance, and the Minister is called to account; you have to go through all these nine bodies. Everybody would tell you, as a Minister, it is not my fault. How do you account to the people of Trinidad and Tobago? Who is responsible? I am not seeing that, because everybody is going to tell you it is somebody else's fault.

Or do we at that point in time, when we ask for accountability, we hear a commission of enquiry, joint select committees and all sorts of things have to be set up. I find that the terms of reference of all these bodies are definitely not clear. I am wondering if at some point in time we might very well hear that this emergency ambulance services and emergency medical personnel would probably have to pave a road, and that it is their responsibility because the ambulances have to pass on the road.

I do not understand, because the outline of the terms of reference of these bodies are not properly outlined in the Bill. It is too bulky, and I think it is legislation, which if unleashed to the people of Trinidad and Tobago, will cause a great injustice. I understand what the hon. Sen. George Hadeed said, it is important that we have to put things in place to have trained personnel; people who are paramedics, to deal with people when an ambulance is called. When an ambulance is called, the person has to get emergency, immediate primary care.

I understand that we do not have these persons right now, but what is being done to train these persons? Through you, Mr. President, I would like to ask the hon. Minister, if this Bill should happen to be passed, would it mean that once this Bill is passed, the present system would be no more? Does it mean that these persons presently employed will have to be sent home? Would it mean that they would be trained? Is there some gradual movement towards making this legislation work? I am not seeing that in the Bill. Is there any cut-off time? Are we training these present individuals—these 118 persons or 177 persons—to continue in the service?

Now, from the time you tell me ambulance, I think driving. I think most of us know how many accidents have occurred through ambulance driving; many people have even died.

4.00 p.m.

Now, what is happening? There is nothing in this Bill that gives any measures of what is the certification for these drivers. Do they have to undergo any defensive driving technique? Is that something that the inspector has to do? Is that something that the emergency ambulance services registrar has to do? Is that something the emergency medical personnel—I do not know, the Bill does not say. It is imperative that we train and put people into the right place if we want to get this thing right.

Another thing that comes to mind is that you can have all the well-intentioned technology and all the well-intentioned services, but when the ambulance gets to the hospital, what happens? Are there going to be beds? Are there going to be doctors? Are there going to be drugs that are available to the person? So, we can put things in place and we can put the framework and the process in place to get things done, but what is happening to the other arms of the health services? We need to also put that in place. And through you, Mr. President, I would also like to ask the hon. Minister, where is the Gafoor Commission of Enquiry into the health sector in all of this? Is this a recommendation by that commission? Where is it? Why has something not been done? Why have we not been told what are the recommendations? This Government and the country spent an amount of money in having an enquiry. Where are the recommendations? Are they going to be implemented? Are they not going to be implemented? When are they going to be implemented, if at all; if it was a waste of time?

This Bill causes too many questions than answers. To me, it is not only bureaucratic, but in terms of accountability and transparency there is none. There is none! We cannot give persons, through legislation, to just handle the free flow of Trinidad and Tobago, and it will be in the best interest of the hon. Minister of Health not to bind himself into all this type of responsibility. The Minister is responsible for appointing, reviewing the terms and conditions, checking over licences, issuing licences and revoking appointments. In all honesty, I really do not think—with the importance of the health sector in Trinidad and Tobago—the hon. Minister of Health has time to do this. There is no time. There are more important matters that the Minister of Health needs to attend to in the interest of the people of Trinidad and Tobago.

I think this Bill in its present form, I honestly cannot stand here and support it. I think it is too much; we are trying to do too many things with this legislation. I am looking at the Bill and I am seeing three or four pieces of legislation coming out of it, so probably we need to take it back to the drawing board, put a joint select committee, something to make the legislation more in tune to the needs of the people of Trinidad and Tobago. It is too much and there is too much parallel, and I think if we really care about the people of Trinidad and Tobago—and I know that you do, hon. Minister as well as other people in this Parliament—then we should get it right, do it right in the interest of the people of Trinidad and Tobago, because this Bill in its present form is a greater injustice to the people of Trinidad and Tobago.

Mr. President, I thank you.

Sen. Dr. Carson Charles: Thank you, Mr. President. I rise to make only a few comments. I really had not intended to say much on the Bill before us because I thought that enough was being said actually and quite a lot has been said but I think it is my duty to very briefly add my few comments to the debate just to say that we have to be careful of certain pitfalls.

We take it for granted that the Minister of Health is actually concerned about the health services in the country and he would like to improve the health services. We take this for granted and everywhere health sector reform is a big issue. Worldwide it is a big issue, it is an important issue because in the modern world as we have been able to address so many of the routine requirements for daily life, we turn more and more to the question of quality of life and we value the human being at every stage of life, so that we try to preserve life, to preserve health and not to discard it. So, if someone gets involved in an accident then we make every effort as a society to save the person's life and not to simply say, well, it was his time, because this is how it used to be. It was your time to go. Something happens to you and you get sick and we have a funeral and we wish you well in the other place and we say it was your time to go. In the modern world we do not think that way. We think we would like to preserve life every opportunity we have and we would like to lengthen it; we would like to maintain a certain quality of life for as long as you are on the earth and so on, regardless of age, from conception some say to your last days here.

So, as a result of this perspective which we now have in the modern world, the health sector has become a major focus and everywhere people are trying to wrestle with the issue of reforming the health sector to serve the interest of society. Therefore, the Minister obviously has a big task on his hands because

people are hardly going to be satisfied with the level of health care offered. Almost no matter what you do, people will always demand more. Therefore, we must support the Minister if he is trying to improve health care. We have to therefore ask the question, in what way does this really improve health care? That is the question we really have to ask.

I suspect what has happened here is that there has been a focus on structure and on form as opposed to on substance. The focus has been too much. Even if we give the Minister the benefit of all doubts, still the focus has been too much on structure and form, on process, on authority and not sufficiently on actual substance. Because what do we really need in this country? We are talking about emergency response. Well for emergency response we need first of all to have some kind of communication system which tells you when something is taking place somewhere, so that you actually know when there is need and where there is need for your emergency services to turn up. I do not know how this will help us with that. We have complaints all the time that ambulances are not too far away and yet a person has to wait an hour or two hours to get attention. What is the reason for that? We need to know what the reason for that is. We have too many cases, too many complaints that people make of the ambulance arriving on the spot but not being able to do anything to save the patient.

In fact, if anything in the health service, we have too many complaints that are not answered. People do not know exactly what really is the truth. Too many complaints that are not answered! It is like this is a black box in which you cannot get answers, so the population is always left guessing, could the patient have been saved. Was there really some kind of malpractice or is there any evidence really of people not carrying out professional duties and so on. You never get answers in the health service. It is like a black box.

So, I am saying the first point is that you need to have some system whereby people can actually respond because they are aware of where the emergency is and there are emergency vehicles to get there. And when emergency vehicles get there the next thing you need are the people who are professionally trained to deal with the emergency. So you ask the question, well, how does this provide for an improvement in the quality of professional health care on the spot? Really, what this does is leave everything up to the Minister. In other words, it is like we are entrusting into the hands of the Minister the responsibility which he already has. He already has responsibility for the entire health sector, so I do not believe it will give him more powers to select this committee.

If he wants to appoint a team of advisors, he does not need a law for that, you can appoint a team of advisors anytime. If you want advice on a daily basis, you can seek it, you know where to seek the advice. So, he already has all of these powers, you know. He already has the power to get advisors, to assemble them, to seek advice and so on. We are giving him the responsibility that he already has to fix everything. I am simply saying, well, he should identify what he really needs—not powers, but what are really his needs—to deal with the emergency aspect of the health sector, in that when the professionals, paraprofessionals and so on, whatever we call them get there, because we have a bit of confusion as to what level those people are at—the emergency health care professionals, the professionals as in professional doctors and so on—their paramedics and the nurses, there is a lot of confusion concerning that area here. This Bill does not clear it up at all. But when they get on the spot, and you need to have expertise on the spot to provide—I think Sen. Melville had raised the point about the different strategies used: one being "scoop", which you just pick the patient up and take them down to the hospital; another one, where you try to give as much care on the spot.

I thought I would hear a bit more about that from the Minister and other supporting speakers, really, about how the Government saw this working, because I thought that was an important point. What system are we supposed to be using here? I got the impression when the Senator spoke, she really said, here in Trinidad and Tobago we use the system where we simply pick up the patient and as quickly as possible get the patient to the hospital. I think that is the system that we are using here and is that not something that we really should be looking at? Is that really the system we should be using? Is that really a good system? Well, there was no comment on that. We need to know, is that a good system? Because if you are doing a system like that and you are going to maintain that system, well, you do not need any of this. You get to the spot, pick up the patient and take the patient to the hospital. Everything you have to do is at the hospital now.

If that is not a good system, tell us you are going to change the system and you really, therefore, are going to have a certain amount of attention on spot, so you are going to have the right professionals on spot to take care of the patient on spot, as far as possible, to do as much as can be done there. This also means that you have to definitely emphasize the training of the right personnel to be there because you are not going to take your medical doctors and have them travelling up and down in the ambulances. So, the professionals that you have there or paraprofessionals will have to definitely be trained to the point where they can actually do so much more on spot.

They will also have to have a good communication system to allow them to get guidance and direction from experts, from specialists and so on, at the hospital if they are going to be doing this on spot. So, we are in the dark here. There is no indication that you are changing this direction and that in changing this direction you need to have any more bureaucracy, and you have certainly focused on creating bureaucracy. But I think that has been the consensus in any case this afternoon, that you are creating a huge bureaucracy and you really ought not to be doing that.

I must add my word of advice, do not create this huge bureaucracy, it is too hard to manage it. In a small country you cannot really always find all the people you need to fit in all of these different places and people tend to take upon themselves all kinds of powers when they get a chance. You appoint people to positions and the moment you appoint them they begin to take on powers. They begin to take responsibilities for all kinds of things—not necessarily take blame, "eh"—they begin to take power, they are suddenly in control of all kinds of things.

You appoint a committee of nine persons and after a little while you have trouble getting these nine persons to do what you really would like them to do because they begin to take powers upon themselves. So when you appoint all of these other people and you have them overlapping with each other, they are going to be fighting each other over turf. This is the culture we have, people fight over turf all the time. They want to take more and more turf rather than carry out their duties. There is a culture in which people focus on other people rather than focus and carry out their duties—part of our national character.

We have to know who we are and try to work with who we are. It is part of our national character. Rather than people carry out their duties when you give them duties, they look at how to take control of more and more turf. It happened with a regular board for a company, you appoint a state enterprise, you appoint a board and suddenly they are looking for turf and so on, so, you have to be careful—

Sen. Browne: You are talking from experience.

Sen. Dr. C. Charles: What is your problem?

Sen. Browne: You are talking from experience.

Sen. Dr. C. Charles: I cannot be tempted this afternoon, Minister. So, you see the problem, Minister. It is not good for any of us to appoint all of these people to all of these things for them to begin to fight with each other. Try to do

this with as few people at the top as you can and put the emphasis on the training of the people who are going to be on spot to attend to the injured persons [*Desk thumping*] or whoever they are and so on, to get into the right places. What about different parts of the country where it is so difficult to get to?

4.15 p.m.

This does not require law. Much of it requires operations because we do not really have a fully functional operational system for emergency of any kind. Apart from health, you have the whole emergency response issue in the country. If we had major fires or earthquakes or we had something like that which this is involved with—but this bureaucracy will not help you. What is happening with the transportation system, you have to be addressing all these things if you really want to be able to respond to people in emergency and so on. So I am suggesting that this is where the Minister should go. Shift the focus in that area, get the communication system right and please do not under-value the aspect of the emergency response that takes place at the hospital, because that is part of the emergency response.

If you listen to the complaints of the public, you would know that there is a very big concern in that area which people are not satisfied. They think that when they get to the hospital they would not be attended to. They think this way because we are hearing all the time on the news and so on, and the rate of the media and the print mediam that people have complaints to make about what happens when they get to the hospital in an emergency. So that aspect has to be really properly tied in and there is nothing here in this bureaucratic set-up in any event that ties in with the bureaucratic set-up of the hospitals, because the hospitals system has its own bureaucratic set-up. This bureaucratic set-up is completely apart and separate from that bureaucratic set-up.

There is no interconnection really, so you have them operating on their own as though they are really two separate entities. Two separate areas within the health service and the only person who would be able to coordinate them, is the Minister. The Minister is over-burdening himself. Far too many things he has to do and he has to handle appeals of all kinds and so on. I want to say Minister—it should be obvious even without my intervention—that we are all anxious to support you in creating something that works, especially in the field of health. Who is going to be in opposition in the field of health to something that works? Everyone in the country is affected. Every one of us will be affected and we really do not want to point fingers and criticize for the sake of doing it, we would like to be of help.

So, you should really take the opportunity given what obviously is a consensus I think at least on this side, what has been said by the Independents, to go back to the drawing board even if it means going back to the drawing board here within a special select committee or a joint select committee of your choice. You should really take the opportunity to get everyone on board in respect of this, to go through and remove all the things that we do not need. The only way it is going to function, is to make the legislation lean and make it collaborative with the rest of the health sector, so it can work with the rest of the health sector, but also do something that links it in to the issue of standards and quality. Because in the country today, we have a very big problem with standards and quality, and in the health sector we have no room for error. It is not like in other areas of national life where you can have poor quality and poor standards, and we can just complain afterwards and go on with our normal lives.

In the health sector, the price for poor standards, poor quality, for falling down on the job can very well be your life. That is the price for falling down in quality. So we need someone to assist in that area, and therefore, some connection with those who set standards and those who insist on quality. Where is that? My colleague, Sen. Dr. Kernahan was getting to that point about the issue of training and certification. You see, there is control in terms of what you can register. That is registration, but what about certification which says that the training is the right standard of training for this category of personnel that you are going to have on the emergency services, especially as I said if you are moving from the scoop system where you do not have to have all that high level of expertise to the system where you are actually trying to attend to the patient on spot? Then clearly, that is something that you are going to put much emphasis on and you should have some connection. You should establish some connection here with the system for training and certification to determine the people who are suitable for being on the spot in emergencies, and what kind of communication system you are going to have.

I want to add one more thing and that is, I have a personal concern about the issue of responsibility in health. I find that is something that we have not paid sufficient attention to in the country. I do not think any one of us wants to get to the point where like in some other countries you have all these malpractice lawsuits and so on all the time where people get bogged down and the only persons who can really negotiate their way through this maze are the lawyers. Nobody else can do it. That happens. We do not really want to get to that point because it is just “lawyers alone”. Everything is about lawsuit and so on. As wonderful as lawyers are, we do not really want to hand over the country to them, so we have to try to manage on our own as far as we can.

But having said that, I think it really is important that we do not have to wait until we become a litigious society to see some level of accountability in the health sector. There is no accountability really. If people get to the site and something wrong happens and nobody gets there on time and nothing happens, there are little excuses as to why they could not get there on time. That is accepted. So when you provide clauses—that I understand; you might have a reason to protect people and so on who are in the sector, which really get people off the hook—you have all kinds of indemnity and so on—then that is a dangerous area you are getting into, in a sector that is already a black box, in which it is already so difficult. It is even more difficult than the police force. It is easier to find a policeman guilty of some offence where his colleagues would actually speak and say what happened, than to get somebody in the health sector to say what is happening in a particular matter and you can get redress. That appears to be the case, and I am just speaking as Citizen Joe or Citizen Jack.

Sen. Browne: You are not Citizen Joe.

Sen. Dr. C. Charles: Sorry?

Sen. Browne: You are not Citizen Joe.

Sen. Dr. C. Charles: I am not Citizen Joe?

Sen. Browne: No.

Sen. Dr. C. Charles: Well, okay, I am just repeating what are some of the concerns of the citizens. Can I say that?

Sen. Browne: Yes, you can say that.

Sen. Dr. C. Charles: I can say that. Thank you. In certain respects, we are all Citizen Joe and when it comes to the matter of health, I think I am like Citizen Joe in the Ministry of Health. I am not an expert in the field, but I pay attention to what is happening around me. I am concerned like everybody else about what is going to happen if we have to go to the hospital or if you are on the side of the road somewhere and something happens. I am concerned like everybody else. We all are and I am just saying that there is a serious concern in the country which also adds to people's lack of confidence in the health sector, that they do not feel that when something has gone wrong that they will get proper redress in that others in the sector can be relied on to say that their colleagues went wrong. That is a problem that people have. They have the sense that colleagues are protecting each other, and therefore, you can never get some clarity with respect to any matter that you raised as to what really went wrong.

You have to address that if you want people to have confidence in the sector and I am therefore saying, pay some attention to that if you try to deal with emergency health care because emergency is a touch and go thing. You do not want to put too much burden on the people who have to respond to an emergency in case they do wrong. You simply do not want to destroy them, so you have to have some level of protection. But at the same time you must have some provisions whereby, if people are actually negligent that they do not simply just walk away and so on and people would think, well, all right, they got away with it again.

Those are my words of advice. As I said, I simply rose to add my words to the debate and to say to the Minister, "We believe that you are actually trying to improve the system. That is where we have to start." We do not think that is going to help. We do not see that this addresses the main issues which I sought to identify from my own perspective and if anything, you should always be careful I think Minister, when you produce a Bill this big. Every time you produce a Bill this big, I know that sometimes—I think I spoke about it recently, the tendency to confuse with a lot of heavy paper.

Sen. Browne: You have bigger than that coming.

Sen. Dr. C. Charles: You have bigger Bills than this coming? Well, that is okay if you are careful. Once you are careful. Every time you see a Bill that comes out very big, then you should take a second look at it and try to make it small because it usually means bureaucracy and we suffer from bureaucracy so badly in this country. We really suffer from bureaucracy in this country. I am sure you may have tried to deal with public reform like every previous administration, which means you are dealing with bureaucratic reform. I am not hearing much about it these days, I do not know if you "give up". But now that UDeCott has been a total failure, you have to review your model do you not, and stop thinking about all these special purpose enterprises and so on, that you are going to set up to get around the public sector.

So you are going to have to address the issue of public sector reform—and therefore the issue of bureaucratic reform in any event—and I am saying that therefore, whenever you see these big Bills coming up with a whole lot of layers, agencies, authorities and whatever, that it all really comes down to the Minister at the end of the day. Quite frankly it all comes back to the Minister. When you see that, you have to be careful and try to run away from it and as far as possible just slim down, let us see how we could be more efficient. [*Interruption*]

Hon. Senator: [*Inaudible*]

Sen. Dr. C. Charles: Let us see how we could be more efficient. Efficiency almost goes hand in hand with a reduction of bureaucracy because the people in bureaucracy have to pay attention to each other. As much as they have to pay attention to the job at hand, they must pay attention to each other and the more people you put into the system to try to manage something, the more trouble you are in. Automatically, that is human nature. This is how I see things, so I am telling you based from my perspective. You are in a nation; try to function within the context of the nation you are in. We are not really good at running bureaucracy in this country. Nowhere have we really been that efficient at running bureaucracy in this country.

We have been efficient when people have been given tasks to do and they have been given the mandate to do it with just as much help as they need. That is how we have been able to get things done in this country. Whenever you have huge bureaucracy to do all kinds of tasks, it always falls down once you have a great deal of people and a big system and a bureaucracy, that is concerned about what offices they occupy and who gets the best office compared to the other person, which building they are in—although you have nice tall buildings these days. You can put them in all these buildings I am sure, but that is not my point, people are too concerned in our system about these other things and not sufficiently concerned about getting to the task and doing the job. That is why you have to rely on so many foreigners to come and do your job for you.

So with those words, Mr. President, and a little bit of advice to the Minister, I thank you very much. [*Desk thumping*]

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you very much, Mr. President. Firstly, I wish to thank the hon. Senators for their respective contributions at the last two sittings of this honourable Senate.

Let me start by saying that I have seen throughout the world, the move from regulation to no regulation, to collapse and then a massive call for more regulation. I think that it is important that we really share with this honourable Senate the intention of this Bill. The intention of this Bill is to regulate a major section of health care delivery. The emergency health care delivery is a separate and distinct part in health care delivery, and therefore, it is important that we understand the regulation of that part of the health care delivery. I know we tend to mix it up with an ambulance.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Tuesday, March 10, 2009 at 1.30 p.m.

Mr. Prresident: Hon. Senators, before I put the question, we have two motions on the adjournment, so what we will do is take the tea break now and we will resume at 5.00 p.m. and then we will take the two motions and then the motion.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

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

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

Priority Bus Route Malls
(Plight of Vendors in)

Sen. Wade Mark: Mr. Vice-President, I am very happy to deal with a matter on the Motion of the Adjournment addressing the issue of the plight of hundreds of small vendors located at various Priority Bus Route outlets, by the Ministry of Community Development, Culture and Gender Affairs.

I wish to point out to this honourable Senate that between the period July 17, 2008 right through to February 20, 2009, there were various headlines in various newspapers, particularly the *Newsday*, the *Trinidad Express* and the *Trinidad Guardian*, concerning the plight of small vendors at the various Priority Bus Route malls. I will share with you some of the headlines that attracted my attention and have caused me to raise this as a matter on the Motion for the Adjournment, so I could get clarification from the hon. Minister of Community Development, Culture and Gender Affairs.

The headlines read as follows:

"Nine small businesses at City Gate face closure"; "PTSC locks out City Gate tenants"; "Evicted mall vendors worried"; "Ministry: Years without rent $$"; "Priority mall vendors facing breadline"; "PTSC terminal malls closed to facilitate upgrade".

There was this final article which dealt with members of the Terminal Mall Vendors Association having a meeting with the Prime Minister on February 19.

Mr. Vice-President, I have been informed that some 200 self-employed small business owners who operate out of the PTSC transit malls, when this Motion was filed, were facing joblessness after receiving notices ordering them to vacate their business places.

This letter, apparently written on December 05, 2008, came from the Legal Services Unit of the Ministry of Community Development, Culture and Gender Affairs, in which they requested the vendors to move out by February 27, 2009. The letter partly read that the Public Transport Service Corporation, which is the owner of the property, required the use of certain transit malls along the Priority Bus Route and at King's Wharf in order to facilitate passenger requirements. The malls in question are located in San Juan, Arima, Tunapuna, Curepe and San Fernando.

These vendors have been plying their trade for between 12, 14 and maybe up to 20 years at the various mall outlets. They were greeted with these letters of termination; although I understand that their contract advised that the contract could be terminated by either party giving one month's notice.

In a period when the economy is beginning to contract—and it is clear to me that Trinidad and Tobago is heading for a severe and protracted recession by the end of the third or fourth quarter of 2009—it is incumbent upon us to ensure that our micro entrepreneurs and these small businesses are given the necessary encouragement and support in order to continue in business and, at the same time, to provide employment for citizens of the country.

I do not have a figure, maybe the Minister will, in fact, provide us with the information as to how many persons are employed by these vendors, but what we do know is that there are over 200 self-employed vendors throughout the transit malls in this country.

I believe that the Government started to move on these vendors some time in 2008. With every research piece that I did, you got different reasons as to why the Government was seeking to remove these vendors. At one time they were told that it was to facilitate the disabled, in order to bring about some kind of space to allow the disabled and elderly persons to use the arrangement in a more efficient way; to make room for seating facilities to accommodate—as stated in this article—the disabled and the elderly.

Later on we saw in an article, in a letter written by the Ministry, that the Ministry was advancing a different reason as to why it wanted use of these malls. It was to deal with passenger requirements, for example, dispatch and security posts along those routes. Therefore they were requesting that these persons vacate.

Whatever the reason might have been, it took the vendors by surprise, based on my enquiry; therefore, it caused a lot of consternation, because persons who had been self-employed for a number of years were being told by the Ministry that they were to vacate their malls or their spaces in those various transit malls. It did come as a shock to many of them and they protested. They were on television; they were on the newspapers and they had meetings and sought meetings with the PTSC management. They sought meetings with the Ministry, et cetera, et cetera. However, since placing this particular matter on the Order Paper and getting the approval of the President, developments have taken place which have temporarily brought some degree of relief to the vendors.

Hon. Senator: You should have withdrawn the Motion.

Sen. W. Mark: I said temporarily; temporarily. [*Laughter*] The PNM has a way of coming back, so that is why I have it on this Order Paper today and that is why I am being given a privilege by you, Mr. Vice-President, to speak on the issue.

I guess with the Summit of the Americas coming up and the local government elections in the air, the PNM "back back" temporarily. There was a meeting held with the vendors at the Prime Minister's St. Clair office sometime on February 19. The Prime Minister promised to hold his hands; not the hands of the Government or the hands of the Minister of Community Development, Culture and Gender Affairs, but to hold his hands from evicting the terminal mall vendors from the PTSC terminals.

They were given the assurance, and they went away smiling. They do not understand how dangerous this Government is, but they went away smiling that the eviction notices given to them and the February 27 deadline for them to be moved, would be suspended. I also understand that those eviction notices have been suspended temporarily.

I believe it is incumbent upon the Minister, who is here with us today, to let us in this Parliament know exactly what the true position is as it relates to these small vendors. We would like to know from the hon. Minister whether the Government is committed to removing these particular 200 vendors as soon as the Summit of the Americas is over. Is it a scheme that the Government is working in order to create a certain false sense of security or is there a genuine commitment on the part of the Government to facilitate these vendors in the future?

[MR. PRESIDENT *in the Chair*]

I want to make it abundantly clear that whilst we support small business, micro entrepreneurs and small business organizations, we would be very opposed to the use of the transit malls for engaging in illegal activities. Whether it deals with drugs, whether it deals, as I have been informed, with prostitution and brothels, that is not our business. Our business is to ensure that the small entrepreneurs, the small business organizations and individuals are given the opportunity to strive and to survive in an environment that is becoming more and more hostile to their very existence and advancement.

Mr. President, it is against this background that I have brought this matter on the Motion for the Adjournment, to really bring to the attention of this Parliament the plight of these small vendors and to call on the Government to give this Parliament an undertaking that it will not be removing these vendors in the foreseeable future and that every effort would be made to facilitate them.

If there are illegal activities taking place at these malls, the Government must root out those illegal activities. But at the same time, we must do everything in our power to facilitate, to accommodate and to encourage the development of small business operations in this country.

Mr. President, as you know, mega projects are going to close down just now; some will remain half standing and half naked, because when foreign exchange runs out in this country, because of the heavy leakage taking place, as Chinese companies come in here and drain the Treasury of vital foreign exchange, to the point that over the last three weeks there was a major shortfall in foreign exchange on the market—

Persons are already beginning to speculate that there is going to be a major depreciation of the currency as soon as the Summit of the Americas is over. That is one of the reasons you have a big run on the banks right now for foreign exchange. I am saying these things, not to be alarmist, but to tell the Government that they have a responsibility to ensure that we encourage our small vendors, our micro entrepreneurs, to ensure that they are given the kind of environment to strive, to grow and to develop and to employ persons.

I want to let you know that hundreds and thousands of persons have begun to be retrenched in this country, they have begun to be laid off, and these things are taking place without your knowledge, without the people's knowledge, because persons are going home quietly and secretly. Therefore, the Government must do everything in their power to promote employment opportunities in this country by encouraging our small vendors and micro entrepreneurs.

Thank you, Mr. President.

5.15 p.m.

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Thank you, Mr. President and hon. Senators I must thank Sen. Wade Mark for affording me the opportunity to explain the manner in which my ministry has been addressing the question of the utilization of the Public Transport Service Corporation Terminal Malls.

Mr. President, permit me to engage firstly in a bit of background discourse; it is within this context we will have some sort of clarity. In January 1992, the then Cabinet agreed inter alia that the management of the Public Transport Service Corporation's five terminal malls should be undertaken by the then Ministry of Community Development, Culture and Women's Affairs. The five terminal malls alluded to were built in 1982 on properties belonging to the corporation in San Juan, Curepe, Tunapuna, Arima and San Fernando to function as mini commercial hubs given their location at strategic points along the main bus transportation routes.

Operation at the malls began in 1991 with a formal opening of the San Juan Priority Mall. At that time, occupancy levels at the San Juan and Curepe Malls averaged 40 per cent, while Tunapuna, Arima and San Fernando were not yet activated.

The policy of the then ministry with respect to the terminal malls was:

1. That the buildings be tenanted to vendors as micro-enterprises.
2. Alleviation of the difficult economic plight of persons in depressed communities through micro-commercial ventures.
3. Creation of opportunities for unemployed persons particularly female heads of households to become self-employed through small business development at the malls.
4. Development of entrepreneurial skills among unemployed persons so as to empower them to become self-employed.

To accomplish the above-mentioned objectives, the then ministry appointed a manager in April 1996 to promote, develop and manage the malls as viable businesses and service outlets for small entrepreneurs, commuters and the general public.

Mr. President, the records will show that as early as 1997, the PTSC had initiated discussions with the then Ministry of Community Development, Culture

and Women's Affairs on the return of the malls to the corporation. It was agreed then that the management of the terminal malls would remain with the ministry until further notice.

In correspondence with the then Minister of Works and Transport, Mr. Sadiq Baksh, in February 2000, the Chief Executive Officer of PTSC advised that the acquisition of 50 new high-capacity, articulated buses would significantly improve public transportation capacity along the East-West Corridor and provide substantial relief especially during the peak time to commuters on the Priority Bus Route.

The correspondence had further stated that a team of officials from the corporation had carried out an inspection of the facilities along the Priority Bus Route in preparation for the arrival of the new buses. The team had reported inter alia that vendors who occupy the facilities at the mall locations allowed little or no space for the present volume of passengers. Also, with the anticipated increase in patronage, customers will be forced to wait for buses on the concourse exposed to the element. The team felt therefore that this would be highly undesirable and unsafe, customer-unfriendly and inconsistent with the thrust to create a customer-intimate environment.

In 2000, the team looked closely at the booths inside the facilities and felt strongly that the business interest which it represented was outweighed by the necessity to provide adequate customer convenience for the travelling public.

Moreover, when the terminal malls were constructed on the corporation's properties, it was with the firm understanding that the ground floor would be made available to PTSC so that it could adequately provide the support facilities for its customers. It was also noted in 2000 that it was certainly in the interest of the greater public good to restore these facilities for use by PTSC seeing that the allocation of prime spaces for the purposes for which they were being utilized seemed less urgent especially when there was dire need to provide accommodation for thousands of commuters.

In light of the above, the CEO of PTSC advised that the facility should be restored and made available to the corporation for use by the travelling public. Subsequently, the correspondence was forwarded to the then Minister of Social Development, Sport and Youth Affairs for consideration.

More recently, in correspondence to the Ministry of Community Development, Culture and Gender Affairs, in August 2008, the PTSC again raised the issue of the restoration of the terminal malls to the corporation for use by the

travelling public and also provided details of the spatial requirements and intended use of the stalls for each of the five facilities. Included in the requirements were:

(1) Structural and other reconfiguration to satisfy improved customer accommodation.

(2) Accommodation for, where necessary, security posts, drivers' lobby, lunch room, dispatch office, security charge room, Traffic Supervisors Office, customer service personnel.

(3) Accommodation for select PTSC administration personnel.

The corporation advised that with the expansion and improvement of its services, attention must be directed towards correcting the following deficiencies:

The absence of a passenger hub at Arima where passengers are exposed to varying weather conditions which is further aggravated by the absence of basic, hygienic facilities and accommodation for operating personnel.

In addition, traffic congestion in and out of Arima is such that this would impede the movement of buses especially the larger articulated type resulting in increased travel time and passenger inconvenience.

The existing facilities at King's Wharf, San Fernando are inadequate to effectively service the high volume of passengers travelling to various destinations in southern districts and the need to substantially improve basic facilities is evident.

The unavailability of accommodation for operating personnel is also negatively impacting on service delivery. The servicing of passengers travelling to and from various destinations along the Priority Bus Route between Port of Spain and Arima is characterized by the following deficiencies:

1. exposure of passengers to varying weather conditions;

2. the absence of basic facilities for passengers;

3. the need to improve safety measures for protection of passengers using the service; and

4. the absence of accommodation for operating personnel.

The return of the malls to the corporation will therefore contribute towards improvements in service delivery by way of providing passengers with safe, convenient and hygienic waiting platforms. It will:

- provide ticketing and customer support services at each station;
- provide accommodation for the relocation of operating personnel who would be able to speedily address operating problems;
- provide overnighting facilities for buses at Arima and San Fernando; and
- facilitate safe and convenient embarkation and disembarkation of passengers travelling to and from various destinations;

all of which are consistent with the creation of sound infrastructure and environment and satisfying the needs of the travelling public all within the context of Vision 2020.

In response, the ministry researched and discussed the dimensions involved in the tenants' removal to accommodate the needed transformation. It is to be noted that the tenants had been granted a licence, that is to say, permission to occupy at the discretion of the PTSC, and the terms of the licence provided inter alia for the grant of one month's notice to the licensees for vacating of the malls.

It was discovered also that many tenants were grossly in arrears and many booths were in a state of disrepair, and there was evidence of the subletting of booths in clear violation of the terms of the licensees. There was also evidence of vandalism and several incidents with respect to safety and security of passengers and the general public in and around the malls.

This notwithstanding, the ministry felt that out of a spirit of caring and goodwill there should be no adherence to the strict interpretation of the tenants' licences which dictated that tenants could be asked to vacate on the basis of one month's notice.

The ministry remained mindful of the fact that the Christmas holidays, as well as the Carnival celebration were fast approaching and, therefore, allowed the tenants the freedom to maximize their profits during these periods. In letters dated December 05, 2008, the 110 tenants—not 200—were given approximately three months to vacate the premises as indicated earlier, as opposed to the one month's notice that the terms of the licensees stipulated. As a consequence, the premises were to be vacated by February 27, 2009.

In all this, the ministry was attempting to strike a balance between the concerns of the tenants on the one hand, and the well-being of the travelling public on the other, yet we were trying to achieve this without compromising our proper legal position.

Mr. President, given the ministry's responsibilities for 2009, it was agreed that there should be a meeting between the PTSC and officials of the ministry along with the tenants. This took place on February 26 and was followed by another on March 02, 2009 which was yesterday.

In attendance at yesterday's meeting were representatives of PTSC, the ministry and consultants engaged to facilitate the process. At the meeting the following were agreed to:

1. The PTSC remains in urgent need of the five terminal malls and in particular, those in San Fernando and Arima to enable the critical upgrade of service to commuters in general including the elderly, the PTSC administrator, security and transportation staff, consistent with the corporation's own developmental plans.
2. The ministry will update a comprehensive profile of the occupants of the two floors of all the malls. This will include information of the nature of the businesses and the status of their rental payments for the consideration of the team of representatives from the PTSC, the ministry and the consultants.
3. Given the immediate need of the PTSC for the terminals, a team of representatives will meet with the occupants of the five malls in dialogue. These meetings will commence this week starting tomorrow, March 04, 2009 and continuing.
4. Letters will be sent to all members of the malls to engage in dialogue in order to arrive at some level of comfort. The meetings will seek to clarify the way forward and the team will report to me after the meeting.

Thank you, Mr. President.

National Carnival Commission Recommendations (Government's Failure to Implement)

Sen. Wade Mark: Mr. President, the other matter on the Motion deals with the delay in the implementation of the recommendations of a special select committee appointed to consider and report on a Bill for the incorporation of the National Carnival Bands Association of Trinidad and Tobago and matters included thereto.

This was approved and qualified on January 14, 2009 and we are dealing with this today. I, nevertheless, would like to bring to your attention the sequence which led me to file this Motion.

5.30 p.m.

I have a report before me that deals with the special select committee of the House of Representatives on a Bill to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto. It was a sitting of the House of Representatives on November 25, 2005 where the then Minister of Trade and Industry, the hon. Kenneth Valley, presented a petition on behalf of the promoters seeking leave of the House for the National Carnival Bands Association of Trinidad and Tobago to proceed with the introduction of a private Bill.

This was done and a report was, in fact, submitted to the House of Representatives. When this report was submitted to the House of Representatives, several recommendations were advanced by this select committee and I just want to identify some of those recommendations for the enlightenment of Senators.

The select committee recommended, among other things, that the Bill be passed in the House of Representatives—that is the Bill I just described here—subject to the amendments at Appendix I and the recommendations listed hereunder. I want to repeat this: that the Bill be passed in the House of Representatives subject to the amendments at Appendix I and the recommendations listed hereunder.

The recommendations were as follows: The National Carnival Commission of Trinidad and Tobago Act, No. 9 of 1991 be amended to include:

(1) a definition of the term “band”;

(2) a definition of the term “bandleader;”

(3) that the National Carnival Development Foundation (NCDF) be placed on the board of the National Carnival Commission to ensure equal representation until the existing conflict is resolved;

(4) a mediator be appointed to resolve this existing conflict between the NCBA and the NCDF;

(5) that the annual accounts of the NCBA be audited by the Auditor General’s department for three years and subsequently by a recognized external auditor.

(6) that the preparation of annual accounts of the NCBA conform to existing accounting principles and practices in keeping with international accounting standards;

(7) the responsibility for organizing Tobago Carnival remain under the purview of the Tobago House of Assembly as outlined in Act No. 40 of 1996;

(8) that the expenses for which the National Carnival Commission is responsible must not be included in the accounts of the NCBA;

(9) that the incorporation of the NCBA be granted after the above recommendations have been demonstrably implemented at the expiration of the current financial year of the association; and

(10) that as entities with responsibility for expenditure of public funds, the NCBA as well as TUCO and Pan Trinbago be included under the institutions that submit their annual accounts to the Parliament of Trinidad and Tobago.

These recommendations were approved by the House of Representatives and the House of Representatives adopted the report on July 20, 2007 and, by extension, accepted the recommendations as I earlier outlined. In addition, the Bill was passed in the House of Representatives on July 20, 2007 and the Senate on September 18, 2007 and was assented to on September 28, 2007.

The reason I have brought this matter to the attention of this honourable Senate is that several of the recommendations which were submitted by the select committee appointed by the House of Representatives and which were adopted and approved by the House of Representatives are yet to be implemented by the Government of Trinidad and Tobago.

Therefore, among the recommendations that the Government and the Ministry of Community Development, Culture and Gender Affairs were supposed to implement in an effort to adhere to the recommendations advanced by this select committee of the House of Representatives were to amend the National Carnival Commission Act, No. 9 of 1991 to have a definition of the term "band"—that has not been done—and to have a definition of the term "bandleader". That has not been done even though the recommendation was adopted in the House of Representatives.

The National Carnival Development Foundation, which is a rival body to the NCBA, according to the recommendations advanced by the select committee and approved by the House of Representatives, was supposed to be placed on the board of the National Carnival Commission to ensure equal representation until the existing conflict is resolved. That has not been done.

A mediator was supposed to be appointed to resolve this existing conflict between the NCBA and the NCDF. That, to my knowledge, has not been done. The annual accounts of the NCBA be audited by the Auditor General's department for three years; the Minister will have to inform this Parliament whether this has been done.

As it relates to the issue of the entities with responsibility for expenditure of public funds, I want to inform this honourable Senate that public funds are given to these organizations, that is the NCBA, TUCO and Pan Trinbago every year, and what is required is that an account must be given, not only to the Ministe, but the National Carnival Commission Act should be amended to ensure that these bodies and institutions submit their annual accounts to the Parliament of Trinidad and Tobago. I have seen no accounts for Pan Trinbago tabled in this Parliament; I have seen no accounts by TUCO tabled in this Parliament; I have seen no accounts by the NCBA tabled in this Parliament. So we have a situation in which the Parliament made the recommendations—[*Interruption*] I am getting a feedback.

Mr. President: So was I. Senators, some discussion obviously takes place, but please keep your voices down. You are disturbing the speaker and me.

Sen. W. Mark: Thank you, Mr. President.

It is not a good practice for the Parliament to be ignored by the Executive. If the Legislature makes a decision and these recommendations arising out of that decision were duly adopted by the House of Representatives, it is passing strange that an Executive can simply flout and ignore the views and decisions of the Parliament, which is the Legislature. I am saying, in spite of whatever exists, we have to ensure that when recommendations are advanced, it is either they are rejected or accepted. But if they are accepted, they must be implemented; they must be executed by the Executive.

Therefore, I want to ask the hon. Minister why, in the face of these recommendations—you were not there at the time and I know that the hon. Minister was not there; the person who was there was the former Minister, Joan Yuille-Williams. I would like the hon. Minister to tell this Parliament, why did the Government not amend the National Carnival Commission Trinidad and Tobago Act, No. 9 to define what you mean by a "band" and a "bandleader"? Also, why did the Government not place the National Carnival Development Foundation on the board of the National Carnival Commission to ensure equal representation until the existing conflict between the NCBA and the NCDF was resolved? They ought to have done that.

So I am very disturbed and that is why I have raised this matter. Representations have been made and I believe this is a just matter—I believe that the Minister of Community Development, Culture and Gender Affairs needs to clear the air on this matter. Why were these recommendations which were duly approved by the House of Representatives and were supposed to become law, virtually, not carried out by the Executive? Up to this time, as we speak, none of these recommendations, as far as I am aware, has been properly implemented. Therefore, it has caused a bitter taste in the Carnival fraternity. There is still division as we speak today between the NCBA and the NCDF.

Whilst I am for unity and togetherness, whilst I am for harmony, the problem here is that the House of Representatives recognized a problem and it said, whilst we were trying to resolve the problem by engaging a mediator, put the NCDF on the board of the National Carnival Commission, along with the NCBA so there will be equality of opportunity and representation. What the Government has chosen to do instead is continue to just put the NCBA on the National Carnival Commission's board and the NCDF has been left out.

These recommendations were made since 2007. I was here in the Parliament when the report came. The debate started and we had this Bill to deal with what I mentioned, and we approved the Bill in question in the Senate. Yet, in spite of all that has happened, we still have this challenge faced by this organization.

So I have raised this matter, not to be contentious, but that the hon. Minister of Community Development, Culture and Gender Affairs can put onto the record of this honourable Senate once and for all, why this matter continues to hang; why, for instance, the recommendations have not been implemented; why, the NCDF has not been placed on the NCC; why we have not amended the NCC Trinidad and Tobago Act of 1991 in order to deal with these things; and finally, why up to this time we in this Parliament have not seen proper audited accounts tabled in this Parliament for expenditure that has been engaged by these three organizations: Pan Trinbago; the NCBA and also the next organization that I mentioned.

So I just ask the hon. Minister to clarify these matters for us so that the national community would be better aware and informed of the Government's action in this matter.

I thank you very much, Mr. President.

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. President, thank you for granting this leave to me, Sir. By way of background, a Bill entitled the National Carnival Bands

Association of Trinidad and Tobago was introduced and read for the first time at a sitting of the House of Representatives on April 21, 2006. On April 28, 2006, the Bill was read for a second time and was committed to a special select committee of the House of Representatives to consider and report on the Bill entitled: "An Act to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto."

5.45 p.m.

The report of the Special Select Committee informed the House of Representatives that it had completed its deliberations and found sufficient evidence, in support of the National Carnival Bands Association (NCBA) being incorporated by an Act of Parliament.

The Special Select Committee also submitted a list of amendments to the Bill and further made nine recommendations for consideration only. The House of Representatives, by motion adopted the report.

By letter dated October 25, 2007, the Clerk of the House wrote to the Permanent Secretary of the Ministry of Community Development, Culture and Gender Affairs informing that the Special Select Committee of the House that was appointed to consider and report on the NCBA Bill had presented its final report to the House on June 22, 2007; the House adopted the report on July 20, 2007 and by extension, accepted some of the considerations made by the committee. The Bill was passed by the House of Representatives on July 20, 2007; by the Senate on September 18, 2007 and assented to on September 28, 2007.

The correspondence further referred five recommendations for the attention of the ministry. These five recommendations were:

1. The annual accounts of the NCBA be audited by the Auditor General's Department for three years and subsequently by a recognized auditor.
2. The preparation of annual accounts of the NCBA conform to existing accounting standards.
3. The responsibility of organizing Tobago's Carnival remain under the purview of the Tobago House of Assembly as outlined in Act No. 40 of 1996.
4. The expenses for which the NCC is responsible must not be included in the accounts of the NCBA.
5. As entities with responsibility for expenditure of public funds, the NCBA as well as TUCO and Pan Trinbago, be included under the institutions and submit their annual accounts to the Parliament of Trinidad and Tobago.

This was sent to the ministry, a letter to the Permanent Secretary signed by the Clerk of the House and these five recommendations.

The other four recommendations of the Special Select Committee that were not referred to the ministry are:

1. The Bill be passed in the House of Representatives subject to the amendments at Appendix I.

2. The NCC through Act No. 9 of 1991, be amended to include a definition of the terms, "band" and "bandleader" and the NCDF be placed on the boards of the NCC.

3. A mediator be appointed to resolve the existing conflict.

4. The incorporation of NCBA be granted after the above recommendations have been demonstratively implemented at the expiration of the current financial year.

Before I attempt to respond directly to the matter before this honourable House, I am compelled to point out that there appears to be a lack of clarity in meeting with both interest groups, the NCBA and the NCDF with respect to the purpose of a public Bill compared with a private Bill. There is a clear distinction in that a public Bill is reflective of government's policy and comes through the Executive, that is Cabinet. It impacts the public as a whole. A private Bill is sponsored by a private individual or organization. Its impact is usually limited to a select group. Ordinarily, a private Bill should not require a ministry to take action. The NCBA (Incorporation) Bill is a private Bill.

We may all be aware that the recommendations of a select committee of either House of this Parliament, if adopted by that House by resolution, reflects the expressed opinion of only that House.

In the instance of the NCBA Bill, the recommendations of the Special Select Committee were made to the House of Representatives and accepted only by that House. With the greatest respect, such recommendations do not have the force of law. Notwithstanding this, the ministry has paid due regard to the recommendations as adopted. Further, the ministry has demonstrated its willingness and continues to stand ready to provide assistance to groups and organizations under its purview. The records will show that my approach to issues affecting stakeholders is characterized by dialogue, partnership and collaboration within the context of clearly defined and agreed parameters.

Let me apprise the Senate of the action taken in an attempt to implement the recommendations of the Special Select Committee. Given that the NCBA is a private institution governed by private law, the ministry sought the advice of the Auditor General by letter dated November 05, 2007, as to what role is required of the Auditor General's Department and what specific actions will fall within the purview of the Ministry of Community Development, Culture and Gender Affairs, if the recommendations were to be implemented. Subsequently, the ministry forwarded background documents to the Auditor General to assist in deliberations. The unusual nature of the recommendations required research and they are receiving the active consideration of both the ministry and the Auditor General's Department.

The ministry requested the NCBA to submit copies of audited financial statements for the years 2004 to 2006. By letter dated March 07, 2008, the NCBA informed that audited financial statements for 2004 to 2006 were submitted to Parliament and the Auditor General. Since my assumption of office, I am on public record insisting that all cultural groups and organizations that receive funding from the ministry must submit audited financial accounts. No action was required with respect to the recommendation that the Tobago Carnival remain under the purview of the Tobago House of Assembly, as outlined in Act No. 40 of 1996.

I will point out also that with respect to Pan Trinbago, their accounts are all up to date. They have done the accounts up to 2007. With respect to TUCO, they are now in the process of completing their accounts up to 2007. They are well in line in trying to subscribe to the recommendations.

As I alluded to earlier, since assuming office, I have been holding regular meetings with all the Carnival special interest groups and other cultural bodies. In particular, I have been meeting with both the NCBA and the NCDF. We have been meeting for months in order to provide a platform to facilitate the resolution of a deeply entrenched conflict that exists between these two groups. It is instructive to note that the NCDF is a body incorporated which came out of the NCBA.

A perusal of the report with the Special Select Committee would show that there remain a large number of unresolved issues between these two bodies. Indeed, the NCDF raised objections to the NCBA (Incorporation) Bill from the inception. The Special Select Committee heard and considered the objections of the NCDF in the course of its deliberations. Nevertheless, the committee in its report recommended that the Bill be approved by the House.

With respect to the issue of the NCDF representation, the Board of Commissioners, Act No. 9 of 1991, section 5, provides that the Commission shall be managed by a board of nine commissioners including one nominee from the organization that is most representative of Carnival bands.

I have asked both the NCBA and the NCDF to submit a list of their registered bands. NCBA has 155 on record and the NCDF has 80. In this regard, a representative of the NCBA is appointed to the board. There is no provision in the law for two representatives of the Carnival bands to serve on the NCC board. Therefore, to appoint an NCDF representative to the board pending resolution of existing conflicts would be inconsistent with the existing law governing the NCC and would open the floodgates for all sorts of problems and set a dangerous precedent.

From the facts presented, it is quite evident that the ministry is taking every possible action to treat with the recommendations of the Special Select Committee. I give my assurance to the Senate that the ministry will continue along this path and within the overall context as described.

Thank you.

Private Members' Day

Sen. Wade Mark: Mr. President, I spoke to my honourable colleague a short while ago and I want to remind him that we had an agreement—Prof. Ramesh Deosaran, the Leader of Government Business and I—that March 10 will be allocated as Private Members' Day. I thought that I should put it on the record so that he will put as well our agreement on this matter.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I take the request in the spirit in which it was intended. There was a consideration that given the fact that we could not hold Private Members' Day on Carnival Tuesday at any venue, we have given consideration and on the next occasion we would allow for the continuation of the debate on the Private Members' Motion before the Senate.

Mr. President: Before I put the question, I am advised that this afternoon we had the pleasure of having the maiden contribution of the Vice-President of the Senate. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.57 p.m.

WRITTEN ANSWERS TO QUESTIONS

Caribbean Court of Justice (Details of)

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

With respect to the Caribbean Court of Justice (CCJ) headquartered in Port of Spain, could the Attorney General provide the Senate with:

(a) the number of cases brought before the CCJ from its inception to December 31, 2008;

(b) the number of matters determined by the Court over the same period;

(c) the total cost to Trinidad and Tobago for the establishment and operations of the CCJ from its inception to December 31, 2008?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): The Caribbean Court of Justice (CCJ) has advised as follows:

> In the exercise of its appellate jurisdiction, the CCJ considers and determines appeals in both civil and criminal matters from common law courts within the jurisdictions of member states of the community which are parties to the agreement establishing the CCJ.
>
> Under the appellate jurisdiction of the Caribbean Court of Justice, there were 30 applications for leave to appeal filed from its inception to February 2, 2009. Of that number 26 cases have been determined. In respect of appeals, there were 28 since its inception to February 2009 and of that number 19 were determined.
>
> The CCJ is vested with an original jurisdiction in respect of the interpretation and application of the Treaty Establishing the Caribbean Community. In the exercise of its original jurisdiction, the CCJ discharges the functions of an international tribunal, applying rules of international law in respect of the interpretation and application of the Treaty.
>
> Under the exercise of its original jurisdiction, there were 5 applications filed. Of that number 2 were determined.

To conclude, there have been 63 matters brought before the CCJ and 47 of those matters have been determined. There have been 23 written judgments and 68 sittings.

Regarding the total cost to Trinidad and Tobago of the CCJ, a Trust Fund was established by the Caricom Heads of Government to provide, in perpetuity, the resources necessary to finance the capital and operating budget of the Caribbean Court of Justice.

The objective of the Trust Fund is to seek medium to long term capital growth through investments, thereby maintaining a source of financing from which the expenditure of the CCJ is defrayed. Member states fulfilled their financial obligations to the Trust Fund by making an initial deposit to it.

The initial capital of the Trust Fund totalled US $99,500,000 and was raised by the Caribbean Development Bank (CDB) on behalf of the member states on July 16, 2004. Trinidad and Tobago's share of the Fund was TT $199 million or US $31.6 million. In the area of rent as regards the headquarters of the CCJ, the Ministry of the Attorney General has paid since December 01, 2004 to December 01, 2008, a total of TT $1,728,228. Other than the instance of rent, it is not possible to identify individual contributions by member states to the operating costs of the CCJ once they have made their initial deposits to the Trust Fund.

Backlog Cases in the Magistracy
(Details of)

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

Could the Attorney General inform this Senate of:

(c) the number of backlog cases in the magistracy as at December 31 2008;

(d) the administrative arrangements, if any, being made to reduce the backlog of cases in the magistracy?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): The data currently collected at the magistrates' courts allows for an analysis of the disposition rates at each court location when compared to the number of matters filed at the court. A disposal to filing ratio or clearance rate of more than 1 is indicative of the court's ability to dispose of more cases than are filed during a given period, thus reducing the backlog of cases. Conversely a disposal to filing ratio of less than one indicates that the backlog has increased during the particular period under review. The current disposition rate is 1.15 which therefore demonstrates that the court disposes of more cases in a year than those which are filed within that year.

However, the Judiciary has recently completed a backlog exercise but is unable at this point in time to accurately report the number of cases pending in the magistrates' courts, due to the need to validate and interrogate data collected over the last year in an attempt to answer this very question.

This project required that the statistical clerk in each of the magisterial districts extract data as they relate to the number of matters filed in the years 2007, 2006 and 2005. Further the clerks were required to ascertain the number of cases that were determined in each of these years and crucially, the breakdown of which year the determined cases were filed.

The data revealed that of all cases filed in 2005, 80.7 per cent were determined after two years and 89.5 per cent were determined after three years. This means that as at January 01, 2008, only 10.5 per cent of all 2005 cases were not yet determined.

In terms of cases filed in 2006, 79.7 per cent of all cases filed in this year were determined after two years. This means that as at January 01, 2008, 20.3 per cent of all 2006 cases were not yet determined.

With the introduction of case management systems and an increase in the number of magistrates, it is expected that the determined to filings ratio would improve even further and the administrative arrangements, if any, being made to reduce the backlog of cases in the magistracy.

There were several initiatives undertaken to reduce the backlog as identified below:

Magisterial capacity—13 magistrates were recruited over the past two years to tackle the increasing workload of the courts.

Accommodation:

- Three additional courtrooms have been commissioned in the San Fernando Magistrates' District (two criminal and one petty civil).
- Two additional courtrooms have been commissioned at the St. George West Magistrates' District to hear petty civil matters.
- Designs have been completed for the provision of one additional courtroom and physical accommodation for court support services each at the Couva Magistrates' Court and the Rio Claro Magistrates' Court.
- Approval has been obtained for the construction of new facilities in the Siparia Magisterial District which will provide three additional courtrooms.

- Approval has been obtained for an additional court in the Chaguanas district to hear petty civil matters.
- Approval has been obtained for the outfitting of a centralized Coroners Court to hear inquest, resulting in these types of matters being taken off the lists of the magistrates' courts.
- Property is being acquired to establish an Arima Judicial Complex that would accommodate the operations of the Arima Magisterial District. It is expected that when this project is completed, approximately seven additional courtrooms and physical accommodation for various court support services will become available in this district.

Systems improvement and technology:

The Judiciary in May 2008 introduced a range of technology and process improvement initiatives at two court locations in Trinidad and Tobago. In San Fernando, the technology was introduced in a newly customized building which was acquired to house the operations of the non-criminal courts in that magisterial district; while in Tobago the technology was provided to support all of the court operations in the Scarborough Magisterial District. The introduction of the technology complemented the new work processing methods designed to remove non-value added steps in the processing of a case from filing to disposition and enhanced the ability of the court to record and retrieve case information immediately upon request. The design of the new court records management system which has also been introduced at these locations allows for the speedy retrieval of case information in the event that there is a failure of the technology.

The initiatives have been introduced in these two court districts on a pilot basis (in a live test environment) to allow the Department of Court Administration to evaluate the impact associated with the introduction of these technology tools and work processes into the magisterial system. It is expected that the issues identified during the operation of the pilot will allow the Judiciary to make more informed decisions with regard to:

- developing a framework for the standardization of court processes and procedures;
- development of time and performance standards; case scheduling, docket management and adjournment policies; and inter-agency operating protocols that encourage maximum collaboration and guide the court's interaction with its stakeholders;

- introduction of appropriate court office support systems, processes and workflows to facilitate case flow management;
- identification of legislative changes that may be required to accommodate the new processes and procedures;
- selection of the appropriate mix of technological tools that would be required for achieving optimum performance;
- identification of the appropriate staffing levels and competences required to support the new systems;
- identification of the required training, skills development, change management and reorientation programmes required to achieve culture change;
- introduction of procedural rules for the magistracy.

The technology being tested includes:

- case management information system (CMIS) software;
- audio digital court recording (ADCR) systems;
- video conferencing (VC) capabilities, to facilitate remote witness appearances both locally and internationally, as well as remand and bail hearings by video link from the prison;
- note link technology to assist judicial officers to electronically record personal notes taken down in handwriting and tagging them to the electronic and audio record of the case;
- integrated public address and paging system to ensure that persons at any location in the court building can hear when their case is called and to which courtroom they must proceed;
- upgraded records management systems, featuring individual case files, thereby ensuring the timely retrieval of case information by case number if the CMIS fails.

The introduction of the process improvement initiatives, technology tools, good case-flow management practices and human and physical resources into the magisterial system will increase the capacity of the magistrates' courts to dispose of cases well within a one-year period of the date of filing. A combination of these elements has been introduced on a limited scale and is currently undergoing evaluation in a test environment before expansion to the wider court system.