

*Revocation of Appointment*

*Tuesday, April 28, 2009*

**SENATE**

*Tuesday, April 28, 2009*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**REVOCAION OF 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.:

“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: SENATOR DR. CARSON CHARLES

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, CARSON CHARLES, to be vacant.

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 24<sup>th</sup> day of April, 2009.”

*Senator's Appointment*  
[MR. PRESIDENT]

*Tuesday, April 28, 2009*

**SENATOR'S APPOINTMENT**

“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. SHARON-ANN GOPAUL-MC NICOL

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, SHARON-ANN GOPAUL-MC NICOL, a Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 24<sup>th</sup> day of April, 2009.”

**OATH OF ALLEGIANCE**

*Dr. Sharon-Ann Gopaul-Mc Nicol took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. The annual audited financial statement of Community Improvement Services Limited for the financial year ended September 30, 2007. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. The administrative report of the Betting Levy Board for the financial year July 01, 2007 to June 30, 2008. [*Sen. The Hon. M. Browne*]
3. The Public Accounts of the Republic of Trinidad and Tobago for the financial year 2008. (Volumes 1—3). [*Sen. The Hon. M. Browne*]
4. The annual report of the Ministry of Public Administration and Information for the fiscal year October 2006 to September 2007. [*Sen. The Hon. M. Browne*]

5. The audited financial statements for the Trinidad and Tobago Electricity Commission (T&TEC) for the year ended December 31, 2006. [*Sen. The Hon. M. Browne*]
6. The audited financial statements for the Trinidad and Tobago Electricity Commission (T&TEC) for the year ended December 31, 2007. [*Sen. The Hon. M. Browne*]

**EMERGENCY AMBULANCE SERVICES  
AND EMERGENCY MEDICAL PERSONNEL BILL**

**Special Select Committee Report  
(Presentation)**

**The Minister of Local Government (Sen. The Hon. Hazel Manning):** Thank you, Mr. President. I have the honour to lay on the table the following report as listed on the Supplemental Order Paper in the name of the Minister of Local Government: The Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled, "The Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009".

**ORAL ANSWERS TO QUESTIONS**

**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 Works and Transport (Hon. Colm Imbert):** Thank you, Mr. President. The Ministry of Works and Transport is aware of the trend by some maxi-taxi drivers of dropping commuters short along the Priority Bus Route. Maxi-taxi owners, drivers, also known as operators, have been reminded of condition 9 of the Conditions of Permit, authorizing the use of the Priority Bus Route by maxi-taxis made under Regulation No. 7 of the Priority Bus Route (Special Roads Toll) Regulations 1998, which states as follows:

"If after due investigation, it is discovered that an owner or person operating the vehicle on his behalf, in the course of plying his trade on the route, has prevented the proper transport of paying passengers from the point of embarkation to their requested or indicated destination along the route, without good reason, the Minister may cause the owner's permit to be immediately suspended or permanently revoked."

This regulation is in force and the Ministry has decided that owners or operators as the case may be, will be issued with a warning letter on the first breach of condition 9, followed by suspension of the owner's permit for six months on second breach, and revocation of the owner's permit on the third breach.

**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):** Mr. President, the answer to this question is not now ready. It was in fact received by the parliamentary questions committee and was deferred for an amendment. I am therefore of the view that it should be available in two weeks' time.

*Question, by leave, deferred.*

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

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

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

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Mr. President, the answer to this question is not as yet available. I wish to assure the honourable Senate that every effort is being made to have this answer available and passed by the parliamentary questions committee. I would endeavour in the next two weeks to have this before the Senate.

*Question, by leave, deferred.*

**Motor Vehicles and Road Traffic Act  
(Date for the Full Enforcement)**

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

Could the Minister 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?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, the Minister is very conspicuous by his absence. However, I take that to mean that that answer is not quite ready. In fact, according to the information I have, it was not received, therefore cannot be considered, and I expect that this one would be ready in three weeks' time.

*Question, by leave, deferred.*

**Upgrade of Old Piarco Airport  
(Cost of)**

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

With respect to the proposed refurbishment and upgrade of the old Piarco Airport facility, could the Minister 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?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** This one is slightly more advanced. It was deferred for an amendment and therefore, my view is that in two weeks it should be ready.

*Question, by leave, deferred.*

**CL Financial Bailout  
(Status of)**

**27. Sen. Lyndira Oudit** asked the hon. Minister of Finance:

In light of the CL Financial bailout, could the Minister indicate to the Senate:

- (i) Whether there are plans to increase the coverage of deposit insurance to ensure that citizens' deposits are adequately secured?

- (ii) Whether there are any procedures/regulations in place or proposed, to increase the capacity of Deposit Insurance Corporation to deal with any failing, weakened or troubled financial institution in Trinidad and Tobago, in order to balance the risk to investors and depositors funds?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** This answer is not yet ready. It would be ready in two weeks.

*Question, by leave, deferred.*

**Spanish Nationals Residing in Trinidad and Tobago  
(Eligibility to Vote)**

**28. Sen. Lyndira Oudit** asked the hon. Minister of Foreign Affairs:

Could the Minister inform the Senate of the current number of Spanish nationals residing in Trinidad and Tobago who are presently eligible to vote in any election to be held in this country in 2009 or 2010?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you, Mr. President. The answer to this question was received; it was not considered; it is on the agenda for the next meeting of the parliamentary questions committee, and therefore this as well should be available in two weeks' time.

*Question, by leave, deferred.*

**Cocoa Cultivators/Farmers  
(Status of)**

**30. Sen. Lyndira Oudit** asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister inform this Senate of:

- (i) the number of cocoa cultivators/farmers at present in this country;
- (ii) the size of land under cocoa cultivation of each farmer; and the number of years each cultivator/farmer has been involved in cocoa cultivation?

**The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott):** This answer is not yet ready. I would like to have a deferral of the question.

*Question, by leave, deferred.*

**Nation's Judges  
(System of Monitoring)**

**36. Sen. Wade Mark** asked the hon. Attorney General:

Could the Attorney General outline to the Senate the system of monitoring that is in place in respect of assessing and evaluating the performance of the nation's judges?

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Mr. President, the information for this question needs to be sourced from the Judiciary. A request has been made and that request has been followed up, and I have not as yet received the information; we continue to pursue it, and as soon as we have the information the question would be answered.

*Question, by leave, deferred.*

**UDeCott  
(Public Funds)**

**38. Sen. Wade Mark** asked the hon. Minister of Finance:

Could the Minister inform the Senate:

- (a) whether public funds are being used by the Executive Chairman of UDeCOTT to engage lawyers directly for himself in the ongoing Commission of Enquiry into UDeCOTT and the construction sector;
- (b) if the answer to (a) above is in the affirmative, could the Minister provide the Senate with a detailed breakdown of the costs involved for the provision of these legal services?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** Mr. President, this answer is not yet in the approved form. Thank you.

**Sen. Mark:** Mr. President, through you, if I may, could the hon. Minister indicate to this Senate what period of time he would require to have that question ready?

**Sen. The Hon. M. Browne:** Mr. President, I expect to have the answers to questions 38, 41 and 42 within the next two weeks.

*Question, by leave, deferred.*

*The following questions stood on the Order Paper in the name of Sen. Mohammed Faisal Rahman:*

**Aluminium and Steel Plants  
(Modification to Government's Plans)**

41. Could the hon. Minister of Finance state whether there has been any modification to Government's plans to invest in aluminium and steel plants in the light of worsening global economic and financial structures?

**Emergency Unemployment Grant  
(Consideration of)**

42. Could the hon. Minister of Finance state whether the Government will be considering the establishment of an Emergency Unemployment Grant as a stop gap social benefit measure to facilitate workers who have lost their jobs as a result of the global financial crisis?

*Questions, by leave, deferred.*

**Mr. Goddard QC  
(Breach of Legal Profession Act)**

39. **Sen. Wade Mark** asked the hon. Attorney General:

For the purpose of appearing before the Uff Commission of Enquiry into UDeCOTT and the Construction Sector, could the Attorney General state whether the attorney-at-law for UDeCOTT, Mr. Goddard QC.:

- (a) breached the Legal Profession Act by not being certified to practise at the Bar;
- (b) if the answer to (a) above is in the affirmative, what sanctions or penalties, if any, are to be applied by the relevant authorities to bring Mr. Goddard QC to book; and
- (c) could the Attorney General further state whether Mr. Goddard QC would still be paid by the Government for any period of time during which the alleged breach was committed?

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Thank you, Mr. President. The answer is as follows:

- (a) Any allegation of a breach of the provisions of the Legal Profession Act is not a matter for the Government of Trinidad and Tobago. The Director of Public Prosecutions by virtue of Chapter 6 of the Constitution of Trinidad and Tobago, is the functionary to determine whether a breach of the Legal Profession Act has taken place, and institute proceedings in that regard.



Additionally, the conduct of members of the legal profession in Trinidad and Tobago is regulated by the Law Association of Trinidad and Tobago which is empowered to consider allegations of professional misconduct made against attorneys-at-law.

**1.45 p.m.**

With respect to part (b), while not confirming that there has been any breach of the Legal Profession Act, by way of information, the Legal Profession Act provides various penalties for the various offences and sanctions for breach of the code of conduct dependent on the offence with which a person is charged or the professional misconduct which has been found. In case of a successful complaint being prosecuted, the penalties range from the imposition of a fine to imprisonment.

With respect to successful disciplinary proceedings before the disciplinary committee of the Law Association of Trinidad and Tobago, the sanctions which may be imposed by the disciplinary committee range from the imposition of fines to applications to the High Court for the removal of the attorney-at-law from the roll.

With respect to part (c) of the question, Mr. Goddard is retained by UDeCott and consequently it is UDeCott and not the Government or the State to decide any issue regarding the remuneration of Mr. Goddard.

**Unemployment Benefit  
(Establishment of)**

**43. Sen. Mohammed Faisal Rahman** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Would the Government consider establishing a regular unemployment benefit for workers willing to work but unable to find jobs?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you, Mr. President. With respect to that particular question, according to the information that is available to me, the answer to the question was prepared, however, it was not considered because the Minister was not present at the time and therefore I expect this should be ready in two weeks.

**Sen. Mark:** Mr. President, just on a point of clarification again, we on this side would like to once again record our disappointment at the numerous questions that have been posed to the Government and having been postponed on several occasions, and giving this Senate an undertaking that they will be

answered, we came back again with the same postponement and deferment. I can only appeal, not to you Sir, but to the Leader of Government Business, to really take these questions very seriously, and therefore, I would appeal to him that in the future that these questions, once they are qualified for oral answer be answered in accordance with the Standing Orders. I just wanted to appeal to you on this matter, Sir.

**Sen. The Hon. C. Enill:** Mr. President, that is a totally inappropriate statement. The fact of the matter is as follows:

- the Government will receive a question;
- it will go to the appropriate ministry;
- the public officers with responsibility will ensure that the question is appropriately phrased;
- it will be reviewed;
- once it is approved it gets to the Parliament with dispatch.

In circumstances where that is not available to us the question cannot be answered and, therefore, the Government continues and will continue to make every effort to deal with the questions raised because we consider them important.

Additionally, the facts are, that we have answered all the questions to date and these are new questions that we got within the last two to three weeks, and there is a requirement that they must be here and therefore it is not possible to expect in circumstances where you have about 200 or 300 questions coming at you in a short space of time that you are going to have all the resources.

**Sen. Mark:** So many questions?

**Sen. The Hon. C. Enill:** Yes, you sent them.

**Sen. Mark:** I thought was 400.

*Question by leave, deferred.*

#### ARRANGEMENT OF BUSINESS

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you. Mr. President, I beg to move that the Senate proceed to deal with Committee Business before Private Business.

*Question put and agreed to.*

**EMERGENCY AMBULANCE SERVICES AND  
EMERGENCY MEDICAL PERSONNEL BILL**

**Special Select Committee Report  
(Adoption of)**

**The Minister of Local Government (Sen. The Hon. Hazel Manning):** Thank you very much, Mr. President. I beg to move the following Motion standing in my name:

*Be it resolved* that the Senate adopt the First Interim Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled, “The Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009.”

Mr. President, the purpose of the Motion is to report on the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009 and to seek an extension of time. On Tuesday, April 07, 2009, the Senate, by Motion appointed the following Members to serve on a Special Select Committee to consider and to report on a Bill entitled the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009. The Members were:

Sen. The Hon. Jerry Narace,  
Sen. The Hon. Hazel Manning,  
Sen. Laurel Lezama,  
Sen. Dr. Adesh Nanan,  
Sen. Dana Seetahal SC.

The committee was mandated to report to this Senate within 21 days of its appointment. At its first meeting held on Tuesday, April 21, the committee agreed that in accordance with Standing Order 73(5) of the Senate, a quorum would constitute three Members, one Member each from the Government, the Opposition and Independent Benches.

To date, the committee has held one meeting on Tuesday, April 21, 2009 and the committee got expert assistance and advice from Dr. Rasheed Adam, Mrs. Mala Kowlessar and Miss Bhabie Roopchand, all from the Ministry of Health, and from Joñetta Jeet Maynard, from the Chief Parliamentary Counsel department.

At its first meeting the committee considered the Bill clause by clause. In order to do this efficiently, the committee looked at concerns raised by Senators during the debate of the Bill in the Senate and the committee looked at a list of amendments proposed by the Ministry of Health. The committee further agreed to consider similar legislation from other jurisdictions after which it will complete consideration of the Bill and report to the Senate.

*Special Select Committee (Report)*  
[SEN. THE HON. H. MANNING]

*Tuesday, April 28, 2009*

So, Mr. President, the committee wishes to report that it is unable to complete consideration of the Bill and in accordance with the provisions of Senate Standing Order 51(2), the committee is reporting progress and is seeking an extension of two weeks to complete its deliberations and to report to the Senate.

I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

**WATER AND SEWERAGE AUTHORITY  
(RETENTION OF SEWERAGE FUNCTION)**

[Second Day]

*Order read for resuming adjourned debate on question* [Tuesday, March 24, 2009]

*Be it resolved* that Government take all the necessary steps to ensure that the sewerage function of the authority remain entirely and solely the responsibility of the Water and Sewerage Authority as provided for in law.  
[Sen. Dr. A. Nanan]

*Question again proposed.*

**Mr. President:** Those who spoke on Tuesday, March 24 was Sen. Dr. Adesh Nanan who moved the Motion. The Motion was seconded. Those Senators who wish to speak may do so now.

**Sen. Prof. Ramesh Deosaran:** Mr. President, this Motion in my view is important especially in terms of the Preamble which it sets out for our deliberation.

In the first place, the Motion emphasizes the role of the Water and Sewerage Authority (WASA) as being vital and indispensable to the good health of the citizens of this country, meaning that the water must be potable, healthy and in service of the country's welfare. As to how far this service will stretch has been a matter of heated debate in terms of serving some parts of the rural community. Having witnessed especially in recent times, in passing through the rural district of Mayaro, and if it is bad for water supply it should be even worse for the treatment and disposal of sewage. These people have hundreds of barrels lined up in front of their homes and to cut a long story short, the amount of unsafe materials that could enter those barrels while they wait for truck-borne water, to me that in itself is a danger to the health of the people in those areas.

So if it is as the Preamble suggests, that the services of WASA are indispensable to the good health of the country, the implication for rural supply of the commodity of water is therefore seriously implicated and is a matter which as the Motion itself says, the Government should take all necessary steps to provide the required services.

If there is no water supply in a district it will make it more difficult for you to have sewage dispensed with and treated, so the connection between water and sewage in this case is a very important one. It is distressing, may I emphasize the point, for people of these rural areas and even some parts of the urban communities at some period to suffer from this shortage of water. I remember the Prime Minister himself recently announcing WASA as a big headache and it has not been so only for this present government. WASA has been a serious challenge to previous governments to the point where one Minister in a previous regime promised water for all and if it was not delivered he would resign. That was the kind of dramatic effect that the Government has had to provide for the national community in raising hopes for proper supply of water, this Government has the challenge.

What I mean to say is not so much to criticize this regime or previous regimes but to emphasize the serious challenge without using the word “problem” that WASA has been and still is, and whether it is through Severn Trent or any other arrangement, the problem is one that needs to be fixed and perhaps it is a small step in this long journey of restoration with respect to WASA that the current Minister has taken the step to fire some of the senior managers at WASA. Because I strongly suspect that it is an attempt to bring some greater efficiency into the service and if such step could be taken in a sustainable way, perhaps WASA and its officials would buck up and do the job properly with the resources that they have available, until such time as there is an extension to the water supply. But if it is in the present supply, the job cannot be done well, well then some people should be held accountable as the Minister indeed made an attempt to do.

So the Motion is important because it strikes at the heart of the country's health and it gives us an opportunity as a Parliament to attend to this problem if only for a rather short period. Because it brings me to the second Preamble, the Water and Sewerage Authority and its functions are provided for by this Parliament, so whenever we approve a law it carries on us a responsibility to ensure that that law is properly carried out, one such instrument being, one such

mechanism being the parliamentary device of joint select committees which is in a sense the accounting body for Parliament and which also needs treatment and restoration, but I say no more. We need as a Parliament, not only to pass laws, but as the Preamble says, to ensure that the laws are properly carried out.

**2.00 p.m.**

Chap. 54:40 establishes the Water and Sewerage Authority (WASA). It was passed by Parliament after some debate and even with the amendments, Parliament has engaged itself in passing legislation relevant to the functions of WASA. So the Parliament today must ensure that WASA carries out its function, which as I have just mentioned those functions are not properly carried out.

Mr. President, there is rapid expansion in housing developments, meaning that the supply of water and the treatment of sewerage plants must be properly looked after. Too often we have been hearing complaints about these new housing developments that there are leakages from the treatment plants put into those locations, and the dispute arises as it has repeatedly arisen, as to whether direct jurisdiction belongs to WASA or the private developers in the first instance.

Too often private developers after charging enormous fees for the houses that they sell, neglect to look after those communities even though there is a set of legislation governing these housing developments, town houses and condominiums. Those developers have a duty to look after, first and foremost, the water and sanitation requirements of those developments, by making the proper infrastructure arrangements so that WASA could tidily perform its function, and there has been a distress in shortage of such services by private developers. But at the same time, the Water and Sewerage Authority Act gives WASA the power to correct that shortcoming, and therefore, the question arises as to why WASA has not been operating more stringently and forcefully in enforcing the laws that it has at its disposal.

This is a matter for the Minister of Health as well, and with his apparent diligence and vigilance that I would implore him to enter into this arena for the sake of the public welfare and good health. I know having heard me this afternoon that he would spare no effort. If not this very afternoon, by tomorrow morning I am quite sure he would speak in the first instance with a Cabinet colleague, then call Mr. Grimes and the Chairman, Mr. Sultan Khan, and look into this matter as a subject of minor enquiry in the first instance. That is the kind of confidence I have in this Minister, having witnessed him on television last night.

It is for the good health of this country because in this period of—people are trying to safeguard their health, a lot of diseases—as the mover of the Motion, Sen. Dr. Adesh Nanan has indicated—are spread by the indifferent treatment of sewage. Perhaps we do not see them. We do not see the bacteria, we do not see the viruses, so it means that there is no harm. But when the sewage leaks, as it has leaked in many of the communities I described and the water content evaporates, the bacteria and the viruses also fly all around the air. People inhale them and so you get the diseases related to the particular bacteria and virus. So it is a serious matter for the Minister and the Ministry of Health. Very serious matter.

I would suggest with respect, Mr. President, given the Motion before us, that the Ministry of Health examine the Water and Sewerage Authority Act, Chap. 54:40, especially Part III of the Schedule because you will never know when we can have an epidemic of some sort spread through untreated sewage. It might even be worse than the swine flu, given the smallness of this community and the rapidity with which such airborne diseases drawn from untreated sewage can spread.

I will come to the substantive Motion itself in a short while, but it is important as the Motion has laid down the premise, for me to lay down the premise as to whether the authority should keep both functions of water supply and service treatment intact as it is, or whether they should be two separate agencies looking after these two separate functions.

WASA has the authority to dig up the roads and lay these sewerage lines. WASA has the authority to break up the roads and the streets as the legislation gives it such powers. But the legislation is very weak and deficient in commanding WASA to repair those roads and dug up streets properly and efficiently. So you drive through Sangre Grande and you see a long quarter mile ditch in the road which is dangerous, not just for the citizens at large, but even for Ministers and the motorcycles which precede them or ambulances.

You could have your ambulance legislation, but you need good roads for those ambulances to drive on. And if somebody is sick and the traffic is heavy in such areas, it is an imminent disaster. So the legislation under which WASA functions in terms of providing water and especially in the context of the Motion, the sewerage arrangement, it is linked to how WASA prepares the roads to lay down these pipes. There are many laws giving WASA the authority to dig up, enter people's homes, districts, streets, developments, but the legislation is deficient in commanding WASA to repair those roads and the places that they have dug up.

WASA Retention of Sewerage  
[SEN. PROF. DEOSARAN]

Tuesday, April 28, 2009

Although the legislation says that WASA should within reasonable time conduct such repairs, they do not and it is a shame on the face of WASA for the public to witness such state of disrepair along streets that they have dug up. It is a shame. I would even call it a disgrace for a public agency to perpetrate this sin of omission, giving motorists all kinds of headaches in trying to steer to safety from those holes. Worse yet, they put a little flag which you see only when you reach inside the hole. Come on, WASA can do much better on that and through this Parliament, I call upon the Minister and the Chairman of WASA, Dr. Sultan Khan to look after this problem.

In a previous regime as well, it was promised that there will be an integration of agencies so that as soon as a stretch of road is dug up, the agencies will collaborate and repair that particular road after laying the sewage lines. No such thing has happened which gives rise to the national community to keep on asking, why do Ministers make promises that they cannot keep, especially promises regarding the good health and welfare of the people? That is how governments and Ministers lose credibility. It is no sense providing information to a national community when the messenger has no credibility or has little credibility, and WASA is a case in point because WASA advertises itself through its mission statement and its vision statement about looking after the public health with integrity.

There is no such thing in actual function of WASA, especially the laying of sewage pipes. Even today—I do not have to dig too far into the records—in the *Trinidad Guardian*, April 28, 2009, what was the problem? The *Guardian* has a column called Guardian Angel, that means the people with complaints about public services primarily, would turn to the Guardian Angel, Miss Dixie-Ann Dickson. I believe other newspapers have a similar column. But with respect to WASA, the San Juan resident, Mahadeo Singh complained some months ago that there is a line that is spouting water and he is not sure whether it is water or sewage because the smell is disturbing. But they took months. WASA came and repaired it and it burst the next day. They got it repaired, it burst the next day. This is the merry-go-round that the public witnesses with amusement. Now, should WASA not have a more expeditious efficient system of even corking up its own leaks, if not repairing the entire stretch of road? Finally, after months and months of complaint the pipe seems to have been fixed, but here it is, "Problem pipe finally fixed" was the headline. It is more dangerous. It is even more dangerous.



In 2004, I had cause to write WASA when Miss Beckles was the Minister because there was some question of contamination in the water around where I live. We contracted CARIRI—speaking about sewage and the dangers—to do a test and a sample of the water and it was found to be seriously contaminated by faecal coliforms and *E. coli* beyond what is called the "water microbiological guidelines", beyond the stimulated minimum, way beyond the minimum. Where it was supposed to be 500 of tolerable levels, it was greater than 2,000. In terms of *E. coli*, it was greater than 200, far beyond the level of normality. It was done on November 08, 2004.

I brought it to the attention of WASA and they made some enquiries. I am not here going to be overly dramatic and cast blame and responsibility. I am just sounding an alarm because there are many other users of water who do not know how contaminated their water supply is, but I had a suspicion. They came and explanations were given not to my satisfaction, but I made sure I was not guessing that things were not right. They promised to take steps, so on and so on and so on, but I do not know how successful it was. I got an answer from the authority and I will leave it like that, merely to suggest that I am speaking on the basis of evidence.

The letter was sent—just for the record—to WASA on November 12, 2004 to Mr. Errol Grimes and by coincidence, one of the gentlemen who lives on my street and who I thought could have brought some assistance given his stature in the country. I copied the letter to the hon. Minister of Public Utilities and to Prof. Kenneth Julien who lives in the same street that I live. So, I was looking for some powerful backing in this intervention and who knows, perhaps this is what helped send the WASA people to look at what the problem was.

So it is not guesswork and it is not merely allegations. You see, there are leakages not only along the streets, there are leakages in our popular beaches and the bays.

### **2.15 p.m.**

There was a test done on Maracas Bay and another test done on the Carenage beaches, and I am surprised that people still bathe in those beaches, because of the results of those tests. The publication of the tests seems not to disturb our national community, because they cannot see the bacteria, they cannot see the virus, but some of the most dangerous things in this world are those things which you cannot see; that is what makes them doubly dangerous. These are the enemies that you do not see.

WASA Retention of Sewerage  
[SEN. PROF. DEOSARAN]

Tuesday, April 28, 2009

That is why in the Schedule I find it curious that the legislation keeps referring to WASA as the undertaker: the undertaker shall do this and the undertaker shall do that. Of course, in law it means the person whose duty it is; the person to whom this function is ascribed. It is a matter of unhealthy coincidence, in the circumstances of water contamination, that the legislation itself should refer to WASA as the undertaker.

Incidentally, authorized officers of WASA have the power under the legislation, upon showing their ID, to enter any premise and check on the utility, the treatment plant and other such devices; they do not have to seek a warrant. That was the point I was making with respect to your Ambulance Bill. Why are you burdening the legislation with having to go to court and magistrate and warrant, whereas there is precedent in the different legislation, the Telecommunications Authority, to give your officers that particular authority in the legislation? So it was not inventing, it was not rocket science when I made the appeal to you.

I hope that when the select committee brings its report, it removes that burden. I know there is a care about prevention and so on, that was just an incidental remark, Mr. President. I see you picking up your Standing Orders. *[Laughter]*

**Mr. President:** Do not draw me into your debate, please. *[Laughter]*

**Sen. Prof. R. Deosaran:** In fact, in the same Champs Fleurs district—*[Interruption]*

**Sen. Narace:** I was just going to suggest that I expect you would move the appropriate amendment at the committee stage.

**Sen. Prof. R. Deosaran:** Thank you, Sir; I will consider your recommendation.

There is a place called Mount View Terrace up Mendes Drive in Champs Fleurs. There is a development, and it is a matter of great public concern. Developers can no longer—in fact, they should not have done it—just develop a place and leave it and let the tenants and those who purchased the condominiums or townhouses "ketch" all the hell that there is, especially in matters of sewage. Sewage is dangerous in many respects. You smell it. If you cannot see it, it is something you smell without having to see it. The residents in that area complained repeatedly to WASA that the developer made a few small holes into which the sewage could be dumped. These holes fill up very quickly and they need to be cleaned regularly, but they are not cleaned regularly, and the residents

keep complaining about overflow, the foul smell and the other implication for contamination.

Could WASA look into this? Even if not the legal authority, could the moral persuasion of the Parliament help such residents? If it is done, if such help is delivered, in one way or the other, through some agency or the other, then this Government's claim about being a caring government would be doubly justified. But you cannot preach to be caring without validating the statement by actions. These are some of the reasons which prompt me to rise on this matter of sewerage.

I have a suspicion that a lot of the diseases that children in this country get contaminated with, come from bad sewage treatment, even the adults. I think it is a matter that should not be taken lightly, and just as in crime, in matters of health, prevention is better than cure. So you would not have to spend all these sums of money, all these millions of dollars, when the prevention mechanism you should put in place, when people have advised you on prevention, and those words of caution were not taken seriously. I see a lot of room for prevention in this matter of sewerage.

The question is: Should the Government, as the Motion advises, take all necessary steps to ensure that the sewerage function of the Authority remains entirely and solely the responsibility of the Water and Sewerage Authority, as provided for in law? What are the two sides of this story and on which side should this Parliament prefer? As it is, the function given to WASA in the legislation, and even in ordinary public administration exercises, it does not seem capable of fulfilling those functions with respect, not only to water supply, but the treatment of sewage disposals and their plants, not with the evidence we have been having.

Could the Ministry, could the Minister, could the Government, could the Cabinet, then restructure WASA, demand more efficiency, streamline the operations in such a way that WASA could perform this dual function? I do not see that as an insurmountable challenge.

The Minister has taken a step already by dismissing several senior officers, no doubt, in my mind, in order to restore some improved level of efficiency; that is a good step. Could the Ministry go further and improve its efficiency with respect to the treatment of sewage and the protection of public welfare? That is quite possible. Or is it that the matter of sewerage has become such a widespread

*WASA Retention of Sewerage*  
[SEN. PROF. DEOSARAN]

*Tuesday, April 28, 2009*

problem, with all these new developments, and the complications of laying pipes, surveillance methods, that you need a separate agency, thereby relieving WASA to perform, what is its most important function, the supply of water and the monitoring of the supply, the expansion of the supply? That is an important public policy issue.

I have so far heard, except from Sen. Dr. Nanan, my colleague, that there was going to be a division of function. Perhaps I missed it, but I have not heard officially that this division would take place; but as a Parliament, I am sure when one of the Government's spokespersons replies, that matter would be cleared up, then my vote would go accordingly. I would like to know what benefits would accrue, by having, if at all that is the policy, WASA divided or the function divided into two. Without hearing such argument or a case put forward, I will withhold my vote.

**Sen. Lyndira Oudit:** Mr. President, on January 22, 2009, the Minister of Public Utilities, hon. Mustapha Abdul-Hamid, revealed, and it was quoted in the *Trinidad Guardian* of January 22, that:

"Over the years waste water has not developed in the way we would like it to happen. At present only about 30% of our population has access to any central sewerage system."

Right after that on February 28, 2009, again in the *Trinidad Guardian*, it was reported that WASA was to be renamed the Water Authority, and that waste management was to be moved from WASA to the Solid Waste Management Company Limited (SWMCOL).

Interestingly, in the same article, it was identified that SWMCOL would now hand over CEPEP, which would be soon:

"administered by a special purpose company established for that specific purpose."—so that SWMCOL could now direct itself to waste water management.

So in 2009 we have some recognition, now that there are problems with WASA. This strategic decision, according to the hon. Abdul-Hamid, that was made by the current administration to deal with this problem, is: one, to cut the Authority in half; two, enforce new legislation for two entities, WASA and SWMCOL; expend huge sums of money for SWMCOL to even have some capability to deal with waste water; change boards; create a new board; train or hire personnel with specialist knowledge to deal with waste water management, and to, basically, redirect legislative and budgetary authority from one entity to the other.

As reported on August 04, 2008, however, at a conference organized by WASA itself, Jans Janssen of the World Bank indicated that:

"The issue is one of governance and the delivery of service..."

While at that very conference, Mike Fortin of Genivar highlighted:

"...the need to improve service levels..."

But even before this, on June 01, 2005, as reported in the *UN Chronicle*, the very Chief Executive Officer (CEO) of WASA, Mr. Errol Grimes, boasted that:

"T and T is well on its way to achieve the UN Millennium Development Goal of ensuring environmental sustainability, adequate access to safe drinking water and sanitation facilities to its 1.3 million people."

Again in 2005, not here, but in New York, the Minister of Public Utilities, then Ms. Penelope Beckles, identified the commissioning of a \$226 million waste water treatment plant in the Southeast Port of Spain district, which would treat some 180 million litres of waste water daily, and would use the latest ultraviolet technology. She also spoke at that conference of an implementation of a US \$200 million programme that was already spent to improve water and waste water service delivery of that same year.

Mr. President, in 2005 even with all of this, WASA took over responsibility for improving and maintaining 24 sewerage systems of the National Housing Authority, and had planned to take over a further 150 private waste water treatment plants later on.

In fact, a WASA division, the Water Resources Agency, headed by one Steve Fletcher was to oversee all these programmes. So on the one hand we have a statement of intent: To remove waste water management from WASA and place it under SWMCOL, as a strategic decision, and on the other hand, we have two Ministers and a CEO boasting of the expenditure, the capabilities, new facilities and the very programmes of that WASA under question.

If this is the same WASA, which according to its CEO, Mr. Grimes, in 2005:

"...is providing 92% of the population with access to drinking water and a further 92% of sanitation coverage through a diverse range of waste disposal systems..."

then my question here is simply: Where is the source of inconsistency in this data? What happened to change this picture of efficiency and achievement, to one of inattentiveness and poor management?

According to the Minister of Public Utilities, this Government:

"...has taken a strategic decision to remove responsibility for waste water from WASA so it can now receive the necessary attention..."

**2.30 p.m.**

He further explained that a decision was taken so that waste water can now be established as a top priority for the Solid Waste Management Company (SWMCOL). It would seem that with respect to the idea that waste water will now receive the necessary attention and contrary to what was reported, that in fact, a great deal of time, money and resources were already spent in the name of waste water management over the past few years; and with respect to the second issue that SWMCOL will now establish waste water as a top priority belies the fact that since 1993, the previous PNM administration, WASA, the Water Resources Agency, the World Bank, the previous UNC administration and again, all relevant stakeholders were involved in exercises in some form and at some point to drastically improve the efficiency and performance of WASA.

This leads me to a critical question, Mr. President: what preparation and implementation structures will now be instituted by SWMCOL to allow it to be able to deal with—not solid waste as its name implies, but liquid waste? Solid waste may be incinerated or compacted but liquid waste requires in many cases the combination of physical, biological and chemical processes to even achieve effective treatments.

Mr. President, SWMCOL's track record is CEPEP. What qualifies SWMCOL to adopt, apply, or operate environmentally sound technologies for domestic, industrial or commercial waste water treatment? In 1987 by legal notice No. 97, the entire country was divided into five distinct sewerage areas: Port of Spain, San Fernando, Arima, Trincity and the rest of the country. Is SWMCOL even equipped with monitoring control or implementation systems consistent with the need to deal with high-strength water discharge into public or private sewerage?

According to Prof. Goen Ho of Murdoch University in Australia, and this is taken from an article entitled *Principles of Wastewater Treatment* he says:

"Wastewater of domestic origin contains pathogens, suspended solids, substances causing biochemical oxygen demand, nutrients and phosphorous and a host of other possible pollutants, which may need to be removed before the wastewater can be safely disposed.

Sludge from the primary and secondary treatment also needs to be treated prior to disposal...—using physical, chemical and biological means.”

He goes on further to explain:

“Following secondary treatment and removal of nutrients by liming, recharge of groundwater is possible after coagulation, sedimentation, sand filtration... and chlorination; and even to produce potable water with further activated carbon absorption and membrane filtration treatment.”

Mr. President, throughout the world, countries are trying drastically and frantically to explore ways to reuse and recycle including waste water. In fact, since 1970 in the USA an objective has been that of environmental recycling of waste water, not only for the production of potable drinking water, but also for other uses. The production of methane gas for instance as a by-product of the treatment has been undertaken in serious proportions and to date, this methane gas has currently been used to create heat and electricity in many parts of the United States of America.

All existing treatment plants in the USA merely had to improve their operating systems to adopt the new concept and directives for environmental reuse of waste water. The US Government did not switch responsibility from one entity to the next; it merely mandated the existing agencies to become efficient. Is SWMCOL in any position to hit the ground running? What equipment, training and facilities would have to be sourced? Would the employees of WASA who are now responsible for waste water treatment now be employees of SWMCOL? Would the facilities of WASA now being used for treatment of waste water now fall under the purview of SWMCOL?

According to the Food and Agricultural Organization, in 2007 various agencies currently involved in this country in water resources are: WASA; Water Resources Agency; the Ministry of Works and Transport in charge of integrating river basin exercises; the Ministry of Planning and the Environmental Management Authority (EMA) responsible for water pollution; and the Ministry of Agriculture, Land and Marine Resources responsible for water resources.

Why then was there not a decision to enhance the existing responsibilities and empower WASA with the appropriate mix of finance, expertise and technical frames of reference as part of a better strategic decision to improve on a system already in place? Minister after Minister boasted to the regional and international arena of the wonderful job that WASA was doing. All of this was merely “ol’ talk”, or were there merits to the claims?

Mr. President, we believe that there is merit in the ambition and commitment of WASA to improve on service. We believe that given the right mix of deliverables and procedural guidance that WASA will be capable of turning around the slide of waste water management undergone in the past. We also believe that WASA is as much a victim of political toying as obsolete equipment, untrained staff, ill-suited political appointments, underfunding and impractical additions to areas of responsibility have all contributed to the inability of WASA to currently manage water and waste water systems as it would like to do.

In 1998, at what was considered a breakthrough conference—one of the first in the Caribbean—experts from WASA, environmental and waste water corporations and international agencies such as the World Bank, European Union, German Technical Corporation and the Caribbean Environment Health Institute met in Montego Bay in Jamaica.

Mr. President, this workshop provided the latest technological alternatives for the treatment of industrial and domestic waste water. At the end of this workshop, the Director of the Institute for Environmental Science, of Murdoch University in Australia, Prof. Goen Ho stated that, “where there is collection and treatment of waste water, the facilities are not generally operated or maintained to specification. Lack of resources, institutional arrangements and the enforcement of legislation were the problems.”

The report from that workshop came out in 1999 and the recommendation was that a follow-up workshop should be done within two years. To the credit of the then UNC administration, during the period 1997—1999, key achievements were apparent and moreso recorded in Parliament by way of the ministerial statements on June 06, 1997 and March 26, 1999 and these included, “plant down time from 54 days to four days; water production increase from 139 million gallons per day to 163 million gallons per day; the increase in water to south Trinidad by 5.5 million gallons per week; an increase in leak detection by 45 per cent; the collection ratio increased from 81 per cent to 99 per cent and rural water supply and the Scarborough Sewerage Plant improved services to some 30,000 residents”. This is all reported in the Mid-term Review of WASA May, 1998.

Mr. President, with just a committed team at WASA backed by expert guidance, within just two years such improvements took place. There was no change in legislation, no new company and no transfer of authority. As the



records would show by the middle of 1998 however, after substantial work was already done by WASA and the Trinidad and Tobago Water Services in preparing the loan proposal documentation for the World Bank, the World Bank then held that the loan was no longer appropriate and should be redefined.

Mr. President, in 1998 when the World Bank withheld this funding for WASA as a result of its own shift in focus, WASA's ability to achieve its stated objectives was severely constrained, effectively wasting as Mr. Winston Rennie reported in 2003, "substantial input already made by WASA and Trinidad and Tobago Water Services."

Further, Mr. Rennie went on to state "that in the absence of such funds, the improvements in operation would be limited and the non-materialization of these funds struck a serious blow to WASA's success." The World Bank to its credit, however, in 1998 did identify a five-step approach to improving WASA's performances.

1. Technical assistance for the implementation of some private sector participation;
2. Water and sewerage services directed to the benefit of the poor where coverage may not have been concentrated;
3. Further voluntary early separation packages to encourage staff turnover;
4. Strengthening of contractual performance, monitoring and control within the regulated utility framework; and
5. The environmental upgrading of water facilities to international standards.

Mr. President, these recommendations came in 1998 from the World Bank. If these solid and sound recommendations were given and were used by the then UNC administration, within two years major, drastic improvements were seen. Why is it that the strategic decision was then that the new government not to follow the advice of the World Bank?

Recently however, in 2007 the Food and Agriculture Organization indicated that in this country less than 30 per cent of the population has access to water 24 hours per day and 30 per cent of the population receives sewerage services with some 45 per cent of all of WASA's water unaccounted for. With this current administration, it seems as if we are back to square one. To their credit, the former PNM administration did commission a task force in 1993 entitled Towards a Viable Water and Waste Water Treatment Industry in Trinidad and Tobago and this centred on a two-stage approach including and involving private sector participation as a key towards the viability of WASA.

Even in 2003 as Commissioner of the Regulated Industries Commission, Mr. Winston Rennie identified “that private sector participation has been on the policy agenda of the Government of the Republic of Trinidad and Tobago since 1993.”

**2.45 p.m.**

That programme towards viability of WASA then included what was called the two-stage programme. The first stage of that arrangement was called the Interim Operating Arrangement and required a private operator to enter a contractual arrangement or agreement for three years with WASA, leading into what would then be the Long-Term Arrangement.

So the merits of this proposed two-staged approach commissioned by the previous PNM administration, and after considered review and some modification by the incoming UNC government in 1995, were executed on November 01, 1995 and became effective on April 04, 1996. The UNC administration then had recognized the soundness of most of that plan and had endorsed that strategic decision in 1995. It was not thrown out merely because it was a PNM initiative. It was envisaged that with the help of the Regulated Industries Commission that WASA and the improvements of WASA would have been drastic.

WASA was to be divided within itself as two companies: an operating company and an asset company. The asset company was to be owned totally by the Government of this country and the shareholders of the operating company were to comprise 60 per cent private sector; 30 per cent of international investors and 10 per cent for the employees of WASA.

After some initial work, however, this project was met with chaos and neglect after 2000. The project came to an end in April 2001. A change in players as a result of the election eroded the foundation pillars of work that was already accomplished by the previous UNC administration and WASA. In 2003, at the Civil Society Consultation of the Commonwealth Finance Ministers meeting in Darussalam it was again Mr. Winston Rennie who admitted that despite substantial work by WASA and the Trinidad and Tobago Water Services: “While there has been no official articulation of a policy shift on the part of the Government of Trinidad and Tobago, the process (referring to the interim operating arrangement) has not been actively pursued since 2001.”

Since then there has been no clear definition or regulation or even contractual or operating stipulations, merely “ol’ talk” and it would seem expensive “ol’ talk” by Minister after Minister and CEOs who like to look good. One by one the public

utilities are being reorganized and rearranged to create f-u-n-d loving entities capable of delivering to a political machinery. Is all of this tic-tac-toe truly to help the people who should have access to water 24 hours a day? Is all of this to help the citizens who need effective waste water services? It is too inconsistent and frantic a measure. Could all of this really be good for the country? Is it good for WASA? We think not. We believe the original legislative agenda and purpose of the Water and Sewerage Authority should remain as a single entity but be given the resources it critically requires to better serve the people of Trinidad and Tobago.

I thank you. [*Desk thumping*]

**Sen. Wade Mark:** Mr. President, I rise to give my support to this Motion in the name of Sen. Dr. Adesh Nanan as it relates to the future of WASA. I think there is a sinister plan behind this whole decision on the part of the Government to separate water from waste water. I would demonstrate historical facts in order to concretize the circus that this country is about to replay. Before 1965 a circus existed where we had over 12 water authorities and waste water organizations and when the authorities at that time, based on international best practice, recognized and identified the need to coordinate and integrate these various entities under, what we call today WASA, how can we, 43 years later, make an about-turn to go back into the past?

I will demonstrate today where this Government, because of its incompetence, its failure to give WASA appropriate directives and direction, has resulted in a mad scramble without any proper thought being executed into this particular new arrangement that it so flippantly seems to want to impose on this country.

It was on April, 08, 2008 in this very Senate, the Minister of Public Utilities, the hon. Mustapha Abdul-Hamid, read a statement entitled: “Strategic Water Supply Plan for WASA.” I would just quote a couple sentences from this statement by the Minister, who is now advocating a new authority called the Water Authority and another waste water authority supposed to be led by one of the most incompetent, incapable, backward state enterprise that we have on this face of the earth, Trinidad and Tobago—SWMCOL. I would demonstrate where WASA, just to test the capacity of this lame duck state entity by giving them a contract to maintain a few waste water treatment plants, how they made a horrendous mess out of these plants that they were supposed to maintain. This is the same entity that this Government is seeking to now embrace and to give them the authority to be responsible for waste water treatment in Trinidad and Tobago—SWMCOL?

*WASA Retention of Sewerage*  
[SEN. MARK]

*Tuesday, April 28, 2009*

Listen to what the hon. Minister of Public Utilities told this Senate back in April of 2008. He said:

“This will, of necessity, include a major investment in water production infrastructure and expansion, and upgrade of our distribution network and a dramatic improvement in the quality of services in the waste water subsector.”

He goes on:

“The achievement of Vision 2020 demands that standards are established consistent with international best practice.”

I want to repeat. The Minister of Public Utilities, who is now advocating a separation of functions and responsibilities for water and waste water, is demanding in his statement that standards are established consistent with international best practice. You know, Government has a so-called Vision 2020 operational plan and one of the pillars is the whole issue of sound investment in infrastructure, or words to that effect.

So here it is, the Minister of Public Utilities is telling this nation that we must demand that standards are established consistent with international best practice when coming to water and waste water. And listen to the countries that Trinidad and Tobago is looking at when they speak to the issue of international best practice: the United States of America; the United Kingdom; New Zealand and Singapore, as examples.

None of those countries has the kind of arrangement that Trinidad and Tobago is now seeking to impose on this country, to separate water from waste water. They have an integrated, coordinated, centralized approach to waste water and water management in those countries. But yet still we have our Government seeking to introduce a back-in-times arrangement. Do you know what is sad about it? Everything is being done secretly. Just as how the Government has gone about dismantling the Board of Inland Revenue, the Customs Department, the VAT office without coming to the Parliament to change the legislation, it has already incorporated into the registry of companies at the Registrar General's office, a new entity called the Trinidad and Tobago Revenue Authority. It has not come to Parliament.

All these entities are governed by laws—legislation—but they have not come here as yet. The Government has already taken steps to separate workers from WASA, from water and the waste water parts of WASA and it has not come to the Parliament. We have been forced to bring a Private Members' Motion to force this

administration to tell the country what its evil plans are for WASA. It has not come with any material to tell us what its plans are. It is going about its plans as if WASA is just an innocent entity and whatever it wishes to do with WASA it can do, and when it is ready to change WASA it will bring laws; it will bring the necessary amendments or make the necessary repeal of the WASA Act.

I want to tell this Government that there is enough evidence around to tell it that it is playing with fire and it is playing with the health, safety and the well-being of the citizens of this country. I want also to let the Government know that if you want to go that route, you will go it minus the Opposition. I want to tell the hon. Minister in the Prime Minister's Office that he not only would have to get rid of the Water and Sewerage Authority Act (WASA), but he will also have to amend the Articles of Association governing SWMCOL.

**3.00 p.m.**

They will have to amend the Regulated Industries Commission Act (RIC). Maybe, that is the trick behind this whole effort to repeal WASA in order to remove WASA from the Regulated Industries Commission. Under the legislation governing the Regulated Industries Commission, in the First Schedule, WASA is mentioned as a service provider. If you repeal the Act of 1965, who would regulate and determine the price or the cost of water to customers in this country? Is the Government seeking to deregulate the price of water in Trinidad and Tobago? Is that why the Government is seeking to get rid of WASA and repeal the Act? What is the intention? The Government must come clean with the people.

What is Mr. Arthur Lok Jack doing inside WASA? What is his business there? The last time he went into an entity he destroyed it, that is BWIA and created a mere shadow of BWIA, something called Caribbean Airlines. After two and a half years of operation we cannot get a financial report on this so-called entity. What is he doing inside there? Is there some money? “Dey seein money in WASA? Dey lookin to grab at WASA as they grab at BWIA?” This is a very serious matter and it would have serious consequences for this Government and country.

Do you know that after being independent for 47 years or thereabouts, only 30 per cent of the population of this country under a PNM administration—that has been in power for almost 38 of those years—have access to a central sewer system? Seventy per cent of the people of the Republic of Trinidad and Tobago still have to use pit latrines and septic tanks after 47 years of independence.

I tell this Government that that is not investing in sound infrastructure. This path that they are on will not bring about sound infrastructure investment. The Government has to justify to this country. I see no rationale. We have done the

WASA Retention of Sewerage  
[SEN. MARK]

Tuesday, April 28, 2009

research on this matter. There is no persuasive argument why we must move from a centralized approach to water and waste water management to a separate approach, where we would have a water authority on one hand and a waste water authority on the other hand.

What is the rationale for that arrangement in 2009? Which country can the Government point us to, particularly those that they are seeking to imitate in terms of international best practice? The United Kingdom, the United States, Australia, New Zealand, Singapore? Tell us which country we can turn to for reference in terms of what you are trying to do in Trinidad and Tobago. We have brought this Motion because we are concerned about the health, safety and welfare of the people of Trinidad and Tobago.

A report is out—but it is under Government “wraps”—issued by a company called Genivar. They got almost \$45 million to do a master plan for WASA. That report was submitted to the Government in November 2008. We do not know the contents. We do know that Genivar has indicated that Trinidad and Tobago—I quote from an article in the *Trinidad Guardian* dated Sunday, November 23, 2008 written by Peter Balroop. It states:

“Human filth is flowing unchecked into the environment. This is the alarming finding by Canadian firm, Genivar Consultants, which conducted a water and waste water survey for the Government and submitted its report just a month ago to...WASA.”

As we speak, human filth is flowing unchecked into the environment according to this report that has been submitted to WASA and the Minister of Public Utilities.

It begs the question, if the Government is going that route, why do it in this secret way? Why not have a bipartisan approach, for instance, a joint parliamentary committee examining that particular proposal? Why do you want to impose on the population a concept that is alien to their existence having regard to their past experience? I am talking about the last 47 years. I have the history before me, back in 1965, when George Richards the former Attorney General moved in the Senate, the Water and Sewerage Authority Bill; when Kamaluddin Mohammed who is alive today, moved that very Bill and justified why they must go that route.

Why must we go that route? I will quote from those reports from the *Hansard* record of 1965, when the PNM was justifying to the then Opposition why we must move away from having a water authority and about 10 of them on one hand and

waste water plants that you could have found in different parts of the country during that period and go towards establishing one coordinated integrated authority.

We got expert advice from the World Health Organization and the Pan American Health Organization. In the 1960s, we brought experts from Puerto Rico to advise us why we must get away from having so many different water treatment operations in Trinidad and Tobago. This backward, reactionary and conservative Government will come back in 2009 and actually pick up the vomit that we got rid of back in 1965! Why do we want to go back there? What is the justification for it?

I have a memo issued on March 17, 2009, by WASA. It is a departmental circular. It reads as follows. People do not know these things because they are being done in secret. You will pick it up here and there. It reads:

“The Chief Executive Officer, Mr. Errol Grimes has been given specific responsibilities as Project Leader/Coordinator of a Task Force established to ensure the successful transition and integration of the Wastewater operations from WASA to SWMCOL.”

Could you imagine that? Here is a circular issued on March 17 where WASA was instructing its Chief Executive Officer who they fired and said, “we go now make yuh a project leader.” We got rid of you and we will now make you a project leader. Your task is to ensure the successful transition and integration of the waste water operations from WASA to SWMCOL.

“This appointment is effective as at Monday, 16 March, 2009 until further notice.”

That is how I got to know that there is a new acting CEO at WASA. The new CEO is Mr. Gerard Yorke; he was the chief financial officer.

The Government has taken a decision without discussing this matter in Parliament and without getting the approval or disapproval of Parliament it has gone ahead to give a mandate to Errol Grimes to move towards successfully transitioning the integration of waste water operations from WASA to SWMCOL. That is how this Government is moving. Even Sen. Prof. Deosaran who is a scholar in this country does not know from a policy perspective, that the Government has taken a decision to butcher and savagely disintegrate water from waste water. He said that he will reserve his vote when he hears from you. “Well,

WASA Retention of Sewerage  
[SEN. MARK]

Tuesday, April 28, 2009

yuh doh have to reserve yuh vote again.” It is here in a memo from WASA. It is a decision taken by this Government. It is a done deal that this Government has decided to remove water from waste water and to disintegrate WASA. For what reason? I want Mr. Arthur Lok Jack to tell us why.

**Sen. Dr. Saith:** I have let it go three times. I think that we should make the record clear that Mr. Lok Jack has nothing to do with WASA.

**Sen. W. Mark:** I have evidence and intelligence that Mr. Arthur Lok Jack has been seen in WASA, not once, not twice, but several times. All I ask is: What is the role of Mr. Arthur Lok Jack at WASA? Is he visiting like me to pay my bills? I go there to pay my bills. “I doh tink he going an pay his bills.” I think that he is involved in other things. If Sen. Dr. Lenny Saith is saying that he has no role to play in this whole thing, I take his word for it. He says that Mr. Arthur Lok Jack has no role, so we take it. [*Interruption*] You preserve your energy.

May I continue. I tell you that this Government is not operating in the interest of the people of Trinidad and Tobago. I have another memo. I got a lot of memos in my mailbox about what is taking place at WASA. Where is the hon. Minister Jerry Narace? I got some memos about this Greek. I want to warn him to be careful with Greeks who bear gifts. I have some evidence which I will expose very shortly about that lady. Not now! “It comin in meh mailbox. Ah getting it fast and furious.”

The subject of this memo is Operation and Maintenance Contract for SWMCOL and it is signed by a lady, Claudette Goddard who is the Deputy General Manager of WASA, Waste Water and Quality Control. This is the memo that gave at that time, February 06, 2008, a contract for the operation maintenance by SWMCOL of a number of waste water entities, that they asked this company, SWMCOL to manage.

### 3.15 p.m.

Mr. President, another memo from WASA, the subject being “Poor Performance”, dated January 15, 2008. It says:

“You are kindly asked to note that concerns have been expressed about the poor performance of the Solid Waste Management Company...with respect to the operation and maintenance of the sewage treatment plants in Packages 2 and 4 of tender for the Procurement of Services for the Operation and Maintenance of Adopted Wastewater Facilities...”



They went on to say what has transpired thus far.

- “SWMCOL did not attend the pre-bid meeting;
- SWMCOL did not attend the site visits;
- SWMCOL claims that their bid document did not include the addendum that indicated Real Spring which was to be included in Package 2. All contractors received the same bid document;”

It goes on:

- "SWMCOL refused to respond to four requests by the Legal Department for them to sign the contract;
- Subsequently, two (2) letters dated November 28 and December 18, 2007...requesting them to formalize the agreement were sent and they are yet to respond;
- Due to SWMCOL's non-compliance with the bid document, a meeting was scheduled...on November 28...;
- The documents requested related to the following”—They are asking SWMCOL to produce its—
  - “Maintenance Plans
  - Preventative Maintenance Reports
  - Standard Operating and Maintenance Procedures
  - List of names of all staff with copies of CVs and qualifications
  - Written notice of subcontractors
  - Monthly Reports”

It goes on that the WASA staff is supposed to be supervising the Solid Waste Management Company Limited (SWMCOL) because they have no experience in waste water management and the WASA Department is giving them a contract based on the Government's insistence and they are giving them a trial run. Do you know what is being revealed? A total failure.

**Sen. Prof. Deosaran:** Thank you very much, Senator. The circular you gave me states categorically that a task force has been set up to ensure the transition of waste water operation from WASA to SWMCOL. Are you saying that this task force was established and a function created without amending the Water and Sewerage Authority Act?

**Sen. W. Mark:** I am saying so. I am saying that if the Government wishes to go the route of integrating and separating water from waste water, it has a legal responsibility to come to the Parliament and amend the Act. It cannot take it upon itself in this unlawful way to give people instructions to do things when there is already a law that says that water and sewerage belong to WASA, the central authority of Trinidad and Tobago.

The WASA staff responsible for managing these contracts has reported that the performance of this contractor is poor. Who is the contractor? SWMCOL. That is what they are putting in black and white. There is a major concern about the ability of the workers. They are taking workers from the streets, with no experience and training, without giving them proper safety gears to do the work they are supposed to do under the supervision of WASA.

It goes on:

- “There is a major concern about the ability of these workers to perform, as many do not seem to have the basic qualifications or training to perform this type of work.”

This is what we are doing to this country. How can this Government be so reckless and irresponsible? This is waste water. This is where, from your basement, if this is not properly handled, you can get, instead of water, sewage. I do not understand how Sen. Dr. Lenny Saith, the hon. Dr. Lenny Saith, who is in the Prime Minister's Office, can sit and allow this to take place.

It goes on:

- “There is also major concern for our equipment, which the workers do not appear—”

**Mr. President:** Senator, you have been here a long time and one of the rules that we have is that Ministers are supposed to be referred to by their title so that we do not personify the criticisms that are made. That is one of the traditions of Parliament and I would ask you to maintain the traditions. You are the longest serving Senator and you ought to set an example. I ask you, please, to refer to the Ministers by their title, not their names. We are not children here to call each other names and, therefore we must respect the offices that we all occupy.

**Sen. W. Mark:** I bow to your ruling.

I have another memo. It is dated January 15, 2008. It is from the Contracts Administration Supervisor to the Deputy General Manager, Waste water and Quality Control. I read:

“Visits to the plants being operated by the Solid Waste Management Company Limited...have revealed that the subcontractors have been replaced as at January 01, 2008. Since (that replacement) we have observed several instances...that seem to suggest that these present personnel are incapable of operating these plants.”

They went on to give examples as at 2008. This is SWMCOL. They are operating a plant in a place called Orange Field. When WASA visited that plant on January 02 at 12.30 p.m., they met a worker of the subcontractor. They observed that the worker did not have any personal protective equipment or tools—brooms, brushes or rakes. The worker requested that WASA personnel instruct him how to operate the plant. Can you imagine that? SWMCOL is in charge of waste water. We give them a plant in Orange Field; they subcontract that arrangement, employ people through the subcontractor and when the WASA officials come to see how it is going, the worker asks to be instructed how to operate the plant. This is the company we are going to invest that confidence to deal with waste water in Trinidad and Tobago?

They went to Couva. They visited the plant at 3.00 p.m. They saw a worker there again; they observed that no mechanical equipment was in operation. They questioned the worker as to why this was happening. He digressed and said he had limited knowledge of the plant operations and was awaiting instructions from his supervisor on how to proceed. They also observed that this worker had no tools or personal safety equipment.

I will make copies of these memos available to every Member of the Senate so that they will know what we are involved in. I will make it available to the media and to Trinidad and Tobago so that we will know the course that the Government is taking us on. This is not a “make-up” thing. This is coming from WASA. People are becoming so frustrated that they are sending things to Wade Mark. They know I will come and plead their case. They know I will come and tell the truth because I fear no one except the Almighty.

I do not want to bore you, Mr. President, with all the examples, but in Charleville, on January 07, 2008, there was the same situation. They visited the plant at 10.00 a.m. They found no persons on the compound. The then contractor, Mr. Stephen French from SWMCOL, then informed them that someone would be

*WASA Retention of Sewerage*  
[SEN. MARK]

*Tuesday, April 28, 2009*

there shortly. They are supposed to have someone at the plant and when WASA went to make their rounds to see how they were going, there was nobody at the plant. They had to call the gentleman in charge who said he would send someone “just now”. You cannot put that into the hands of SWMCOL.

There are more examples. In Cantaro in Santa Cruz, there was the same situation; in Bamboo, the same situation. They requested, in Cantaro on January 11, 2008, that one Mr. French visit the plant to introduce the new operator. He indicated that he would be on site by 10.30 a.m. When they arrived there, Mr. French was nowhere around. Telephone calls to his mobile went unanswered.

This gentleman, Mr. Barry Rollock, Contract Administration Supervisor, Waste water, WASA, is appealing to WASA's Deputy General Manager, for guidance on how to address the problem since it seemed that the subcontracted workers were awaiting instructions by WASA personnel on how to operate the plants. That is what the man is saying.

There is a little matrix here showing the areas in which they are operating, the number of samples and the degree of compliance. From September 26, 2007 to December 12, 2007, operating out of Bamboo, Cantaro, Charlieville, Couva South, Couva North, Orange Field, Frederick Settlement, compliance was only had at Bamboo. The rest, Cantaro, was zero, Charlieville, zero, Couva South, zero, Couva North, zero, Orange Field, zero, Frederick Settlement, zero. There was no compliance and you want to put waste water into the hands of SWMCOL, Mr. President?

**Mr. President:** The Senate does allow you to read extracts from documents, but they are expected to be relatively short. You are making an hour-long debate on this document which, quite frankly, you should circulate and just summarize the issues, or else we lose the principle of debate. You know how to debate; you have been here long enough. I ask you to summarize these points and to press on with the points of debate and not to rely entirely on one document.

**Sen. W. Mark:** I can assure you that it is authentic, Sen. Dr. Saith. It always troubles when the truth hits you.

Mr. President, I am guided by your statement. All I am attempting to do is to provide this honourable Senate with the facts surrounding a decision already taken by the Government of Trinidad and Tobago to disintegrate WASA into two parts. I am demonstrating that the Government has not thought this through

properly; this is a hasty decision. I am calling on the Government to pull back—this is what the Motion is about—and to keep WASA as is, just as the hon. Prof. Ramesh Deosaran mentioned a short while ago. Restructure as you have begun to do.

**3.30 p.m.**

There is a new chairman of the board, Mr. Sultan Khan. He was the same person along with Mr. Arthur Lok Jack who entered BWIA. When they were finished and the smoke was cleared, many people died and BWIA disappeared. When I have to travel to London, I can no longer go to Heathrow International Airport, the pride of London. I now have to go to Gatwick, a backwater airport, and then take transport to go to London. Do you know why? We gave up what we had because we did not think it through properly. [*Interruption*] I am just giving you an example of when you take hasty decisions what could be the outcome.

Mr. President, I have the *Hansard* record and I would not bore you with the record, but it tells you what happened in this very Senate on Thursday, August 12, 1965 at 1.45 p.m. There was a chap by the name of hon. G. A. Richards, who was the Attorney General. I think that is the father of the President of the Republic of Trinidad and Tobago. He went through outlining in detail why the Government was pursuing a particular line and the importance of water to Trinidad and Tobago for industrial, agricultural, commercial and all kinds of developments in the country.

He went on to say why the 12 different companies that were responsible for the distribution of water in this country could no longer be sustained. Based on the advice that they had received from international experts, they had come to the conclusion that the best approach to take was to have an integrated, united and coordinated approach to water and waste water in this country and, therefore, all those functions were placed under the purview of the new authority called the Water and Sewerage Authority (WASA) at that time and it is still WASA as we speak.

Mr. President, in the House of Representatives, we had the hon. Kamaluddin Mohammed. He was the then Minister of Public Utilities and he made a brilliant presentation on Friday, August 06, 1965 at 2.40 p.m. He went on to talk about all the discussions they had with the Director General of the World Health Organization; the discussion they had with PAHO and the people they had brought down from Puerto Rico. He went on to indicate, and I quote:

WASA Retention of Sewerage  
[SEN. MARK]

Tuesday, April 28, 2009

“The World Health Organization Report went on to stress that a mistake of this kind should not be repeated in developing countries where water supply has priority today. Therefore the need for an integration of these services is of paramount importance to any developing country.”

He went on to say:

“...Bill which seeks to provide for the establishment of a national water and sewerage authority takes cognizance of the above factor regarding water supply and sanitation services.”

So, you had the hon. Kamaluddin Mohammed at that time talking about the advantages of amalgamation as they relate to the Water and Sewerage Authority. This is why we find it very strange that the Government will come at this time like a thief in the night.

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

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

*Question put and agreed to.*

**Sen. W. Mark:** Mr. President, thank you very much. We know that SWMCOL does not produce water, but SWMCOL is being called upon to treat waste water. What is it going to cost SWMCOL? SWMCOL would have to purchase potable water in order to treat the waste water and this would have to be purchased from the water company. What would be the cost? Before the Government could jump into bed and effect this arrangement, these are matters they need to come to the table of the Parliament with. They need to level with the parliamentarians and the Parliament.

Have they done a feasibility study? Have they done a cost-benefit analysis? Where is the cost-benefit analysis? We do not know! Will this approach that the Government is taking result in a higher price that ordinary people pay for water? Will there be two bills coming to you now rather than one bill? Are you going to have one bill for water and another for sewerage? Let us know! This cannot be a shock in the dark. You cannot play “footsee” with people’s lives—health, safety and welfare.

I would like to call on the Government to practise what it preaches and be consistent. The Government said in its report to the Parliament on April 08, 2009 that it wants to be consistent with international best practice and it has established standards. So, stick to your words. Your best practice from an international point

of view is the United Kingdom, the United States of America, New Zealand and Singapore. So, then practise what you preach. They do not have what the Government is proposing here. Why is the Government telling the country that it is for maintaining high standards and it is using international benchmarks or best practices, and in real terms when you look at what they are doing, they are watering down the whole process?

Mr. President, SWMCOL should be the last entity that you would want to give waste water responsibility. There is a chap called Mr. Ray Braithwaite. What does he know about waste water? Do you know where the expertise is even though it is on a limited scale? The expertise is in WASA. There is where it is. It is in WASA, not SWMCOL and, therefore, we would like the Government to refocus on this matter very seriously and do not shift the blame to WASA. They would tell us that WASA is responsible for us not having the kind of organized and well structured waste water arrangement in this country.

The Government is in charge of policies; the Cabinet is in charge of policies, and if the Cabinet directs WASA to concentrate on waste water management or have a balanced approach to water and waste water management, WASA would do it, but the Government did not do that. The Government allowed WASA to do whatever it wanted to do. They got rid of all the best persons that were there under the UNC and they brought cronies of the PNM and they took over WASA. WASA had 3,000 workers and now it has close to 5,000 workers and they are constantly in the red since then.

They are now saying to the country that WASA is a \$10 billion headache, but they brought about the headache. The headache did not come just so. They were instrumental in generating the headache that they are now calling WASA and, therefore, waste water under this particular authority and this administration became a bastard child, because they never gave that particular segment of its operations the focus that it deserves.

I want to indicate that in countries like the United States of America, Canada, the United Kingdom, Australia and Singapore—I want to tell the hon. Minister in the Office of the Prime Minister—water and waste water are under the jurisdiction of one entity. Do your research and you would see that those countries that I have mentioned and those countries that you have quoted in your Vision 2020 document that I have just quoted have one entity for water and waste water. Why are you going that route? Why are you seeking to turn back the clock or the hand of time?

*WASA Retention of Sewerage*  
[SEN. MARK]

*Tuesday, April 28, 2009*

Singapore, which we have held as the model that we in Trinidad and Tobago must strive toward does not have a separate entity for water and waste water. Why do you want to bring that here when the countries that we want to emulate do not have that? It does not make sense. This has been a mistake and that is why we corrected that mistake in 1965 when we brought the WASA Act into being. It was a mistake. [*Interruption*] Whether the Opposition opposed it or not, Trinidad and Tobago had WASA enacted. The WASA Act was enacted in 1965. Whether we supported it or we did not support it, it became law.

Mr. President, I am saying to this honourable Senate that there must be one entity to oversee these sectors from the finding, treating, transmitting and distributing of water to the collection and treatment of waste water into what is called “new water”. Waste water has now become “new water”. “New water” is waste water which is treated to such a high level that it can be used by the population for drinking.

We have brought this Motion and I want to compliment my colleague, Sen. Dr. Adesh Nanan. [*Desk thumping*] We are the eyes and ears of the people. We are the watchdogs of the people. We look after the ordinary people’s interest. We do not expect you to do it. You are just there to gallery, have a good time and have an expensive talk shop called a summit that has cost this country over \$1 billion. When the truth is told, it would be revealed shortly. You could run, but you cannot hide. This was an expensive talk shop, whilst 70 per cent of the population still has to use latrines and septic tanks after 47 years of Independence in this country.

**3.45 p.m.**

After what? After 47 years of Independence, and after almost 39 years of PNM misrule in this country, people cannot even get potable water. You want to come here and introduce a measure behind our backs. In fact, we have now forced you—not you, Mr. President, the Government—to deal with this issue. We have forced them to deal with the issue and that is what we are about. We are about forcing you to deal with issues.

If we did not raise this matter the Government would have never voluntarily provide us with answers and information on this particular decision that they have taken. Therefore, I would hope that very shortly we would get the Government's response. So far, only the Independent and the Opposition have spoken on this Motion. This is a very important Motion and I look forward to hearing from the



Government. We would like to get the Government's position on this Motion. We want to get the Government's justification for what it intends to do and what it is doing.

The Government must tell the people why it has chosen that course. The Government must make reference or the relevant references to the countries, whether it is Tuvalu in Africa, Nigeria or Zimbabwe that has that. You are not using Zimbabwe as an international best practice, you are using United Kingdom, Canada, Australia, United States, Singapore, New Zealand; you are not going to Africa. You are going to all those rich G20 countries in order to compare yourself, and I say, well, what is wrong with that; you want to reach developed nation status, so you are going to the best. If you are going to the best, practise the best. Do not go to the best, talk the talk—[*Interruption*] But then walk the talk. No, no you have to do both.

Mr. President, I would like to call on the hon. Minister, the Leader of Government Business, the Minister of Energy and Energy Industries, to take this Motion very seriously, and to provide this honourable Senate—not us, we are just the tribune, the channel; we are just bringing the message of the people. When you rise in this Parliament to speak, speak to the hundreds of thousands who are interested in determining their future in terms of their health, their safety, their well-being.

If we do not get it right, all will go wrong for the PNM, as it has already begun to do. When you begin to cascade down a slippery slope they say even web paper at that time will cut you. I believe the Government has begun to slide and this matter involving WASA, if they are not careful, I think they would be tossed into the ocean.

I call on the hon. Minister in charge of Government Business to treat this Motion very seriously, and we look forward to the Government giving a positive and robust response in the interest of the people of Trinidad and Tobago.

I thank you.

**Sen. Corinne Baptiste-Mc Knight:** I thank you, Mr. President, for the opportunity to intervene in this debate and I wish to thank Sen. Dr. Nanan for bringing this Motion because it affords some of the Members in this Senate, at least, the opportunity to express their views on the decision or proposal of the hon. Minister.

*WASA Retention of Sewerage*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, April 28, 2009*

Now, it is obvious that there is a problem with WASA. Is the problem with WASA a problem of waste management? Now, let us look at both areas of WASA's responsibility. A brief comparison, in my books, goes like this. In terms of its waste water management, right now we have been told that 30 per cent of the population enjoys sewerage connection, and that is thanks to Lock Joint, which is a project that dates back to the 1960s; a project, which over time has not been optimally maintained. On the other side, with water provision, we have 16 per cent of the population receiving water 24/7.

Again, to water treatment, there are roughly, I believe the numbers are about 250 waste water treatment facilities throughout the country. Of this number, a mere 20 per cent actually belong to WASA; another 16 per cent belong to HDC, which at last check was a wholly owned Government agency; the rest of these facilities belong or belonged to private developers. That is the bulk of the existing treatment facilities.

What is the status of these facilities? The bulk of them, for a start, do not comply with international standards. Then, many of them have long been abandoned by their owners, but the end result is that most of these facilities are a health hazard. So, WASA was mandated to take control of these orphans, because I understand they are called orphans facilities, of course, because they have no parentage now.

I am not aware that when WASA was mandated to take over these facilities, they were given additional resources to do this. Let us compare what is happening on the water production. The whole water distribution grid needs updating. Many of it consists of piping, which in some instances is as much as a century and a half old. It is rotting; it is leaking; it is encrusted to the point where probably about 50 per cent of the water produced is lost; it does not reach to the consumers. Additionally, there is the situation where 20 per cent of the population receives no pipe-borne water period.

Then a statement is made that there is a crisis in waste management, so waste management must be hived off from WASA and put some place else. It seems to me that the problem is that neither function is operating optimally. So why choose to hive off waste water? I have a theory. You see one expects to get the same level of performance in waste water management that one gets in water production and management of these resources, when less than 10 per cent of the

WASA budget is dedicated to waste water management, and roughly 15 per cent of their staff is involved in waste water management, and for the last three fiscal periods the waste water management part of WASA has been running at a substantial deficit. Now, whose fault is that?

In addition to this, the legal framework under which WASA is operating is outdated; it is inadequate. This has been said before, and I am not sure it is a secret. The regulations under which they are operating do not allow them to exercise the authority that is commensurate with the responsibility which they have. Speakers before me have made the point and it is simple math. If 30 per cent of people are connected to sewerage, it means 70 per cent are operating on septic tanks, cesspits, other forms, soakaway, et cetera.

This is not an unusual situation, but in First World countries and others that are not quite First World yet, where this situation exists, there are regulations that stipulate that these septic tanks must be cleaned and inspected at regular intervals. I believe the interval is three to five years depending on the size of the tank, et cetera.

There are regulations that stipulate that treatment facilities must not be on the banks of rivers and within certain distances of water courses, et cetera. I am not aware that there is any such regulation that would allow WASA to enforce this type of regime. So, Mr. President, is there a problem? Obviously, there is a problem. So, what is the solution?

My private feeling is that it is really put out for public discussion as opposed to a decision of Government engraved in stone. I just feel that my Government would not do that, and I understand why this option. It is very simple.

#### **4.00 p.m.**

Over the past two and a half decades this solution has become part of our executive DNA. An official in a ministry does not produce what a Minister or a permanent secretary wants, so what happens? Either the officer is removed and transferred or the function is removed from the officer; one scenario.

Second scenario, for example, procurement procedures are a problem so you create a COTT that can circumvent the cumbersome procedures. Right!

Third scenario, the public service is perceived to be guilty of less than optimum performance. Solution, higher, better paid, similarly qualified contract personnel. You annihilate the training function in the service, your people are a little frustrated, a little dispirited so that the training, mentoring and supervisory

*WASA Retention of Sewerage*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, April 28, 2009*

function is replaced by an assessment. Now you are assessing people that you are not training, you are assessing people who you know do not know what you want them to do, but that is how it is going and then highly paid contract personnel are hired to do the same jobs that were removed from the others with no new resources, but, because they are not aware of the restraints that prevented the other people from doing their jobs they proceed merrily to produce and then you who have introduced them complain that the standard of our service has dropped since independence. Surprise, surprise.

Let us relate that to this current situation, WASA is not performing in solid waste—assuming that it is performing in water production so we will mandate SWMCOL to take over these functions. SWMCOL's current mandate is solid waste and I am sure we would all agree that there are solids in waste water. But there is a reason why WHO advises that water and waste water should be dealt with under one umbrella, within one entity. There is a reason for that, a very simple reason. Water is an essential commodity to life but the water resources of the entire earth are limited. The fact is that there are technologies which allow waste water to be treated and reintegrated into the communal water resource so that it can be used for domestic, agriculture, commercial and industrial purposes. If the whole thing is being dealt with under one umbrella there is a seamless usage, treatment, reintegration process so that your potable water can be limited to domestic and drinking usage and your treated water can be used for agriculture, industry, et cetera.

Now given our proclivity for inefficiency, I do not see waste water management being handled by one entity being seamlessly integrated into your water resources handled by another entity. But as it has been stated earlier and the questions have been asked, what is SWMCOL's record? Is it that they have been so magnificent at solid waste that they have demonstrated that they are ready for greater things? I am not touching that one. In terms of waste water they have a little experience. They have been put in charge of waste water in schools. Has that experience given anybody the impression that they are ready for a wider mandate?

I am thinking of some news in the newspaper recently about a little problem near a school in Cocorite and nobody could tell who was really involved, who was supposed to do what. Was it SWMCOL? Was it WASA? That was just a small problem. Does SWMCOL currently have the in-house engineering capacity, even to determine whether they are able to accept this mammoth undertaking? Should it happen, is their administration able and ready to handle a staff that would be double to triple what they currently have? Because if only part of the staff from WASA were to be transferred with the function, this is the sort of problem that they would be facing.

So, Mr. President, it seems to me personally that SWMCOL is not the answer. So what is another probability? We could have “WAMCOTT, Waste Water Management Company of Trinidad and Tobago”. Do we really want to go there? When, in the current environment we cannot get WASA, T&TEC, TSTT, Ministry of Works and Transport, Ministry of Public Utilities to get their act together and coordinate the various maintenance problems that leave us with roads aptly described by Sen. Prof. Deosaran, are we going to put another body into this mix? We are dealing with pipes that are ancient, so are we not exposing ourselves to the danger of cross-contamination if some of these pipes rupture and these guys cannot figure out who is supposed to dig up the road, when? God forbid!

I would like to suggest a solution that I feel quite sure somebody has thought about but perhaps not deeply. It has been mentioned here. Perhaps what we ought to be thinking of is reformulating WASA's mandate, having them give priority to the fact that they are a pivotal agency in the environmental management system of the whole country; having them give priority within that umbrella to their function for producing water, and managing all aspects of the resources. WASA must accept responsibility for protecting the public from health related problems as a result of the quality of water, ensuring the best quality of ground and surface water, and proper sewage disposal. And I think we have reached the stage where we have to include in WASA's mandate, storm flows, because this is a large problem in this country that has become more urgent over the last few years.

As such, the authority would have to work closely with the other agencies as part of an environmental management system. Now, in order for them to do that, I think that WASA has to be required to make itself ISO 9000 and 14,000 ready. The ISO 14,000 is specifically an environmental management standard. If this is required of them they would then have policies, processes and procedures in place that will allow them to be both efficient and effective. But this is not a stand alone situation. WASA has to be reading from the same text as HDC; EMA; SWMCOL; the Ministry of Planning, Housing and the Environment; Ministry of Public Utilities; Ministry of Agriculture, Land and Marine Resources; and the Ministry of Works and Transport; so that all of these would also have to be ISO 9,000 and 14,000 ready.

I just glanced at the hon. Minister of Local Government and realized that local government is part of that mix too, a very essential part. Now, if all of these are singing from the same hymn book, we could then on their advice—it is not a matter of updating the legislation—provide new legislation that would be adequate to allow them the authority to manage their responsibility.

**4.15 p.m.**

New legislation would be required if you have any form of separation. Why not new legislation to remedy a situation that needs to be remedied because WASA's water production function also needs some management?

Mr. President, last but not least, the resources. If waste management is the mess that it is, it is largely because it is operating on less than 10 per cent of the WASA budget. If you move that function any place else, it is going to cost far more than that amount. Let us do ourselves a favour. Let us purge the mindset that says if it is not working, move it. Let us instead say, if it is not working, let us identify what is wrong and correct it. Correct the legislation, correct the financing and insist on proper management. They all go together and I think if we had that approach, we would all live more happily together.

I thank you, Mr. President. [*Desk thumping*]

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you, Mr. President. The mover of this Motion when he did so on the last occasion spoke about the question of, as the Motion raised:

*Be it resolved* that government take all the necessary steps to ensure that the sewerage function of the Authority remain entirely and solely the responsibility of the Water and Sewerage Authority as provided for in law.

In making his presentation though, he made some statements that were very specific to the Ministry of Energy and Energy Industries and I thought that I should ensure that those statements which are erroneous, do not stay on the public record. However, in the course of the discussion this afternoon, a number of contributions were made about what seemed to have been a view about how we would manage or how you would deal with an efficient or an inefficient public service institution.

When I entered Government in 2001 I think it was, one of the discussions that took an enormous amount of time was this institution called WASA, the Water and Sewerage Authority of Trinidad and Tobago, and most of the contributions that we have heard is spot on. WASA's pipe infrastructure is 50 years old and we have had no bypass surgery, no surgery in terms of the infrastructure. The discussion about WASA being the largest irrigation entity in Trinidad and Tobago is also true. If you look at the numbers in terms of production, we should be able to provide everybody with water on a 24/07 basis. That is not so because the pipe infrastructure is terrible.

We have a situation where you have had additional capacity, additional demand, but we have not changed the pipe infrastructure. So for example, you can find a 12-inch pipe that is so corroded that you cannot get water going through it, and these are matters that we struggled with for many, many years. And while we were in the discussion on the struggle, a colleague of mine who had responsibility in the past for the institution, Minister in the Office of the Prime Minister, pointed out on a number of occasions that this is exactly the discussion that we had 10 years ago, 15 years ago and we are back to where it was and nothing seems to have happened. In fact, what seems to have happened is that we have added more capacity, but the system has in fact deteriorated.

We did a number of things. We tried to estimate what the cost of this thing will be, what the management structures that are required to fix this is going to do and the numbers ranged from \$12 billion, \$15 billion, \$20 billion and \$24 billion. The fact of the matter is that the first issue one had to deal with in the Water and Sewerage Authority was its financing. When you look at the financial structure of the organization, how it worked and how you will support the institution financially going forward, 90 per cent of its current cost was to repay that. Therefore, what evolved was a plan by which we would look at the authority, we would remove the responsibility for the financial burden from that entity and put that somewhere else, and allow the institution to deal with business that it was involved in, which was clearly providing a service to the people of Trinidad and Tobago as it is related to water. In doing that, we decided to look at what had been our experience in Trinidad and Tobago with an institution or institutions in the public utilities that had significant challenges, and the one that obviously came to mind as the one that still works today, was what we did with T&TEC.

In the T&TEC or the electricity situation where we had similar challenges, we did two things. We decided that the question of distribution would be different to power generation. We thought that that may be a possible model to look at in the context of moving forward because clearly one needs to ensure that one had the right organization, structure and focus in place because WASA became the institution that basically put plasters on sores. So a problem came up and we tried to find a way to put a plaster on that sore and then you went somewhere else and you are dealing with a number of different things.

We decided on a point in time that we were going to commission a plan to decide how this thing will be rolled out. But while we were doing that, there was an institution called the National Housing Authority I think, that built a number of housing projects throughout Trinidad and Tobago and they had the responsibility

WASA Retention of Sewerage  
[SEN. THE HON. C. ENILL]

Tuesday, April 28, 2009

for a number of these sewerage plants. When we took an account of what was taking place, we found that they had that responsibility and they could not do anything with it. So I think we took the very wise decision to transfer it to WASA and the problem became worse for all the reasons that we talked about. We then decided that if you wanted this institution burdened as it were with debt, with the strictures of management, with a service and a culture that it had inherited, then possibly one of the ways you can deal with this is to put it to an agency that had some capacity, that had some human resource and that may have had the ability to do this particular activity while we refocus the organization in a particular way, and the institution that came to mind at that time was SWMCOL.

The Minister when he speaks will address whether that is the appropriate thing, what is the strategy and so on. But one should not believe that this matter has not been thought out, that it has not been the subject of serious intellectual and professional review, and that it was something that just happened on the basis of somebody's whims or fancy. That is not true. In fact, we tried various methods with this. I remember in one situation we had an interministerial committee that because we were so concerned about utilization of resources for projects that we had identified, we actually met every week, sat down—[*Interruption*]

**Sen. Prof. Deosaran:** Thank you for giving way, but a worrisome issue seems to be inferred at least from the discourse this afternoon. Could you please tell the Parliament and the country if you will, why you are establishing mechanisms for the transformation as a matter of policy, whereas you need as well to make the necessary amendments? In a broader sense as my colleague suggested, it does not seem to be the proper sequence unless there is an explanation for it I think.

**Sen. The Hon. C. Enill:** Well, the answer is very simple. In the context of the legislation that is required to drive the entity, that entity has to be determined first. Now quite frankly, there is absolutely nothing wrong with what we are doing right now because I have heard memos being talked about that suggest that you are putting management arrangements in place, perfectly within the preview of the board of directors that you are trying to create efficiency. All I have heard about so far are management issues. The policy issues that have to do with structures and so on, those things are going to come in the context of legislation, if legislation is required. But as we speak now, there is absolutely nothing that is occurring as far as I am aware and the Minister will tell you that differently, that



says that in trying to ensure that the operation is more effective and by making management choices about people, about allocation and responsibilities, about contract with institutions, that there is anything that is unlawful about that and we do it all the time.

We basically contracted a state institution to do this for us. They are free to do it and if they do not do it, we will change it to something else. So that within the context of the arrangements that we are talking about, those are mechanisms that are available to us and those are mechanisms that we deal with.

Two other things before I think about whether “Dr. Mark” would be given a responsibility. I think Sen. Baptiste-Mc Knight made the correct point, that one is not sure whether WASA and SWMCO operating as they were as two separate entities, would ever come together in the context of some group that looks at both institutions, but recalls that both of these organizations are in fact part of the Ministry of Public Utilities with one structure. The way all Ministries work is that you have the Ministry that does regulatory and you have state agencies that assist in that particular activity. So that the question of how you design, how you report, how you work, how you interact, how you deal with, how you treat with all of that, there are mechanisms that can in fact deal with that and we have mechanisms that deal with that in the context of the operations moving forward.

So I wanted to just put that on the table in the context of some kind of background in this whole discussion that we have on the Water and Sewerage Authority. The Water and Sewerage Authority has had various people provide us with models. There is the model that is currently being looked at. There was a model before that.

**Mr. President:** Minister, do you want to wind up in the next two or three minutes?

**Sen. The Hon. C. Enill:** No.

**Mr. President:** No? Very well, we will take the tea break. It is now 4.30 p.m. and we will resume at 5.00 p.m.

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

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

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that this Senate do now adjourn to Tuesday, May 05, 2009, at 1.30 p.m., where the matter for consideration under "Government Business" will be Item (ii), the Electricity Commission (Amdt.) Bill.

*Adjournment*

*Tuesday, April 28, 2009*

**Mr. President:** Hon. Senators, before I put the Motion, I have granted leave for two matters to be raised on the adjournment by Sen. Wade Mark.

**Special Anti-Crime Unit of Trinidad and Tobago  
(Legislation for)**

**Sen. Wade Mark:** Mr. President, the matter of the illegal existence of a body carrying arms in this country is cause for worry and concern. The continued illegal, unlawful and unconstitutional existence of a coercive arm of the State is one of which the citizenry is very concerned.

As a virtual private army operating out of the Prime Minister's Office, as well as the office of the Minister of National Security, the so-called Special Anti-Crime Unit of Trinidad and Tobago has undermined the morale of the Trinidad and Tobago Police Service by offering and providing these members of SAUTT with special treatment and special terms and conditions of employment.

I have been informed that each member of SAUTT is provided with some \$5,000, over and above that enjoyed by the ordinary police officer. This unconstitutional and illegal body has been allocated, according to fiscal 2008/2009 budget, some \$384.79 million. In other words, an illegal and unconstitutional body has been given some \$385 million of taxpayers' money, without any form of accountability, transparency or probity. Mr. President, we understand that 300 officers enjoy this largesse of close to \$400 million.

We have been informed that the drafting of the Bill to incorporate this entity to make it legal has been in existence for some three years now. We have been informed that a draft bill to give effect to SAUTT has been in existence for three years now, and the Government and the Minister of National Security have refused to bring that legislation to the Parliament. I will bring evidence of it at the next sitting.

The Government is using this outfit as a virtual private army to spy and commit other illegal acts against the population. Therefore, the question must be posed: Who is in charge of this Special Anti-Crime Unit which was established in 2004? It is not the Commissioner of Police; it is not the Chief of Defence Staff. Who is in charge, the Prime Minister, the Minister of National Security? To whom does this institution or organization report? What control, if any, does the Commissioner of Police have over this body?

How can the Parliament continue to allocate hundreds of millions of dollars to an illegal, unlawful and unconstitutional body? Are we in the Parliament guilty of

dereliction of duty, by permitting a private army to flourish in this country? This is not one year; four years ago this body was established in 2004. We are in 2009 and the Minister has deliberately sat on legislation to establish it.

Every year the hon. Minister of National Security comes to the Parliament and promises the Parliament that very shortly legislation would be brought here. Year in year out, and no legislation has been brought. It is a deliberate plan on the Government's part to have a private army that could be used as a political tool to harass people in this country.

We want to know if that is the murder squad that we now have established in this country. We understand from reliable sources, and the Minister must confirm that, whether there is a death squad within this particular unit that has been established.

Mr. President, this unlawful body has been involved in all kinds of activities. We believe that they are involved in spying on persons in this country, and there is no accountability. Therefore, we call on the Minister of National Security to set this thing correct. Give the Parliament a deadline today, as to when you are going to bring the legislation that you have in your possession for the last three years. When are you going to bring it to the Parliament?

We are informed that this organization is part of the surveillance wing of the ruling party, and it is involved in illegal and unlawful invasion of people's privacy rights. The question must be asked: Why has the Minister of National Security not taken steps to regularize and legalize this particular body? Why? Why?

We are now in a period where the economy has begun to turn downwards and, for the first time, we understand from the Governor of the Central Bank the implications of what is ahead of us. Because of this growing dissatisfaction in this economy, which is going to be manifested more and more through growing unemployment, increasing levels of poverty and destitution, poor health care services, rising crime levels and growing inequality, is there not a need to move with some degree of haste and have this very important body, called SAUTT, regularized and legalized? *[Interruption]* Yes, it can play a role, *[Laughter]* but right now it is under your personal political control, and we object to that.

We are saying that no 300 men, using \$400 million of our taxpayers' money, should be under the control of a Prime Minister or a Minister of National Security. Where are the checks and balances? This is what we are calling for. The time has come for this particular body to be legalized.

*Anti-Crime Unit of T&T*  
[SEN. MARK]

*Tuesday, April 28, 2009*

I have an article from the *Guardian* newspaper, written since August 2005; to be precise, Sunday, August 07, 2005, on page 4. It was written by Sen. Seetahal SC. She argued in this article that:

"...the existence of a unit of the armed forces that reports directly to a politician must be a source of disquiet and likely to be fraught with problems."

The reason, she argued, was that:

"...there are no checks and balances, no mechanisms in place to ensure that the SAUTT does not become a 'political tool' of the government of the day."

It was in the 2004 budget presentation that the Prime Minister announced the formation of SAUTT and appointed Brig. Joseph, who was not a member of the police service, to head this unit. Why has it taken almost five years, and no legalization, no regularization, of SAUTT?

Mr. President, this unit, as you are aware, consists of police officers and members of the Defence Force, whether coast guard officers, members of the Regiment and, of course, civilians. Because of the illegal and unlawful nature of this body, I do not even believe that these officers who are part of this outfit are fully aware of the negative consequences of any action they take against citizens in this country.

They are not legally constituted. All we are asking, and calling on the Government to do, is to bring the legislation that is in the Minister's cabinet three years now, and let us legalize and incorporate SAUTT into a legally constituted body in the country, so that the Police Commissioner could be answerable for their actions.

Right now this body is a law unto itself; it is not accountable to anyone, in the police service that is, or in the Defence Force. My information is that they report directly to a politician; that is a dangerous thing. How can you have a body of armed men and women, with the most sophisticated equipment? Do you know what \$400 million is? This is what they have given to this illegal body. They have the most sophisticated weapons; they have helicopters; they have the best equipment; they are the best trained, I understand. Why is the Government of Trinidad and Tobago harbouring this illegal body? Why is the Government afraid to bring legislation to properly incorporate these men into a legal entity that could fall under the purview of the police service and the Commissioner of Police?

I am worried, because I know of a Privy Council ruling back in the 1960s, *Endell Thomas v. Attorney General*, and the rationale why they sought to establish

an independent Police Service Commission that would not be under the control of politicians. The Law Lords said at the time, if that happened then that body could become a virtual private army which could be used and abused by politicians.

What we are seeing today is that you have an illegal unit, an unlawful body carrying arms in this country, with the full support of the Prime Minister and the Minister of National Security and the Cabinet of this country. They have refused to bring the legislation.

I have been reliably informed that three years ago the Minister of National Security got draft legislation on SAUTT and he has it sitting in his office. He will not bring the legislation here, and I call on the Minister of National Security to tell the country and this Parliament a date and a time for that legislation to be laid here so we can properly incorporate and legalize the anti-crime unit of this country.

Thank you.

**5.15 p.m.**

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Mr. President, and I thank you for this opportunity to address the hon. Senators on a Motion moved by Sen. Wade Mark on my failure to legalize this Special Anti-Crime Unit of Trinidad and Tobago (SAUTT).

This Motion is ill-founded because SAUTT is a legal entity. I wish to categorically state that SAUTT is a task force legally established within the confines of legislative enactment. This can be unquestionably concluded by an examination of the history of how SAUTT came into being.

SAUTT operates as a task force and was set over a three-month period between November 2003 and February 2004. This process began on November 28, 2003 when the National Security Council approved the establishment of the Special Anti-Crime Unit of Trinidad and Tobago. On the same day, the Special Services Unit (SSU) was established by His Excellency the President as a unit of the Defence Force, then in January 2004, Cabinet agreed to matters relating to the establishment of SAUTT specifically in the areas of structure and funding. Finally, on February 11, 2004 the Anti-Crime Unit (ACU) was established as an operational unit under the Police Service Act.

Hon. Members, there is nothing illegal about joint or inter-agency law enforcement operations. In fact, there is a long history of inter-agency cooperation in law enforcement operations between the police service and the Defence Force.

*Anti-Crime Unit of T&T*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, April 28, 2009*

For years both agencies have worked closely on such events as security for special events, carnival, Christmas, routine crime suppression, and more recently with respect to the hosting of the Fifth Summit of the Americas.

The Inter-Agency Task Force is the most recent manifestation of the spirit of collaboration. All aspects of SAUTT's operations are accordingly embodied within the common law and laws of Trinidad and Tobago specifically through three pieces of domestic legislation.

The legislation used to create the SSU was the Defence Act, Chap. 14:01. Under section 5(1)(c) of the Defence Act, such units of the Defence Force may be formed by His Excellency The President who may see it fit and styled by such designation as the President shall declare by notification.

Secondly, the legislation underpinning the authority for Cabinet's decision relating to the establishment of SAUTT in January 2004 is section 75(1) of the Constitution of the Republic of Trinidad and Tobago which directs that:

“There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.”

Thirdly, the anti-crime unit was established under the Police Service Regulations made under the former Police Service Act, Chap. 15:01, Regulation 10 stated:

“The police service shall consist of such divisions, branches, districts, sections, stations or other administrative or operational units as may be approved by the Minister.”

Though this Act has since been replaced by the Police Service Act of 2006, there is a savings clause in the current legislation to ensure that all decisions made under the former Act continue to have validity. As such, the police and defence force officers within SAUTT retain all their legal powers and through them, SAUTT functions within the powers of the Police Service Act and the Defence Act to investigate crime and criminal activities. In fact, Mr. President, the Commissioner of Police and Chief of the Defence Staff retain responsibilities for their officers within SAUTT.

I apologize for going into such detail but in order to fully grasp the current legal position of SAUTT, I felt it was necessary that all Members of this Senate have a clear understanding of its genesis. It must be pointed out that setting up SAUTT as a task force was always intended to be a temporary measure and was subject to the formulation of the comprehensive legislative framework.

I indicated during the budget debate that the passage of the SAUTT legislation is a priority item on the ministry's legislative agenda for this fiscal year 2009. Let me therefore, Mr. President and hon. Senators, give you the assurance that the necessary legislation is currently being developed to formalize SAUTT's status within the law enforcement community of Trinidad and Tobago as time and events have shown legislation drafted in haste is often unenforceable. As such, this Government is taking great pains to ensure that the legislation for SAUTT is both effective and enforceable.

Where Sen. Mark has the information that I have been sitting on legislation for the last three years, I do not know where he got that information. We are doing everything to ensure that SAUTT is clothed with legislative authority; however, we are aiming to get it right the first time.

Mr. President, we are well on the way to bringing legislation to Parliament as the second draft of the Bill is currently engaging the attention of the primary stakeholders. Once approved, it will be brought before the legislative review committee at the appropriate time. As you are aware, Mr. President, once accepted by the legislative review committee, the Bill will be laid in Parliament and all Members on both sides will have an opportunity to make their input.

I must address the comments made by Sen. Mark about the fact that SAUTT officers receive a special allowance. Yes, they do. There is a \$5,000 allowance paid to all SAUTT members. But then, Mr. President and hon. Senators, they are not paid overtime. I do not know if you know that police officers in many instances do not need to touch their salaries, as a result, the overtime payments made to them sometimes exceed their salary two and threefold. Part of the attachment to SAUTT is an indication that no overtime is paid. So in many instances SAUTT officers are in a worse position, so for Sen. Mark to give the impression that by being paid this \$5,000 allowance some way undermines and demoralizes people in other law enforcement agencies is not so.

To give the impression that close to \$400 million is assigned to SAUTT and there is no accountability, et cetera, nothing could be further from the truth, and talking about the fact that SAUTT is being used to spy on citizens and so forth. At the end of the day, let me give you the assurance that SAUTT is used in the best interest of law enforcement in Trinidad and Tobago and every effort will be made to make sure that the legislation to deal with SAUTT will be brought to the Parliament in short order.

Thank you.

**Vulnerable Economy**  
**(Minister's Failure to take Appropriate Action)**

**Sen. Wade Mark:** Mr. President, the Trinidad and Tobago economy is extremely vulnerable and fragile, a reality the PNM Government has never understood and fully appreciated, hence its reckless and imprudent approach to economic management of our scarce financial resources.

Mr. President, based on excessive earnings from our oil and natural gas resources, the Government has failed to save in a manner that it ought to have.

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

The Government has engaged in reckless spending, waste, mismanagement, grand political and bureaucratic corruption. Today we have saved in the Heritage and Stabilisation Fund less than US \$3 billion. Under a UNC government, in the guava season of that period, was saved over TT \$1 billion when the price of oil was a mere \$18 to \$21 per barrel.

The PNM has spent close to \$250 billion over the past eight years. Today we are being told by the Governor of the Central Bank that hard times are ahead. We know that oil prices have declined from US \$147 per barrel to just under US \$50 per barrel. We know that Trinidad and Tobago has lost billions of dollars in revenues as a result of this decline.

**Sen. Enill:** Senator, which Motion are you doing?

**Sen. W. Mark:** Oh, I am dealing with the failure of the Minister of Finance to take appropriate measures.

Point Lisas Industrial Estate has been virtually shut down; the prices of urea, ammonia, methanol and steel have collapsed; workers have been retrenched, whereas there was temporary retrenchment, it is now permanent; layoffs have taken place in several businesses. It is clear, Mr. Vice-President, that given the collapse in oil prices, in the production of oil, and in the decline in gas prices, the Trinidad and Tobago economy as the Governor has predicted will experience flat or zero economic growth, or worse as far as we are concerned, negative economic growth in 2009.

None of the key sectors are expected to grow this year. Construction is down, energy is down, tourism is down, agriculture is down and manufacturing is down.

Mr. Vice-President, the Government could have saved but it squandered. We advised this Government to save but the Government did not listen. We have



squandered, we have looted the Treasury, we have mismanaged our resources, we have wasted our financial resources and the PNM continues to neglect the needs of the people's safety and security.

The more money we pump into the Ministry of National Security, the more murders we have in this country. No one is safe in this land. Health care is a luxury in this country after spending almost \$250 billion.

The quality of education has collapsed in this land, the quality has been reduced. With regard to infrastructure development, you just have to get up in the morning and realize the gridlock, the congestion and the frustration people have to go through every day and you are building an overpass which is a total waste of time.

Mr. Vice-President, with regard to poverty eradication, the PNM Government needs to manage our limited foreign exchange resources very carefully. I warned this Government in the past, and I want to tell it again that we have limited foreign exchange reserves and I would like the Government to avoid its continued squandermania of our limited resources. We do not want this to precipitate depreciation in our currency and, therefore, we call on the Government to reverse its reckless approach to the development of this country.

### **5.30 p.m.**

Squander and mismanagement, the ineptitude and inexperience demonstrated by this Government, have now forced this country into what is called deficit financing. Recently the Government went on the market for \$1.5 billion in loans. We understand it was over-subscribed. *[Laughter]* We are entering into, what is called the "valley of debt", because of your reckless and irresponsible approach to savings in this country and to the management of the resources of this country; because of the open theft and looting of the Treasury; the cost overruns on several projects. We have estimated that close to \$20 billion have gone through as a result of cost overruns, and you are now giggling over deficit financing, going out there and raising money that we and our children will have to pay. You are mortgaging the future of this nation because of your reckless ways, but you will pay a price for it.

This economy is about to collapse under the weight of mismanagement and corruption. We are therefore concerned about the direction that this economy is taking and the inability of this Government to inspire confidence in our people. They must know the prices of gas and oil will continue to be volatile. Therefore, what we are saying is that the Government has a duty to protect the rights and the

*Vulnerable Economy*  
[SEN. MARK]

*Tuesday, April 28, 2009*

interests of the people and one of the ways of doing it is to prioritize and focus on new production structures and get away from these mega-projects that are not taking us anywhere.

Is it too late for us to cancel the Commonwealth Heads of Government Conference? Can we not reduce our expenditure towards that particular event? I learnt from the G-20 Summit that every head of state that went to the G-20 Summit in London paid for their accommodation. Their delegation paid for their accommodation. In Trinidad and Tobago, we paid for accommodation for everybody! I am saying that the Government of this country has to revisit its priority as it relates to the Commonwealth Heads of Government Conference that is coming up here shortly.

So we have raised this issue again to bring to the attention of the national community that the Government is not really taking the situation in this country seriously. Imagine the workers are now calling on the Government to hold tripartite discussions; have social dialogue so that labour, business, Government and NGOs can come together to have a common approach to the economic crisis. You do not have to wait for the labour movement to tell you that. The Government should have taken up that already and called in labour, business, the NGOs and let us talk in terms of the way forward. But there are no talks.

So we are concerned about the rights of workers and the interests of poor people. That is why we are calling on the Government to tell us and the country, what steps and measures are being taken to safeguard jobs in this country; to safeguard the interests of poor people; to ensure that health care, education, poverty levels and so on, all these areas are going to be addressed in a serious way.

The Government has a duty to ensure that the people do not suffer. We must not allow the poor and the working people of our country to pay for mismanagement. The Government is responsible for what is taking place in this economy today and you must not allow the workers and the ordinary people to pay for your mismanagement and that is exactly what you are doing. That is why we are saying that the Government has a responsibility to reprioritize; it has a responsibility to ensure that jobs are preserved; it has a responsibility to ensure that where workers are retrenched, they are given a proper severance package.

These are things that the Government needs to come out and tell the country, but we are not hearing anything from the Government! We are not hearing from the Government exactly what it will do to safeguard people's jobs; how you are

going to deal with people who are going to be faced with foreclosures of their homes because TTMF or the banks are taking back their homes. What is the Government going to do to safeguard the interests of the poor people and the middle classes? These are things that we want to know.

**Sen. Rahman:** Bank deposits.

**Sen. W. Mark:** How are you going to safeguard bank deposits given all that is taking place? That is what my friend is saying here.

I have raised this issue this evening to get the Government to talk to the national community. Let the Government get up here and tell this country what it is doing to safeguard this economy and to safeguard the rights and interests of the working class of this land. We have not been able to get from the Government any specific, concrete measures as to how they are going to address this economy, given the economic tsunami that is now about to sweep this land and a lot of people are going to drown and be destroyed.

Therefore, I call on the Minister of Finance to level with the country; to be frank with this country and to let us know what concrete and specific measures and steps are being taken by his Government to protect the rights and the interests of the working people of this country and not allow them to pay for the Government's mismanagement, squandermania, waste and inefficiency of our resources that have taken place over the last eight years. So I call on the hon. Minister of Finance to share with the national community, the Government's perspective on how it is going to protect and safeguard the rights and interests of the poor, the oppressed and the working people of our country. [*Desk thumping*]

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** Mr. President, in listening to Sen. Wade Mark, I am reminded that there is none so blind as he who will not see or none so deaf as he who will not hear. I often wonder, in listening to Sen. Mark, and I know the *Newsday* has already characterized Sen. Mark as being more often wrong than right, and I have had the opportunity to tell him that on several occasions. On this occasion I have the opportunity to further remind him that either he does not listen, does not see or does not hear.

**Sen. Manning:** Does not understand.

**Sen. The Hon. M. Browne:** Well, understanding presumes that some other things come with it. But if he does not see and he does not hear, then he cannot understand.

We live in turbulent and troubled times. I do not think anybody needs to be reminded about that. This is not a circumstance that affects Trinidad and Tobago or Trinidad and Tobago alone; this is a circumstance which affects the world. Just in case Sen. Mark has not read the numbers recently—and he should—just by way of reference, the economic growth of the United States is minus 3 per cent; the European area, minus 4 per cent; Japan, minus 6 per cent; the UK, minus 4.1 per cent. These are the largest economies; the most diversified economies that we are talking about. These are the leading countries of this world.

**Sen. Mark:** China and India.

**Sen. The Hon. M. Browne:** China and India are special cases. In the case of China and India, we are talking about a growth rate of 6.5 per cent, where they have estimated that their necessary rate of growth is somewhere in the region of 9 per cent. So 6.5 per cent is down from what they would like to be; a country of 1.3 billion, not 1.3 million. A country of 954 million—India—a growth rate of 4.5 per cent.

**Sen. Mark:** What about Singapore?

**Sen. The Hon. M. Browne:** I do not have Singapore's numbers here, but Singapore's numbers are also down.

What is the situation with regard to the Caribbean? Just by way of level pegging and comparing ourselves with those that exist around us and economies, I suppose, on the basis of what you were saying, are better managed than ours: The Bahamas, minus 5; Barbados, minus 4; Jamaica, minus 3 at this stage of the game and the numbers are worsening in Jamaica's particular circumstances.

What is Trinidad and Tobago's situation in the face of these rapidly declining oil prices, where they have fallen to approximately one-third of the highest prices and we have stabilized at approximately \$50, and our gas price is trading at approximately \$3.25 in relation to \$12 as before: Huge precipitous declines, but at the same token, we have managed our revenue situation well. What does the Governor of the Central Bank say? We are in a state of stagnation. Which is better, to be in negative territory or to be stagnating?

**Sen. Mark:** We are heading towards minus.

**Sen. The Hon. M. Browne:** And given the circumstances, a small deficit—economies do not always grow; they cannot go up interminably. At some stage of the game the economic cycle changes; it turns. You end up in a situation where you fall; it settles and you grow again. The world will recover; prices will recover.

We are in a period where we must tighten our belts. Has the Government not said that? Has the Government not revised its numbers? Has the Government not come back to this honourable House and said what its position is? Have we not said that we will defend the revenue position and maintain our expenditure profile at approximately the rate of spending in the previous year; that the budget number of \$50 billion would be reduced by approximately \$7 billion, to approximately \$42 billion, so that we would manage our expenditure profile in a manner which would allow us to maintain the level of expenditure and in so doing act as a counter-stimulus measure?

What is the position in the world? What are we facing? All over the world they are talking about different types of packages. Which market is not exercising a period of deficit expenditure? Which one? They are in the minority. The only two that we could probably count would be China and India. And in both countries there are the indications that they will go into some level of deficit and will do some level of deficit spending.

Our level of deficit spending, as has been projected, both in the IMF report, which was presented in November last year, said that we were in a good position to be able to withstand this difficulty, and the Government has managed its economic position and managed its finances to allow it to so do. The mere fact that we can raise \$1.5 billion by way of a bond in this “guava season” and have it over-subscribed is a testament to the confidence in the Government of this country. [*Desk thumping*] That is a testament—

**Sen. Mark:** That is nonsense.

**Sen. The Hon. M. Browne:** And it follows directly, especially in circumstances when this Government has stood up and said it will do what is required to maintain the strength, stability, safety and soundness of this system, and it has so done! [*Desk thumping*]

With respect to the management of the social expenditures, this Government has undertaken a wide range of social expenditures expended primarily to help this country move forward to address the demands of the 21<sup>st</sup> Century, particularly in education, particularly in helping the underclass; particularly in helping those who have left school without having completed their full certificates. We have undertaken a level of social expenditure, a level of training, a level of support expenditure to prepare this country for what it will face in the

*Vulnerable Economy*  
[SEN. THE HON. M. BROWNE]

*Tuesday, April 28, 2009*

future. We have also done so in undertaking and promoting an institution to put us on the cutting edge, which has been vilified by the Opposition in this House, an institution called the University of Trinidad and Tobago.

We have made decisions; we have expended money and invested funds in the social infrastructure and in the economic infrastructure of this country. The necessary decisions and the necessary investment decisions are being made as we speak to take care and to take advantage of the next round of growth, which will come. We have been this way before; we will manage the situation and we are doing so as we speak.

With respect to our reserve position, well, I have to thank the Governor for making the obvious point that at \$9 billion, our reserves are very strong.

**5.45 p.m.**

The only way that we could have any difficulty is if everybody were to lose confidence in Trinidad and Tobago and run away; they decide that they would pack up, essentially, encash everything that they have and move to some other location. That is where we are. At the end of the day it is not whether your glass is half full. It is a question of: What are we going to pour into it and what are we going to do? It is not merely what the Government has to do. It is also about the economic decisions that have to be made by the private sector to move this country forward.

The Government has created an enabling environment and spent money in ways which allows the private sector to enjoy a high rate of return. The decisions are not only what is required on the part of the Government but also what is required on the part of the citizenry, business classes, NGOS and our civil society organizations including the trade union movement. It is well and truly clear that the Government has already made steps to initiate or begin those tripartite discussions and not on the behest of any third party but on its own recognizance of its interest of the national community.

This Government is in good hands; has pointed a direction and future and has indicated that we need to be careful and we would prioritize. There are projects which we will defer; there are projects which we will continue and there are projects which we consider important to our national patrimony which we would start.

I suggest in this honourable Senate that this Government has acted with faith, a sense of purpose and a sense of belief in the future and Trinidad and Tobago. I

*Vulnerable Economy*

*Tuesday, April 28, 2009*

suggest that our future, notwithstanding the fact that we may go through a period of rough times and they may last a year or even two years, at the end of the day we hold strong to the faith that Trinidad and Tobago will not really survive, it will do well.

Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.47 p.m.*