

*Leave of Absence*

*Tuesday, June 09, 2009*

**SENATE**

*Tuesday, June 09, 2009*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Arnold Piggott who is out of the country and Sen. Annette Nicholson-Alfred who is ill.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MR. FOSTER CUMMINGS

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 9<sup>th</sup> June, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

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 8th day of June, 2009.”

*Senators' Appointment*  
[MR. PRESIDENT]

*Tuesday, June 09, 2009*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: PROFESSOR DAVID PICOU

WHEREAS Senator Annette Alfred is incapable of performing her duties as a Senator by reason of illness:

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

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 8<sup>th</sup> day of June, 2009.”

**OATH OF ALLEGIANCE**

*Senators Foster Cummings and Prof. David Picou took and subscribed the oath of Allegiance as required by law.*

**SWINE FLU  
(INCUBATION PERIOD)**

**Mr. President:** Hon Senators, this morning at around 9.00 a.m., I received a phone call from Dr. Cumberbatch, who identified himself as the Chief Medical Officer. He advised me that the international standard used for the incubation of the Swine Flu was 1—10 days. He advised that out of an abundance of caution, the Ministry of Health was using 10 days, and that the period would expire tomorrow, Wednesday, when they would make an announcement to the effect that passengers on the American Airlines Flight No. 1647 from Miami on May 30, 2009, would no longer need to confine themselves.

Dr. Cumberbatch explained that he was calling me in specific reference to Sen. Wade Mark who was on that flight. Dr. Cumberbatch's advice to me was that Sen. Mark should continue to confine himself until tomorrow. Sen. Mark was

due at a committee meeting at the Red House at 10.00 a.m. I was unable to reach him directly and I, therefore, asked the security at the Red House to intercept Sen. Mark and to ask him to call me, and this he did from the antechamber of my office. That call came in to me at 9.32 a.m. and we spoke for approximately 20 minutes.

Sen. Mark explained to me that he had received the assurances from his personal doctor, who I understand is also the DMO for his area, that he was clear from any threat of the A (H1N1) virus. I advised Sen. Mark of the advice I received from the Chief Medical Officer; I advised Sen. Mark that he should go home on the advice of the CMO.

This is a serious issue of health and we have to consider—and my thoughts always—not only for the sitting Members of the Parliament, but the members of the staff of the Red House of whom there are approximately 130 persons plus, of course, their families and children.

Recognizing the seriousness of the situation, I felt that on what basis should I reject the advice of the CMO. I am not qualified as a doctor, but the CMO said that the period should run until Wednesday and, therefore, that is how it should have run. I asked Sen. Mark not to attend the session this morning or this afternoon.

Given the fact that I understood that he would not attend either the committee meeting this morning or this afternoon, I telephoned the chairman of the committee and asked her not to conclude any matters before Sen. Mark would have had the opportunity to speak, to be heard and to cast his vote, because his absence was through no fault of his own.

I then telephoned the Leader of Government Business and asked him to consider the same thing; the matters that are before us this afternoon, not to bring them to any conclusion, because Sen. Mark would not have the opportunity to be heard and to cast his vote. Sen. Mark has chosen to ignore the advice of the CMO, and I must tell hon. Senators and the staff of the Parliament that the fact that we do have someone who has been in contact, at least, with the swine flu virus, the A (H1N1) virus is here against the advice of the CMO, although he is here on the advice of his own doctor.

I cannot decide who is right. I find it difficult to reject the advice of the CMO. Sen. Mark has decided to attend the sitting, and I will leave it to the discretion of Senators as to whether they wish to continue sitting here this afternoon. It is up to you.

Thank you very much.

**Sen. Mark:** May I?

**Mr. President:** Proceed.

**PROCEEDS OF CRIME (AMDT.) BILL**

Bill to amend the Proceeds of Crime Act, Chap. 11:27, brought from the House of Representatives [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. Audited financial statements of the University Students' Guarantee Loan Fund for the year ended December 31, 2007. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
2. International Child Abduction Order, 2009. [*Sen. The Hon. C. Enill*]

**ORAL ANSWERS TO QUESTIONS**

**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?

**Sen. Mark:** Mr. President, would you allow me a few moments to just bring to our attention a development concerning this particular question, No. 15. This question has been deferred on several occasions. In fact, almost about six months now this question has been languishing on the Order Paper. I read in the newspapers—I can bring the evidential documentary evidence to your attention—where the hon. Minister of Works and Transport, at a post-Cabinet meeting about two weeks ago, did provide the country with the answer to this particular question. I believe it is contempt for this Parliament and to you for a Minister to be reading out an answer to a question that ought to be given to us first in the Parliament. So, I would ask you, Sir, to consider ruling on this matter and I would provide you with the evidential documentary evidence to back up my case.

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, question No. 15 was deferred on 03.03.09 for two weeks; on 17.03.09 for a further two weeks, on 07.04.09 for a further two weeks; on 28.04.09 for a further three weeks and on 19.05.09 for a further three weeks.

**1.45 p.m.**

Today being the 9th, we do not have an approved response and therefore, it is my view that this question cannot be answered as we speak, it not having been received, and therefore, there is a requirement for another three weeks for this particular question.

*Question, by leave, deferred.*

**National Academies of Performing Arts  
(Details of)**

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

With respect to the construction of the National Academies of Performing Arts in Port of Spain and San Fernando, could the Minister provide the Senate with:

- (a) a detailed status report on the construction of the National Academies of Performing Arts;
- (b) the original estimated cost of construction of the National Academies;
- (c) the initial projected completion dates for both Academies;
- (d) the current estimated cost and new projected cost of the construction of the Academies; and
- (e) the new projected completion dates for the National Academies?

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Thank you, Mr. President. The response to this question is not yet ready and we require three weeks because we have some issues with respect to the gathering of the information.

*Question, by leave, deferred.*

**HIV Virus  
(Legislation to Protect Workers)**

**73. Sen. Wade Mark** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

- (a) Is the Minister aware that workers who have contracted the HIV virus are victims of blatant discrimination at the workplace?
- (b) Could the Minister state if it is the intention of his government to introduce legislation to make it illegal for victims of the HIV virus to be discriminated against and, if so, when?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, question 73 is approved. The Minister, is however, in Geneva, I do not know if Sen. Mark would like me to respond.

**Sen. Mark:** Which one is that?

**Sen. The Hon. C. Enill:** Question No. 73. It is approved but the Minister is in Geneva.

Unfortunately, workplace discrimination against persons living with HIV has been a global phenomenon since the early days of the pandemic. In recent years, many countries have taken strategic steps aimed at reducing this form of discrimination, and Trinidad and Tobago is no exception.

The Ministry of Labour and Small and Micro Enterprise Development on behalf of the Government of Trinidad and Tobago signed a memorandum of understanding with the International Labour Organization (ILO) for the implementation of the ILO United States Department of Labour International HIV/AIDS Workplace Education Programme: An Accelerated Response Trinidad and Tobago 2005—2008, which was officially launched in August 2006 and concluded on December 31, 2008.

The beneficiaries of the project included 14,506 workers from 12 enterprises covering six sectors and one organization from the informal sector, National Barbering Association of Trinidad and Tobago. The project worked closely with targeted labour officials from the Ministry of Labour and Small and Micro Enterprise Development and representatives of employers and workers organizations. The objectives of this project were:

1. to reduce stigma and discrimination against workers living with and affected by HIV and AIDS;
2. the reduction of personal risk to infection.

A major achievement of the project was the adoption by the Government of a National Workplace Policy on HIV and AIDS and the World of Work, which was launched on April 14, 2008. The key components of the policy were guided by the key principles of the ILO Code of Practice on HIV and AIDS and it addresses HIV and AIDS as a workplace issue and treats with the following:

1. Acceptance of HIV and AIDS as a workplace issue, non-discrimination, gender equality, healthy work environment, social dialogue, no screening for purposes of employment, confidentiality, continuing employment, prevention, care and support.

The Government of Trinidad and Tobago recognizes that there exists stigma associated with HIV and AIDS, which may result in discrimination towards people living with HIV. The Minister of Labour is quite aware that discrimination in the

workplace may be manifested in constructive dismissal, lack of access to training, promotion, recruitment and dismissal from employment. We therefore put systems in place to monitor the way in which we treat with these issues.

The HIV and AIDS Human Rights Desk, which is supported by the National AIDS Coordinating Committee, Office of the Prime Minister and which collaborates closely with the Ministry of Labour and Small and Micro Enterprise Development, investigates causes where it is alleged there have been acts of discrimination towards people living with, or affected by HIV.

Some of the areas under investigation include discrimination in employment, housing and the provision of other goods and services. To date, the Desk has received and investigated 66 complaints; 13 per cent of these complaints are related to the employment and other labour matters. The Ministry's Conciliation and Labour Inspection Unit also received and dealt with complaints regarding labour issues which relate to HIV and AIDS.

In the light of the above, this Senate is advised that not only is the Government aware of the incidence of stigma and discrimination at the workplace, but has also been responding aggressively and proactively. Since the launch of this policy and the completion of the sustainability plans, the following have been accomplished:

- The launch of the National HIV and AIDS Workplace Policy in Tobago, November 2008;
- Support to the Ministry of Health and Ministry of Local Government to develop their HIV and AIDS workplace policies, which is ongoing;
- Development of HIV/AIDS policies CDs and other resource materials for employers, workers and Government ministries;
- In-depth training of the labour inspectors, conciliation officers and legal unit in advocacy at the National Workplace Policy among the tripartite community.

With regard to the labour inspectors, they are critical to the inadequacy of the policy among employer and workers because they, by the nature of their job, interact daily with employer and worker to enforce the labour laws.

With regard to HIV policy, the key factors will be:

1. advocating for the development of workplace HIV/AIDS policies among employers;
2. clarification of HIV and AIDS myth related to HIV transmission and prevention expressed by employers and workers;

3. to direct employees and employers to HIV related services in both Trinidad and Tobago;
4. advocating for the relocation of HIV related workplace stigma and discrimination;
5. to direct employees living with HIV to services and information about their rights and responsibilities in the workplace.

Yes, preparatory work is already being conducted in this regard, including the comprehensive review of HIV/AIDS and the law on human rights in Trinidad and Tobago.

The Attorney General is collaborating with the Advocacy and Human Rights Committee at the National AIDS Coordinating Committee and a range of ministries including the Ministry of Labour and Small and Micro Enterprise Development and the Ministry of Social Development, towards drafting of such legislation.

Allow me to reconfirm that the Government of Trinidad and Tobago is fully committed to dealing with this critical issue.

**Sen. Mark:** Mr. President, I have no supplemental, but before we go to the next question, I just want, with your leave—

**Mr. President:** Put the next question, please.

#### **Manufacturing Sector (Impact on)**

**84. Sen. Wade Mark** asked the hon. Minister of Trade and Industry:

With respect to the present global and regional economic crisis, could the Minister inform the Senate of the likely short and medium term impact on the manufacturing sector as it relates to:

- (i) the size of the sector; and
- (ii) the employment level?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. the Hon. Mariano Browne):** Mr. President, the answer to this question is not yet ready, and I ask for a deferment of two weeks. Thank you.

*Question, by leave, deferred.*



**Economic Partnership Agreement  
(Status Report of)**

**90. Sen. Gail Mehair** asked the hon. Minister of Trade and Industry:

With respect to the Economic Partnership Agreement (EPA) signed on October 15, 2008, could the Minister provide the Senate with a status report on the implementation process as at March 31, 2009?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** Mr. President, Trinidad and Tobago as part of Cariforum, that is Caricom and the Dominican Republic, signed the Economic Partnership Agreement with the European Union on October 15, 2008. Cariforum provisionally applied for the agreement on December 29, 2008. As a result, Trinidad and Tobago is working towards the fulfilment of specific obligations under the agreement, which include inter alia:

1. the identification of national contact points for the exchange of information in respect to activities such as technical barriers to trade and sanitary and phyto-sanitary standards;
2. the elimination of the common external tariffs and goods originating in the European Community, over a 25-year period;
3. the provision of access to the services sector for European community investors in all areas except where reservations were made;
4. the nomination of representatives for special committees under the agreement, such as the Joint Cariforum European Commission, Trade and Development Committee and the Trade Facilitation Committee;
5. the enactment of domestic legislation, such as customs legislation, competition policy.

In order to fulfil the obligations under the agreement, Trinidad and Tobago has engaged in the following activities:

1. A Cabinet approved implementation plan.

On December 11, 2008, the Cabinet of Trinidad and Tobago approved an Economic Partnership Agreement (EPA) Implementation Plan, which outlines the objectives under the agreement and the ministries and agencies with responsibility for implementation.

In the plan, the Ministry of Trade and Industry has the overall responsibility for coordinating the implementation of the EPA and with other ministries and agencies having specific responsibilities under several broad designated areas, such as in the trade and goods, the ministries responsible are: Customs and Excise Division, the Ministry of Finance; the Chief Parliamentary Counsel, which is part of the Attorney General's Office; the Trinidad and Tobago Bureau of Standards, the Ministry of Health; and the Ministry of Agriculture, Land and Marine Resources.

Under the heading of investment: the Ministry of Finance; the Ministry of Labour, Small and Micro Enterprise Development; the Office of the Chief Parliamentary Counsel; the Ministry of Tourism; the Ministry of Community Development, Culture and Gender Affairs. Under the trading services: the Ministry of Public Administration, the Ministry of Public Utilities; and the Ministry of Tourism.

In terms of trade related issues: the Ministry of Planning, Housing and the Environment; the Ministry of Legal Affairs, insofar as the Intellectual Property Office; the Office of the Chief Parliamentary Counsel; the Ministry of Finance and any other ministry, as required.

2. The Economic Partnership Agreement Implementation Unit.

The Ministry of Trade and Industry is in the process of formulating a coordinating mechanism for the EPA implementation. The primary objective of such a mechanism is to ensure Trinidad and Tobago meets its obligations under the Cariforum European Community EPA.

The proposed duties of the EPA Implementation Unit will include inter alia:

- (i) acting as a clearing house for the submission of all EPA related information to the Cariforum EPA Implementation secretariat;
- (ii) coordinating and monitoring initiatives geared towards accessing market opportunities for goods and services in the European Community, which initiatives are the upgrade of technology, research and development, market information and intelligence;
- (iii) serving as the national contact point for regional cooperation projects arising from the agreement; and
- (iv) monitoring and providing feedback on the implementation of the EPA obligations.

3. In terms of the implementation, direction would be ongoing stakeholder sessions. The objectives of these sessions are to:

- (a) sensitize stakeholders on their roles and responsibilities under the EPA; and
- (b) ensure that Trinidad and Tobago takes advantage of opportunities provided by the Economic Partnership Agreement (EPA).

The Ministry has commenced this process through interaction with key public sector agencies and private sector associations, which include, amongst others, the Ministry of the Attorney General; the Ministry of Planning, Housing and the Environment; the Ministry of Finance, Customs and Excise Division; the Ministry of Agriculture, Land and Marine Resources and Fisheries Division; Trinidad and Tobago Manufacturers Association, Trinidad and Tobago Bureau of Standards; Trinidad and Tobago Coalition of Service Industries; the International Trade Negotiations Unit and the Trinidad and Tobago Chamber of Industry and Commerce.

4. We have also undertaken an economic partnership awareness programme. Plans are in train towards developing a plan of action for sensitization of the opportunities under the EPA for targeted groups, manufacturers and service providers. For example, at present, two seminars on EPA opportunities and goods and services are being finalized under this plan. It is intended that this will be held later this month and will target at least 200 manufacturers and service providers.

5. The determination of priority projects for EPA implementation.

The Ministry has been in discussion with the German Agency for Technical Cooperation to identify specific areas where support would complement ongoing or planned programmes in the field of EPA implementation. The German Agency for Technical Cooperation Support includes two broad components for funding EPA implementation.

**2.00 p.m.**

These are:

1. Technical assistance to EPA implementation unit, in particular, support for the regional EPA implementation unit established under the Secretary General of the Caricom Secretariat; and
2. Support for private sector companies to take advantage of the EPA through the counterpart agency Caribbean Export.

Discussions are being pursued with the German Agency for Technical Cooperation towards accessing support for the provisions of a short-term consultant to undertake a needs assessment of possible priority projects to take advantage of the opportunities of EPA. Thank you.

**Maqueripe Beach Upgrade**  
(Status of)

**105. Sen. Dr. Adesh Nanan** asked the hon. Minister of Planning, Housing and the Environment:

- A. Would the Minister indicate to the Senate any cost overruns on the Maqueripe beach upgrade?
- B. Would the Minister also state if there was planning approval for the said beach upgrade?

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Mr. President, we are still awaiting information from the CDA to complete the answer to this question, so we require a two-week period to be able to deliver the answer. Thank you.

*Question, by leave, deferred.*

**Institute of Marine Affairs Building at Chaguaramas**  
(Status of)

**106. Sen. Dr. Adesh Nanan** asked the hon. Minister of Science, Technology and Tertiary Education:

- A. Would the Minister indicate to the Senate what is the scheduled completion date for the Institute of Marine Affairs building at Chaguaramas?
- B. Would the Minister also state if there have been any cost overruns on this project and if so, could the Minister state the amount?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you, Mr. President. The answer to that question is not available. I am advised that it will be available in two weeks.

*Question, by leave, deferred.*

**Oily and Hazardous Waste Rules**

**107. Sen. Dr. Adesh Nanan** asked the hon. Minister of Planning, Housing and the Environment:

Would the Minister indicate to the Senate the time frame for the Oily and Hazardous Waste Rules to be laid in Parliament?

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Thank you, Mr. President. Following a period of public consultation between August and September 2008, the EMA is now engaged in the review and inclusion where necessary of the comments made by the public and stakeholders with respect to the draft waste management rules. This is currently being done in accordance with section 27 of the Environmental Management Act. The public stakeholder consultation process has revealed that changes to the technical aspects of the draft rules will be required. The rules are expected to be finalized in July 2009. Upon the completion of the draft rules, the hon. Minister shall cause them to be published in the *Gazette* and laid thereafter in Parliament pursuant to section 27(1)(c) of the Environmental Management Act. Thank you.

**Association of Caribbean States  
(Benefits for this Country)**

**126. Sen. Gail Merhair** asked the hon. Minister of Foreign Affairs:

With respect to the Association of Caribbean States (ACS), could the Minister advise the Senate of:

- (1) the benefits this country derives from its membership in the Association; and
- (2) the benefits derived by this country by hosting the Secretariat of the ACS?

**The Minister in the Office of the Prime Minister (Sen. The Hon. Dr. Lenny Saith):** The answer to this question is not yet ready and I ask for a two-week deferment.

*Question, by leave, deferred.*

**Policy Framework  
(Development of)**

**131. Sen. Gail Merhair** asked the hon. Minister of Finance:

Could the Minister indicate to the Senate whether the Government is in the process of developing a policy framework to recover the outstanding balance of \$9,562,355.22 in overpayment by various Ministries for the period 2007/2008?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** Mr. President, the answer to this

question is not yet ready but in the meantime I will certainly direct Sen. Merhair to regulations 83 to 85 of the Audit and Exchequer Act which sets out the procedure. Thank you.

*Question, by leave, deferred.*

**Youth Development Centre  
(Details of Trainee Stipend)**

**134. Sen. Gail Merhair** asked the hon. Minister of Sport and Youth Affairs:

Could the Minister inform the Senate of:

- (i) the date of Cabinet's approval with respect to increased stipends to trainees at the Youth Development Centre; and
- (ii) the commencement date of the payment of increased stipends to these trainees?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Thank you, Mr. President. I am in a position to say that this question was in fact recommended to the Cabinet and it will be approved this week so we expect to be able to answer it on the next occasion.

*Question, by leave, deferred.*

**Chief Personnel Officer  
(Guidelines Outlined)**

**136. Sen. Gail Merhair** asked the hon. Minister of Trade and Industry:

Could the Minister state whether the Ministry of Trade and Industry adhered to the guidelines outlined by the Chief Personnel Officer with respect to the engagement of persons on contract during the period 2007/2008?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):** The short answer to this, Mr. President, is that the Ministry of Trade and Industry has adhered to the guidelines outlined by the Chief Personnel Officer with respect to the engagement of persons on contract during the period 2007 to 2008.

**Major Fishing Areas  
(Establishment of Facilities)**

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

- A. Could the Minister inform the Senate what programmes have been instituted or proposed to establish cold storage facilities at the major fishing areas in Trinidad and Tobago, namely: Cedros, Oropouche, Mayaro, Carli Bay, Claxton Bay, Waterloo, Las Cuevas, Blanchisseuse, Erin and Moruga for the period of January 2007 to March 2009?
- B. Could the Minister further inform the Senate what facilities, equipment and infrastructure namely: secured boat storage facilities, washrooms, jetty construction, engine repair centres and fish-sale area that have been established or proposed for use by fishermen in these communities during the said period?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, due to the Senator's temporary absence I want to defer the answer to this question until his return which should be next week.

*Question, by leave, deferred.*

**Burns Unit and/or Trauma Centre  
(Establishment of)**

**144. Sen. Lyndira Oudit** asked the hon. Minister of Health:

Could the Minister inform the Senate whether there are any plans, proposals or approvals for the establishment of a Burns Unit and/or a Trauma Centre at each, or any, of the various industrial and energy sites in Trinidad including, but not limited to, Point Fortin, Forest Reserve, Penal, Galeota, Pointe-a-Pierre and Point Lisas within the next two years?

**The Minister of Health (Sen. The Hon. Jerry Narace):** The Ministry of Health is of the view that it is appropriate that a burns unit should be incorporated into the new hospital to be constructed in Central Trinidad given its close proximity to energy and related industries in the Point Lisas area. Thank you.

**Sen. Oudit:** The question was and/or a trauma centre. A burns unit, is it in collaboration with or in conjunction with a trauma centre or is it just a burns unit?

**Sen. The Hon. J. Narace:** It will include a trauma centre.

**SWINE FLU  
(INCUBATION PERIOD)**

**Sen. Wade Mark:** Thank you very much, Mr. President. I want to indicate that based on the statement read by your good self earlier, several parts of it very accurate—there are areas I would like to just put on the record here, that I never got the clearance from my personal doctor.

*Swine Flu*  
[SEN. MARK]

*Tuesday, June 09, 2009*

I took the Ministry of Health's position very seriously. I got two telephone numbers from one, Dr. Larry Chinnia, and it was him, who I contacted on three occasions to ensure that I bring no harm to anyone in this country. I called him on Saturday, he told me that I was in the clear. To be reassured, I called him on Sunday, he again told me I was in the clear, I was asymptomatic. He said I can travel wherever I want to travel, I can go to the Senate. Just to be on the right side so that I do not harm anyone, I called Dr. Chinnia yesterday at around 11 o'clock, I told him that I am a Member of the Senate; the Senate is meeting, could you guide me? He said, "Sen. Mark, you are in the clear, the Ministry of Health has cleared you."

So, I was a bit shocked when I came this morning and I was told by the Marshal and a police officer that I cannot enter the Parliament, when I knew that the Ministry of Health had given me the all clear. I issued a press release yesterday on the basis of that assurance. I do not want—it is never my intention—to harm or to bring anyone into harm's way. So, when I came here today, I came with a clean bill of health and a clearance on three occasions.

**Hon. Senator:** On the basis of a phone call?

**Sen. W. Mark:** No, I am saying on three occasions I got clearance—[*Inaudible*] Yes, because when I asked him—[*Interruption*]

Mr. President, when I requested a certificate of clearance I was informed by Dr. Chinnia, they do not do business like that in the Ministry of Health. They are getting on the telephone and they are contacting people, because I wanted to get something in writing, so if I am challenged I can say, this is what the Ministry of Health has given me.

**Hon. Senator:** But it is not 10 days.

**Sen. W. Mark:** No, I have evidence here from the World Health Organization, showing that it is a minimum of two and a maximum of seven. When I spoke to Dr. Chinnia, he told me, "It is seven days and you are in the clear, go and do your work, go and do your business". So, I was a bit taken aback that my rights, my freedom, my liberty was being trampled upon. [*Interruption*]

This morning when I came here—and this is why, Mr. President, I took the stance that I am coming to the Parliament at 1.30 p.m., and if the police want to arrest me for being in good health, let them arrest me.

I came here in all honesty, not to spread no influenza, not to spread any virus, because if I was informed that it was 10 days I would not have been here today. I was told up to Monday at 11 o'clock, "Wade Mark, you are in the clear". But, Mr. President,



I want to make all my colleagues comfortable. I do not want my colleagues to ever accuse me of being responsible for anything, so I am prepared, based on what you have said, coming from the Chief Medical Officer that he has indicated that I need to be away from the Parliament for another day, which is today, and 6 o'clock tomorrow I can fly like a bird.

I am saying, Mr. President, I do not want to bring any harm to anyone and with your leave, I have asked my colleague, the hon. Leader of Government Business—I have a detailed contribution to make on the ambulance services and I have asked him if he could at least, to not conclude the debate on this matter because I would like to make my contribution. I would not want to remain here and have any of my colleagues uncomfortable.

So, with those words, Sir, I seek your leave to leave the Parliament so that you all can conclude your business without anyone having any fear or any concern about my presence in the Parliament. I thank you for giving me the opportunity.

Mr. President, I now take my leave and you will record me with your permission and your leave that I have been granted leave by you in order to deal with the reality that you raised today. So, I thank you very much and, as I said, I do not want to bring no harm to my colleagues.

Thank you, Sir.

**Mr. President:** Under the circumstances, I understand that there were Senators on the Independent Bench who were concerned about the issue and had expressed the desire to leave. Is that still the wish of those Senators or will they stay?

**Sen. Prof. Deosaran:** No, Sir. I think after the appropriate consultation and if I represent their views correctly, they have decided to remain in the matter just discussed—am I right?—so they will remain. But they have also asked that the debate on this matter not be closed today because of the circumstances.

**Mr. President:** But that is as it should be. It was I who suggested that to Sen. Mark when we spoke at length this morning, that I would petition both the Chairman of the committee that he was to attend at 10 o'clock and the Leader of Government Business so that his rights would not be prejudiced in any way.

*Swine Flu*  
[MR. PRESIDENT]

*Tuesday, June 09, 2009*

As I say, the working of the Parliament really is sacrosanct and we should not attempt to interfere with it, but again I think it is prudent for us to heed the advice of the CMO. I do not see how I could reject that advice and I am very pleased so see that Sen. Mark has seen the wisdom to withdraw from this afternoon's sitting, and I would certainly like to express my gratitude to the chairman of the committee this morning and to the Minister of Energy and Energy Industries going along with the arrangements.

**METROLOGY (AMDT.) BILL**

Bill to amend the Metrology Act [*The Minister of Trade and Industry*]; read the first time.

**2.15 p.m.**

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

**Special Select Committee Report  
(Adoption)**

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

Be it resolved that the Senate adopt 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.

Mr. President, I take this opportunity to report on the deliberations of the Special Select Committee of this honourable Senate, appointed to consider and to report on the Bill entitled the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009, and to reinforce the commitment of those on this side to the policies in this Bill.

At a sitting of this honourable Senate, Members would recall that the Bill was referred to a special select committee of this Senate. Your committee was mandated to consider and report to the Senate on the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009 and to report within 21 days. The committee was unable to do so, and therefore, we sought an extension of time on April 28, 2009. The committee was subsequently granted an extension of 14 days.

As you may recall, Mr. President, when the Bill was first debated in this Senate, a number of Members of the Senate proposed amendments to the Bill, and also requested that the Bill be referred to a special select committee. As you would recall, the Members appointed to this special committee were: Sen. Jerry Narace, the Minister of Health; Sen. Dana Seetahal SC, Sen. Laurel Lezama, Sen. Dr. Adesh Nanan and myself. However, at the time of the referral, no Chair was appointed. Consequently, at our first sitting on April 25, 2009, the committee elected a Chair in accordance with Standing Order 73, and further, in accordance with Standing Order 73(5) and by general consensus, the committee agreed that a quorum would consist of three Members inclusive of the Chair.

Mr. President, I was appointed Chair of that committee. Your committee met on two occasions namely, Tuesday, April 21, 2009, and on Wednesday, April 29, 2009. During the committee's first meeting, Members were requested to express and to discuss their concerns, and to this end, each Member highlighted his or her concerns and also sought clarification on a number of provisions of the Bill. Consequently, all issues raised were addressed in the meetings of Tuesday, April 21 and Wednesday April 29, 2009. The committee was supported by a technical team from the Ministry of Health, as well as the Chief Parliamentary Counsel's office and staff of the Parliament. It is material to note, that the list of amendments which was circulated prior to the appointment of the committee, was considered by the committee together with other concerns. I now take this opportunity to inform this honourable Senate of some of the issues addressed and the committee's recommendations which are contained in a report circulated before this Senate. Mr. President, I now address some of these issues clause by clause.

As you may well recall, Sen. Seetahal SC had reminded this honourable Senate that we needed to be consistent in our language. Consequently, in clause 3 under the definition of "ambulance", we now recommend that the term "a patient" replace the words "an individual" as previously contained therein. Further, since Part II of the Bill already defines the term "committee" to mean the "Emergency Ambulance Regulatory Committee", it is suggested that the definition be deleted. In addition, it is suggested that the term "Emergency Medical Personnel" be defined and consequently, the following definition is recommended: An "'Emergency Medical Personnel' means an Emergency Medical Technician registered with the Emergency Medical Personnel Board under Part VI."

Mr. President, another concern which was raised in this Senate was that given the functions of the Emergency Medical Personnel Board. The membership ought to include vehicle and equipment maintenance personnel. The committee

considered the suggestion, but determined that the skills that are required really reside in a biomedical engineer, who will be better able to determine the minimum standard of the equipment required to be on board an ambulance. Accordingly, while this person could be captured in clause 4(2)(a), it is suggested that to ensure greater clarity, the clause should be amended to provide specifically for a biomedical engineer or an emergency medical care specialist.

Mr. President, Sen. Baptiste Mc Knight raised a valid concern during her contribution with respect to clause 4(3). She was concerned as to whether these duties were at large, and whether they conflicted with those of the Emergency Ambulance Services Authority. The committee now recommends that this clause be tightened to remove the ambiguity.

Consequently, the committee proposes that clause 4(3) read as follows:

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

As such, this proposed amendment will remove any perceived ambiguity. Further, clause 4(3) was amended to include a new paragraph, paragraph (g), which will empower the committee to instruct inspectors in respect of their duties.

Mr. President, concerns were also raised over the issue of the phrase "from time to time" at clause 8 and as such, we recommend the removal of these words and to this end, the Emergency Ambulance Services Authority will now be mandated with the responsibility for delivering a national emergency ambulance service.

Members also raised concerns over clause 11(2), which provides that:

"the Emergency Ambulance Services Board shall obtain prior approval of the Minister in respect of remuneration to be paid to the staff of the Authority..."

Members were concerned that this would constitute a needless restraint for the Board, and more importantly, Members argued that any increase in this remuneration would necessitate coming back to Parliament, which will impose unnecessary burden in the whole process. Consequently, the committee recommends that clause 11 be amended by allowing the Minister to vary the stated figure by an order. Members were satisfied that this was a necessary safeguard of public funds. Further, in an effort to maintain consistency, your committee recommends that the word "monies" replace the word "sums" in clause 13(1).

With respect to clause 14, your committee recommends that audited financial statements must form part of the report which must be laid in Parliament after the end of each financial year. Consequently, the committee recommends that the word "audited" be inserted before the word "financial" wherever it appears.

Mr. President, as you may recall, Members expressed concern about the powers granted to inspectors under clause 17. There was much debate on this issue, and the committee now recommends that this power be limited. Consequently, your committee recommends that clause 17 be amended to reflect that:

"Where consent is not obtained under subsection (1) the inspector may obtain a warrant in accordance with section 19."

Clause 19 provides that:

"Where a Magistrate or Justice is satisfied by information given on oath by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed, he may issue a warrant, in accordance with the Summary Courts Act."

Mr. President, your committee also recommends that clause 25 be accepted as redrafted. This provision was redrafted to clearly detail the specific conditions to which the licensee must adhere. Further, recognizing the principle that a man is innocent until proven guilty, your committee recommends that clause 26(2) now read as follows:

"An Ambulance Services Licence may be refused where the applicant is convicted of an offence under this Act or any other Act for which the penalty is imprisonment for twelve months or more."

As such, we recommend that the word "commits" be replaced by the word "convicted".

Mr. President, we also recommend that you accept clause 27 as redrafted, since the recommended provision now mandates that the inspector must make a report within 14 days to the Emergency Ambulance Regulatory Committee on its findings. The Regulatory Ambulance Regulatory Committee shall then determine whether the service provided under the existing licence has met the prescribed standards, and make the appropriate recommendation to the Minister.

Further, your committee recommends that the Bill clearly define the scope of practice of the different categories of emergency medical personnel. Consequently, your committee recommends that clause 35 allow for the scope of

practice to be set out in a new Schedule. It is to be noted that clause 36(a) will also empower the Minister to amend the new Schedule 5 by order.

The committee also recommends that the Emergency Medical Personnel Board be empowered to prescribe education and training requirements for all levels of emergency medical personnel; that the Board be empowered to prescribe annual continuing education training and discipline its members.

Mr. President, it is also recommended that clause 39 be accepted as redrafted. Consequently, it is proposed that the Council of the Emergency Medical Personnel Board consist of 11 members as follows:

Five Medical Technicians elected by the Board; and

Six individuals appointed by the Minister drawn from the disciplines of medicine, law, emergency care and nursing.

Your committee further recommends that a quorum comprise of six members rather than five.

Mr. President, may I also indicate that a number of other provisions were amended in line with the list of amendments, which was circulated prior to the Bill being referred to the Special Select Committee. Members were in possession of the said list and, as such, it is rather unnecessary to address all the proposed amendments. It is material to note that most of these amendments were accepted by the committee, as they lend greater clarity to the provisions therein.

Mr. President, in closing, I would like to take this opportunity to kindly remind Members of the purpose and the objectives of the Bill before us. The Bill caters to people's lives and what we are seeking to do by introducing the Bill, is to ensure that people of this country get the best possible care in the case of emergencies. To this end, the Bill really speaks to the formal expansion of our emergency service to mobile medical services. This is indeed a major policy decision for our health care system.

**2.30 p.m.**

As I previously indicated in this Chamber, there are, at present, no regulations governing the licensing of ambulance providers. More importantly, there are no regulations concerning the training, certification or the continuing education of emergency medical personnel. At present, neither the ambulance providers nor the

emergency medical technicians are being monitored or evaluated for their performance. This Bill before us seeks to rectify this situation and move this critical life saving service to another level; that is, the regulated level, where accountability and responsibility for services rendered prevail.

The passage of this Bill would ensure that the public and private health sector providers would provide proper medical care to patients on site of an emergency and on the way to the hospital.

The report, with the amended version of the Bill appended and the list of amendments, were forwarded to members of the committee for their review and signature. Upon completion of the deliberations, the committee unanimously agreed to the amendments and caused the preparation of the redrafted Bill, which I now submit for approval and adoption of the Senate.

Mr. President, let me take this opportunity once again to thank members of the committee: Sen. Narace, Sen. Seetahal SC, Sen. Lezama and Sen. Dr. Nanan for their dedication to the task and attention to details. The discussions were amicable and they comprehensively covered every aspect of the document.

On behalf of the committee, let me thank the technical staff of the Ministry of Health and the Ministry of the Attorney General, and your staff of the Parliament, led by Mrs. Jacqueline Phillip-Stoute who worked tirelessly and industriously within the tight time frame to complete this document on time. Once again, thank you for the opportunity to be of service to lead the select committee of the Senate to consider and report on this Bill.

Mr. President, I seek the support of this honourable Chamber for the passage of this Bill, as it would greatly enhance the emergency health care service of Trinidad and Tobago.

I beg to move.

*Question proposed.*

**Sen. Dr. Adesh Nanan:** Mr. President, I rise to make a contribution on the report of the Special Select Committee appointed to consider and report on a Bill entitled the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009.

At our initial meeting, there was need for a comprehensive analysis of all concerns raised during debate on this particular Bill. Because of this situation, as a member of the committee, I asked for a matrix to be presented. The matrix

would represent, as we saw with the committee dealing with the Data Protection Bill, all the concerns raised by each person in the debate, as it was relevant to the particular Bill. The matrix was presented and it identified every single issue or concern raised by every Member contributing, including myself.

As a Member of the committee, I must say that it was a very difficult exercise, because there were strong views expressed; but being a single Member, I had to really struggle to get some points across. I looked at the situation with respect to this particular requirement for the country, the need for a proper emergency ambulance service. We heard just yesterday about that 6.0 earthquake in the mid Atlantic and saw how close we could have come to a national disaster in Trinidad and Tobago.

In my contribution to the debate, I made reference to the need for an emergency operating theatre and trauma surgeons, and the need for interaction between the coroner and this particular legislation. I also made the observation that the Minister should be isolated from the board, so that the board maintains its independence and, of course, the requirement for a constitutional majority; that may be required.

I just want to go to an explanation that was given in the context of that particular requirement, that suggestion that a constitutional majority may be required for this particular Bill. It was raised in the specific area of consent for inspectors before they enter. According to the proposal, if you do not have consent, you have to obtain a warrant. If you do not have the provision where you obtain a warrant, then the Constitution would have been complied with and there would be no infringement of the Constitution. That was the explanation given and accepted with respect to that particular area, the constitutional majority requirement.

The other area with respect to the coroner and the interaction between this legislation and the coroner, when this particular observation was made, I was looking at the Australian model constitution. In that model, the coroner plays a role, especially if the person died in the ambulance. My remarks were made on the interaction between the board and the coroner.

The explanation given was that at all times the patient was under the jurisdiction of the medical practitioners, even those in the ambulance. I do not think that it involves a special situation for a coroner. From the time a person is picked up by the National Emergency Medical Service, he is under the direction of the medical director of that service. When they get to the emergency room, it is



taken over by the emergency personnel. An example was given: If when the patient gets to the hospital it is determined that the cause of death is uncertain, then the coroner would get involved. The legislation with respect to the Coroners Act would then be utilized. That was the issue with respect to the coroner, this particular legislation and the constitutional majority and trauma surgeons.

Regarding the requirement for trauma surgeons, the point was put forward with respect to the need for trauma surgeons, especially in emergency care, but it was put forward that trauma surgeons came under medicine. Under medicine, if you want to include a trauma surgeon, you are free to do that. That was the explanation given with respect to trauma surgeons.

With respect to the matter of the coroner, a little addition here, if there is a death on the ambulance, the Chief Medical Officer of Health (CMOH) would do the medical legal function. In the Coroners Act, if there is a death outside the hospital setting, you call the CMOH; I presume that is the same CMOH who reported to the Senate, which the President made reference to this afternoon.

Under this particular service, the Emergency Medical Service operates under the supervision of a medical practitioner. At all times, according to the CMOH, you have the supervision of a medical practitioner. He will also have the authority to do medical and legal functions, so there is no need to amend that legislation. That was the explanation given and accepted, with respect to the role of the coroner and the Emergency Medical Service.

We also seriously considered the request made for a technically competent member to be on the team, when we are dealing with ambulances. The proposal put forward was that the representative from the Ministry of Health would, more than likely, be a biomedical engineer; again, that was accepted.

There are certain little incidentals that I would like to raise as I go along, because I need to get some consideration; small things that my colleagues made reference to that I just want to put on the record. One of those is the definition. I know you amended the definition of ambulance, but it was pointed out to me by Sen. Rahman that we need to say in the definition of ambulance that it is a specially designed vehicle. You might have to include the words "a specially designed conveyance"; that is the little part under the definition. [*Interruption*] It would read, "a specially designed vehicle". It would be a specially designed conveyance; that is what it would be, because we are inserting "specially designed" in the definition.

As I am dealing with the committee, I also want to make reference to Sen. Drayton's concern in the particular debate, and that was with respect to clause 13: what constitutes contribution for nonemergency services. We also had serious concerns from Sen. Baptiste-Mc Knight in terms of the issue of the authority and the committees. I will get to those later, but I just want to deal with that issue of the committee in clause 4(2).

It states:

"The Committee shall comprise nine members appointed by the Minister and shall include..."

**2.45 p.m.**

A suggestion was made, I do not know if you might consider that: Two representatives from the Ministry of Health; one would have responsibility for—that is the suggestion put forward. You have two of those there.

The other issue is, as I am on that, in terms of the words person to person, clause 4(e). Change the words "person to person". I do not know if you will accept that.

I am going now to the National Emergency Ambulance Services Authority because we had some strong views expressed in terms of the overlapping of roles and responsibilities and I just want to give the explanation because it is important why those views were expressed.

I hope I am quoting the Senator right. Sen. Baptiste-Mc Knight thought that there should be a separate Bill from the authority and that is one view that was considered between the regulatory committee and the authority that is according to my information here—that might be Sen. Drayton with respect to that particular concern.

So that issue was dealt with on the matrix because it was part of the debate, but the view was expressed that it is not so in the Bill and there is no duplication and I am sure when contributions are made in this debate that reference will be made to this particular item.

Our amendment makes reference to clause 8(2)(e), that is—

“develop and monitor a system of optimal fleet management which shall include purchase, upkeep and maintenance of the vehicles”,

And a question raised by Sen. Rahman is whether this would be duplicating or is this a function of VMCOTT, the Vehicle Management Company of Trinidad and Tobago? You may need to consider that with respect to upkeep and maintenance of the vehicles.

I have a note here with respect to this particular area under clause 8(2)(j), which deals with:

“develop public information and education programmes relating to the National Ambulance Service.”

And I have a note in terms of PR.

**Sen. Narace:** Which clause?

**Sen. Dr. A. Nanan:** Clause 8(2)(j). I do not know how that relates to the person you had recently and your role of PR here, so I do not know if that is relevant to this Bill or if you have enough capability in your ministry to handle it.

Under clause 11(1)(b) I do not know if you would include:

"fix the qualifications, terms and conditions of service and remuneration for its officers and other members of staff in accordance with established best practice."

Another strong point was with the appointment of inspectors because we see an amendment here with respect to their duties but there is a question arising in terms of appointment of inspectors and the expiration of appointment. It was pointed out by Sen. Rahman that there is no expiration of appointment in this particular piece of legislation. I do not know if it is an oversight or if it was necessary, but I just need to point that out as I am dealing with that particular area on inspectors.

Going back to the concern raised in another area that was raised with the registration of medical practitioners and the question about incorporating the Chief Medical Officer rather than a representative from the ministry because it was felt that the Chief Medical Officer is overburdened, I am sure you recall that, and we agreed.

**Sen. Narace:** Where is that?

**Sen. Dr. A. Nanan:** Clause 2(a) and then we have clause 2(d) "two medical practitioners should also be registered". Then there was the view that you cannot be a medical practitioner without being registered. That was an observation made and an explanation given.

A major issue was with respect to this particular area Part III 5(2)(a) and (b) dealing with the difference between “medicine” and “medicine and emergency care” and the power of the Minister to appoint the chairman and deputy chairman of the board and the ability of the Minister to revoke the appointment of an ex officio member. I am sure the Minister of Health will recall that discussion.

On the issue in that particular area of medicine—because there was some difficulty with “medicine” and “medicine and emergency care”. The explanation given at that time was, when you look at medicine you are looking at a medical practitioner and if you are looking at a specialist in emergency care, then you are dealing with the medicine and emergency care and that is why we are dealing with an emergency care specialist, and that was the terminology given to it.

I want to include Sen. Lezama's contribution here because it is important at this point, and when we speak of an emergency care specialist under this particular heading would it not only speak to someone who is qualified as a doctor and can the person be a nurse? The views were expressed that that would be defined as a nursing care specialist and that would be incorporated under clause 5 that deals with disciplines.

So it was expressed that we cannot cover everyone, we have to use certain guidelines with respect to who we are classifying. So when you clash the discipline of medicine and emergency care, you are not really dealing with the profession as a whole, but with the specialist and that is why we are saying specialist.

When that question was raised I had to ask, will there be duplication between the medical and emergency care? And the view is that the first one is general practitioner, which is acceptable, and the second one is medicine and emergency care. So really you are looking for a doctor with specialist training; an emergency care specialist is not the discipline. So the clause will attract the discipline of the doctor with training in emergency care, and I think that is what we are moving towards now, where we would have more doctors coming forward especially with emergency care.

I am sure that many of you would have seen with respect to the situation where they have these massive casualty numbers coming in and you have all these surgeons taking them off the stretchers, putting them on beds and hooking up all these IV lines. So we will have a new concept now for emergency care specialist and I think that is what was meant when the question was asked about trauma surgeons. You have the ambulances bringing in the patient, but you also have your trauma surgeons on standby, so you can have all those things coming in. This is the reason that this particular area in emergency care specialist is coming to the forefront.

We go back to the power of the Minister to appoint the chairman and deputy chairman of the board and, of course, Minister here means Cabinet. The Minister just carefully extricated himself from the proceedings and, of course, once an explanation was given we moved on.

Another question was clause 5(8) the ability of the Minister to revoke the appointment of an ex officio member. Again, that is Cabinet. So in terms of exercise of powers and functions, it would be the responsibility to exercise powers and functions, special or general directions given by the Minister. So the Minister is really taking a hands-off approach; we were given that explanation with respect to Cabinet having that responsibility and not the Minister of Health.

Then we saw a change coming in because we heard Sen. Hazel Manning speaking about the removal of that “from time to time” because that was vague and it was changed. Clause 8(2) was pointing to an operational oversight in regard to the function and responsibility of the authority and the Ambulance Regulatory Committee.

When you look at the Bill, you tend to get the impression that this is going to be a bureaucratic nightmare. I do not want to wish that to happen to this particular piece of legislation because I think it is a good idea. I could have just said I agree, but I want to put forward the views expressed by my colleagues in certain areas that I think are of importance. That particular situation with respect to the authority and the Ambulance Regulatory Committee, in terms of the Bill, what you are having is a regulatory committee that has been set up to advise the Minister of Health and if you are going to apply for an ambulance licence the application would go to the regulatory committee and they would advise the Minister to sign off on the licence. So you have that regulatory committee advising the Minister and they will also be handling the licensing of ambulances and recommending to the Minister to sign off on these licences. Now you have an authority separate from this regulatory committee and I would not go to the other part yet.

### **3.00 p.m.**

The question was asked whether the regulatory committee is operational, and we still have to ask that question although we have an amendment before us. I will leave that particular area which is still unclear. Clauses 9, 11 and 12, we had strong views with respect to: “unless the act of omission was a result of willful and wanton misconduct.” In the debate the view was expressed that these people should not be vindicated—I am sure that you recall that—in terms of personal liability. But it was expressed that that should not be so because that is how it is in other pieces of legislation.

If you recall, in my contribution I made reference to the Integrity Commission and how the case went in such a way that the Integrity Commissioners were

shown that they were liable to some extent. Of course, that remains in the Bill, with respect to that particular area of clause 9. That has not been changed; clause 9 remains. So clause 9 reads:

“No personal liability shall be attached to any member of the Emergency Ambulance Services Board or personnel of the Authority for anything done, permitted to be done or omitted in good faith in the cause of the operations of the Authority by the Emergency Ambulance Services Board or any personnel of the Authority.”

So I just want to make it quite clear that in going through the matrix, everything was being considered; everything that we saw in the matrix. And this is a reason we were given for that particular clause 9 to remain: We are using the original phrase because this would have been subject to court interpretation and this good faith issue, and to add something else to it, we can run into further problems. That was the explanation given.

There was a question raised with respect to clauses 14(4) and 13. That was with respect to the accounting principles and what are generally accepted accounting principles. I may be jumping along, but I do not want to go clause by clause on this particular Bill.

Clause 13(2) deals with:

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

- (a) borrow money required by it for the efficient exercise of its functions or for meeting its obligations; or
- (b) pledge, mortgage or charge its assets as security for any loan.”

The suggestion by Sen. Rahman was that we should have “such” before that “loan”.

It should read:

“pledge, mortgage or charge its assets as security or for any such loan.”

So for the particular area—I was dealing with clause 14(4) and the explanation given about the international accounting standards, that is the phraseology that the Ministry of Finance accepts with respect to financial provisions and GAAP is the accounting principle they use in the Ministry of Finance. And they ask that records be maintained in accordance with that particular standard.

**Sen. Enill:** Which one, GAAP?

**Sen. Dr. A. Nanan:** Yes.

**Sen. Enill:** They are following the Canadian—

**Sen. Dr. A. Nanan:** Yes.

There is another area which was of serious concern and I do not think we got an explanation. But, again, we had that matter being dealt with by palming it off on the Cabinet. That is the clause with respect to the Minister has the power to appoint employees at the Authority. So the Minister means Cabinet, so the Minister does not appoint employees. But clauses 15, 16, 17, 18 and 19 are, what we have been told, operational matters and these should not be confused with the functions of the Regulatory Authority. The question is: Are these clauses placed properly in the legislation? That is still a question that has to be asked with respect to that particular area.

Of course, as we go to the inspectors; that is clause 18(b)—the inspector has too much power. Of course, the view was expressed that that is not so and the reason:

“...An inspector may, at any time, take for analysis—

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

The inspector has too much power. And it was included “in the exercise of his functions”. That is what was expressed: “In the exercise of his functions” under clause 17, 19(b). For the police to have this kind of authority to detain a person, there should be a constitutional majority to get it. And, of course, that is where it goes back to the part where Sen. Seetahal SC was recommending that we go back to the Summary Courts Act.

I want to go there because that is important. The explanation given was: it was examined and that we should stop the clause at the word “Summary Courts” and delete all the words after that. So all that shows, the clause will read:

“Where a magistrate or Justice...”

So justice comes in, in accordance with the Summary Courts Act. And it goes on to say:

“is satisfied by information given on oath by a police officer that there are reasonable grounds for believing that an offence under this Act...”

The explanation given was, after the word “warrant” we will insert the words “in accordance with the Summary Courts Act”. So the Summary Courts Act now comes into the particular amendment. And even further:

“Where a Magistrate...is satisfied by information given on oath by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed, he may issue a warrant...”

The view was expressed that “in accordance with the Summary Courts Act”. The Summary Courts Act speaks about a magistrate or justice and we want to be in keeping with the Summary Courts Act. That is why you had this deletion based on Sen. Seetahal’s SC suggestion.

Again we had another ambiguity, clause 20, which was: What is the meaning of “such other information”? And we were told that was normal. Clause 23 points to the authority of the Minister: All applications from the committee have to be approved by the Minister. Again, that was part of the matrix and that was explained. We were given an explanation that it was explained already, for that particular reason the Minister had to approve all the applications. From what I see here, that is coming from the regulatory committee.

Clause 24(1): reasons should be provided for the refusal of an application. As I go there—I am looking at clause 31(1):

“The Minister shall, where necessary, appoint a committee to be known as the Appeal Committee to review decisions of refusal, suspension or revocation of licences issued under this Act.”

Now, Sen. Rahman made an amendment here:

“The Minister shall, as and when necessary, appoint a committee to be known as the Appeals Committee to review...”

He was looking at it in terms of the absence of recurring bad decisions. So if you are not having any recourse to this particular committee, what would happen if this committee is permanently or temporarily appointed? Because there is no particular time frame; how long this committee—so I do not know if you want to take that under consideration with respect to the committee.

Clause 24(1) was making reference to: reasons should be provided for the refusal of an application. However, we were told that you do not normally include that, because in terms of judicial review, if you are refusing something you should say why; it is not necessary. I think that was the explanation given for that. A lot of this was: The Minister would have too much power. And the issue was, “to appoint”, that Cabinet was the Minister. That is the reflection in the particular explanations.

The question was: Why does the Minister need to keep a register. And it was the view that because the licences are issued by the Ministry that the only body



that could keep the register is the Minister. However, I think there was an amendment to put “the Ministry” instead of “the Minister.” So that was taken care of there.

So the suggestion was, at that time—I think it is reflected in the amendment:

“The Minister shall cause to be kept...”

Not “keep”, so that it will be consistent with subclause (2) which reads:

“The Minister shall cause to be entered...”

So we have “cause to be kept” and “cause to be entered”. And clause 38(d) again deals with the emergency medical professions. The question was asked: What is the specific profession that clause 38(d) was dealing with.

As I am going to clause 38(d), I need to look at clause 34(5):

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

I was looking through because I have the old Bill, but I am making the point that it should be “crossed out” and not “cause to be erased”. I am not seeing it in the amendment; I do not know if it was picked up in the amendment. It was not. So “cause to be erased” should be “crossed out”.

“The Minister shall cause to be erased from the Emergency Ambulance Services register any entry which has been incorrectly or fraudulently made.”

Sen. Rahman is suggesting you cross out “cause to be erased”.

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

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

*Question put and agreed to.*

**3.15 p.m.**

**Sen. Dr. A. Nanan:** I thank all my colleagues for extending my time on this important legislation.

The other area that is of concern is the area dealing with scope of practice. It is very important in this legislation to indicate scope of practice. At 35(a), we are introducing—it will read:

The scope of practice of the Emergency Medical Personnel shall be set out in Part A of Schedule II.

As I go to that particular area, I want to make reference to Part v, Emergency Medical Personnel. We may have some overlap as pointed out by Sen. Rahman, that is clause 37. We need to change it to the Emergency Medical Personnel Governing Board. Do you want to consider that?

I read there because I was dealing with scope of practice and this particular Emergency Medical Personnel Board is of concern because it gives the Minister, by order, power to amend the schedule, to add to or to remove from the scope of practice of the emergency medical personnel. I am not sure that is the role of the Minister or if it is the role of the board. We need some clarification, so that we do not have confusion in that area.

We also have to consider whether that board is being reflected in the Medical Act or the Pharmacy Board Act. If it is being fashioned along the Pharmacy Board Act, it may need to be structured differently. If it is being structured along the Medical Board Act, it may be correct. We have to look at the role of the council.

Now, in the scope of practice, we are dealing with specific professions. It says that the council shall have power to prescribe educational training requirements for all levels of emergency medical technicians. What we are having from this particular structure is emergency medical technicians who are required to be of a certain standard in this scenario of the emergency ambulance services.

The onus is on the council to prescribe the education and training requirements, but what is the relationship now between the council and the Minister? If the council does not go along and prescribe educational training requirements, what is the recourse of the Minister? Is there any place where the Minister can intervene without being accused of interference? That may be another area that is shady. You need to have these emergency medical technicians to be educated and trained to a certain level and if this council is not having them to a certain standard, what is the recourse of the Minister?

In clause 43, we are saying that the council shall have the power to regulate the emergency medical personnel and the suggestion is that you should have the Emergency Medical Personnel Board regulating the profession. Actually, the legislation appointing the board is regulating the profession and it should have been the council because the council comes out from the board. That suggestion was accepted because the board is separate from the council.

We have another suggestion—in clause 39, the members listed at subsection (1)(b) to (e) shall be appointed by the Minister—and the suggestion was "in discharge of this mandate" would have been for this particular area. We may need to consider that. [*Interruption*]

I have a few more things to discuss. I did not write a minority report because I want to get these points through. We do not want to have an overlap between the council and the board. We need strict boundaries—the role of the board and the role of the council. Of course, the Emergency Medical Personnel Board is made up of the emergency medical personnel. It is a strange situation because you are going to take all the emergency medical personnel we have now—they will have to be of a certain standard; of course there will be certification and they will become now the board and from this particular board, you will select a council and the council will regulate the profession. I think that is the structure dealing with the Pharmacy Board Act. The Minister of Health had agreed at that point in time.

There was a great big discussion about the council and how it is structured in the particular Act and its functions. It is important to understand and an explanation was given with respect to clause 38. The board is really the regulatory board and acts for the council. They have the basic functions, that is the powers given to them. Prescribing education and training should be the entire board so that the board regulates, and annual continuing education should be the whole board again. We have a bit of confusion taking place between the council and the board. We should have clarification there.

To make it even clearer, clause 38 deals with the Emergency Medical Personnel Board, which would register emergency medical personnel and keep and review a register of emergency medical personnel. So, they will have a register there, but remember the issue when Minister Rowley went to the Medical Board to view the register and claimed he was not allowed to. That was a matter with Prof. Chandulal. I do not know if you recall that issue, where the register kept by the medical board—to see if that particular professor was a bona fide specialist. That was the Hughvon Des Vignes matter and Prof. Chandulal as the pathologist. There are certain areas that need to be clarified with respect to the register of medical personnel.

Then there is a whole list of items that go on with clause 38—the addition or removal of the names from the register of the emergency medical personnel to be made by the board and not the Minister. The board shall: regulate the emergency medical personnel profession, develop standards of practice for health service

providers in respect of ambulance services and emergency medical services; develop competency programmes to continually assess fitness to practice; review the continued competence of the emergency medical services provider; develop standardized medical direction for emergency medical technicians; prescribe education and training requirements for all levels of emergency medical technicians; and prescribe annual continual education and training.

I said that I find it vague, and I still do and the explanation given at the time was that it is not vague at all because the Medical Personnel Board shall direct the medical protocols, which are a standard method for direction.

The explanation goes further, having regard to the function, the powers are those of the board, the disciplining of the members should reside in the boards; members should discipline through the council. It goes further to say that it has the power to evaluate and recommend registration of the emergency medical personnel and direct the register to add or remove names from the register; act on behalf of the board in spite of its powers under that section; the council directing the registrar to enter names of emergency medical personnel to be registered. The registered medical personnel board shall add or remove names from the register and the explanation is that all that authority is now delegated. The council now has the authority to expedite all that.

The suggestion by Sen. Rahman is that Schedule 1 should have an expiry date of appointment and renewal upon expiry. The explanation for this particular situation with the register; what happens is that they add or remove dealing with the register just to facilitate some amendments to have it passed in the Senate.

Clause 43(b) had “direct the Registrar to enter or remove names of Emergency Medical Personnel to the Register”. The suggestion now is “direct the registrar to add names or to remove names from the register”.

The other issue that was raised was the subject of negative resolution. It was the view by me that the regulations be subject to affirmative resolution of Parliament and the Minister of Health did not agree.

### **3.30 p.m.**

The view expressed from that view of the Minister of Health was that once it is subject to negative resolution, it can be debated. *[Interruption]* The difference with affirmative is it has to be debated. By negative, you have to be—*[Interruption]* exactly. You are supporting the affirmative?

There is another area that I raised with respect to the nurses administering intravenous medication. The view was expressed that under the Medical Board Act, nurses can administer intravenous medication under the supervision of a doctor.

I want to conclude. This particular part is important. Sen. Dr. Kernahan pointed to bureaucracy. I want to state the explanation given for that particular matter raised. There are really two committees, the Regulatory Committee and the Emergency Medical Personnel Board, which are governed by a council. That is one of the explanations given in the particular area of bureaucracy. The other area is that members of the Medical Personnel Board are not elected but appointed by the Minister. The explanation given is that there is a list of institutions that are likely to train the technicians and that the training is under private institutions and you cannot name your training agency in the legislation. We still ask the question: What is the stipulated level of training required for a technician? It all goes back to the scope of practice with respect to the council making its own regulations and with respect to training. In terms of training, it is important that we recognize—this is the explanation given, that they would be the National Training Agency and the Accreditation Council.

In closing, I supported the report. I made some observations and I hope you would consider them, Minister. I am sure this particular Emergency Ambulance Service and Emergency Personnel Bill will be a pillar for Trinidad and Tobago.

**Sen. Corinne Baptiste-Mc Knight:** Thank you, Mr. President. Let me start by recognizing the efforts made by the Special Select Committee. Although I do regret that, at least to my way of thinking, they really have not gone far enough. The state in which this Bill came to us causes me to be amazed that the committee was able to finish its work in two sessions. Perhaps for that reason, I would have rather more comments to make on it than I had hoped.

I would like to start with Part II of the Bill. The type of amendments that have been introduced to this part of the Bill and the statement made by the hon. Minister in presenting the report, lead me to believe that very little consideration was given to a fair amount of criticism that came from this side of the Senate, with respect to the number of bodies, the proliferation of committees, boards and councils that did not seem to coordinate among themselves to produce anything.

Let me go back to my original criticism with respect to this advisory committee. I do not think it has to be legislated. If the Minister needs an advisory committee, he gets Cabinet's approval and sets up an advisory committee. It does

not need legislation. For the purpose of an ambulance regulatory committee, the main job of this committee, as written at clause 4(1), is to advise the Minister:

“... for the delivery of efficient and effective emergency medical services.”

Mr. President, allow me to repeat what I said on the last occasion. Emergency medical services would embrace far more than mere ambulances and emergency medical personnel. The main purpose of that committee is to advise on emergency services, and for the purposes of this Bill it with function, according to clause 4(3)—

I recognize the fact that a biomedical engineer is now placed, not many, because five Regional Health Authorities can each put a biomedical engineer on the board. I accept that. A biomedical engineer would deal with the equipment in the ambulance, but if the ambulance has faulty tyres and an engine that is breaking down, the best medical equipment, well maintained, cannot reach any place. I maintain that one ought to insist that there should be somebody who is expert in vehicular maintenance. When you go to inspect an ambulance, you need to inspect their maintenance records, the maintenance of the vehicle itself, over and above the maintenance of the equipment in it. This is important. It might seem trivial, but it is important.

The functions that are ascribed to this committee do not seem to work in collaboration with or in conjunction with anything else; any of the other bodies. This authority is responsible for evaluating applicants for licences, but the authority is responsible for the delivery and monitoring of the services. The inspectors who have to monitor the services have nothing to do with the authority. They do not report to them and they do not pass by them. They report straight to the committee, or if the Minister wants them to do something, they report back straight to the Minister. The amazing thing about it is they have an “as soon as practicable” time frame to report to the committee, but they have 72 hours to report to the Minister. Something is wrong there.

Let us look at the duties of the committee and then let us look at the duties of the board of the authority. If this authority has the main responsibility for delivery and monitoring, hear what the responsibilities of the board are. At clause 5(4), they are appointing committees and appointing various levels of staff. At clause 6, they are placing the seal on documents. At clause 7(1), they are calling monthly meetings. That, to me, does not represent work—for how many people? Nine people. That is wasting people's time and taxpayers' money, to say the very least.

It is either you scrap the board and have the committee do this, or my preference would be scrap the committee, because their ambulance functions are only part of what they have to do; have the committees advise the Minister on everything, separate and apart from this Bill and transfer their functions to the board of the authority. We would not only save a little money, but it would help the thing to be a little more effective. That is the word you like to use here.

It is instructive that at 8(2)(f), which was inserted as an amendment, the committee has to instruct inspectors in respect of their duties. That does not make very much sense to me, personally. Is this a private school? Well, this would have to be tertiary, because these people would all be over age. You cannot have a committee instructing inspectors, it is either they are going to be laying down the procedures for their operation or certification, but not instructing them.

Let me move on to Part III. When we discussed this before, I had suggested that, in view of the fact that this authority and the ambulances would be essential in the area of disaster preparedness, that somebody, an agency or the agency responsible for disaster preparedness, be forced to be involved in this by being part of your board, committee or your authority. Among the functions at clause 8(2)(f) and (h), is it this authority and not the duly designated agency that would be responsible for disaster preparedness? This board has to develop, monitor and implement disaster preparedness programmes. I think this is a little weird, because this authority does not have that as part of its mandate. What it has to do is liaise with the proper authority to ensure that its element in this is properly provided. I think this has to be revised to take that into consideration.

### **3.45 p.m.**

Now, I recall that I had problems with what appears here in clause 8(2)(b) but, perhaps, I did not state my problems eloquently enough for them to get into the matrix so, let me try again. Is this body responsible for the development of “a coordinated trauma system” which is not an ambulance service? Is this authority being mandated to achieve this “through the integration of emergency care facilities into the emergency medical services system...”? Further, is the authority being instructed about how it is to achieve this “coordinated trauma care system” which is not its business?

It goes on to state that it must be:

“...consistent with the minimum standards and protocols for pre-hospital triage and treatment, destination policies and inter-facility transfer policies;”

Now, if I understand this properly, these standards would have been set by the committee. I think they would be the “destination policy” standards and the “inter-facility transfer policies”. I am expected to legislate that a government authority practise the minimum standards. There are people who think that I am reasonable, so I could not do that.

Let me back up to clause 7(4) where it talks about the decision-making process in all of these various boards and committees, et cetera, which is a main theme throughout this draft legislation. Clause 7(4) says that decisions can be taken legally by two members present, out of a board of nine. How do I get that? You must have four persons present to vote, and if two of them vote for and two against, and you need a casting vote, it is one of those persons who would have voted for or against that is going to be the casting vote, and we are going to end up with two persons taking a decision for nine. Something is wrong with that mathematics.

Let us move on to clause 40(5). Again, we are talking about the numbers that are involved. Clause 40(5) says that you have a board which is the Emergency Medical Personnel Board and there are 11 persons, five of whom are emergency medical service personnel and six are the Minister's nominees. Now, six of them are nominated by the Minister, but at clause 40(5) it says that the quorum would be six and, at least, one of those six persons must be appointed by the Minister. There is a serious problem with basic mathematics in this draft Bill. If you have 11 and you take away six, then you are left with five. There are only five non-ministerial appointees. How I work it out, it is impossible to have six persons present without one being a Minister's appointee. Do you agree? If you agree otherwise, I am going to fail you at SEA. Now, if you want to ensure that both sides are present, you should ensure that at least one person is not a Minister's appointee.

Clause 40(8) says that every question before the Council would require a majority of the members present. Again, we are back to two. I suspect that time did not permit a thorough investigation of the draft amendments.

Mr. President, let me move on to Part IV. Clause 15(2) stipulates that the persons who are to be inspectors are appointed “for the purpose of conducting inspections”, but they are supposed to be qualified persons. Now, I have not been able to find in this Bill who qualifies them, what qualifies them or who certifies them to be inspectors. Again, you are sending people to inspect vehicles—employees of the Minister of Health. I do not think the Minister of Health is going to nominate a person from the vehicle maintenance department of the ministry to do this. Public Health Inspectors are not normally required to know about the workings of an engine.



With respect to medical practitioners, some of them do, because they have hobbies. With respect to a biomedical engineer, that is not his specialty. Who is going to ensure that the ambulance though well equipped is able to leave the premises where it has been inspected? Vehicle maintenance is not a priority, and I think we need to rethink that one.

If we go to clause 31, here again we have the Appeal Committee. If somebody has failed, because the vehicle was faulty, again you have two qualified doctors and a lawyer. Shall we hope that one of them is a closet mechanic? I do not know.

Now, Mr. President, I would like to spend a little time on Part VI, which deals with the Emergency Medical Personnel. At clause 39, it spells out what the board shall do. Now, this board is really very special, because it is a board that comprises the totality of the profession, and everybody in the profession is going to be reviewing the continued competence of himself. They are going to be developing standardized medical direction for themselves. Now, I believe in the greatest good for everyone, but are we not tempting fate here? We do have a couple aberrant people in this nation, and that is nothing that sets us apart.

Let us move on to clause 40(1). I recall mentioning that the Interim Council prescribed the inclusion of certain representatives like the National Training Agency (NTA) and the Accreditation Council and that makes sense, because these are the persons who are looking after registering people. One assumes that to be registered, persons must have a certain set of stipulated qualifications. These qualifications must be obtained at accredited institutions, but once this Interim Council demits office in four months' time, the permanent board no longer requires such expertise. I am beginning to think that I am the problem. This does not make sense to me. Up to about last year I was considered sensible. [*Laughter*] I do not know. I am sure it is not the place, because the people here are bright, but something has gone wrong.

Now clause 41(1) says:

“A member of the Council shall vacate his office if he—

- (b) ceases to be a member of the Emergency Medical Personnel Board or of the Medical Board, as the case may be; or”

Can somebody tell me whether nurses belong to either of these two boards? The last time I checked they did not. Nursing is represented on the board. So, the fortunate nurse can cease to be a registered nurse and not cease to be a member of the board. I do not have a problem with that since most of the nurses are female.

**4.00 p.m.**

The powers of this board seem to conflict a bit with the powers of the council. In fact, the council only seems to be able to call meetings again, evaluate and recommend registration, direct the registrar to add names, and act on behalf of the board. What is it going to do on behalf of the board at this stage? I cannot say who cares, because we do.

If one is spelling out the functions of a board in legislation, I think that they ought to be clear and precise, which brings me to the subclause that I love best in this whole bit of legislation. It immortalizes incompetence, 52(4), where it says, that if the registrar is directed to register somebody and he fails to do it—are you ready for this?—the president of the board is directed to do it.

Now, this defies sense. You have an employee, you not only recognize his right to refuse to carry out a legitimate order in your legislation, but you say, forget him, you, Mr. President, you do it. Your employee is not doing his work so you do it for him. No, if I agree to that I will be publicizing to the world that I need to leave here in straightjacket.

**Hon. Senator:** By ambulance?

**Sen. C. Baptiste-Mc Knight:** Not by ambulance. [*Laughter*] Now, the registration process—and I am not sure that I mentioned this before—but a register has to be kept and published of everyone who is qualified and entitled to offer service, but when this person is suspended or removed for any other reason, there is nothing that says that this has to be publicized. So that when John or Mary Q. Public goes to the register or rings up to find an ambulance he gets somebody who was struck off—but whose name still appears on the register, because it might be a recent thing—no effort whatsoever is made to notify the public, to inform them that this person is no longer entitled to offer services.

No, I have a difficulty with that. I have already mentioned the problem of persons who are to be investigated in order to be either retained or struck off, and the imbalance between the responsibility of the inspector or investigating authority to the committee, as opposed to the Minister.

Now, this is something that will affect the livelihood of the person who is being investigated. Is it fair and caring not to have a well-defined time frame within which such investigation must be completed? This works both ways. If the

person is to be struck off, the sooner it is done, the better for the public, who might need their services and if the person is to be cleared, the less the time that he or she has to suffer.

Mr. President, with those few words, I thank you for the opportunity.

**Sen. Helen Drayton:** Thank you, Mr. President. I would be very brief. I think Sen. Baptiste-Mc Knight has once again elaborated, in quite detail, the issues with respect to this proposed Bill, which go to the heart of governance. I would try and put it very succinctly.

I think I heard a figure of some 45 to 50 ambulances in Trinidad and Tobago. Let us just say 60, let us just say you cater for growth and you push it to 100, 150. You are legislating for seven establishments, which would comprise somewhere in the region of eleven odd persons each. You have not yet counted your drivers, your inspectors, your medical personnel, your clerical people, your administrative people, your management people; 45 ambulances.

You are legislating for a committee to advise a Minister; you are legislating for an authority, which in effect, is a paper company, that has very little to do that is of substance with respect to emergency ambulance services, from the point of view of policy and strategy. It resides in a committee that advises. You have a complaints review committee, you have an authority that can then appoint several other committees—so we have not stopped speaking about committees as yet—an appeal committee, emergency medical personnel board, council of that board, 45 ambulances.

I took the time to review once again, what obtains in other countries such as Canada, Australia, United Kingdom, which I think is what we had probably looked at with respect to this Bill. Of course, you are dealing with countries in which you can sink Trinidad and Tobago and its population umpteen times. They have thousands of ambulances, thousands of hospitals and medical centres and paramedics, so that such a structure one could understand.

I think we need to really give serious consideration to the issues of governance and not the little itty-bitty things here and there that were apparently addressed; there are serious issues of governance. We are dealing with a critical service where every second is a second that could mean life or death. I repeat, you need a flexible structure, a fluid structure, precise and excellent regulation that would promote efficiency in governance, not bureaucracy.

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I do not mean to be unkind, but if this was not so tragic then it would be comical, but it is a serious matter and I would urge that the Government take a serious look, once again, at the governance structure for our emergency medical ambulance services.

Thank you, Mr. President.

**Sen. Mohammed Faisal Rahman:** Thank you, Mr. President. I shall not be long today, I will finish well within the 20 minutes left before tea. Mr. President, first I would like to welcome you back to this Chamber. I know you had a very trying time and I trust that your vacation after that has restored you. You began the proceedings today with somewhat of a controversy, but I am happy that we are back to calm waters.

Mr. President, Sir, this report by the Special Select Committee on the Emergency Ambulance Services and Emergency Medical Personnel Bill highlights to me certain issues, which I would like to approach. This Bill came to us originally in a very disastrous form, and I believe this has been borne out by other contributors. It has been salvaged by the diligence of the Special Select Committee, although not completely, because there still remain certain areas where Members of the Senate will have much to say.

I got the impression from the chairman of the committee that it was smooth sailing. I do not believe that two sittings would really have been quite totally completely adequate to deal with all of the issues that clearly my colleague has highlighted among some of the suggestions, which we have made for him to present. I would not be dealing with any of those, of course, he has handled that very well.

The point I want to make, Sir, is that the practice of bringing a Bill, sometimes at short notice for debate into Parliament, then having a disaster take place, as happened in this Bill, then have it sent to a special select committee, where members are pressured being in the minority, to go along with the majority view, on matters on which they hold reservations, still does not make legislation a very smooth process. I would like to recommend that when Bills are being brought, not only should they be presented as the Standing Order said, I think it is 22(4):

"Copies of motions and amendments sent to the Clerk shall be circulated by him to Senators, whether or not they be matters of which notice is required and, in the case of amendments to Bills, shall be arranged, so far as may be, in the order in which they will be proposed."

I would like to suggest, Sir, that not merely that we be given Bills at short notice and circulated with them, so that you may make quick, fast, research and comments, but that we have a legislative agenda where Bills can be circulated to Members of the Senate and we can be invited within a period of two weeks or so, to give our comments, to review the draft and give all of our inputs within that time. So that the Bill may then go back to obviate the necessity of a special select committee and then after a renewed debate on matters that may have been missed by the special select committee, in their efforts to meet the deadlines that would have been imposed upon them.

I really believe that this would facilitate, not merely the passage of Bills to the benefit of the nation, but it will remove much of the acrimony that we are sometimes accused of on this side, when we are condemning Bills that have come before us that are sensationally deficient and really pre-collapsed in their presentation.

So, Mr. President, with the greatest respect, I wish to recommend this very sincerely to the Government side, that they review this matter.

**4.15 p.m.**

In the instant case, while my colleague has the view that this would give a fillip to the ambulance services, I have a nagging concern in my mind. When you consider Murphy's law, "if anything can go wrong it will"—you are almost certainly sure about that—and he did mention the question of a bureaucratic nightmare being presented by the Bill itself. We are still hopeful that we will have a fillip to the services. My concern is this: from ever since the Bill was originally introduced, the impression I got was that the expansion that was anticipated by the enactment of this Bill would result in a greater efficiency resulting in about a 10 per cent increase in the servicing of the people of the country in terms of the volume of traffic that the ambulances will generate.

Of course it is too late to stop this in the tracks, but I really have to express my concerns, whether this tremendously bureaucratic Bill, with all of the reservations that have been expressed by other Senators, Independents and ourselves in earlier days, will not result in a chaotic situation and actually end in trammelling an ambulance service that has been functioning exceptionally well and going at a remarkably efficient rate. As the Minister of Health himself had admitted when he had first presented the Bill, from its concept, implementation and development through the years, the emergency ambulance service has in fact improved

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tremendously. I am really concerned that by going into regulation at a time when it is not an imperative for the greater efficiency of the service, whether this would not in fact trammel the freewheeling operation that is already performing very well.

I do not know that we have any instance where there is any deficiency in the service at the present time resulting in deaths or injury from the negligence of the currently performing personnel. Certainly there are areas where we would want to go into grading technicians and improving the services, but again, I have to wonder whether this entire Emergency Ambulance Services and Emergency Medical Personnel Bill, will in fact accomplish a greater efficiency or whether it will not result in a decrease in efficiency?

I must, however, compliment the committee for the diligence in which it approached the task and again repeat my plea to the Government that we approach the passage of Bills in the future with a greater advanced input rather than the confrontational system which we use at the present time.

I thank you very much.

**Sen. Prof. Ramesh Deosaran:** Thank you, Mr. President. I have a few comments to make, especially since I am convinced that this whole matter has to do with public safety, especially, for people who fall ill suddenly and they need all the help that they can get. In addition to that, I say so because it could happen to any one of us here so I believe it compels us to look at this Bill very seriously.

I want in the first instance to, of course, commend the Special Select Committee and its chairperson, the Minister of Local Government, for the work they have done—even though there were two meetings, I think, they have covered a lot of ground in bringing this report to us—and to the Members as well, I think for their diligence, I want to extend my commendation. To Sen. Dr. Nanan for the length of his comments, I, myself, was wondering, perhaps—it might be too late to advise—he should have brought a minority report which would have given us focus and when we could have known more precisely where you stand, because he seemed to have supported the report but with the vast range of reservations that he has, I think, it would be justifiable for him to have brought a minority report.

I want to agree with my mathematically inclined colleague, Sen. Corinne Baptiste-Mc Knight, in terms of putting a provision for having somebody competent in vehicular maintenance. That is one of the first things I spotted. You

have all the different types of competencies but an ambulance is a moving object with thousands of parts, some very susceptible to being damaged and with severe consequences; brake fluid, the steering joints and a number of things—I am not applying for the job by the way, I am just trying to describe the possibilities.

I always wonder alongside this—if it would help the Government—why not make greater use of VMCOTT? After all, VMCOTT is the Vehicle Maintenance Company of Trinidad and Tobago, and if my recollection is right, I thought you brought VMCOTT to help public vehicles get attention in the proper way. So, you have a facility, which I believe you should use and I think that adds some value to the point that Sen. Baptiste-Mc Knight was making.

Secondly—an important point as well—the names of people and agencies that have been removed from the registry should really be published. That is really standard practice. Mr. Minister, I think that is an important point, because people can still conduct business without the public knowing.

I think in clause 15, one of the things that is very striking—I am trying to help the process because I would hate to see that this Bill becomes an Act with what appears to be several defects. This question of employees—“the Minister may appoint inspectors from among the following qualified persons”, but you have only “employees’ of the Ministry of Health. Yes, they are qualified, GCE, CXC and so on, they could be clerical officers, I think you need some more specificity in this question, especially since they are going to join the rank of inspectors with the important portfolio of responsibilities in the subsequent clauses. I do not know if or how it could be done, but certainly, employees are not sufficient for this particular task and I think some attention could be given to that.

In clause 17, I merely want to point out one thing, because I know there are two very powerful sides to this question of people entering premises and whether it violates the constitutional rights of the proprietor or owner, or whether the entry of such an inspector is justified in the public interest or whether the situation at hand, given the sensitivity of health, ambulances; whether the inspector should have ready access without any undue hindrance, and it is indeed, a balancing act. But I merely want to point out, as I did before, the precedent in terms of where I would suggest we should head in the circumstances.

In the Water and Sewerage Act, Part IX, section 28, it states an authorized officer of WASA, may, on producing if required evidence of his authority, enter any premises supplied with water by the undertakers—meaning WASA—in order to examine if there is any waste or misuse of such water—he could examine a number of things—and if the person refuses him admittance or so obstructs him, that person is liable to a fine of

\$150, of course, the fine is a little minimal. But the principle I believe should now be giving the inspectorate fuller access with certain checks and balances. It is also important because you have to balance the right of a patient, the purpose of these ambulances and the need for immediate attention. It is not something you could postpone and say, well, you would fix it tomorrow or next week. While the legal rambling might go on, the purpose of the legislation says otherwise, you need immediate action, you need an expeditious decision, and I think if you allow too much wrangling in such a context, it would defeat the major purpose of this Bill.

Let me emphasize, I understand the question of constitutional rights, I also understand the need for properties to be sacred, I understand all of those things, but when you are dealing with health and emergency matters such as this one, I think since the precedent is set, not only in the Water and Sewerage Act, but in several other pieces of legislation, but with proper checks and balances, because in this case I will have more concern with the state of the ambulance, the readiness of the agency to deliver the particular service, sensitive as it is and also the general concern over the person who will use such ambulances.

Perhaps one check and balance on the role of the inspector would be to have a manual as to how he should enter the place and other provisions in a protocol that he would perhaps be guided by certain fixed principles rather than rummaging into the place *vaille que vaille*.

I am also aware that there are too many cases of the abuse of power by people who, even if they are authorized in law to enter and search, they do not produce warrants, they do not produce the authority sufficiently, so it is in the climate of public opinion that people are duly concerned about inspectors entering premises. So, that perhaps is another issue, but it is a balancing act and in the circumstances of health and public safety and the condition of ambulances, however, I would try to make hindrances to inspectors as minimal as possible with the checks and balances that could be invoked.

This brings us to the whole question of trust. It looks as if nobody trusts anybody anymore in this country, especially when you have people with provisions to conduct certain functions under the law. It brings us back to this whole question of trust, I think the time has come for all of those people in authority, primarily the Government, to try to set some standards so that what we call the *zeitgeist*, the climate of public opinion should be changed into a more trusting manner, because every time you bring legislation where some authority has to be exercised, we see the fear about how public officials will or will not function, and this is another such example.



I move on now to clause 24(3). Now, really, if you have an agency or an owner gathering all of his resources, buying ambulances or whatever the resources might be, which could be quite expensive, and after setting up himself in terms of property, the garages, hiring other employees and you are granting this licence only for a year, I think that does not look reasonable to me—not with all of the implications considered in terms of preparing yourself for a service like this. I would say three years, because you already have an inspectorate which will monitor the facilities on an ongoing basis. So, I think one year is a bit too little a period in the circumstances, given the expenditures and preparations involved.

I refer to clause 26(2)—I think if my friend Wayne Chance should see this provision he might hit the roof, because the provision says—and here again we come into a balancing act, as I have said before, public policy always contains this balancing act as to which way you should go. But I think you have to take public opinion into account, you have to take a cost benefit analysis, you have to take what is Government's overall public policy into account. But here it is you say that, "a licence will be refused if the applicant has been in prison for 12 months or more." Certainly, you do not want to send a jailbird to manage this enterprise—

**Mr. President:** Senator, if you need two or three minutes I will give you that, but if you are going to need more then maybe we can come back at 5 o'clock.

**Sen. Prof. R. Doesaran:** I think I have to come back.

**Mr. President:** Very well. Hon. Senators, let us take the tea break. It is 4.30 p.m., the sitting is now suspended until 5 o'clock. We will resume at 5 o'clock.

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

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

**Sen. Prof. R. Deosaran:** Mr. President, if I should continue and make a confession, I did not know that I would have been the last speaker. So as to deprive my colleagues of being dismissed just after the tea break, by my speaking, I feel guilty of having to have them return here, but I would be very grateful for their indulgence in this particular matter of health safety.

The other point I wish to make, Mr. President, if you would allow me for a minute, is that normally when a Bill goes to a special select committee and it returns, the assumption is that the issues would have been dealt with sufficiently enough that even if there is subsequent debate, it will be quite minimal. This is a very unusual situation and I think Senators who have spoken would have been inspired because of what they see is necessary to improve the Bill, but certainly it

is not usual for us to have this extent of debate and commentary on the clauses. When I looked at the report of the second meeting, perhaps it is because of the absence of the attorney, Sen. Seetahal SC, that some of these things slipped by. But be that as it may, I hope the interventions we have had this evening by different Senators, are taken in the particular light that perhaps there is an attempt to be helpful and to strengthen the Bill.

I was speaking on a particular issue on clause 26(2) and I was implying the need for a consistency in government's policy. Government has made a big do, a set of large announcements about prisoner rehabilitation, penal reform, and one of the central policies in that broad programme is to give ex-convicts a chance in the country, to the extent that they have asked private sectors to assist by giving these ex-convicts a chance.

I am not saying that all ex-convicts are deserving of a chance. But when you put the provisions here so bluntly, where the penalty is imprisonment for 12 months or more and you would never get a licence, perhaps a compromise could be formed in trying to have government's policy consistent. And also with the prevailing ethic I would say, of giving ex-convicts a chance to rehabilitate themselves and possibly to get involved in some productive venture. In other words, a chance to change their lives. So if you have to make a compromise, rather than having it so final, maybe you should say 12 months or more in the last 10 years, or the last five years. It will show that government's policy is consistent with prisoner rehabilitation. That is my particular point on this provision.

When we come to clause 27, the one that follows, it talks about renewal and it gives the inspector a further responsibility, that is, "the inspector shall visit the site or premises...and evaluate" and so on. But I feel obliged to go to clauses 15, 16 and 17 and I ask myself two questions. These functions of the inspector are already included, or if not, could be properly included in clause 17(1)(b) and let me explain further. You will notice first of all that in clause 27(2), there is no provision for if the person does not give consent, whereas you have that provision taken care of in clauses 16 and 17. But you might say well, if the person does not give consent, no licence for him. So you can remove that. But suppose you look at the requirement of parsimony which I have mentioned several times. In drafting, you would want to choose the more precise, concise provision so that you will narrow interpretation.

So rather than this subclause (2), I would like the Minister to consider removing clause 27(2) and in clause 17(1)(b), put "for renewal or". Clause 17(1)(b) would read as follows in the change I am recommending:

"To make such examination and enquiry as may be necessary"—and then you put in—"for renewal..."

Because that is the issue that you tried to tackle here with clause 27(2). "Renewal" is the only difference in what you are already providing for in clauses 16 and 17.

So the imperative of parsimony as far as I know in legislative drafting would be satisfied, unless you have some objection or concern that escaped my mind at the present. But if just for emphasis you have it, revisit it, and you merely insert in clause 17(b), "to make such examination and enquiry as may be necessary", and you put in the words "for renewal" or "for ascertaining", that would take care of what you want to do in clause 27(2). It goes a little further.

Whilst I am on this point, the question of the inspectorate and the functions. We have electrical inspectorate, building inspector, health inspector, safety inspector, but for those of us who have lived in this country for some time and know something about criminal conduct in public agencies, would tell you in some instances—I would not say all—the role of inspector and granting licences or approvals has become a "bobbol" factory, passing money to get things passed and approved behind the doors as it were. That is no secret.

I am aware that a former Attorney General, Mr. Selwyn Richardson was sitting right where Sen. Dr. Saith is sitting and I was on this Bench, made the point about these inspectorates are corrupted—some of them, many of them. So even though we have the inspectorate, Mr. Minster, through you, Sir, you have to be careful that they too have some kind of checks and balance. The question we face in this country, if I should come back to the question of trust, is that you put a watchman to look over certain things, but it seems now you need another watchman to watch over that watchman. [*Interruption*]

**Sen. Seetahal SC:** Yes.

**Sen. Prof. R. Deosaran:** And the way things are going these days, you need another watchman to watch over that watchman who is empowered to watch over the other watchman. So we are becoming a nation of watchmen because of the suspicions and the allegations of corruption, and misdemeanors right across.

This inspectorate issue is important, so you just do not put the functions. I think there has to be some administrative device if not legislative, to watch over the performance of this inspectorate and maybe the committee might have some mechanism to do because the theory is right. You have the theory of the inspectorate, but the practice and the evidence in this country has been such that there has been too much corruption, or inefficiency at least, to be more charitable in the granting of licences. There are too many rum shops and bars all over the

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place, near the highways, near the byways, blocking traffic. There is too much permissiveness even by magistrates who grant these licences so easily. I am not saying all of them. This has become a "bobbol" factory, a "bobbol" machine, this inspecting things and the purpose not being properly fulfilled. I say so with great care of course, and restraint, but also with great concern for the evidence that has been coming before us.

We need some corruption busters in this country and that is why some of us feel that the Attorney General on his return would perform that role, starting from UDeCott right down. Let no man or woman be spared by our "corruption buster", the Attorney General. *[Laughter]* I hope you do not fail the country, Mr. President, through you, because there is a lot of work to be done and tidying up to be done, and you have to promise this country that you will undertake your task very seriously. I see that you want to respond.

*[Sen. Jeremie shakes head]*

My last point is on clause 32. When I read it, I do not know if I am going forward or I am going backward. You get dizzy reading this clause. It is the Houdini clause. It is like H1N1. You do not know if you get it until you have it, with due respect to my colleague, Sen. Mark, of course.

Clause 31(1) starts off by saying, "The Minister shall...appoint a committee..". That is the Appeal Committee. Then it goes to clause 31(4), "The Minister shall appoint...the Chairman." Then it goes to 32(1), "Where a person is aggrieved by the decision of the Minister"—that person—"may appeal to the Appeal Committee". So you are going around now. The circle is moving around now. Then you come to 32(2), "The Appeal Committee shall...review the decision of the Minister and either affirm or reject the decision of the Minister", and "(3), Where the Appeal Committee rejects the decision of the Minister, the licence refused, suspended or revoked shall be issued or re-instated."

So the first question I want to ask is what is the role of the Minister here? Why not let the committee do the work if it has the final say? Apparently—

**Sen. Browne:** The Minister is Cabinet.

**Sen. Prof. R. Deosaran:**—unless there is something, I say, that I have missed. There are some other points, but I would not belabour the issue too much. Thank you for giving me the opportunity after the tea break, and I thank my colleagues for bearing with me on this important matter.

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

*Adjournment*

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**ADJOURNMENT**

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the Senate do now adjourn to Tuesday, June 16, 2009, at 1.30 p.m., where on that occasion we will continue the debate on this particular matter, and hopefully Sen. Mark would be here to make his contribution as we had agreed.

**Mr. President:** Hon. Senators, before I put the question, I have granted leave for a matter to be raised on the Motion for the Adjournment. Sen. Oudit.

**5.15 p.m.**

**Godineau Bridge  
(Need for Repair of)**

**Sen. Lyndira Oudit:** Mr. President, and to the hon. Minister, Mr. Imbert, please accept the message today on behalf of the residents and citizens of the South-west peninsula. I am just the messenger.

The bridge that separates the South-west peninsula from the rest of the southern area at the Godineau River—and we are on the Southern Main Road here—is over 50 years old. The failure of this Ministry, not only this particular administration, but from the 1950s, 1960s, 1970s and 1980s coming straight up, to really deal with infrastructure, roads, drains and bridges, is tantamount to neglect of the South, Central and, in particular, the South-west districts.

On August 05—[*Interruption*—do you know the Motion?

**Hon. Imbert:** I thought it was just the Godineau Bridge.

**Sen. L. Oudit:** The Bailey bridge is similar to the Caroni Bridge. In August of 2008 when the Caroni Bridge collapsed, Mr. Winston Riley, who was the Joint Consultative Council President, lamented that the entire process of bridge construction must be probed.

Fifty years ago when this bridge was built, it was done without the advantage of the technology that is currently available. Not only does this mean that there are severe and significant limitations in the structure and design of the bridge, but certainly the landscape of the South-west has changed tremendously. Before, where we just had a few vehicles and residents, now this bridge services over 20 major districts; you have Oropouche, Rousillac, Chatham, Cedros, La Brea and Vessigny and, if you go further east, you have Siparia and Fyzabad. Within these areas there are countless dozens of other communities that include those persons who depend on this bridge daily.

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Why do things have to get to such a critical point, before we actually take action? Why is it that bridges have to collapse and drains have to flood? Why is infrastructure at the point of critical mass, before action is taken? This is a serious concern for the residents and citizens of the South-west peninsula. I am not talking about one community. I am not talking about a small district of a handful of people. I am talking of the peninsula of the South-west.

Certainly there are areas that you can drive east; from the South-west you can certainly drive East through Woodland. As my friend, Sen. Ramkhelawan, pointed out to me during the break, you can certainly drive through Woodland. But on a daily basis, that is tantamount to hardship; you have to drive for miles outside of that, should this bridge collapse.

Roads and bridges are not for cars or trucks or buses; they are for people. Bridges are not for vehicles; they are tools; they are means of access, but they transport people, school children, your nurses and doctors. These are the people that use the bridges. Whether they walk or drive, it makes no difference; it is a link.

In this case, the Godineau River, if you look at the map of Trinidad, goes straight east; but the major point of link is on the Southern Main Road, which is the Godineau Bridge just by the Mosquito Creek. This is the bridge I am referring to. It is time that this bridge is overhauled.

I know, with all due respect to the Minister, that this is a serious undertaking, and certainly I am sure that the Minister would not want to really put out there the frustration of motorists having to go totally east. My suggestion, at this point, is that you look somewhere at off-site construction, if it can be done, so that when you are ready you simply move it. The technology is available. At this point, it needs to be done.

We have had, over the last couple of years, the expansion of Alutrint. You have residential areas in Oropouche and Rousillac. You have SM Jaleel; you have major contributors to your gross domestic product, so it is not an insignificant set of population we are referring to, who commute here daily. On a daily basis, thousands of persons use this.

Over a period of five days, Thursday, Friday, Saturday, Sunday and Monday, I did five five-minute short surveys standing on the bridge. Five minutes from 5.10 to 5.15 on five different days. With the exception of Sunday, which saw the least number of cars, the average of that five-minute period was 110 cars; every

five minutes, from 5.10 to 5.15. This is evening rush hour. You have morning rush hour; again, every five minutes is an average of 1,300 cars per hour. You have morning rush hour.

That bridge is immediately before the cremation site, where, on a daily basis, from what I have observed and from my questionings to the people at the cremation site, you can have up to seven cremations each day; so this is not including the daily commuters. You have thousands more vehicles that use this bridge, park right along this area.

All this is really telling you is the number of persons who will be disadvantaged should this bridge collapse. The reason I am saying collapse, Mr. Minister, and I believe that the Minister is very interested in the interests of his people, if the Minister were to walk through the side of that bridge, he would have to be very careful, because the pipes are all corroded. There are pieces of metal sticking out, so that the people who have to walk on the side, they literally have to take their own risks.

On a Sunday evening drive, just ask a fisherman to take you on a little boat ride underneath the bridge and you will see the extent of the corrosion. The entire underside of that bridge is corroded. While you drive, as you reach to the bridge there is what is called, and you would know this, "subsidence". So the bridge is actually now, at least, five inches lower than the rest of the road on either side; so it is subsiding. Not only are we talking here basic aesthetics, but we are talking structural integrity. The structural integrity of that bridge is at a catastrophic stage.

According to the United Kingdom (UK) Department of Transport Standards, there are three types of assessment used. The first one is really to assess specification compliance, but this is normally done at the start of the bridge, so we are talking 50 years ago; so let us forget that one. Then they refer to what is called "maintenance investigation"; this covers three things, one is a superficial inspection. This inspection is merely done by walking around and seeing things, visually.

You have a general inspection done every year and you have a principal inspection which is done every six to eight years. Mr. President, I would like to ask the Minister: How many of these tests were done, maybe not in the same name, but along the same purpose, inspection, assessment? How often were tests done on this particular bridge and where are the reports?

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In the August 2008 *Express* it says:

"A Works Ministry official told the *Express* that the rehabilitation of the bridge would be done as part of the Mosquito Creek coastal protection project that would also prevent further erosion of the adjacent Shore of Peace Cremation site."

Where are the reports of those rehabilitation works? Was any coastal protection even started? Based on the two sets of assessments that are done and recommended by UK Transport, there is a third one called the "Structural Adequacy Test". I would like to suggest to the Minister that this is the test we need at the Godineau Bridge. This Godineau Bridge displays several stress indicators, including structural deterioration, load restriction, subsidence and critical load capacity. So in the very shortest space of time, I would like to suggest to the Minister that you make a concerted and honest effort to deal with the concerns that I have raised. It is too far gone that our bridge, this particular bridge, is almost completely corroded. It has already subsided; it is constantly under stress and has reached, and far superseded, maximum load capacity.

Structural integrity, just like integrity in human beings, is truly the cornerstone of any successful venture. Let it not be said, "I did not know; it was never pointed out; no one ever told me; or I do not live in South." Let us get this act together. The Ministry of Works and Transport is the Ministry for the people of Trinidad and Tobago, not Port of Spain, not the waterfront harbour, not the projects in Port of Spain, South or the East-West Corridor. I am saying to the hon. Minister that the people of the South-west peninsula are depending on you, Sir, to come there and truly make an effort into seeing about this. I think the nation would really hold you responsible should this bridge, like the Caroni Bridge, fall or collapse.

Mr. Minister, Mr. President, with that my Motion is so raised. Thank you.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. President, I was tempted to give the short version, but I will give the long version.

The hon. Senator has made two errors in her presentation; let me deal with both. The Bailey bridge that collapsed at Caroni was not in service. It was being dismantled, and during the process of dismantling there was a collapse and a very tragic situation. The point that needs to be made is that the Senator quoted from a usually unreliable source, one Mr. Riley, who is prone to making statements that are inaccurate and wholly irrelevant.



A bridge that collapses during a dismantling procedure, that has not been in service for quite a while, cannot possibly be used to paint a scenario that bridges that are in service are on the brink of collapse. It is a wholly irrelevant and mischievous example that the person represented, that you used to illustrate the problem with this particular bridge.

The second error that the hon. Senator made, was to assume that the Ministry of Works and Transport is not aware of the situation with the Godineau Bridge. That bridge was built sometime around the end of the Second World War; it is between 50 to 60 years old. When it was built it was just like the old bridge across the Caroni River, because there were two bridges across the Caroni River to allow two-lane traffic. There was an old bridge there for 130 years, which we found to be in perfect condition when we removed it, and there was also the Bailey bridge, the bridge I had spoken about that was being dismantled. The 130-year-old bridge was in perfect condition and was still capable of carrying its designed load from 1870 or whenever it was designed and constructed.

The Godineau Bridge suffers from the environment that it was placed in; it is right on the edge of the sea, on the coastline; so over the last 50 or 60 years, like any steel structure, it has suffered from continuous sea blast. There is no doubt that there are significant sections of that bridge that are corroded.

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

But the ministry has been monitoring this bridge and in January of this year we invited tenders for a complete refurbishment of this bridge long before this Motion was filed, and we have already selected a contractor, but the Ministry of Works and Transport, like all ministries of the Government, was affected by the cutbacks in expenditure because of the fall in oil and natural gas prices.

You may recall that the Prime Minister and the Minister of Finance announced to the nation that there was a cut in expenditure in the national budget to the extent of \$5 billion because of shortfalls in revenue, so the Ministry of Works and Transport, like any other ministry, was affected by cuts in allocations so that over the last several months we have been exploring alternative solutions to financing our roads and bridges refurbishment upgrade and reconstruction programme.

I announced at a press conference approximately two weeks ago that Cabinet had approved a pipeline of funds for the Ministry of Works and Transport to allow us to do roadworks over the next two years. We took in front in the event

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that the global economy does not recover, commodity prices do not recover; although the last time I checked, the price of oil was US \$59, but natural gas prices are still depressed, and petrochemical prices are still depressed.

So in the event that the global economy does not recover within the expected time frame, we sought Cabinet's approval for a programme to take us to October 2010 in terms of the work we need to do and we got approval for a programme that would cost \$1.5 billion over the next 18—20 months or so. Contained in that are a number of projects including the refurbishment of the Godineau Bridge, as I said.

A contractor was already selected, but because of funding constraints, we were unable to execute the contract. Now that we have received that Cabinet approval two weeks ago, we have already informed the contractor that funding is now available and I expect that he would mobilize within the next two weeks or so.

I am told the job will take three to four months, so assuming that all goes according to plan, a contractor will be on site at the Godineau Bridge within the next two or three weeks and hopefully by October, the bridge will be refurbished to the extent that it should give us another seven to eight years of useful life.

The ministry will be replacing some of the main structural members of the bridge particularly the substructure to which you have referred so that the structural integrity of the bridge will be restored and preserved, and during that eight-year period we have a plan for the construction of a national highway network which includes the dualling of the South Trunk Road. I do not believe that is the Southern Main Road; the Southern Main Road is a little further down. I am just telling you my belief, and during the coming years we intend to continue the dualling of the South Trunk Road beyond Gulf City or Dumfries Road where it now ends, taking us down to Paria Suites, and then dualling the Mosquito Creek and also, of course, completely replace that bridge with a concrete structure and continue the dualling and widening of that road right down to St. Mary's Junction, Otaheite and then a connector road back to Fyzabad.

So if everything goes according to plan, this refurbishment work, as I said, which will start in a couple of weeks is going to cost about \$7 million. I believe the name of the contractor is Corrosion and Environmental Services Limited, you

can go and investigate the contractor. I am told the contractor has a lot of experience in this kind of refurbishment work, especially the rehabilitation of corroded steel structures. So over the next seven to eight years with the work we are doing now, the bridge should be adequately restored and safe for use.

We will be replacing all the handrails, the pedestrian walkways, et cetera, all the important parts of the bridge so it will be usable both for vehicles and pedestrians and during that eight-year period we intend to replace that bridge with a proper concrete structure that could accommodate four lanes of traffic. That is the long version.

The short version could have been we awarded a contract, work will start in two weeks, we will finish in three months, but I decided to give you the long version.

I thank you, Mr. President.

**Mr. President:** Hon. Senators, I neglected earlier in the proceedings to welcome Sen. Anmolsingh-Mahabir who is a temporary Senator, but was a permanent when I was on the Bench on the right hand side. It is nice to see you back Senator, welcome.

I also did not have the opportunity to welcome Sen. Gopaul-Mc Nicol to the Senate. Welcome Ma'am, nice to have you, and especially to welcome my former colleague and my friend, Sen. The Hon. J. Jeremie; welcome back, Sir.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.36 p.m.*