

Leave of Absence

Tuesday, June 16, 2009

SENATE

Tuesday, June 16, 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 Senators the Hon. John Jeremie SC and Mariano Browne who are both out of the country.

SENATORS' APPOINTMENT

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

“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. JOEL PRIMUS

WHEREAS Senator Mariano Browne 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, JOEL PRIMUS, to be temporarily a member of the Senate, with effect from 16th June, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Mariano Browne.

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 15th day of June, 2009.”

Senators' Appointment
[MR. PRESIDENT]

Tuesday, June 16, 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: MR. NOEL GAYLE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily a member of the Senate, with immediate effect from 16th June, 2009 and continuing during the absence of the said Senator John Jeremie.

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 15th day of June, 2009.”

OATH OF ALLEGIANCE

Senator Joel Primus took and subscribed the Oath of Allegiance as required by law.

Mr. President: Hon. Senators, I would ask that when a Senator is being sworn in, if Members are approaching the Senate at this point that they should stand still and wait until the proceedings are complete before going to their chairs.

Thank you.

ORAL ANSWERS TO QUESTIONS

**Brian Lara Cricketing Academy
(Details of)**

5. **Sen. Wade Mark** asked the hon. Minister of Sports and Youth Affairs:
Could the Minister inform this Senate of:
(a) the current status of the Brian Lara Cricketing Academy in Tarouba;

- (b) the total sum expended on the project as at December 31, 2008;
- (c) the estimated sum required for the completion of the project; and
- (d) the completion date of the project?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, we had promised that that would be ready this week. However, it is ready but it is not approved, so it would be ready on the next occasion.

Question, by leave, deferred.

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

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

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

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Attorney General is not here, on his return this question would be answered.

Question, by leave, deferred.

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

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

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

- (a) the estimated cost of the proposed refurbishment and upgrade of the facility?
- (b) the names of the companies contracted to undertake the works and the values of the contracts?

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. President.

- (a) The estimated cost of the proposed refurbishment and upgrade of the old Piarco airport facility is as follows:

ITEMS	COST
Airports Authority Administration Centre	\$32.8 million
Demolition of the old finger and reconstruction of the ramp	\$15.9 million
Executive Jet Centre	\$54 million
Refurbishment of the car park	\$5.4 million

(b) The names of companies contracted to undertake works are as follows:

ITEM	CONTRACTOR	VALUE
(i) Airports Authority Administration Centre Furniture, fixtures and fittings for the Administration Centre	Belmer Construction Company Limited there is no contractor at this point or alternatively the procurement process is still in progress	\$28.8 million estimated value \$4 million
(ii) Demolition of the finger	Amcoweld Engineering	\$2.9 million
(iii) Reconstruction of the ramp	Jusamco Pavers Limited	\$13 million
(iv) Executive Jet Centre	Shanghai Construction Group Trinidad and Tobago	\$54 million
(v) Car park refurbishment	Harry Persad and Sons Limited	\$5.4 million

It should be noted that in 2003, the Airports Authority of Trinidad and Tobago developed a reuse concept for the South Terminal, also known as the old Piarco Airport terminal, following its decommissioning in 2001. Features of this development concept included the conversion of the VIP and Diplomatic Reception Lounge into a Helicopter Passenger Terminal. In this context, Bristow Helicopters commenced operations in this facility in October 2003.

In addition, it was proposed that the customs baggage hall be converted into a two-storey modern office building, to accommodate the Airports Authority

Administration staff. The new administration centre is almost complete and is scheduled for occupancy during the next three months.

Additionally, it is proposed that the old BWIA passenger check-in facility and baggage make-up area be converted into a customs bonded air cargo facility. This area is to be leased to the private sector for development.

Finally, it was proposed that the old terminal building itself be renovated to establish a fixed base of operations or executive jet centre. In furtherance of this objective, in 2007, Avireal AG of Zurich was engaged by the Airports Authority to develop a preliminary design adaptive reuse, fixed-base of operations at Piarco South Terminal.

The reuse concept envisioned the efficient reuse of the old South Terminal ramp area for general aviation activity and was contingent on the removal of the existing finger pier dock; the renovation of the immigration hall and sterile holding bay on the first floor, to handle general aviation traffic and to also accommodate commercial traffic, should the need arise. The upgrading of the facilities to the standard of an executive jet centre or fixed base of operations will provide the facility to international standards for the efficient facilitation of corporate jet passengers through immigration and customs.

It will also reintroduce a 24/7 presence of border control personnel (Immigration, Customs, Port health) at the South Terminal; will facilitate the efficient clearance of cargo flights in particular and provide a facility to handle special charters which may affect commercial passenger movement at the North Terminal.

Sen. Mark: Could the hon. Minister indicate to the Senate whether there was any relationship between the hosting of the Fifth Summit of the Americas and the refurbishment and upgrade of these facilities at Piarco?

Hon. C. Imbert: Mr. President, I believe that is the subject of a separate question and having prepared that answer, I prefer to answer that question when it comes up.

Sen. Mark: Mr. President, could the hon. Minister indicate, were there any other companies involved in the bidding process, given the contracts that were issued or were they confined to just these companies that you have identified?

Hon. C. Imbert: That, too, is an entirely separate question. I am not informed sufficiently to answer that question in its totality. For example, I have no idea whether the contract awarded to Belmar Construction was by way of open competitive bidding, selective tendering or a sole selective process, and I can always check

that. Similarly, with respect to the demolition of the finger, I cannot say whether that was open competitive bidding, selective bidding or sole selective.

I can certainly say, with respect to the paving works generally at the airport in 2009, that was the subject of a bidding process involving more than one contractor. Similarly, the executive jet centre was the subject of a bidding process involving more than one contractor, and so was the car park refurbishment, but I can only speak in general because that is an entirely new question.

Dr. Nanan: Could the Minister indicate if these items of expenditure were budgeted items?

Hon. C. Imbert: That is also an entirely new question. I will be happy to answer it if you pose it in the proper manner.

Sen. Mark: Mr. President, I just want to get your guidance. When we pose questions, is it the right of a Minister to indicate to us that is an entirely new question or is it within your purview to rule whether the question is relevant or irrelevant? You see, that is a practice that is developing and I would like your ruling on that, Sir.

Mr. President: A Minister's answer cannot be dictated by anybody much less the Chair. If that is his answer, that is his answer, and if he indicates to you that he does not have that information and it ought to be the subject of a new question, I do not feel that that is improper; I do not feel that he is necessarily treating the Senate with disrespect.

I think what he is saying is, I do not have that information, but if you file a new question I can get it for you. I think in different words that is effectively what he is saying. I do not think there is anything wrong with what the Minister has said.

1.45 p.m.

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

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

Could the Minister inform this Senate of:

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

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, the answer to this question is not yet ready. We are working on getting the information and it should be ready soon.

Question, by leave, deferred.

**Trinidad and Tobago Amateur Boxing Association
(Monetary Assistance)**

31. Sen. Lyndira Oudit asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate to the Senate the amount of monetary assistance which was provided individually to female boxers Wendy Alleyne, Ria Ramnarine and the late Jizelle Salandy, either directly or indirectly, through the Trinidad and Tobago Amateur Boxing Association for the period 2003—2008?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I think on the last occasion we had promised that it would be ready today. However, I am asking for a further one week since it was in fact submitted to the Parliamentary Questions Committee which has recommended an amendment to the answer.

Question, by leave, deferred.

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

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

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

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I want to defer this until the Attorney General is here to answer it.

Question, by leave, deferred.

**Rental of Cruise Ships
(Details of)**

47. Sen. Mohammed Faisal Rahman asked the hon. Minister of Finance:

Could the Minister provide the Senate with a detailed account of the cost of renting the two cruise ships to be used as floating hotels for the forthcoming Summit of the Americas?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, this was in fact submitted and it is not ready. It requires additional information. I would undertake for the next time we meet.

Question, by leave, deferred.

**Foreign Debt
(Details of)**

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

Could the Minister state:-

- (a) the existing total foreign debt as at March 31, 2009;
- (b) the annual debt service commitment thereon; and
- (c) what percentage of the existing total foreign debt has been contracted at variable interest rates?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I have the answer but—do you wish me to answer it or wait until the Minister returns?

Sen. Mark: May I, through the President. Would my hon. colleague be prepared as the former Minister of Finance—well versed—to field any supplemental questions?

Sen. The Hon. C. Enill: I am not acting for the Minister of Finance. [*Laughter*]

Thank you, Mr. President. The existing total foreign debt as at March 31, 2009 is approximately 6.2 per cent of GDP or \$9,423,392,977.49. The TT dollar equivalent of the annual debt service commitment for the period October 2008 to September 2009 is a total of \$1,072,539,822.37.

This comprises, TT \$332,474,501.08 in principal payments and TT \$740,065,321.29 in interest payment. Approximately, 43 per cent of the existing total foreign debt has been contracted at variable interest rates.

Sen. Mark: Mr. President, could the hon. Minister indicate whether the foreign debt that he just referred to in total is comprised only of the Government or does it include state-run enterprises? Is it total as I have requested or is it partial? I would like him to clarify that, Sir.

Sen. The Hon. C. Enill: The answer to the question is relative to the State's annual interest payment, so it will be central government, because it would be central government that basically would be paying it back. Now, if there are debts

incurred by state enterprises then the repayment for that would be from their own cash flows and it will be on commercial arrangements. But this will be debt negotiated by the Government for infrastructure and those kinds of projects which is different to commercial debt, which would be state enterprise completed balance sheets.

For example, Petrotrin may have foreign debt, but they would have it on the basis of the ability of the revenue by Petrotrin to submit to the terms and conditions of that arrangement and that is normal in large projects of that nature. So this debt basically is central government debt.

Sen. Mark: Mr. President, through you again, could I ask the hon. Minister whether the recently concluded Alutrint/Chinese US \$500 million loan for that Alutrint Smelter Plant, whether that is included in this figure or has it not yet been included, given when it was signed last year?

Sen. The Hon. C. Enill: The date of this transaction is March 31, 2009—I think that would have been signed after that, so that all the transactions relative to that would not inform this particular period. Whether it will come here at a future date in terms of the loan financing, I am not sure, I could check that out. Because it is loan financing and it will go where it is classified with respect to other loans of that nature that we have had. I need to check to find out where that is in the context of the computation, so I am not sure how it is being treated.

My own sense is that it should be here because it represents total commitment, and the Government will have the ability to repay it as part of the annual allocation for repayment on debt. So it should find itself into this total debt computation for reporting purposes.

HIV Virus (Details of)

80. Sen. Wade Mark asked the hon. Minister of Health:

Could the Minister indicate to this Senate:-

- (a) the estimated number of citizens in this country who may be infected with the HIV virus; and
- (b) what steps are being taken to curb the spread of the AIDS epidemic in Trinidad and Tobago?

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you, Mr. President. While that answer is being recommended, it is not finally approved and therefore I would seek an extension of one week.

Question, by leave, deferred.

**Health Services
(Status of Nurses)**

81. Sen. Wade Mark asked the hon. Minister of Health:

- (a) Could the Minister state the complement of nurses currently working in the health services and what number does the establishment actually require to maintain an efficient and effective health service?
- (b) Could the Minister also indicate how many nurses have left the health services during the period January 01, 2007—March 31, 2009?
- (c) Could the Minister further indicate what measures are being taken by the Government to retain and attract trained nurses to the health services in Trinidad and Tobago?

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you very much, Mr. President. In respect to (a): As of May 01, 2009, the current number of nurses working in the health services is 2,873, while 4,525 are required for the establishment to maintain an efficient and effective health service.

In respect to (b): A total of 231 nurses have left the profession during the period January 01, 2007 to March 31, 2009.

In respect to (c): Mr. President, while a total of 231 nurses left the profession during the period January 01, 2007 to March 31, 2009, a total of 443 entered which represented an increase of 92 per cent for the period under consideration.

The Ministry of Health has been continuously encouraging its nursing personnel to enhance their opportunities for educational mobility by offering full and no pay study leave and other financial assistance in the pursuance of the tertiary education in the Bachelors and Masters Nursing Programmes. These programmes commenced in 2002 and its curricula entail:

Basic Nursing Courses:

- the diploma in General Nursing;
- the Associate Science Degree in General Nursing at COSTAATT;
- the diploma in Psychiatric Nursing;
- the Associate Science Degree in Psychiatric Nursing at COSTAATT.

Post Basic Nursing Courses:

- the Diploma in Health Visiting;
- the Bachelors Degree Programme in Nursing in 2004;

- the Nursing Management Programme;
- the Critical Care Nursing Post-Basic Programme;
- the Neonatal Nursing Post-Basic Programme;
- the Renal Nursing Post-Basic Programme;
- the Trauma Nursing Post-Basic Programme;
- the Midwifery Nursing Post-Basic Programme; and
- the Operating Theatre Post-Basic Nursing Programme.

Mr. President, during the period 2002—2008, a total of 1,832 persons graduated from these various nursing programmes and this represents 42 per cent of the total nursing personnel working in our public institutions. Moreover, Bachelors Degree and Post Graduate nursing students are expected to sign a bond with the Ministry of Health based on the cost and length of the programme in order to retain their skills in the health service and to ensure that our citizens benefit from the returns on investment by the Government of the Republic of Trinidad and Tobago.

Currently, there are 1,488 students training in nursing programmes throughout the country. The College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT) has 776 nursing students currently enrolled in their programmes, while the Ministry of Health has 712.

Hon. Members, this Government is mindful of the need to further expand the number of trained health care professionals and recognizes as well the need to increase the number of health training facilities and programmes. To achieve these ends, the Ministry of Health is assiduously finalizing arrangements with tertiary care institutions such as COSTAATT, the University of the West Indies and the University of the Southern Caribbean in order to increase the number of places in their nursing training programmes.

The Ministry of Health recognizes that the nursing complement from these training and educational programmes might be insufficient to address the needs of health institutions and has opted to recruit foreign nurses in order to ensure a sustainable and continuous improvement in the quality of health care at our institutions. In this regard, the ministry, in 2007, recruited 138 and 200 additional nurses from Cuba and the Philippines respectively. Furthermore, the Ministry of Health is currently recruiting, on contract, 450 nurses from Cuba, the Philippines, St. Vincent and the Grenadines, Panama and Costa Rica for a period of three years.

Consequently, the increased number of graduate nurses and foreign nurses over the next few years is intended to create a more seamless transition for new and existing trained nurses to enter specialist types of clinical practice, thus significantly enhancing their career opportunities and providing a high quality and access of health services in our institutions.

Furthermore, the Regional Health Authorities have adopted several initiatives to retain and attract trained nurses in the health service. For instance, they have adopted a policy to offer service contracts to retired nurses in the profession in order to ensure continuity of service and to facilitate the training of new and existing nurses.

Secondly, in keeping with its employee development programmes, the health authorities continue to provide in-service training, motivational sessions as well as awards and appreciation for excellence in the nursing profession.

Thirdly, the health authorities are currently developing Learning Resource Centres equipped with Clinical Care Coordinators, to facilitate continuous training of nursing personnel in the workplace in order to improve the skill sets and performance of our nurses in our health service.

Finally, the health authorities have implemented Employee Assistance Programmes (EAP) to create a more comfortable and productive working environment for nurses in the health profession.

Mr. President, I wish to reiterate that the measures outlined above are aligned to the human resource strategic plan for the health care profession along with the goals of Vision 2020 with the aim of eliminating the chronic shortage of nursing staff by retaining and attracting qualified personnel in the profession. The substantial investment by this Government in health care professionals over the last seven years and its commitment to continue investing in the development of this cadre of human resources demonstrate its will to provide a seamless transition of nurses into the practice in the short, medium and long term with the aim of reducing the waiting time and improving the quality of health care to its citizens in the most timely and efficient manner. I thank you.

Sen. Mark: Mr. President, could the hon. Minister indicate, given the large amount of shortages in the nursing profession at this time, what time frame do you anticipate for the recruitment of these Cubans, Philipinos and other nurses in order to fill this gap that is so desperately needed by the population?

Sen. The Hon. J. Narace: Mr. President, we are actively pursuing that now. We expect some of them to arrive as early as—I would say—within the next 30 days. Well, of course we are actively pursuing that as we speak.

2.00 p.m.

**Municipal Corporations Act
(Government's Intention to Amend)**

87. Sen. Gail Merhair asked the hon. Minister of Local Government:

Could the Minister state whether it is the intention of the Government to amend the Municipal Corporations Act in order to extend the life of the current term of regional corporations when their term expires?

The Minister of Local Government (Sen. The Hon. Hazel Manning): Mr. President, no decision has been taken to amend the Municipal Corporations Act. The Ministry of Local Government has been pursuing assiduously its local government reform agenda. Among the critical projects of the local government policy, the White Paper, the Local Government Reform legislation, Local Government Boundaries Review and the Reform Local Government Structure all these documents are in their final review stage and will be ready soon. The Government proposes to publish a Draft White Paper on Local Government Reform in the very near future.

**Agricultural Leases
(Details of)**

88. Sen. Gail Merhair asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister inform the Senate how many standard agricultural leases have been granted to farmers on state lands during the period January 01, 2007 to March 31, 2009?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, the answer to this question is not yet ready. We shall be pursuing vigorously to bring the answer here soon.

Question, by leave, deferred.

**National Gender Policy
(Implementation of)**

89. Sen. Gail Merhair asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the National Gender Policy, could the Minister s inform this Senate of the time line for implementation?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to this question will be available next week. It was in fact recommended and will go to Cabinet this week.

Question, by leave, deferred.

**National Test Results
(Details of)**

91. Sen. Dr. Adesh Nanan asked the hon. Minister of Education:

- A. Would the Minister indicate to the Senate whether all primary schools in Trinidad and Tobago have received the June 2008 National Test results?
- B. If the answer to (A) is in the negative, could the Minister inform the Senate of the reason(s) for the delay?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, this question was deferred for an amendment and will be ready in two weeks, the Minister not being in Trinidad at this time.

Question, by leave, deferred.

**Water Pollution Rules
(Details of)**

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

- A. Would the Minister indicate to the Senate how many industries have complied with the Water Pollution Rules?
- B. Would the Minister also identify the industries that have complied by name?

The Minister of Housing, Planning and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Thank you, Mr. President. This question was recommended to go to the Cabinet and it should be ready by next week.

Question, by leave, deferred.

**National Wildlife Conservation Authority
(Time Frame for)**

108. Sen. Dr. Adesh Nanan asked the hon. Minister of Agriculture, Land and Marine Resources:

Would the Minister advise the Senate of the time frame for the National Wildlife Conservation Authority?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, at present the Government of the Republic of Trinidad and Tobago is not considering the creation of a National Wildlife Conservation Authority. However, the 1942 forest policy is currently being reviewed and also a new Protected Area's policy is being formulated. At the completion of the new Protected Area's policy should there be the need for further action, a series of public consultations will be held and thereafter, a decision will be taken.

Mr. President, I thank you.

Sen. Dr. Nanan: This particular National Wildlife Conservation Authority was part of, in terms of the budget 2008/2009, is there a change in policy by the Ministry?

Sen. The Hon. A. Piggott: Mr. President, what I am aware of at this time is that there is a new Protected Area's policy being formulated and as soon we come to a point with the direction for that, a decision will be taken on it. I am not aware of any change in policy of the Government at this time.

Wildlife Population (Threat to)

109. Sen. Dr. Adesh Nanan asked the hon. Minister of Agriculture, Land and Marine Resources:

- A. Would the Minister advise the Senate if the wildlife population is under threat?
- B. If the answer to (A) is in the affirmative, could the Minister identify what measures have been put in place to rectify the problem?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, Trinidad and Tobago has an abundance of wildlife resources. These include 97 species of mammals, 93 species of reptiles, 432 species of birds, 37 species of amphibians, 644 species of butterflies and 2,656 species of vascular plants.

There has been no scientific study, information from hunters, empirical data from the Wildlife Section, Forestry Division, or information from the Wildlife Conservation Committee that indicates that any species of the wildlife population is under threat. In fact, there has been some increase in the number of hunters and game species harvested over the last 10 years, based on the hunting data available to us.

In 2007, the Forestry Division and the University of the West Indies conducted a wildlife inventory on the Central Range reserves in close proximity to areas where hunting pressure has been great, and the finding showed that there is still a substantial amount of stable wildlife population carrying out all phases of their life cycle. Added to this, the Marine Turtle population visiting this country's beaches has also increased significantly in the recent years due to local and international conservation efforts.

Mr. President, in light of the foregoing, this Government is satisfied that the country's wildlife continues to exist in abundance and is being properly managed on a sustainable basis.

Mr. President, I thank you.

Sen. Oudit: Are you aware, Mr. Minister, that there is a report or there were two reports from the forest rangers, especially in the south and central Forestry Division, of monkeys that were dying mysteriously?

Mr. President: Senator, I will allow the question to go through, but that is really not a supplemental question. That is certainly not the way to ask that question, "Are you aware..." You are presuming that the following sentence after "are you", is in fact an accurate and true statement. The way you ask the question is, "Minister, there has been a report, how do you reconcile the report to your statement?" Minister.

Sen. The Hon. A. Piggott: Mr. President, I am aware of a report or reports of monkeys being dead or carcasses of monkeys found in the forest. That matter was substantially addressed by the Minister of the Health and the Ministry of the Health employees over a period of time, explaining what they had done in dealing with the issue of the dead monkeys. It is not a matter under our review at this time.

Sen. Dr. Nanan: Could the Minister inform the honourable Senate if there is need for the review of hunting permits? I ask that question in terms of the application form that has to be filled out by hunters.

Mr. President: Senator, a supplemental is really supposed to ask the Minister to elaborate or to clarify something that he has said. There was no statement about hunting permits, but I would allow the Minister to answer.

Sen. The Hon. A. Piggott: Mr. President, one of the reasons that we have been so successful in managing the wildlife resources in Trinidad and Tobago, would be greater inspection and control over the award of permits to pet shops and private citizens to keep protective species in captivity, and as well, we have

strict control over the open and close season of the hunting season. Additionally, we continue to train our game wardens into an effective programme of control in the forest.

Sen. Dr. Nanan: Could the Minister inform this honourable Senate if the Cabinet appointed Wildlife Committee is functioning?

Sen. The Hon. A. Piggott: Mr. President, I believe in an earlier question from Sen. Dr. Nanan, I addressed the issue of a committee and that is just a few weeks ago. We did say that there was an agreement to reappoint the Wildlife Conservation Committee. So that matter is being addressed.

**Tobago House of Assembly
(Subsidy for Airlift)**

110. Sen. Dr. Adesh Nanan asked the hon. Minister of Tourism:

Would the Minister inform the Senate what was the value of the subsidy provided by the Tobago House of Assembly for airlift for the financial year 2007 and 2008 respectively?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, that is not now ready. It will be ready on the next occasion.

Question, by leave, deferred.

**Trinidad and Tobago Police Service
(Details of Firearms Issued)**

127. Sen. Gail Merhair asked the hon. Minister of National Security:

Could the Minister indicate to the Senate:

- (i) the number of firearms which were issued to officers of the Trinidad and Tobago Police Service for the period January 01, 2007 to March 31, 2009;
- (ii) the categories of firearms issued; and
- (iii) the number of firearms which remains unaccounted for?

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you, Mr. President. Unfortunately, I am not in a position to answer this question today. I indicated that I should have had it in two weeks time, but I am still awaiting information. Hopefully, I should have it by next week.

Question, by leave, deferred.

**Youth Development Centre
(Details of 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): Mr. President, I am in a position to answer this. The Minister is not able to be here.

In August 2008, Cabinet agreed to an increase from \$20 to \$40 with effect from September 2008, of the daily stipend paid to trainees participating in programmes offered to the Youth Development Apprentice Centre of the Ministry of Sport and Youth Affairs. This increased stipend was paid to the trainees from September 2008.

**Columbus Communications Trinidad Limited
(Protection of Customers)**

137. Sen. Gail Merhair asked the hon. Minister of Information:

Could the Minister indicate to the Senate whether it is the Government's intention to take steps to protect customers from the unsatisfactory service provided by Columbus Communications Trinidad Limited?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to that question has not been received and, therefore, I suspect that this should require an additional two weeks for completion.

Question, by leave, deferred.

**2008 Estimates of Expenditure
(Short-term Continuous Employment)**

138. Sen. Gail Merhair asked the hon. Minister of Science, Technology and Tertiary Education:

Could the Minister indicate to the Senate the number of employees who were given continuous periods of employment in excess of the six-month

period as stipulated in the Classification of Expenditure in the 2008 Estimates of Expenditure with respect to short-term employment?

The Minister of State in the Ministry of Science, Technology and Tertiary Education (Hon. Fitzgerald Jeffrey): The number of persons employed on short-term contracts by the Ministry of Science, Technology and Tertiary Education for more than six months in the year 2008 is as follows:

Corporate Services Division: The number of officers employed on short-term contracts—2.

On-the-job Training Programme: The number of officers employed on short-term contracts—52.

Thank you.

**Meteorological Division, Central Administrative Services
(Agreements signed)**

139. Sen. Gail Merhair asked the hon. Minister of Public Utilities:

Could the Minister provide the Senate with the terms and conditions of the agreements signed by two (2) persons employed by the Meteorological Division, Central Administrative Services, Tobago during the year 2007/2008, but which were not made available to the Auditor General's Department as reported in the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2007/2008?

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Thank you very much, Mr. President. The Government of Trinidad and Tobago in October 2007, agreed to the employment on contract of one meteorological professional and one senior meteorological professional at the Met Office, Crown Point in the Central Administrative Services, Tobago.

Mr. President, the Chief Personnel Officer is in the process of determining the terms and conditions of employment for the officers in question. When that process is completed, formal and final contracts will be prepared. Since this process takes some time, contract officers are normally paid an interim salary pending the determination by the CPO.

In this case, the interim salaries being paid are \$12,000 and \$13,000 for the meteorological professional and the senior meteorological professional, respectively.

Thank you, Mr. President.

**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 areas that have been established or proposed for use by fishermen in these communities during the said period?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, the answer to this question is not yet ready. I shall endeavor to get it ready within two weeks.

Question, by leave, deferred.

2.15 p.m.

Mr. President: Senators, we have a Senator to be sworn in; please stand.

OATH OF ALLEGIANCE

Sen. Noel Gayle took and subscribed the Oath of Allegiance as required by law.

**COMMITTEE OF PRIVILEGES
(SEN. WADE MARK)**

The Minister of Health (Sen. The Hon. Jerry Narace): Dear hon. President, I refer to an exchange which took place between the hon. President and Sen. Wade Mark at the sitting of the Senate on June 09, 2009, with respect to the hon. Senator having come into possible contact with Influenza A (H1N1) virus while he was a passenger on American Airlines Flight 1647, travelling from Miami to Port of Spain on May 30, 2009.

During the course of that exchange, the following information was brought to the attention of the Senate by the hon. President:

- (i) The Ministry of Health's standard incubation period for those who had come into contact with the Influenza A (H1N1) virus was 10 days;
- (ii) The period of incubation for those passengers who travelled on American Airlines Flight 1647—[*Interruption*]

Sen. Dr. Nanan: [*Inaudible*]

Mr. President: The Minister is going to get to the point. I have allowed him to speak; please allow him to speak.

Sen. The Hon. J. Narace: Thank you, Mr. President.:

- (iii) The period of incubation for those passengers who travelled on American Airlines Flight 1647 and who were, therefore, in contact with the Influenza A (H1N1), would expire on June 10, 2009;
- (iv) The hon. Sen. Wade Mark was a passenger on American Airlines Flight No. 1647;
- (iv) The Chief Medical Officer of Trinidad and Tobago had advised the hon. President that the hon. Sen. Wade Mark should, therefore, confine himself until June 10, 2009, in accordance with the Ministry's standard of a 10-day incubation period;
- (v) At 9.32 a.m. on June 09, 2009, the hon. President of the Senate advised Sen. Mark of the advice received from the Chief Medical Officer;
- (vi) Sen. Mark responded that he had received advice from another official of the Ministry of Health that he was clear of any threat from the Influenza A (H1N1); and
- (vii) Sen. Mark chose to ignore the advice of the President and of the Chief Medical Officer and attended the sitting of the Senate on June 09, 2009.

In response to the information brought to the attention of the Senate by the hon. President, Sen. Mark stated as follows, and I am quoting from the *Hansard*:

"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 could 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 could not 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 was 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...

No, I am saying on three occasions I got clearance...

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...

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...

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."—This is still quoting Sen. Mark—"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."

Mr. President, in essence, Sen. Mark made the following points to the honourable Senate in response to the statement by the hon. President:

- (1) That he took the Ministry of Health's position very seriously;
- (2) He was attending the Senate with a clean bill of health;
- (3) On three occasions he contacted Dr. Chinnia and was told that the Ministry of Health had cleared him;

- (4) If he was informed that the incubation period was 10 days, he would not have attended the Senate; and
- (5) Based on what was stated by the hon. President, as being advice received by him from the Chief Medical Officer, he was prepared to leave the Senate Chamber.

Having regard to the statements made to the Senate by the hon. Senator, with respect to this very serious issue which currently faces our nation, and my own knowledge as Minister of Health as to what is the Ministry of Health's standard incubation period, I immediately requested a report from the Chief Medical Officer of Trinidad and Tobago as to what would have caused the hon. Senator to be unaware of the Ministry's recommended incubation period.

By letter dated June 15, 2009, the Chief Medical Officer reported that at lunch time on Tuesday, June 09, 2009, he spoke with Sen. Mark via telephone and informed him that the period of isolation imposed by the Chief Medical Officer for all passengers on American Airlines Flight 1647 of May 30, 2009 ends on June 10, 2009.

By letter dated June 10, 2009, addressed to the Chief Medical Officer, the County Medical Officer of Health, St. George East, Dr. Larry Chinnia, confirmed that he had initially cleared the hon. Senator, but went on to report that after a conversation with the Chief Medical Officer on June 08, 2009, where he, that is Dr. Chinnia, was reminded of the Ministry of Health's recommendation, that persons who had been in possible contact with a source of the H1N1 virus should avoid public gatherings for 10 days, Dr. Chinnia contacted the hon. Senator on the said day, that is, Monday, June 08, 2009, and revised his initial advice. He told him that, and I quote:

"He should curtail his public activities for a period of 10 days from the date of his possible contact."

Dr. Chinnia in his correspondence reported:

"Mr. Mark indicated that he did not understand why I was changing my initial advice and that he would be proceeding with his normal business based on my advice that was given previously."

It is also reported by Dr. Chinnia that:

"...on Tuesday 9th June, 2009 at approximately 10.00 a.m. I received a telephone call from the Clerk of the House Mr. Neil Jaggassar indicating that the honourable Senator Mr. Wade Mark wished to speak to me. I reiterated

Committee of Privileges
[SEN. THE HON. J. NARACE]

Tuesday, June 16, 2009

my advice to Mr. Mark who insisted that based on my previous advice as far as he was concerned he was not a threat to anyone and that he would be proceeding to enter the Parliament. My final word to him was that I was merely seeking his cooperation and that I had no authority to debar him from his civic duties."

Mr. President, copies of the Chief Medical Officer's letter dated June 15, 2009, and the County Medical Officer of Health's letter dated June 10, 2009, are attached hereto.

Having regard to the reports from the Chief Medical Officer and the County Medical Officer of Health, there is, on the face of it, material which demonstrates that Sen. Mark deliberately misled the Senate when he:

- (i) asserted on June 09, 2009, after 1.40 p.m., that he had been cleared by the Ministry of Health;
- (ii) Asserted that if he was informed that the incubation period was 10 days, he would not have attended the Senate; and.
- (iii) Failed to disclose that he was told by both the County Medical Officer of Health for St. George East and the Chief Medical Officer, just prior to his appearance at the sitting of the Senate on June 09, 2009, that the incubation period was 10 days.

Accordingly, pursuant to Standing Order 26(2) of the Standing Orders of the Senate, I do hereby respectfully seek your leave and ask that you determine, based on the foregoing, whether I am entitled to raise the matter of whether hon. Sen. Mark deliberately misled the Senate on June 09, 2009, as a question of privilege.

I thank you, Mr. President.

Mr. President: Hon. Senators, I received this correspondence earlier this morning, with the attachments that have been referred to, and I have looked at the *Hansard* report. I do find that that there is a prima facie case for this matter to be dealt with by the Committee of Privileges. Therefore, I so rule that it be referred to the committee.

Hon. Minister of Health, you are a member of that committee and, while there is no requirement, I would expect you to recuse yourself from it and have someone else appointed in your stead.

Special Select Committee Report

Tuesday, June 16, 2009

**EMERGENCY AMBULANCE SERVICES
AND EMERGENCY MEDICAL PERSONNEL BILL
Special Select Committee Report
(Adoption)
[Second Day]**

Order read for resuming adjourned debate on question [June 09, 2009];

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". [*Hon. H. Manning*]

Question again proposed.

Mr. President: The following is a list of those who spoke: Sen. The Hon. Hazel Manning, who moved the Motion; Sen. Dr. Adesh Nanan; Sen. Corinne Baptiste-Mc Knight; Sen. Helen Drayton; Sen. Mohammed Faisal Rahman and Sen. Prof. Ramesh Deosaran.

Members who wish to speak may do so now.

2.30 p.m.

Sen. Subhas Ramkhelawan: Thank you, Mr. President, for giving me the opportunity to speak on this particular Bill, the Emergency Ambulance Services and Emergency Medical Personnel Bill.

Mr. President, I must say that we have had several versions of this Bill before us and it has been somewhat difficult for me to put all the parts together and I think that it is also quite difficult for citizens to try to pull all the parts of this Bill together because it seeks to want to deal with the establishment of an authority, it establishes a committee to advise the Minister and then it goes on to establish an appeals committee which is appointed by the Minister, and then it goes on to establish a board, an emergency medical personnel board, and then it goes on to establish a council. There are several parts of it and citizens ask me, first of all, why are you objecting to the improvement if that would be the case in ambulance services. Why are people in this Senate, hon. Senators objecting or raising matters with regard to this particular piece of draft legislation? Why is there so much consternation in the Senate especially since the whole question of ambulance and improvement in ambulance services cannot really and should not really be a matter of any dispute?

Mr. President, on Sunday morning at 7.54 a.m, I received a call from a gentleman that said he was in great pain and needed to be taken to the San

Fernando General Hospital. I, of course, was in Central and he was in South and I would have been about 40 minutes away from him. That gentleman is a pensioner having served in the public service for all of his life and would have been a pensioner for some 16 years post-retirement. I, of course, rushed to the aid of the gentleman but long before I could get there he had called the ambulance and within 15 minutes it was there, and rather than pick him up in South, I diverted to go to the San Fernando General Hospital and very shortly after he was there.

I was impressed by the quality of the ambulance service in terms of the time it took to get to him and the time it took to get to the San Fernando General Hospital. Since I had to spend the most part of Sunday at the hospital, I, of course, it being my nature asked a few questions, not only of the ambulance personnel but more so, of those persons in the San Fernando General Hospital.

What I could say, my findings, though they may be somewhat anecdotal and cannot constitute an extensive survey, there was among those persons who had been transported by ambulance to the hospital, a certain level of satisfaction that the service was indeed working and, I believe the Minister mentioned there were some 63,000 calls over a period of time and how many were answered, and most of them were answered within half an hour, so in this particular case, I could say, yes, it was answered within half an hour. May I just add that I think that a big part of the problem is not getting people to the hospital, what I found out is that many of them who needed beds in the hospital could not get beds because they were stuck in the emergency room lying on all parts of made-up beds and so forth in the emergency room.

What I found, in talking to one or two of the doctors was, there were no beds in the wards and it is something, I believe may have to be looked at in greater detail by the Minister—that there were no beds in the wards and I was also told that there was a particular person who needed surgery but for her to get surgery, she would have to be admitted into a ward before they could take her to surgery and there was no bed.

So maybe the problem is, just to digress a bit, that there is some bottlenecking in terms of the number of beds. I had enquired before of the hon. Minister whether he had any benchmark statistics to suggest that our hospital beds to patients ratio was of a good order. Of course, the hon. Minister has not given me that answer yet, but I hope he will give me it soon to show where we are.

What I also found out was that the San Fernando General Hospital serviced an area from as far North as Couva to as far South as Icacos and there were insufficient beds and that is part of the problem.

But back to the ambulance Bill—let me first look at the whole question of not so much the minutiae in the draft legislation, but in the intended organizational structure and process which we are attempting to pursue in that component which addresses ambulances in this particular piece of legislation.

First of all, I want to endorse and reinforce the comment made by my colleague, Sen. Baptiste-Mc Knight that there is really no need for embedding in this piece of legislation a committee or "the committee" as it is addressed in this legislation because the Minister already has the power and the authority to convene a committee of persons from within the Ministry of Health for medical personnel and the Regional Health Authorities. That is superfluous, and it makes for bad drafting of legislation and should be taken out of the legislation completely.

I would say to the hon. Minister that he already has that power to convene a committee whose basic function is to advise the Minister on matters relating to ambulance services. When we go beyond that, I really have a number of questions in terms of process and organization for the hon. Minister with regard to the legislation.

The establishment of an authority and the role of the authority in terms of the oversight of ambulances, when I look at the wide nature of that oversight, and when I look at what it is envisioned to do, I have to agree with my colleague, Sen. Drayton that there are a number of issues of poor corporate governance in the drafting of this legislation. So let me reiterate, I am a strong supporter of anything that improves the ambulance service within this country, but the question is, it is almost a "himself to himself" piece of legislation, because when the hon. Minister says that we need 46 ambulances and one ambulance for 30,000 people, and I look at the schedule for what assets need to be vested from the State to this authority, the ambulances that are being transferred number 46.

So why are we going through this rather lengthy, rather convoluted piece of legislation to put in place an authority to oversee ambulance services, all of which, or most of which, more than 90 per cent of which the powers, authorities and duties are already vested in the Ministry of Health?

It would seem to me that parts of the legislation may have been borrowed from a jurisdiction where there was a need for a much wider, broader and more extensive ambulance service for which there was need for an authority to oversee various parts of this ambulance service provision, whether it be in the public sector or much wider.

So organizationally, I question what we are setting out to do or what we intend to do with this authority and whether it is indeed a best fit, or are we taking a sledge hammer to kill a fly? Whether it is indeed a best fit for what we want to do. Is the legislation or the draft legislation overkill or is there a proper balance and fit?

I want to suggest to the hon. Minister of Health that this piece of legislation appears to be too much, it appears to be overkill and maybe when we get to the committee stage I will go to the various clauses, but I do not want to speak about the clauses here. I am reminded, as a Motion, there is no committee stage.

I want to turn to the other parts. The ordinary citizens are asking me what is it you are concerned about and what will this authority do that we do not have now? You know the Americans have a saying: "If it ain't broken, don't fix it." And if the ambulance service is working, what are we getting more from it?

The authority of the Minister of Health is extensive and some would say pervasive and permissive in this piece of legislation. He appoints a committee to advise him, then he sets up an authority which has a certain quorum which we will talk about in a little while, then he sets up a licensing regime as to who can or will be licensed to be an ambulance service provider, yet the main ambulance service provider will be the authority.

2.45 p.m.

I would like the Minister to address who would be—or who does the hon. Minister envisage would be—the other ambulance services providers within the ambit of this legislation. Who would they be? Probably the private hospitals. Maybe he can throw some light on the reason for this Authority which is rather extensive in scope in terms of the number of members on the board, its oversight and its employment practices, and so on. But then there is the next level of the Authority which I spoke to as the licensing component.

Now, just to dive into the Bill a bit. There is a clause in here where the applicant is supposed to be incorporated, meaning that it cannot be an individual person, but then we talk about—in the drafting, I believe it is clause 23, we are talking about if a person has been convicted or the person could be convicted. I will come back to it; I seem not to find it here. *[Interruption]* Yes, for 12 months. But how could you imprison a body corporate? I think there is something in the drafting you need to look at.

But I want to go forward and ask the question even beyond that of licensing. We go now to the inspectors. In a very convoluted way we are setting up an

inspector or a team of inspectors to inspect ambulances, the majority of which belong to an Authority which is already under the control of the Ministry of Health. Within the Authority you can put in a compliance unit organizationally to deal with those matters and the Minister does not have to get particularly involved in the day-to-day operations. This Bill ties the Minister down to a lot of day-to-day operations and decisions.

My colleague, Sen. Baptiste-Mc Knight spoke about some of the strange time-lines, whereas in one case, when the Minister wants a report from the inspectors, he can get it within 72 hours; when the committee that advises the Minister on matters with regard to inspection, the inspectors so appointed do not have to report to the committee, or have to report to the committee within a period of 21 days. It is only after that period that they may be falling afoul of the regulations and the law. There is another instance where the inspectors have to report within a period of 14 days to the committee. There is a lot of inconsistency in terms of what the intent of the legislation is. So that is the question of the Authority.

I turn to the next area, which is the area of emergency medical personnel. But may I say before I turn to this area, that the Bill is entitled: Emergency Ambulance Services, yet there is a definition of "ambulance services" but none for "emergency ambulance services". There is no definition for "emergency ambulance services". And I believe that when the hon. Minister was introducing this Bill, he spoke to ambulances which would have sirens and which would have emergency powers, if you will, and those that were not emergency where they are simply transporters of persons, and I did not get quite clearly what the difference was and what the purpose of the difference was.

I believe that all ambulances should be licensed and regulated and I was not clear on whether those that were emergency ambulances—that would constitute emergency ambulance services—would be under this piece of legislation, and as to whether ambulance services otherwise fall under some other piece of legislation, as is almost hinted in this draft later down. So I would like the Minister to give some clarification on that before we can deal with the matter or before I decide what my support would be in regard to this particular matter.

I would like to turn to the whole question of emergency medical personnel. I go back to that gentleman and to the ambulance service and what I found was that the ambulance in question did not, on that particular day—I do not know if they do on other days—have equipment to test the pressure of the gentleman. So if we are going to move to a system where we have three levels of ambulance services: basic, immediate, advanced, and so on, I would like to know from him what is the

current situation. Is it that the ambulances that we have on the roads today are all basic, or are there certain different levels? Because the question was asked—and I ask myself the question—well, what if this gentleman was suffering from an advanced medical condition and this ambulance came with no oxygen, nothing to test the pressure and the other basic conditions, what would have happened? It may have simply been a case of luck, as far as that is concerned.

So these are some of the questions I have to the Minister with regard to the three levels that he intends to put in, and whether it is that you need legislation at all to put in three levels. Given the powers of the Minister of Health and given that the Authority falls fully under his oversight, why can he not do that in any event? Why does he need legislation to put three levels of ambulances? I hope that he would be able to answer that question.

Then as we went on into the draft legislation there was the question of emergency personnel. Again, there are three levels of emergency medical personnel. I think there are four. The fourth level is the instructors. So you have the paramedic, the basic, the intermediate, the advanced and the instructor. Nowhere in the legislation we saw that persons ought to meet certain qualifications. I am not aware—and I would certainly like the Minister of Health to say what are the examinations these persons who are going to man the ambulances—what is the qualification required. Are there examinations to be passed before they qualify as basic technicians or intermediate technicians or advanced technicians? Is there a qualification now or is there not?

Provision has been made in this piece of legislation for an emergency personnel board which will constitute all of those technicians who would be approved and licensed to operate in the ambulances as technicians and in this piece of legislation, hon. Minister, there is the provision for a council which regulates the affairs of this board—emergency personnel board—and there is the provision for an interim council. I have no arguments against the interim council because I think it is going to be disbanded within a period of four months after the passage of this Act. But I would like to get clear that there is an examination board which will pass these people and ensure that they are qualified to provide the services, because they seem to be fairly advanced services, apart from the basic. Some of the services that they can provide are pretty advanced services and who will have oversight of those persons? When they get on to the ambulance and they get to the point to pick up that patient, there is no oversight or there is no provision for oversight of that technician by even radio contact with somebody who is versed in medicine.

So we would want to know that these persons are properly qualified and have been properly tested in terms of, not only the examinations, but practical examinations to ensure that when the council signs off on these persons, that they are capable persons and that when we put people into their hands—patients into the hands of these persons from the point of pickup to the point of delivery to the hospitals, that they are in good and proper hands.

These are some of the issues and concerns I have with the legislation; first, the organization structure.

I come back now to the whole question of the ambulance services and the ambulance services provider, what little they may be outside of the Authority. But if an ambulance provider has to invest—my learned colleague, Sen. Basharat Ali, raised this point with me: If an ambulance provider has to invest in an ambulance or in ambulances to employ the services of technicians to run those ambulances and in making that investment you give him a licence for one year, there seems to be a disconnect between the investment from, let us say a business perspective of an operator of a licensee which I suspect, even in the best of times the payback for some of those costs, will have to be about four years. I do not think anybody is going to go into that kind of business. It would be foolish and I would advise them against it.

So my suggestion, for what it is worth, you may want to consider—since you have all the powers already you may want to consider a four-year licence which could be revoked at any time. Why go through this hassle organizationally of renewing a licence every single year? It is a make-work kind of situation and I am sure that the hon. Minister of Health—or I want to think that the hon. Minister of Health—does not really need much more work. He needs to concentrate on policy and strategy and execution to be done by the executors. So I want to say to the hon. Minister, through you, Mr. President, that you need to extend this licence.

But I have another issue and the issue is this question of an appeal committee. The committee set up by the Minister revokes or disallows an ambulance operator and the ambulance operator says: “I am going to appeal this decision.” To whom does he appeal the decision? He has to make an appeal and the Minister shall deem it necessary, according to this piece of draft legislation. If he deems it necessary, the Minister is going to appoint an appeal committee to hear the appeal and when that appeal committee hears the appeal, believe it or not, the appeal committee can revoke the decision of the Minister. It does not make good organizational sense at all.

The implication in the draft legislation in the first place is that this appeal committee is an ad hoc committee if and when there is a revocation or a suspension; so himself to himself. Himself says: “I say no.” Then he comes back and he appeals to himself and then he says, “Well, I am told that I should now say yes, because my appeal committee has overturned my decision.” It does not make organizational sense at all. It might make good legal drafting, but it makes no organizational sense at all.

3.00 p.m.

There must be some other route for appeals. I am not sure that there would be any appeal because I do not think that anybody will go into this business. Because you are setting the framework for the legislation, change the focus of the appeal and move it out of the hands—I am sure that the current Minister is a decent and honourable man, but if you have another minister sitting in the Chair and decides he will not appoint a committee—because the legislation does not speak to how long and within what time frame that appeal committee should be appointed. It does not say that it should be within a period of three or six months or one year or five years the appeal should be heard. The Minister shall set up an appeal committee but shall within what period of time? What is considered a reasonable period of time. If the Minister has only this matter to deal with he might set it up in one day, but we know that he does not have only this matter with which to deal.

There could be administrative delays. It is not unknown that in the public sector and service there are administrative delays. It will frustrate the legitimate appeal of persons to have their revocation or suspension or disallowance heard. That is not good law. It is not good organizational structure, process and law. Therefore, I would be hard-pressed to support that kind of structure where it all comes back only to the minister and there is no sense of check and balance in terms of the structure and functioning. These are some of the points that I will like to make. I think that my colleagues have addressed the minutiae of the legislation, but I wanted to address the structure.

As I was waiting in the San Fernando General Hospital, I did take the opportunity to have a chat with a couple of the doctors and one point was made to me. It speaks to the question of motivation and ensuring that with this sensitive resource, we keep them motivated. I was told that in some cases these doctors have one year contracts. I think that our hon. Minister of Health is also a businessman in another reincarnation and he knows that you cannot take a one-year contract to the bank to get a loan to buy a car or anything like that. I suggest that since the Minister passed regulations—he may have been very concerned about the ability to discipline medical professionals. Since he passed legislation

under the Regional Health Authorities Act, 1994, the Regional Health Authorities Conduct Regulations, 2008, I do not see that it is inconsistent for him to offer three-year contracts, because if he were worried about disciplining professionals, he can do that now, but allow these persons, this important resource to have contracts where they can go out and buy a car, borrow from the bank and do whatever they need to do, just like other citizens do. Deal with that matter of these doctors living on 2005 salaries in 2009.

In summary, I have some concerns about the process. I have gone beyond the concerns about the process, I take the opportunity to remind the hon. Minister of Health that it is not good enough to bring persons and patients to the door of the hospital and have them bottlenecked and lined up there waiting for a bed, as the case may be. He might be well served to expend some more of his attention in that particular area if the ambulance area is well served. I leave it there. I thank you for the opportunity to participate in this Motion. [*Desk thumping*]

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

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. Vice-President, I rise in support of the Motion for the Adoption of the Report of the Special Select Committee of the Senate, on the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009. Over the last few weeks, we have not only answered the queries raised by Senators which we have heard repeated time after time, but also explained in detail the aims and objectives of this legislation. Further, we considered the contributions to this Bill and to this end the ministry prepared a matrix of the queries raised during the debate of this Bill. This matrix was carefully examined by technical officers of the Ministry of Health and the Office of the Attorney General and a list of amendments was prepared and circulated before this honourable Senate. Out of an abundance of the need to collaborate and cooperate, as we seek to ventilate further the issues, we answered the calls of Senators and this Bill was referred to a select committee.

I take the opportunity to remind Senators that the operational procedures of select committees allow them wide powers to fully consider their mandates; to facilitate interaction among Members of Parliament, government officials, interested parties, legal and other professional bodies and indeed, the general public. This process guarantees inter alia that Opposition Members and Independent Senators have a channel to express their views and concerns.

One would have thought that when you came back from a select committee that there would have been a limited amount of debate. The select committee considered the comments made during the debate and also additional concerns

brought to it by Members. The committee Members ensured that issues were fully ventilated in an attempt to ensure that the population is provided with the best possible legislation which will meet the needs of the citizens. It is to be noted that all concerns were discussed and decisions were arrived at by consensus. In fact, Mr. President, you will be pleased to know that to date, we have accommodated more than 90 per cent of the concerns raised. Again, collaboration, cooperation and trying to create the best piece of legislation possible.

This honourable Senate will recall Sen. Prof. Deosaran's previous contribution during which he raised seven pertinent questions. Those questions were answered in a previous sitting. May I say, they were all answered in the affirmative. Sen. Prof. Deosaran did say, "If the answer to these seven questions were in fact yes, I will not want to see this Bill go up in smoke. Certainly, ambulances meant one foot in the ambulance and one in the cemetery." Therefore, I need not remind the Senator of his proclamation because I know that he is an honourable man and certainly an Independent Senator for whom I have much respect.

What profoundly concerns me is the lack of speed with which we are getting the people's work done in this Parliament. It is all right for any Senator to disagree with the Minister of Health or with any Minister for that matter. That is okay. I want to proclaim that it is all right for any Member to disagree with the entire Government. That too, is okay. It is all right for any Member to challenge any clause in the legislation. It is all right to complain if you receive poor service. It is your right to demand world-class health care. But you know what is not all right, Mr. Vice-President? It is not all right for us to deliberately waste time and more importantly, use the Parliament to prevent any Minister from doing his job. That is not all right. It is not all right to prevent the Minister of Health from giving the small man, the poor ordinary man, the blue collar, the white collar—

Sen. Mark: Mr. Vice-President, on a point of order.

Mr. Vice-President: What point of order?

Sen. Mark: The Minister is imputing improper motives to all Senators in the Senate. He is saying that we are deliberately frustrating him. That is wrong. I am saying that he has to withdraw that statement. It is improper for him to make those kinds of remarks. He is actually accusing all Senators of that particular—I am asking you to rule on improper motives.

Mr. Vice-President: I do not think he said deliberately. No he did not. Please continue.

Sen. The Hon. J. Narace: Mr. Vice-President, I said certain Senators.

Hon. Senators: No, no, no. [*Interruption*]

Sen. The Hon. J. Narace: Sen. Prof. Deosaran spoke. Mr. Vice-President, I repeat. It is not all right for us to deliberately waste time and more importantly, use the Parliament to prevent any minister from doing his job. I am speaking about certain Senators. In this debate, Sen. Prof. Deosaran made the point that this Bill came from a select committee. He made the point. He said that if a Senator had a minority report to put in, then put in a minority report. The point was made. I am just echoing the point. Let me continue. What is not all right is that the small man, the poor ordinary man, the blue collar worker, the white collar worker, the labourer, the farmer, indeed, all citizens, for them to be deprived of the comfort of knowing that the Government did all it could do to provide quality emergency care, are matters that we must move on expeditiously. Sen. Ramkhelawan just said that he was pleased with the service but he does not know if all ambulances operated like that. This Motion is looking to ensure that whichever ambulance arrives there, there would be one standard.

I appeal to those Senators involved, certainly not all Senators, to allow the Government to do the people's work for which it was duly elected. This policy framework was started by a different party in government which is the one currently in Opposition. Once again, I take this opportunity to credit Dr. Hamza Rafeeq for his foresight in introducing the respective policy. It would have been easy for me to discredit it and say that it is a UNC thing and I do not want to see it and put it aside, but the health security of our nation depends on making right and righteous decisions. This Government is committed to doing exactly that. [*Desk thumping*]

Our technical team has had consultations with PAHO, the RHAs, the current emergency services provider, the GMRTT and the Trinidad and Tobago Medical Association among others. This was done to ensure that all stakeholders had a say so that we could come to the right decision. [*Interruption*] We have since sent the Bill to several other stakeholders in an attempt to consider their view. This is to ensure that we arrive at the best possible framework which would serve the population.

3.15 p.m.

Some of the stakeholders consulted were MPATT, NUGFW, the Pharmacy Board, the PSA, the Trinidad and Tobago Association of Midwives and the Medical Board. We have sent it to them and we have asked for their comments.

Let me tell you why all of those who contributed to the development of this policy have agreed with other countries and regions like Canada, Australia, South

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Wales, New York and France. You come here and people say: “Boy, in the United States, if you see how that building looking nice!” You build one in Trinidad, they say you build a tall building.

“Boy, if you see how fast the ambulance come!” I was so happy to hear you say that, Sen. Ramkhelawan, but it does not end there because you asked a very pertinent question. Are all these ambulances properly equipped? Is there an online and offline person? Those are pertinent questions and that is what we are trying to put in here to ensure that the poor man in Icacos, the man in Caroni, the man in Tabaquite is treated the way your friend was treated; properly so, and at one standard. That is what this Bill is about. We have all gone this route because emergency health services are an essential part of the overall health system, a very important component.

I remind this honourable Senate, once again, that some Senators called for a select committee and we accepted it and incorporated more than 90 per cent of the recommendations. Having gone through this well-established structure and transparent procedure, it is certainly not productive now to return to the same debate and to be redundant, in some cases just for the sake of opposition.

Hon. Senators, if we are to do the people's work, we cannot afford to have a superficial and unsubstantial debate on a matter that has been fully debated and now needs to be completed with urgency. Having regard to the heavy legislative agenda of the Government, we cannot resort to filibustering, especially as the issue has already been debated and needs to be concluded with expediency.

This Bill came back from the select committee stage—[*Interruption*] I said so. I said Sen. Prof. Deosaran suggested that you should have brought a minority report. I said that I want the national community to see what is going on here. We have a job to do; we have people to serve; we have beds to put in the hospital; we have ambulances to fix; we have work to do and when we try to do the work, we must not be obstructed. [*Crosstalk*]

At the select committee stage, we accommodated 90 per cent of the recommendations, most of which centred on making the Bill more lucid and adding clarity to some clauses. [*Interruption*]

Mr. Vice-President: Senator, the outbursts are getting annoying. The Minister is making his contribution. Allow him to make his contribution in the same way they allowed you to make yours!

Sen. The Hon. J. Narace: Mr. Vice-President, there are five questions that keep recurring. Do we need this Bill? Do we need to regulate emergency

medical personnel? Is the Bill giving the Minister too much power? Is the governance structure appropriate? Can this service be done by a department in the Ministry of Health? These are basically the five questions that are being asked.

Do we need this Bill? We need this legislation to enable the implementation and enforcement of the Ministry of Health's policy on emergency health care. It would be unreasonable to expect this legislation to be inclusive of every possible argument. Every possible operational feature cannot be in a Bill. The Bill is an enabling instrument; it enables policy to be enforced and implemented. It gives certainty in law. That is what a Bill does.

[MR. PRESIDENT *in the Chair*]

We recognize that policies and laws are not cast in stone and that there is mechanism over time, as we examine and review international best practices, trends and environmental changes, to come back to Parliament and amend Bills. No Bill is perfect. You can take every Bill everywhere in the world; no one was totally perfect and that is a normal thing in Bills. What we are trying to do now is to provide legislation in tandem with international best practices. Emergency medical service providers and their personnel must be regulated.

Just to answer the point that you asked, it is emergency ambulances. Those that are not emergency, those that just transport people, that are not an emergency arrangement, they are not involved in this legislation precisely for the point you made, Sen. Ramkhelawan, that we must ensure a standard across the board. Wherever that ambulance arrives, public or private, in an emergency situation, it must be able to treat with the patient to give him the best possible chance to be looked after.

Mr. President, we have come to the conclusion that emergency medical service providers and their personnel must be regulated and you cannot regulate one without regulating the other. What is the use of regulating one and then anybody "gone" working the thing. It makes no sense. When you regulate both, you do not regulate both simply because of the need to regulate them. That would mean giving them access to international training, international best practices, international technology, bringing them up to a level we find acceptable. If we say that we would like Trinidad and Tobago to be a First World country, we must take seriously every aspect of what we do in terms of not just emergency care, but all health care.

Just for the record, I acknowledge that we have an issue with beds in the hospital. We are working on building hospitals. We have RFPs out. I am trying to bring in more nurses and doctors because beds without support care cannot work. I acknowledge that there is a lot more to be done in health care, but we cannot just say you have not fixed that, so let us not do anything. Therefore, we have serious work to do.

Mr. President, let me tell you why a regulatory framework is necessary. It is necessary to ensure certainty in law. The citizenry must be aware of what they are expected to do in order to meet the requirements of the legal framework. Moreover, the citizenry must be aware of their responsibilities; their duties under the specific regulatory framework and to whom they are answerable in respect thereof. If, for example, there is a requirement under the law in respect of electricity, radio stations and itinerant vendors, they would need to know with certainty what the regulating authority is and what they are required to do under the law. So too with the emergency services personnel, we must have certainty in law.

Right now, the Minister has all the power. We are trying to put a transparent process in place so that people can have a clear expectation of how they are to treat with getting proper service to people in terms of a regulatory framework. In essence, they must know to whom they are answerable in respect of this area of the law; what is being regulated and the requirements and penalties for breaches. There must also be a clearly established process.

The Senator talked about “the Minister shall appoint an appeal committee”. If the man objects, “shall” means “must”. I must appoint an appeal committee. It is not for the Minister to decide whether he should or should not get it. I am giving up authority and saying let us put a committee, not because I want it to be so, but because this is consonant with international best practices and what obtains in other countries.

This Bill seeks to regulate the emergency medical services, which is really a subset of the entire health care system. I re-emphasize that we are seeking to regulate all emergency ambulance service providers, which include providers of air, land and sea emergency ambulance transport. This clearly explains why we are using a biomedical engineer and not a mechanic as suggested. If it were a mechanic, then you would have to get somebody to fix boats, helicopters, planes and all those different things. That is why we are looking at that area of the whole system.

At the operational level, we will ensure that all vehicles are functional and roadworthy. The absence of a legal framework leaves the door open for a greater

degree of unacceptable, ad hoc approaches. Variance of standards within the health sector is always the source of inefficiency and the root cause of conflict that could possibly lead to disaster.

All over the world, people talk about standard operating procedures, a standard operating manual, standardizing things, getting into international best practices, lifting the quality of our people. That is what this Bill is seeking to do in that area of health care.

All of you will remember when an ambulance exploded. This incident clearly illustrated the need for a formal regulatory framework and justifies this Government's decision to bring this legislation forward. I remind this honourable Senate, when all failed, do you know who they called? They called on the Minister—big front page in the *Express*, what the Minister doing about it—and rightfully so.

A legal framework is critical as this sector has grown substantially over the last 10 years. Our national community, I heard somebody say, is served by 45 ambulances. It is served by 150 ambulances. Somebody said it was 120 EMTs. It is 500. This is now a full-fledged industry and we must now build it. I take Sen. Ramkhelawan's point on the one year for the licence. That is something we have to look at. Maybe we can extend it. I remind Senators that there is a committee stage and if something is reasonable, it is reasonable.

Our national provider handles 200 calls per day, over 5,000 calls a month, with a projected 70,000 calls. The system boasts of a response time of 31 minutes, which the Sen. Ramkhelawan alluded to. I thank him for the compliment. Last year the Ministry of Health answered the call of 60,000 persons facing emergency situations. Emergency situations require immediate medical intervention to avert serious medical compromise or even death. For example, there are car accidents, domestic situations, gunshot wounds, cardiac arrests, which all need immediate medical intervention if death is to be avoided.

Injuries today are on the upsurge all over the world, both violent and non-violent. We have had customer dissatisfaction with both the public and private service providers and, if we continue to operate in an unregulated environment, this is likely to persist. This continues to receive our attention as is evident today.

Moreover, in cases of national disaster—Sen. Dr. Nanan, as part of our disaster preparedness programme, the Ministry of Health needs to have a clear process and an established mechanism through which to allocate resources so as to effectively respond to the disasters. Right now, our current provider will not take you from your home to your preferred hospital. It will only go to an

institution. If there is a disaster—Sen. Dr. Nanan, you made the point of a 6.5 earthquake in the mid-Atlantic. If it were a real national disaster, the Minister does not have any facility to commandeer ambulances. If we had, and something like that happened, as indeed happened in Honduras not too long ago, the fact is you are now in a position to say that the provider will be able to commandeer the ambulances and we will also put in place systems to ensure that citizens go with these ambulances wherever they wish. That is how it ought to be.

3.30 p.m.

This is what obtains in first world nations and, indeed, we continue to pursue the development of a first world health care system. Our intention is to ensure our ambulance services become globally ranked as one of the best in the world. It is both the vision for health care and, indeed a significant and valuable component of it, our emergency services.

Should we regulate EMT? That is a question that was asked. Why are we regulating them? Like all professions allied to medicine, EMTs must be regulated, as is done in all countries of the world. I cannot see. This is something that obtains all over the world and here too in Trinidad. As far as policy is concerned, emergency medical personnel is no different to other professions related to medicine. Doctors are regulated by the Medical Board Act; pharmacists by the Pharmacy Board Act; nurses and midwives by the Nurses and Midwives Registration Act; dentists by the Dental Profession Act; opticians and optometrists by the Opticians Registration Act; veterinary surgeons by the Veterinary Surgeons Registration Act and physiotherapists, radiographers, medical laboratory technicians, nutritionists and dietitians, speech and occupational therapists and medical/psychiatric social workers are all regulated by the Professions Related to Medicine Act.

Why should this not be a very important area? Why should emergency medical technicians not be regulated? You asked: Are they going to be trained? Are they going to be certified? Are they going to be regulated? That is the answer to your question. The answer is yes.

More than that, it will now give them access to all kinds of international arrangements or international support, technology, training and all of that.

As a community and nation, we have long recognized and accepted the value of introducing regulation for medical professions. EMTs cannot and should not be exempted from that general rule or be left behind. Why should we leave them behind? Why should we leave those 500 EMTs behind? We should build and lift them up. When you take into account the life or death circumstances which they are often confronted with, that is of greater importance.

One might raise the question: Why not include them in the Professions Related to Medicine Act? One reason which might be obvious by now is that this Bill seeks to address an entirely new area of health care delivery, that of mobile emergency care services. That is the point I am trying to make. Additionally, the regulation of emergency medical personnel will not only increase the accountability of these professionals, but it will also give access to international support and technology, as I have said.

They talk about the Minister and all this power. Is the legislation giving the Minister too much power? Much has been said about the role of the Minister during this debate; himself to himself. I feel compelled to remind this Senate that the Minister of Health is constitutionally responsible for the health status of Trinidad and Tobago. That is in the Constitution. The powers granted in the Bill are consistent with legislation in other commonwealth countries. It is not so in Trinidad alone, it is so in many other commonwealth countries. As such, he is accountable for the delivery of health care, which includes the delivery of emergency health care. Inherent in this responsibility is the need to provide for minimum standards for both the service providers and service personnel. As such, he is the central figure in any policy or legal framework which seeks to address health care.

Sen. Dr. Nanan: I want to get some clarification, because you said under the Constitution, the Minister of Health is responsible. Under the Constitution, it is the Minister who has general specific direction of the Ministry. I do not know if the Minister of Health is specifically mentioned in the Constitution.

Sen. The Hon. J. Narace: Mr. President, I will not respond to that. As such, as I said, the Minister of Health is constitutionally responsible for the health status of Trinidad and Tobago.

Specifically to the issue at hand, I take this opportunity to draw your attention to international legal frameworks. Let me assist you. In South Australia, the Minister issues, revokes and suspends licences. In New South Wales, Australia, the Minister issues, revokes and suspends licences and is involved in monitoring and evaluating the ambulance service. In New Brunswick, Canada, the Minister appoints the Director of Ambulance Services, inspectors and the Ambulance Advisory Committee. This is just to name a few. The Minister, in all these cases, has taken on the active role in ensuring not only that emergency ambulance services are regulated, but also that they are regulated in an effective way with established and clear procedures.

Specifically to our situation, this Bill proposes a two-tiered licensing process in the granting of a service provider licence. The Regulatory Committee considers the application and makes a recommendation to the Minister. The Minister may grant or reject, based on the regulatory committee's recommendation—transparency. We have a committee. It is not the Minister, it is a committee that will recommend and then the Minister is really a functionary in that regard.

In rejection cases, the person has the right to appeal and the appeal committee's decision is final. This is in favour of the applicants, as it eliminates the need for persons to go to court when a licence is rejected, which will, of course, cost substantial sums of money if they have to go through the judicial review process. However, this does not prevent an aggrieved person from having those rights. What we have done is put an appeals process in place. If you feel that you are aggrieved, at least you have a first crack at it, without having to spend money in a real sense. Then you still have the right, if you are not satisfied, to go to a court of law.

I come to the next question: Is the governance structure adequate or appropriate? The question of governance has been raised and has been adequately addressed in a previous setting. However, let me again illustrate some of the major points. There are really two bodies that relate to the regulation of the emergency ambulance service providers and an appeals authority. The two bodies are the National Emergency Ambulance Services Authority, governed by a board of directors; and the Emergency Ambulance Regulatory Committee, which advises the Minister on matters relating to emergency ambulance care.

Let me tell why you need to have two. One cannot regulate itself. One is a service provider. If you are a service provider, you cannot regulate yourself. You must have a regulating body that would regulate all bodies. It is really an advisory committee found in the Ministry of Health. The Bill also provides for the establishment of an appeal committee to review rejected applicants and so forth. I have spoken about that. It is to ensure that unsuccessful applicants have the benefit of a review process without incurring additional cost. We are all aware of the high cost and the inordinate length of time if one has to go to a court of law. All of this is bringing a level of transparency and a high level of service to the national community.

Secondly, there are two bodies that relate to the regulation of emergency medical personnel. They are the Emergency Medical Personnel Board and the Council of the Emergency Medical Personnel Board. That is one board of people. It is that group that leads them. It is the council, but it is called a board. It is one

group of people and that is required, so that we can get them to access technology, training, regulate themselves and provide for themselves. It is the standard that we have become accustomed to, not just here in Trinidad, but internationally. It makes no sense to regulate the service providers and not regulate the personnel, who constitute the most critical component of this service. Consequently, if they are not regulated, patient care would be more than likely compromised as any untrained or inadequately trained person can perform. Sen. Ramkhelawan alluded to that. It would be negligent of me and the Ministry of Health and this Government to allow the situation to continue as is, since it has come to our attention that some of the individuals operating within the private service are not qualified emergency medical technicians.

To answer the question of having a mechanic on the committee, if we agree that this legislation would deal with air, land and sea transport, then clearly a mechanic would not satisfy the requirements as outlined therein. We would need somebody to deal with planes, boats and helicopters as well. At any rate, we know that at this time, there is no certifying authority for mechanics. On that note, I want to assure the national community that all vehicles are licensed by the transport authority. It would be their duty to ensure that they are roadworthy. Since it is a part of the general law, it stands to reason that it should not be in this Bill. Just for the record, the PTSC has no mechanics on their board. They oversee hundreds of buses. They move 800,000 people monthly. Seriously, I do not think a board member would leave a meeting to check an ambulance or a bus.

New best practices—they speak about outsourcing. The board will have the power to outsource if that is required. If we feel that these ambulances need to be more roadworthy than they are, we will have the power to say let us outsource from VMCOTT or some other company that deals with looking at these matters and we could outsource it. That is the reason for having that kind of governance structure.

The Ministry of Health also plans to establish a monitoring and evaluation division that will provide oversight for all regulatory units within the Ministry of Health. This will address the issue raised on the integrity of inspectors.

Another question raised: Can this service be done by a department in the Ministry of Health? The first option, the creation of a department in the Ministry of Health to manage these services, will have the following shortcomings:

- the department will have to overcome bureaucratic constraints within the public sector, in terms of rules and regulations;

- current public perception regarding the operating style will limit our ability to attract the people that we would really like to attract; and
- all operations of the department will be dependent on the procurement practices of the Ministry, which will impede its efficient functioning.

That is why a department in the Ministry will not work. The other option, establishing authority, which was deemed the most beneficial one and was preferred over others, presents a number of advantages:

- It provides the ability to insert an expert-based independent board to manage the delegated functions of the Ministry of Health, in terms of the availability of high quality, consistent, equitable and accessible emergency ambulance services.
- The authority and accountability of the board is established by an Act of Parliament in a structure intended to ensure the sustainability of the emergency ambulance services.
- The management framework of the emergency ambulance is not fragmented from the funding and governance models that are found elsewhere in other countries that are integrated into one unique system.
- The Government continues to improve its administrative function of the emergency ambulance service, while maintaining the key principle of equity, universal access and public confidence of the service under an authority.
- The authority is mandated to create independent human resources, marketing and finance operating structures which removes the bureaucracy in the public service.
- The authority provides a dedicated system to coordinate and monitor the entire emergency ambulance service, which now boasts of 150 ambulances and 500 EMTs.
- There would be a separate procurement and administrative system and, therefore the decision making and the auditing process will be more efficient than that of the public service.
- There will be more accountability than the existing arrangement in the Ministry of Health, with service providers through licences, reporting mechanisms and complaint reviews.

- The authority will have the flexibility to engage single or multiple service providers to provide the service itself.
- We could obtain value for money, as finance is structured and timed to support the organizational development and health care objective set by the Government.
- There will be increased access of emergency ambulance service to all remote areas throughout Trinidad and Tobago by deploying ambulances in a more efficient and effective manner.
- The authority will be able to respond faster to changes in the external environment, affording easier improvement of the ambulance service regarding communications, quality improvement and continuing education.

Sen. Ramkhelawan asked about all this communication. All of this will be contained.

3.45 p.m.

Last, but not least, the creation of an authority can afford revenue generation through the provision of services to private organizations and even cost-saving opportunities through a dedicated system. So, there are benefits all through.

The two options have been carefully considered for the management of emergency mobile services, but the creation of an authority was deemed the most viable and beneficial of all.

Let me reiterate, Mr President. The Bill seeks to establish an authority, create a providing body and regulate the personnel. The legislation would require providers to be licensed to so practise. It will also mandate persons desirous of operating a private ambulance service to apply to the Minister for a licence to do so, and that is what the Bill contemplates.

In closing, it is only when there is an accident that people ask: Where is the Minister? Where is the Government? And why have we not done anything? I want to give hon. Members an assurance that as we review the requirement of the Ministry of Health, we will look at international best practices. I implore Members to help us deliver quality health care.

We are trying to develop a comprehensive system where service starts: when a call is made for medical intervention; an appropriately trained emergency medical technician answers the call, who is supervised by an emergency medical care practitioner; the interaction is continued until the ambulance reaches your

home; upon arrival at the house, qualified EMT provides on spot treatment; appropriately lifts you into an ambulance fitted with life saving equipment—that Sen. Ramkhelawan spoke about—and medication; all the necessary medical intervention is continued in the unit right up to when you are delivered to an emergency medical practitioner or your home or wherever it is for that matter.

There is one more question for me to answer and that is: Should a small country like Trinidad and Tobago have this regulatory framework? Some members have argued that there is no need for us to adopt legislation that is applied in larger countries, that is countries with larger populations. This begs the question, with an approximate population of 1.3 million, do the people deserve quality emergency health care services because we are only 1.3 million people?

The size of the population of any nation does not negate the need for governance, through best practice, or proper practice and formal regulations. Scotland has a population of approximately 5 million people; it has a regulatory framework, which establishes not two, but five mandatory committees, which provide for a board and four committees. New South Wales, Australia, a country of about 7 million, has four advisory committees and four boards.

In fact, international best practice supports the existence of several committees embedded in their legislation for emergency ambulance services. France has committees and coordinators in each district; New York has two councils, two committees and several sub-committees, five or more per council.

Mr. President, at the end of the day, one of the root causes for the economic meltdown has been ascribed to the need for regulation and where regulation existed, the argument was put forward that even stronger regulation was needed, and the first person to say that is my good friend Sen. Subhas Ramkhelawan, and he said it on several occasions.

In other words, had there been stronger regulatory oversight on financial institutions and markets worldwide, it has been argued that the global economic crisis could have been avoided, and you, Sen. Ramkhelawan, I have heard make that argument. The same could be said for those ambulance victims in our country when the ambulance exploded.

Today, we face a global pandemic. The rules that apply to Trinidad and Tobago also apply to every other country in the world. Why should we not do the same? Why should we abandon the right of our citizens to First World care? Why should we choose the lesser, when we can enact international best practice? We must look at what is possible rather than continually doubting our own capability.

People doubted that Point Lisas would succeed. They doubted that we could liberalize the foreign exchange and trade regimes. They doubted Prime Minister Manning when he said there could be full employment. They doubted that there could be free tertiary education for all citizens in this country. They doubted that the Soca Warriors would qualify. People doubted whether Trinidad and Tobago could have successfully hosted the Summit of the Americas, and now the same people are boasting that it was the best summit.

Clearly, Mr. President, I am asking hon. Members to support this Bill today as it is going to be yet another achievement for our nation. Trinidad and Tobago will be delivering quality emergency ambulance care through the provisions of his Bill, and take us one step closer.

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. C. Enill*]

Question put and agreed to.

Sen. The Hon. J. Narace: Mr. President, I have also circulated a list of consequential amendments to this Bill and as a result of last week's debate, and in accordance with section 57(3), I would like to refer to clauses 4, 40 and 45.

I thank you very much.

Question put and agreed to.

Sen. Mark: Mr. President, I see the Minister, I do not know if—

Mr. President: I was waiting for a signal from you, I did not get one, then I sat and I did not see you. If the Minister is willing to give way, you may speak.

Sen. Manning: Yes.

Mr. President: Yes? Very well.

Sen. Wade Mark: Thank you very much. Given the Constitution of the Republic, under section 53, says and I quote:

"Parliament may make laws for the peace, order and good government of Trinidad and Tobago,..."

it never said that Parliament must be engaged in hasty legislative activity. We were never mandated as parliamentarians to engage in activities, which, at the end of day, would not redound to the interest of the national community.

The Minister, in his normal style, spoke about different jurisdictions, but all of those jurisdictions that the hon. Minister mentioned, have a different culture, different way of life, different ethos, in terms of democracy, of the right, of norms. In those jurisdictions you do not have the issue of trust, in Trinidad and Tobago, under this regime, there is the whole issue of trust. People do not trust you. They know that you abuse power; they know that you misuse office, not you personally, as a Minister, but the Government has been abusing power, misusing office and doing everything in their power to see if they can silence the Opposition. The Opposition is here to stay. We are here to stay until we remove you as the government.

I looked at this report coming from the committee and I do not know what this Senate is being asked to consider. This committee was never charged with the responsibility of drafting a Bill. They unilaterally took that decision and redrafted legislation. I am looking at page 6 of the report of this committee and hear what paragraph 7 says:

"Upon completion of its deliberations, your Committee caused the preparation of the redrafted Bill..."

Who asked them for a redrafted Bill? Not this Senate. Your mandate, given to you by the Senate, was to consider and report on a Bill entitled the Emergency Ambulance Services and Emergency Medical Personnel Bill, and you have 21 days to do so. You chose to have a redrafted Bill submitted, and I am yet to see the list of amendments.

I have been in Parliament for 20 years and I have seen reports, and this report that I have seen—normally you have an appendix outlining the amendments. You know where the amendments are lodged and how in this report. In the minutes. You are supposed to have a separate appendix dealing with amendments, so I can look at the appendix and go through the amendments. What am I asked to do? I have to go through the minutes of April 21. Then I saw later on in the report where a list of amendments was supposed to be submitted on or before April 30. Where is the list of amendments?

I want to tell this Government that an important matter like this Report that we are dealing with, where we are talking about a Bill that, I think in principle, we have said on this side, we would want to associate with a modernization of the ambulance services in this country, but you have to get it right. You just cannot hold two meetings and then bring amendments here, bring a redrafted Bill and when we look at the legislation we are seeing where the Bill is a recipe for bureaucratic confusion.

The Bill is unworkable. There is no real accountability built into this legislation that is before us. There is responsibility without accountability. Where is the Auditor General in this particular piece of legislation that has been redrafted and has been brought to us?

Mr. President, I looked at the Trinidad and Tobago Housing Development Corporation Act, and I see in this legislation where there is provision for the Auditor General to play a role in the auditing of the accounts of the Housing Development Corporation. In the Regional Health Authorities legislation, Chap. 29:05, there is a role for the Auditor General, but in 2009, there is legislation which is aimed at privatizing the Government's services in Trinidad and Tobago and we are being told here that we have to observe in the legislation what they have described as General Accepted Accounting Principles (GAAP) standards.

4.00 p.m.

Now, I have come to one conclusion. The Government has farmed-out; the Government has privatized legal drafting to the private sector in Trinidad and Tobago. That is the conclusion I have come to. When I look at this confusion called the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009, I am seeing the hands of the private sector in this legislation. When I looked at previous pieces of legislation coming from the Chief Parliamentary Counsel's office, I saw experience, I saw an ability to understand the ethos governing the public sector, but in this particular piece of legislation you see the hand of the private sector in it and the Government must tell us.

Minister Jerry Narace must tell us whether the firm of Alexander, Jeremie and Company had any role to play in this legislation that is before us. We understand that a private law firm associated with the Attorney General of this country—Sen. The Hon. John Jeremie, who is now in England or London—was given a contract to draft legislation that is commonly drafted by the Chief Parliamentary Counsel. We understand that a number of attorneys-at-law in the private sector have now been recruited in order to provide legal drafting services, hence the confusion we have in legislation today and I will point out to you some of the mischief in this legislation.

So, hon. Minister, when you asked us to speed up, to cooperate, not to hold back, as if we are holding back, you have to understand what you are doing; you have to understand what the Government is doing and is it the reason why the Government has refused for the last few years to fill vacancies in the Chief Parliamentary Counsel office? Is it any wonder that we just lost a case to the tune of \$31 million because of the failure of the Government to appoint a Solicitor

General for three years and vacancy after vacancy has gone unfilled by the Government, so the Government comes here today—

Sen. Narace: Mr. President, on a point of order. Standing Order 35(1), relevance, he is speaking about the case lost and—

Mr. President: Will you talk about the Bill.

Sen. W. Mark: Mr. President, the issue here is simply this—you are not a democratic you know, I realize that long time. You are an autocrat. The Minister in the legislation before us is now given the responsibility to exercise managerial functions that ought to be properly executed by the bodies established under the Bill.

The Minister in the legislation is micro-managing and as I said, this Bill, as simple as it is or as innocent as it might appear is a virtual new model in public administration and management in which citizens' rights are being undermined and the Government is seeking to institutionalize malpractice without access to redress. So on the one hand the hon. Minister is saying, we have to protect the rights of the citizens and the small man, but in the legislation you are indemnifying malpractice and I made a particular proposal to amend that provision. You have by-passed that. That is of no relevance to you. I am trying to safeguard the small man that you said you are seeking to protect, but instead of protecting the small man, what is the Government doing? The Government is trying to protect the big man and not protect the small man.

I had proposed under “no personal liability”, that particular clause. The clause 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...”

I went on to say there should be a qualifier I went on to propose:

“unless the Act or omission was a result of wilful and wanton misconduct.”

That is to protect the small man. Why is it the Government has refused to entertain that amendment or that proposal? Why have you refused to do that? But you are talking about you want to protect the small man. How are you protecting the small man? Imagine we have rights in the country, but you have now brought legislation to take away my rights, to tell me I cannot sue if somebody is guilty of malpractice. That is what you are trying to introduce in the legislation.

So, Mr. President, it appears that this piece of legislation, in spite of the best efforts, is unworkable. Imagine you are bringing legislation and you want it to be passed hastily, speedily, and do you know what the legislation says in clause 2? It reads:

“This Act comes into effect on a date to be fixed by the President by Proclamation.”

What does that mean? If there are no regulations the President will never proclaim the legislation. So, why are you trying to get us to rush this piece of legislation and there are no regulations. When we look at the Bill you see everything is prescribed by the Minister according to the regulations. The Minister has not brought any regulations but yet he is saying we are holding back the legislation. The Minister is aware that the President of this Republic will not proclaim this law until the regulations are proclaimed or made available to him for proclamation. Where are the regulations, hon. Minister? [*Desk thumping*]

Why are you trying to fool the Senate and fool the population? You have to recognize that if you do not have regulations the Bill in its current form will not work. You must have regulations. You are saying that you are going to bring the regulations after the Bill would have been passed. That does not make sense!

Mr. President, in the legislation we have asked the question, I raised the question—I saw my colleague, Sen. Dr. Nanan, a Member of the committee also raised the issue—where is labour in this legislation? Where are the representatives of the labour movement? Labour Day is next Friday, June 19—

Hon. Senator: This Friday.

Sen. W. Mark: This Friday, June 19. Where is labour in the legislation? We look at clause 4 of this Bill, you have an amendment under clause 4(2)(e) but you have nothing dealing with a representative of the labour movement or a representative of the PSA. We would like to advance to that Minister that workers’ representatives ought to be on this Emergency Ambulance Regulatory Committee. We believe that if you look at the composition and the work of this committee, industrial relations would have a very crucial role to play in this particular matter.

Mr. President, we do not support a Minister, any Minister, that abuses office, misuses office and power to be given the authority to do what is being suggested here.

“The Committee shall comprise (nine) Members appointed by the Minister and shall include—

(e) such other person as the Minister deems fit.”

Why must the Minister have that authority to just whimsically determine who will be members of this particular body? We must be able to outline in the legislation the people, the personnel or the bodies that are going to comprise this particular regulatory committee and not just leave it up to the Minister in a whimsical manner to do so.

We go on again to another amendment that the committee submitted and I am trying to get clarification. Clause 4(3)(f), the committee is seeking to have power as was raised by Sen. Corinne Baptiste-Mc Knight to “instruct inspectors in respect of their duties”. That is misplaced! I do not understand what was going through the minds of the chairman of the committee or the Minister of Health to put this provision there. You employ people to do a job but you want a committee to instruct them how to do their job. It does not make sense. This is out of line, out of order and I am calling on the Government to delete that provision.

Under the National Emergency Ambulance Services Authority you have all manner of personnel with appropriate qualifications, but do you know what? Nobody trained in industrial relations. Why is this Government so anti-labour? Why are you so anti-trade union? Why are you so anti-working class? I am calling on the Government to consider including in 5(2) another section that would take into account—I would like to insert after “information technology” the words “industrial relations” and I would like the hon. Minister to consider this as an amendment.

I have made it abundantly clear that we are not legislating for the Minister of Health. We are legislating for Trinidad and Tobago. We are legislating for the future of this country and the Minister of Health is here today, but with the rate of swine flu in this country, we do not know what will happen to him tomorrow. *[Laughter]* Therefore, we have to ensure that we do not make provisions in law that can give the Minister power that is going to be abused. When you see a provision that says that a Minister may at any time revoke the appointment of a member—at any time, no reasons given! There ought to be some reason. We live in a society in which there is law and order; we live in a society in which there is something called natural justice. You just cannot revoke somebody’s appointment just so, and this is what is included here.

I also made a recommendation in my contribution and that is clause 10 of the Bill. I said that the Emergency Ambulance Services Board shall exercise its power and functions in accordance with special or general directions as may be given to it by the Minister.

4.15 p.m.

I said in writing. Because you see it will come to pass very soon in another place—not here—where you and the role that you have played in the case of what you have just brought here, it is going to another level and you will have to give evidence. [*Laughter*] So when you are giving instructions to people to do certain things, to carry out your will otherwise I will fire you, Mr. President, this is something which you must have in writing. The Minister must put things in writing, do not just threaten people.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: Not you. It may not be you, maybe some other Minister. No Minister should threaten an employee and tell them do this and do that, and if you do not do it, I will deal with you. Put it in writing. This is why, Mr. President, I have insisted that we should have a provision that says, if the Minister wants a public officer to carry out instructions, or you want a committee member to carry out instructions, you must put that in writing. We are sticking to that. You must put it in writing. I want to tell the hon. Minister and the chairperson of this committee that wherever "no personal liability shall be attached" appears, we are seeking an amendment to ensure that the rights of the ordinary people are protected.

Mr. President, we are seeing in the legislation under the area of inspections— Well, before I deal with inspection, I want to tell you that I cannot support legislation that is giving the Government or the bureaucracy, blanket power to employ their own private auditing firms. There is a Constitution, and the Constitution says that the Auditor General of Trinidad and Tobago is responsible for auditing public accounts. This is an institution that we are establishing. It will be funded by taxpayers' dollars, and I cannot agree with the Minister or with the provision in this legislation that says that we must not have the Auditor General conducting the auditing function in this particular institution or set of institutions. I would like to propose an amendment for the consideration of the Government, that you incorporate the Auditor General in your report.

Under clause 14, the Auditor General must be included, or an auditor appointed by the Auditor General. It is in this legislation, an Act to establish the Trinidad and Tobago Housing Development Corporation, and you can take the wording from this legislation into this particular Bill we are dealing with. So we believe that the auditing function is very important and it should not be left—Again, this is private sector drafting.

Mr. President, when we go to inspectors and inspection, again, the Minister wants the power to employ people and I am saying that is not possible. In a private organization called Trinre, you can employ people because you are the owner. But in the public sector where people have rights to equality of treatment, equality before the law, they are not to be discriminated against. If I am a politician, there is a natural tendency for me to probably employ my own supporters. I am saying that could happen. *[Interruption]*

Sen. Prof. Deosaran: Which clause is that?

Sen. W. Mark: It is clause 15(1). *[Interruption]*

Sen. Prof. Deosaran: Thank you.

Sen. W. Mark: If you go to clause 15(2) where:

"The Minister may appoint inspectors from among the following qualified..."—and the last section, section (2)(e) reads—"such other persons as the Minister deems necessary for the purpose of conducting inspections."

We are going to give the Minister for the first time in law, the power to employ people. He will employ his friends and his families. He will employ his cronies.

Sen. Lezama: You are judging by your own standards.

Sen. W. Mark: No, not by my own standards. I am dealing with justice, my dear, and I want to wish you a very happy marriage. *[Laughter]* I want to wish you a very happy marriage. You did not invite me and I do not storm like your Prime Minister, so I "ain't" coming.

Mr. President, I am suggesting this is dangerous legislation and I want to tell the hon. Minister, we cannot support this legislation in its current form. We cannot give to the hon. Minister the power to employ people. Already, we have three Police Commissioners in this country. One is James Philbert, heading the real police force; the second one is the Minister of National Security, heading something called the Special Anti-Crime Unit, because they report directly to him; and the third one is the Attorney General, who has something called the Anti-Corruption Bureau under his charge and those police officers report directly to the Attorney General.

Mr. President, we cannot continue that way and we cannot allow the Government, any government Minister, whether it is a UNC government Minister or a PNM government Minister to have the power to employ people. You must not have the power to employ people. I am suggesting, let the board, let the authority have that power. Give the authority or the board the power to employ

people. That is what I would like to suggest. Not to give that kind of power to a Minister, especially a Minister of the nature and the character that we know of now. No, we cannot afford that. We cannot.

Mr. President, I see where one of the functions of the Emergency Ambulance Services Board is to develop Public Information and Education Programmes relating to the national ambulance service. I wonder if for instance the recently employed Greek, Dr. Caramanis, who is getting close to \$50,000 or thereabout a month, or close to that, is going to be responsible for carrying out this particular function? Are we paying that doctor to carry out that function? I want to ask the Minister of Health, what is the relationship between this doctor, Dr. Caramanis in that Ministry, the rapid rail project and her husband, who is a programme manager and consultant for NEDCO—*[Interruption]*

Sen. Gronlund-Nunez: Mr. President, on a point of order. I am hearing everything on this earth, practically other than issues with regard to this Bill. Could you please assist?

Sen. Dr. Gopaul-Mc Nicol: That is not true.

Mr. President: I agree. Senator, please.

Sen. W. Mark: Yes, I am coming back, Sir. I was just developing a point, Mr. President, but I think I have developed it enough until further notice. Why are you so jittery?

Sen. Gronlund-Nunez: *[Inaudible]*

Sen. W. Mark: Okay, you are not jittery, you are calm.

So, Mr. President, the hon. Minister apparently is not following me. I want to refer to clause 15 of the Bill. I am talking about inspectors and inspection, and I am saying that there is too much power in the hands of inspectors here. Under clause 18 of this Bill, we are seeing where in the exercise of its function, that is the inspector, he can take for analysis, sufficient samples of any material which he suspects to be contaminated. Not he found, you know, he suspects. So the inspector is a policeman. He is operating under reasonable belief. He reasonably believed that this thing is the sample or the material is suspicious, and he suspects it is contaminated. On that basis, he can tote away your property.

This is why I am saying this Bill requires, if you are infringing on my property rights, if you are taking away my property from my place, you are infringing sections 4 and 5 of the Constitution of the Republic of Trinidad and Tobago. *[Desk thumping]* This Bill is not a simple majority. This Bill cannot be a simple

majority, once you are tampering with people's property and their rights. [Interruption] They are saying here in the exercise of its function under clause 18, "...an inspector may, at any time, take for analysis..." Where is he taking it, Sen. Seetahal SC? He is taking it away. He is taking it away somewhere to some laboratory, but without my consent.

Sen. Prof. Deosaran: What about the warrant?

Sen. W. Mark: Well the warrant is a different aspect. That is when they want to invade your place completely. But they are coming in a very surreptitious style and saying, "Listen, I see something here. I suspect it is contaminated, I am taking it away." No, no, no, you cannot come in my property and do that. I have rights. I am saying, Mr. President, this is cause for concern and worry and I say to the Government, this Bill requires a special majority in those circumstances.

Mr. President, go to clause 19 of this Bill. I do not know what is a justice. I know you could address Justice Georges or you can say Justice Satnarine Sharma. You could address him as that, but that is not a title, that is not an office. But here in clause 19, you have: "Where a Magistrate or a Justice." The private sector has invaded the public sector and this is private sector language. What do we mean by a justice? If you are talking about a judge, tell us it is judge you are talking about.

Sen. Seetahal SC: Justice of Peace?

Sen. W. Mark: No, it cannot be a Justice of the Peace because in the interpretation laws of this country, there is nothing like a justice in that sense. As you said, Sen. Dana Seetahal SC, you are a Justice of the Peace, but you cannot say a magistrate or a justice. What is that? [Interruption]

Sen. Seetahal SC: That is true.

Sen. W. Mark: That does not make sense and I am saying to the Government, do not privatize your Legal Drafting Department and duties. Employ and pay the people in the Drafting Department, the Chief Parliamentary Counsel. Fill the vacancies. I am not saying you may not have private law firms that are very skilled in drafting and from time to time you may wish to employ them, but this is now becoming a rule. This is now becoming a habit, and we understand that most of the legislation coming to this Parliament that we have to debate were in fact drafted by private law firms. That is what we understand.

We are seeking desperately, clarification from the Government as to the veracity of this statement because if that is the case, we are going to be in a lot of problems in bringing these Bills to a certain kind of order. I do not mind Sen.

Dana Seetahal SC, she has a lot of experience in drafting. So if you bring her from the private sector to help—but you just cannot bring a firm like Alexander, Jeremie and Company that has no history of legal drafting as far as I am aware, and they are drafting critical— That is what I have been told. I am not saying that that is a fact. I am saying I have been informed and I am trying to get clarification from the Government as to whether that is in fact so. These are issues that we have raised and we are calling on the Government to deal with this matter very seriously.

Mr. President, I know it is coming to 4.30 p.m. I have a couple other points to raise and rather than I going into full steam in raising my final points, I would ask you if I can pause at this time so you can take the break? [*Desk thumping*]

Mr. President: Sorry about that. We shall suspend the sitting until 5 o'clock for the tea break.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

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

Sen. W. Mark: Mr. Vice-President, I wanted to, at least, seek the support of the Government in trying to tighten the legislation, because, in principle, as I said when I first spoke on this particular matter, all of us would like to see a modernized ambulance service in the country. I do not think anybody would object to that. I think we want to see the organization and structure of the legislation strengthened in such a way that the loopholes and excessive bureaucracy could, at least, be addressed. We are seeing excessive bureaucracy in the legislation.

Apart from the excessive bureaucracy, we are also seeing some unusual incursions into the employment of persons in the Authority, by the Minister; that, to my mind, is a red flag. We do not want any minister, whether a UNC minister or a PNM minister, employing persons in this country. Leave that to the board; leave that to the Authority, not to a minister; that is bad business; that is bad news.

We would like to suggest to the hon. Minister of Health and the Minister of Local Government, the Chairperson of this committee, that we move to amend this Motion. We want to add in Part III of the Bill at the end of the Motion, subject to the recommittal of Part III of this Bill to the entire committee of the whole Senate—we would like to see incorporated in the legislation the following:

"The accounts of the Authority shall be audited annually by the Auditor General or by an auditor authorized by the Auditor General in writing for that purpose."

We would like to see that in the legislation as an amendment.

Mr. Vice-President, there is also a lacuna in the legislation, as it relates to the period of time the Minister must have the legislation tabled. This must not be done in a whimsical fashion by the Minister. Once the Minister would have received that report, in Part III, it must be forwarded to the Minister within a three-month period, and that "shall be laid in Parliament", not "as soon as possible"; you must lay that report within three months, so we do not give the Minister too much flexibility as it relates to accountability.

He could say, "Yes, I will do it within one month," but if you have a very stubborn and undemocratic minister in power, then he could say that he would do it in a year. No, no, no; we want accountability. I think all of us would like accountability. Therefore, I am suggesting, on behalf of the Opposition, that we amend this Motion. I am going to give you a series of amendments which you would have to put to the Senate at the appropriate time. With the leave of the Senate, we would consider all these amendments at the committee stage.

We would like the Minister to have this matter tabled within a period of three months, max. In fact, I was going with one month, but I am prepared to be flexible on this one. [*Crosstalk*] No, just three months; not in the first instance.

Sen. Enill: [*Inaudible*]

Sen. W. Mark: No, this says three months; the Housing Corporation, three months.

Mr. Vice-President, with leave of the Senate and the Government, in Part IV, clause 15, wherever the word "Minister" appears, as it relates to the employment of personnel in this particular Authority, I would like it to be replaced by "board". I believe it is more democratic, it is more healthy for the board. That, in fact, is safeguarding the Minister from any accusation of being discriminatory. So rather than have the Minister take the heat, let the board be responsible for this matter. I am suggesting in the amendment that we delete the word "Minister" and we replace it with the word "board".

As we go through this document, this redrafted Bill, we go to clause 25, and what do we see? These are amendments proposed by the committee, and in every amendment hear what it says, clause 25(1):

"Where an Ambulance Services Licence is granted under this Part, the licensee shall—

- (a) comply with all standards for delivery of medical services prescribed by regulations under this Act;"

It goes on to talk about the expiration and renewal of licences, the category of licence issued, the geographical area and any other conditions that the Minister deems appropriate. [*Interruption*]

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

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

Question put and agreed to.

Sen. W. Mark: If you look at clause 25(1) of the redrafted Bill, you would see that it could never kick in, never take effect, without the regulations, and the regulations are not here. We do not have draft regulations nor do we have the regulations that would eventually replace the draft regulations.

I agree with Sen. Prof. Deosaran. I read your piece, Sen. Prof. Deosaran, in 26(1) of the Bill. Why are you going to refuse an applicant a licence because that applicant is convicted or has been convicted of an offence under this Act or under any other Act for which a penalty is imprisonment for 12 months? We need to know why the Government is discriminating, particularly as Sen. Prof. Deosaran reminded us, about the whole concept of prison reform, penal reform and prison rehabilitation. You cannot hold a conviction against a man for life. I believe that is something we ought to consider.

If you say after you have been convicted for 12 months and, as Sen. Prof. Deosaran said, within a time frame, within a five-year period, but to have it as a blanket statement, I believe that is going too far. I would like the Government to revisit that particular clause and to ensure that its policy regarding rehabilitation of prisoners, would not have persons being discriminated and stigmatized because of whatever they would have experienced and whatever transgression they may have committed.

We go to 27(1) and we see all the amendments that have been proposed by the committee. The two amendments that have been proposed in 27(2), again, it is prescribed standards, again regulations. We have no regulations before us. Wherever you go, 28(2):

"prescribed and remove the name of licensee..."

You need regulations for that as well.

This matter of discrimination against persons who have been convicted, is also located in clause 28(3) of the legislation as well; so once we are tackling the previous discriminatory practices, we will also have to deal with this provision in the legislation.

In clause 31(1) we have the Minister appointing the Ambulance Emergency Regulatory Committee; that is the committee that is going to recommend to the Minister who should be given licences for ambulance services. As Sen. Ramkhelawan made reference to earlier, the Minister is appointing the Ambulance Emergency Regulatory Committee. Then the Minister is being advised by this committee, which he has appointed, who to grant ambulance services licences to. If you are aggrieved by a refusal to grant you a licence, you have to go to the appeal committee set up by the Minister. So the Minister sets up the regulatory committee; the Minister sets up the appeal committee.

Mr. Vice-President, I want to remind you of the concept of natural justice in a democratic society. If I am to be convicted, I need an independent tribunal, not a PNM tribunal. It must be fair; it must be impartial; it must be independent for me to get a fair hearing. If you are going to ask a person to appear before an appeal committee, of which all the members are appointed by the Minister, you are violating my rights. You are denying me my right to a fair, independent and impartial hearing.

So whilst the Minister talks about transparency, that is not the issue here; the issue is fairness; the issue is about impartiality; the issue is about independence. Therefore, there has to be an amendment to this particular provision, because it gives the minister too much power. I am saying that this particular Minister is a dangerous individual. [*Interruption*]

Sen. Lezama: On a point of order, Mr. Vice-President.

Sen. W. Mark: All right, I withdraw it, Sir. [*Crosstalk*]

Hon. Members: Apologize!

Sen. W. Mark: I apologize, he is not a dangerous "fella"; he is a good "fella". It is the next Minister I have to worry about, not you; you are okay. You could smile your way to the bank; he is okay. You see you, [*Pointing to Mr. Vice-President*] not you, you are good too. [*Laughter*]

This is a very serious matter, and it is not something to trifle over and trivialize. I believe that the Minister must make an amendment to this section. If he does not, I am proposing to you, Sir, that we delete that section completely from the legislation, until he is able to revisit and recraft the legislation.

5.15 p.m.

[MR. PRESIDENT *in the Chair*]

I do not think the Minister should have the power to set up any appeal committees to deal with matters in the Bill before us.

So, Mr. President, may I suggest that we are prepared to move the following amendments for the consideration of the Government. I beg to move that the Motion be amended by adding the words at the end of the Motion:

Subject to the recommittal of Part III of the Bill to a committee of the whole Senate I am proposing that the amendment reads:

The accounts of the Authority shall be audited annually by the Auditor General or by an auditor authorized by the Auditor General in writing for that purpose.

I want to propose that as an amendment.

Another amendment I am proposing under the same Part III is that:

The audited financial statements shall be forwarded to the Minister and shall be laid in Parliament—delete the words as soon as possible thereafter—within three months of receipt of that report. I am suggesting that we insert the word "that" in the legislation.

Mr. President, I am also suggesting that in Part IV, clause 15 right up to clause 20 that there be the following amendments:

Wherever the word "Minister" appears in this legislation replace it with the word "board".

I am going to put all this in writing, I do not have it in writing now, but I will put it in writing for you.

Mr. President: Which clause are you dealing with?

Sen. W. Mark: I am dealing with clause 15(1) and I am going on to clause 15(6) "Notwithstanding subsection (4)"—You will address that for me and clause 15(7), delete the word "Minister" and put the word "Board".

I am also suggesting that under clause 18 of Part IV there is a breach of the citizen's constitutional rights and this will call for a preamble to the legislation, because my argument is that once you invade a person's property and take away part of it, you need constitutional cover for that, and in clause 18 of the

legislation, an inspector can come into someone's property and take away equipment and material without any justification and there is no provision in the legislation for the protection of my property by this particular inspector.

And, therefore, I am suggesting that this Bill requires a special constitutional majority because it violates section 4(a) of the Constitution of the Republic of Trinidad and Tobago.

Mr. President: Do you have an amendment for it?

Sen. W. Mark: No, I do not have an amendment, but I am proposing a preamble to the legislation in order to reflect the concerns I have as they relate to clause 18. I do not want to delete clause 18 because there might be a legitimate concern for the inspector to go in there. All I am saying is if you are going in, you must go with the protection of the law, you must have the constitutional cover and that is why I am suggesting that we need a constitutional majority for this legislation.

Mr. President, in clause 19, Part IV: It is either the Government says whether it is a magistrate or a judge. I do not know what the Government's intention is, but it cannot be a "Justice" because there is no such office holder called "Justice". So you must make up your mind what you want to put; magistrate or judge, but you cannot go with Justice, it is wrong, it does not exist in law.

So I would suggest that the word "Justice" be deleted unless the Government comes up with a plausible and reasonable alternative as a judge, otherwise delete it.

And in clause 20, I am suggesting that this clause be amended to add at the end:

“unless the act was a result of wilful and wanton misconduct or negligence”.

I do not believe that any one should be carrying out authority with all that power and could violate my rights and when I want to sue you, you are telling me I cannot sue you. No, no, I must have the right to sue you, and clause 20 is taking away my right to sue and I am saying that I must have the right to sue if I believe that you were criminally negligent; I must sue you.

Mr. President, I am suggesting that that amendment be incorporated in order to ensure that ordinary people have justice. I know my time is coming to a close and I would like to suggest that we delete in Part V of the Bill clauses 31 and 32. We are prepared to consider an alternative proposal that would not give the Minister all that power and would give individuals who are appealing to this

appeal committee the right to a fair, independent and impartial hearing. I do not want a ministerial committee that is a Gestapo committee. I want one that is fair, impartial and independent.

So my final amendment would be in the section that deals with regulations where there is negative resolution in the Bill. I know you told me my time is up, that is why I did not want to detain you any longer.

Mr. President, if you go to clause 60, I am saying subject to affirmative resolution and clause 65 which includes 65(3).

Thank you very much, Mr. President.

Mr. President: I shall propose the question that the Motion be amended by adding the words at the end "subject to the recommittal of clauses 15, 19, 20, 25, 31, 32, 61 and 65 of the Bill to a committee of the whole Senate.

Sen. Gail Merhair: Mr. President, I thank you for giving me the opportunity to contribute to the debate on the Report of the Special Select Committee appointed to consider and report on the Emergency Ambulance Services and Emergency Medical Personnel Bill.

Mr. President, I have read the original Bill as all Senators would have, and I read the report and the redrafted Bill as well and I still have some concerns about the heavy bureaucratic weight that seems to be embedded in this Bill.

However, in considering what has been put forward by the hon. Minister of Health, I understand the spirit, essence and intent of the Bill and for that I think, in the interest of the people of Trinidad and Tobago I will be inclined to support the passage of the piece of legislation before us. [*Desk thumping*]

Mr. President, the legislation before us is a revolutionary piece of legislation and what is happening is that there exists no regulatory framework right now that monitors and evaluates the emergency ambulance services at present, and with that in mind, I am inclined to go forward and support the Bill in the sense that I understand, as well, that this is in keeping with practices of developed nations such as the United States of America and the United Kingdom.

I think the Government as well as the committee needs to be commended on the democratic nature that has been experienced by this honourable Senate both when the Bill was first laid, the fact that it did go to a special select committee as suggested by Members on the Independent Bench and the fact that I see that the Government is willing to make all the necessary amendments being brought forward. I think in that regard, we should be commended because after all, we are in fact dealing with the interest of the people of Trinidad and Tobago. [*Desk thumping*]

Emergency Ambulance Services
[SEN. MERHAIR]

Tuesday, June 16, 2009

I have looked at this redrafted piece of legislation in terms of a bigger picture, and I understand that in terms of the provision, it is an essential service and that is the Emergency Ambulance Services and the Emergency Medical Personnel Bill to provide an essential service to the people of Trinidad and Tobago. And like my colleague, Sen. Ramkhelawan, I did in fact over the weekend have an encounter in having an ambulance called for a neighbour and they did in fact respond in efficient time, but again, hon. Minister, at Mount Hope there were no beds, the person was left for 24 hours in emergency. And I am pleading to you, on behalf of the citizens of Trinidad and Tobago that we can put all this legislation in place, all the best intentioned purposes and we can support it, but what happens when the ambulance gets to the hospital? I know you have made your commitment to us but again, I just have to plug in the plea, because please, people are in fact hurting outside.

With the rise of private medical institutions and the development of a lot of technological developments, both medical techniques as well as what is going on in the public sector, I feel it necessary that society needs to adapt to the requirements that are being put forward in this Bill.

Health care on the whole has taken a new dimension and I know that many of us, including myself, have been critical of some of the provisions provided by the public health system in Trinidad and Tobago but Mr. President, I urge that we all need to work together in coming up with bold and creative steps in order to regularize and improve the service that is being given by the public health care system as we deal with a growing population.

The provision of the Emergency Health Service is critical and I think it is a life and death situation when one has to call an emergency ambulance service. It is a situation that may arise to all of us every day of the week, it is 24/07 and crosses all socioeconomic brackets, all racial boundaries, all ethnicity. It crosses everything because any one of us—and God forbid that we should be involved in a vehicular accident on the road, we cannot choose to get an ambulance from West Shore or from St. Augustine Private Medical Services or South Medical Institution, the medical centre of our choice, which means we have to rely on the emergency health care and this is my point. And we must not allow our political affiliations to contaminate whatever is being brought before this Senate because I think this is what we are all about here.

5.30 p.m.

As honourable citizens we have been appointed, in our case, or have been elected to act responsibly in the interest of the people of Trinidad and Tobago and we have to make legislation that will bring forth the benefits to the people of

Trinidad and Tobago. I think for too long I have heard horror stories of people dying at the side of the road when they do not have proper emergency health care.

So I think the Bill seeks to do just that, to give and to raise the standard of emergency ambulance and emergency personnel that provide us with service from time to time. It is only logical that these regulations and standards be adopted, because we have to look at standards; we have to look at regulations; we have to look at the safety of the population in Trinidad and Tobago and I think it is a significant step forward. It is my hope that the Government would probably start putting things in place to have the national health care insurance scheme developed in a few years' time and I am hoping that this is just the foundation or the stepping stone in which we can, in fact, do that and be provided with a better service.

However, I would like to make a suggestion, which is, I do not know if the hon. Minister would kindly assent to the fact that perhaps we can put a sunset clause in the legislation, because I support the intent that the Government is trying to bring forward but, again, I am concerned about the bureaucratic nature of the Bill. I know some of my colleagues too, in fact, and rightly so, have concerns. So I think that might tend to lend some sort of compromise—and again it is just a suggestion—probably for three years in which the Bill would be forced to come back to the House. I know that a lot of times people say that you do not want to burden the legislative framework of the Parliament, but perhaps we may be forced to do so, having an appreciation of what is going on. If it is not working, we change it. The hon. Minister did say that amendments can be brought if and when that time comes. So it goes to show that perhaps you could consider it, to bring that sunset clause in, because it is all about getting it right for the people of Trinidad and Tobago and I would not want to be responsible for not standing here and supporting this in the interest of bringing an efficient ambulance service to the people of Trinidad and Tobago if I do not support what is being proposed by the hon. Minister. I think it needs to be evaluated; a new regulated status, and we need to decide on the continued legislation that moves us forward in that direction.

Before I close, on behalf of my colleagues I would like to amend the Motion to subject the recommittal of Parts III and IV to the committee stage where the Senate meets and could probably bring some further amendments to this Bill. With that in mind, I would like to—

Mr. President: Do I understand that you want to recommit the entire Part III and Part IV, or just clauses within them?

Sen. G. Merhair: Yes, Mr. President. On behalf of my colleagues, I would like to recommit Parts III and IV of the entire Bill to a committee of the Senate. I wish the Government well in its intentions to this Bill. .

Thank you. [*Desk thumping*]

The Minister of Local Government (Sen. The Hon. Hazel Manning): Mr. President, I want to sincerely thank all the Members of this honourable House for joining in this second round of debate on your committee, reporting on a Bill entitled: The Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009. I want to particularly thank Sen. Gail Merhair for what she has just said. [*Desk thumping*] It speaks to the spirit of what the Senate really should be.

I want to respond to two points made by Sen. Wade Mark when he spoke. He spoke about the fact that we had redrafted the Bill and that never in the history of all the years that he has been here, has he seen such a thing happen. I want to assure Sen. Wade Mark, through you, that this Bill was not redrafted. I want, in the first instance, on behalf of the parliamentary staff, to apologize for the omission of the amendments which were completed but not attached to the report. You see, the amendments were included in the Bill. The Bill, attached to the select committee report, is not an attempt to redraft the Bill at all, but simply a consolidation of the amendments which the select committee considered.

It was felt that the incorporation of the amendments agreed to by the committee should be placed within the Bill and that would lend the Bill itself to easier reading. So if you look at the Bill, you would see that the amendments have been highlighted in the Bill, signifying the changes that had been made. So it was not at all that the Bill was redrafted, but that the amendments were included in the Bill.

Sen. Rahman: May I point out to you, Ma'am, that in your deliberations on the Bill at Item 7:

“Upon completion of its deliberations your Committee caused the preparation of the redrafted Bill at Appendix I and respectfully submits its report for the approval and adoption of the Senate.”

And the page says "Redrafted Bill". I do not know why you are saying you did not redraft the Bill.

Sen. The Hon. H. Manning: Mr. President, the Bill was not redrafted.

Sen. Rahman: Then this is nonsense.

Sen. The Hon. H. Manning: The Bill was not redrafted. The amendments—and if you look you would see the amendments were placed within the Bill. The Bill was not redrafted; it is not a new Bill.

Sen. Rahman: So this is not correct?

Sen. The Hon. H. Manning: I also want to speak to the regulations. I have heard over and over Sen. Wade Mark speak to the fact that he has been in this House for so many years; I think he might be the longest sitting Senator in this House. I think he is longer than Senator—

Sen. Dr. Saith: The longest sitting Opposition Member. [*Laughter*]

Sen. The Hon. H. Manning: I am talking about that side of the House, not on this side.

Sen. Mark must know more than any one of us sitting here that regulations do not come at the same time when a Bill comes; that regulations come after the Bill. I am sure that Sen. Mark knows that. Therefore, the regulations have been prepared. They are subject to negative resolution and they will be brought to this House after we have dealt with the Bill. I want to remind the Senate that we did signal on a previous occasion that the regulations have been prepared and that they would be made available when this Act comes into force.

I want to concentrate on the process of the committee's work. A lot has been said about the details of the Bill and I want to say something about the process of the committee's work that was done. I must admit, though, that we on this side were really taken aback that a Member of your special select committee would spend much of his allotted debating time repeating what he said at the committee meetings. Something is wrong with that.

At your committee's first meeting on April 21, Members were asked to express and to discuss their concerns and to this end each Member took time to express and to put on the table what his or her concerns were. All matters that were raised were addressed at both meetings, the meeting of Tuesday 21 and Wednesday 29. These were long meetings, lasting over three hours, as we discussed almost line by line, clause by clause, the Bill that was before us. So you could imagine our surprise on this side of the House when a Member of that committee, having placed his concerns on the table, the Members of the committee having heard his concerns, dealing with his concerns, would get up here and say that he had the same concerns—not additional concerns—almost the same concerns that were said on the two days, April 21 and 29—he got up here and he repeated those concerns.

Your committee was supported by a technical team made up of members of the Ministry of Health, members of the Chief Parliamentary Counsel's office and the members of the parliamentary staff; a highly technical team, a large number of people, who sat with us for those two days and supported us, who were able to explain all that was happening.

It is important to note that every concern and every amendment was also dealt with prior to the meetings. The documents were circulated before we actually got to the meetings, long before the first meeting, so that we were able to read, understand and digest and then when we got to your meetings, a comprehensive list of concerns were placed on the table. At the end of the two lengthy meetings all amendments were considered; all concerns were considered and amended as we needed to.

There were approximately 66 clauses and four Schedules placed before the committee and at the end of the day there were 16 issues dealt with and amended and the amendments were extensive, ranging from fundamental changes of the law and included sentence construction, language rules, spelling, et cetera—comprehensive, from the law to the English itself.

I want to assure you and place on record that in spite of what was said, that your committee followed the procedures of the Standing Orders of the Senate; that your committee held its first meeting as it should and in accordance with Standing Order 73(5) of the Senate chose its Chairperson; chose its technical staff from the various ministries and identified a quorum. At this first meeting deliberations began in keeping with Standing Order 73(6) which stated that:

"Deliberations of a Select Committee shall be confined to the matter referred to it by the Senate and...in the case of the Select Committee on a Bill, to the Bill committed to it and relative amendments."

Mr. President, your committee did what it had to do and did it well. Therefore, you could imagine our concern as we listened to a Member of the committee who seconded the approval of the report, standing in this House and repeating almost the same concerns placed before the committee, dealt with adequately by our committee, giving a feeling that justice was not carried out.

5.45 p.m.

When you check the verbatim report you would note that we took every query, enquiry and uncertainty into consideration. Maybe, that is why at the end of the day Sen. Dr. Nanan agreed with the decision taken, because we were fair, honest and deep in our investigations. He concluded this long debate by saying,

“I support the report” and that, “the Bill will be a pillar to Trinidad and Tobago.” Those were his exact words. It was a strange debate. We are still coming to terms with what that was all about.

We were also surprised that another Member of the Senate could judge the work of your committee by the fact that your committee met only on two occasions. The work of the committee started long before meetings began and continued during the period when we asked for an extension of the time. The committee was given only 21 days to do what it had to do. We asked for an extension of time. It is not surprising therefore, that again, the report was considered by many people to be comprehensive, detailed and reflected the comments of the Senate. The deliberations of the committee as can be noted in the verbatim report which has been laid before Parliament is thorough and complete. Your committee took its work very seriously, working inside and outside of the meeting times and venues.

At the end of the first meeting and deliberations and at the request of Sen. Dr. Nanan, the parliamentary staff headed by Mrs. Jacqueline Phillip-Stoute was asked to prepare a matrix, after we spent half a day going through the report. At the end of the report the parliamentary staff was asked to prepare a matrix to include any additional comments which may have been overlooked. The parliamentary staff went back into the *Hansard* and prepared a matrix that we could look at for a second time. The parliamentary staff obeyed, responded very quickly and prepared the matrix for study. That is why in the opening debate I said thanks to the parliamentary staff and I would again say thanks to them because they worked very speedily. Then, your committee reconvened within a week, on April 29 and deliberated on the additional matters that were placed before the committee. At the end of our deliberations over those two days more than 90 per cent of the recommendations that were placed before the committee were accepted and incorporated.

Therefore, again I want to put on record our astonishment when Sen. Dr. Nanan rose and spoke as he did. I agree fully with Sen. Prof. Deosaran that the approach was unusual and if Sen. Dr. Nanan felt the way he did, that maybe he should have submitted a minority report. But then, maybe, there was nothing to put in the minority report. I began to think about why this was happening. I began to think about an encounter I had during a visit to New Zealand. Sen. Wade Mark was there with me.

Sen. Mark: In New Zealand?

Sen. The Hon. H. Manning: We both visited New Zealand some years ago.

Sen. Mark: "Doh leh Patrick hear yuh sayin dat, nex ting—" [*Laughter*]

Sen. The Hon. H. Manning: We went to a meeting hosted by the Commonwealth Parliamentary Association.

Sen. Mark: Very good, very good.

Sen. The Hon. H. Manning: During a tour of the parliament in New Zealand we were warned to look out for filibustering. We were warned that filibustering comes in all forms. For example, by delaying Bills, sending them to parliamentary select committees and when the Bill returns to parliament by further debating the Bill even after the committee has unanimously agreed to it. It was stated that Members of the Parliament sometimes have an agenda to delay legislation denying the people of their country the right to good legislation.

I do not want to include Sen. Dr. Nanan in that because Sen. Dr. Nanan is a good medical man and in debates in the Senate has often expressed his concern about the people of this country. During his debate he has been very concerned about the loss of life of the citizens and in this particular instance and he has said it in the Senate and at the committee meeting, his concern about if an emergency system was not put in place.

Sen. Mark: Is me? [*Laughter*]

Sen. The Hon. H. Manning: I want to agree with Minister Narace that this Bill is important. It is a legal framework that must be put in place. It is very critical as the sector has grown substantially over the last 10 years. He said in his contribution a short while ago that our national community is served by over 200 ambulances and approximately 500 emergency medical personnel. The national provider handles approximately 200 calls per day and over 5,000 calls a month and a projected figure of 70,000 calls per year is expected. It is expected that there would be a growth in the ambulance services and we have got to regulate the service.

Again, I became a little bit concerned when Sen. Rahman in his contribution called for the Bill to be sent back to the committee stage one more time. He said that when the Bill comes to Parliament at the end of the discussion, that it must again be sent back to the committee stage, because we could then incorporate the further comments of the Senators in that Bill. Could Sen. Dr. Nanan not have collaborated with his colleagues before he even got to the committee stage? Because that is what we do on this side. We look at and examine the Bill before we get to the committee stage. Sometimes in the discussions taking place on the other side, I think that they are only now discussing with each other.

Sen. Mark: No. We have a caucus.

Sen. The Hon. H. Manning: Sometimes I wonder if there is a caucus that exists. I am not accusing anybody of anything. I am putting questions to the honourable Senate. We have to do business differently and ensure that our Bills are passed and quickly passed and well done. I want to agree with Sen. Prof. Deosaran when he said that there appears to be a lack of trust among us.

I want to address concerns of Sen. Wade Mark and Sen. Baptiste-Mc Knight. I want to be careful, kind, caring and gracious as I address our worry on this side of the Senate, this Upper House which is the equivalent to the House of Lords, this House of dignity. I want to put on record how legislation is made. Firstly, the government—that refers to any government that is in power whether PNM government or UNC government—has in the first instance to develop a philosophy and policy and based on that, roll out programmes, plans and projects. As in our case, we take the plan, the programme, the policy document to Cabinet, get an approval from Cabinet and then begin the implementation.

As we deepen the process and assure what we want to do and begin operating, we must make every effort to ensure that we concretize what we do. That is where the law comes in, especially when there are new approaches, values, policies and fundamental changes. In this instance, we the Government of the Republic of Trinidad and Tobago are striving to achieve developed country status. We want to do so by 2020 and successfully, because we must ensure that at the end of the day, we become more efficient in the way we do business; our systems are working well and we can deliver quality service.

I commend Sen. Merhair because she understands that. That is the main reason the Ministry of Health has brought this Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009 to Parliament. I have heard people ask why bring this Bill? Make it a subsector or department of the ministry. As the Minister said in this debate, it could have been easy to do that and make it a department of the Ministry of Health and proceed to implement an emergency programme. What kind of emergency programme will it be? It would not be the programme that they want to put in place. Because in keeping with the mandate to achieve developed country status; efficient and effective systems; and to deliver quality service they got to do things differently.

They began looking at models of several developed countries around the world and came up on a model that they have brought to this Parliament, to create an independent authority and hopefully, a more successful and a better organized system that would deliver quality service.

6.00 p.m.

This Bill is part of the Ministry of Health's strategic plan, a plan to create and maintain a First World emergency health system, a plan embedded in standards, quality and good regulations. To put it succinctly, it is a move away from public sector bureaucracy to a private sector approach to provide improved pre-hospital emergency care and emergency care upon arrival at the hospitals.

Sen. Mark: Hon. Minister, through you, Mr. President, is it the policy of the Government now to move away from public sector type to private sector?

Sen. The Hon. H. Manning: Mr. President, it is very much part of this Government's policy and many of the Bills speak to that. It is very much part of the Government's policy, as we go to public/private sector partnerships. The hon. Senator knows that. As we bring our Bills to Parliament, he will take note that that is what we are doing because what is happening now in the public sector is really bogged down in bureaucracy.

Mr. President, this Bill that speaks to emergency service, to saving lives and doing it quickly, is urgently needed. There is no tinkering with public sector structures anymore. It is a radical change to a structure that is less bureaucratic; one that is standards based. It is Government's responsibility, not only to change the way we do business, but the attitudes and the behaviours of the people of this country as we implement the new approaches and as we develop good governance, proper service and quality service delivery to our people.

We know that the approach is correct. I know there are many who have visited countries abroad, who have been really pleased with the service provided, and we know that we are going in the right direction as we take best practices to implement in this country. I am sure that all of us would agree that we must do better. It cannot be business as usual, especially where the lives of our citizens are affected. We know that we are on the right path, but there is the other side of the coin, and that is the making of legislation to cement the policies that we are implementing in this far-reaching legislation to bring about fundamental changes.

All well and good, but perfect legislation—that is what I get the sense we are being asked to put in place—while we are headed in the right direction, we have a great challenge to achieve perfect legislation. To be able to achieve perfect legislation, we have to have perfect technical staff, highly trained, perfect legal staff, I presume perfect Ministers, and, by extension, perfect Members of the parliamentary Chambers.

I remind us that the Minister of Health is no lawyer. Many of us on this side are not lawyers. Sometimes, as the Senators on the other side get up to speak, I get the impression that they feel we have written the Bill ourselves and that they would embarrass us until we get it right. I remind those on the other side that we are still correcting legislation drafted by them during their time, because it is an ongoing process. It is a work in progress.

There is a saying that the law has the characteristics of a certain animal. It really means that the law can make nonsense of common sense. That is not new. It is not right. It is not perfect. As humane as we all are, I ask Members of this Senate that, as we critique legislation before us, we must attempt to be more gracious, graceful, kind and gentle. [*Desk thumping*]

I want to quote Sen. Wade Mark when he said we have to be examples to our children. He said that here today. We have a world of children viewing us. Let us guide them to be better citizens than we are. We have to put over our opinions in a positive way. We have to be much more responsible as we do business in this Upper House.

On this side, we are willing and ready to take the recommendations and to make the changes that anybody on that side will give us. We do not back down. You go through the document and tell us something needs to be changed, and we listen. We never say no to doing the people's business and doing it well, and we will never say no. We have accepted 90 per cent of the recommendations on this particular Bill. We have come back to the Senate and we have many more recommendations and we have already made the adjustments. It is not a perfect piece of law at all; it will never be. If you bring that law back three years from now, as suggested, we will find things to change.

In that vein of cooperation and in attempting to make perfect legislation, we fully support the Minister and the Ministry of Health in being a pacesetter in the movement to developed country status in the establishment of the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009. It is the implementation of one of many Bills that will take us on a path to developed country status.

For those on the other side who would want to journey with us, I urge them to join with us in approving the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009.

I now beg to move that the report of the select committee appointed to consider and report on the Bill entitled the Emergency Ambulance Services and

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

Tuesday, June 16, 2009

Emergency Medical Personnel Bill, 2009 be approved, subject to the recommittal of clauses 4(2), 45, 42(1)(b) to a committee of the whole Senate.

Question put and agreed to.

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 and Personnel Bill, 2009.

Mr. President: I now put the question on the amendment that the Motion be amended by adding the words “subject to the recommittal of Parts III and IV and clauses 4, 25, 31, 32, 40, 42, 61 and 65 of the Bill to a committee of the whole Senate”.

Question, on amendment, put and agreed to.

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, subject to the recommittal of Parts III and IV and clauses 4, 25, 31, 32, 40, 42, 61 and 65 of the Bill to a committee of the whole Senate.

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

Senate in committee.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Narace: Mr. Chairman, I beg to move the following amendments:

In subclause 4(2)(c), insert the word “and” after the word “;”;

In subclause 4(2)(d), delete the word “and” and substitute the word “.”;

Delete paragraph (e).

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Part III.

Question proposed, That Part III stand part of the Bill.

Sen. Seetahal SC: When you say Part III, is it Part III of the actual Bill or the redraft? This is not a redrafted Bill so Part III has to be Part III of the original Bill.

6.15 p.m.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Sen. Narace: Mr. Chairman, I beg to move that clause 14(2)(b) be amended as follows:

Insert after the word “GAAP”, the words “audited by the Auditor General or an auditor authorized by the Auditor General in writing.”

Mr. Chairman: Let me put the question first.

Question, put and agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill

Sen. Seetahal SC: I have one amendment when you are finished, unless you have others, Minister. It is nothing substantial. It is in clause 19. It is where it is now proposed to include “or Justice”, to read “Where a Magistrate or Justice of Peace”.

Mr. Chairman: That is in Part IV?

Sen. Seetahal SC: In the original Bill, it is in Part III, which is why I asked whether we were dealing with the original Bill at this stage or the redrafted Bill. Which one is it?

Mr. Chairman: I think what we are dealing with is the Bill that is reported to the Senate, which would be the redrafted one.

Sen. Seetahal SC: That is why I asked, because I know the Minister made it quite clear that there was no redrafted Bill, which was for ease of reference, I gather, that the redraft included the amendments. What is before this committee has to be the original Bill. When the Motion was amended, it would have been Parts III and IV of the original Bill, which is this.

Mr. Chairman: Where is the original Bill?

Sen. Seetahal SC: I have mine. We looked at both together.

Sen. Narace: Is it clause 19?

Sen. Seetahal SC: Yes, clause 19, where the proposal—I will wait until the Chairman is au courant. Clause 19 has “a Magistrate” and it is proposed to include “or Justice”. The added amendment would be “or Justice of Peace”. Since we do not have justice defined in our definition section, we need to put “or Justice of Peace.”

Mr. Chairman: “of Peace”?

Sen. Seetahal SC: Yes, “Justice of Peace” with a capital P.

Question, put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Sen. Narace: Mr. Chairman, I beg to move that clause 24(3) be amended as follows:

Replace “one year” with “eighteen months”.

Sen. Seetahal SC: Are you going on to the original Part IV?

Sen. Narace: Yes, in clause 24(3), second line, replace “one year” with “eighteen months”.

Sen. Seetahal SC: This sounds odd. Normally, you would have a licence for one year. [*Interruption*] I am sorry.

Senate resumed.

PROCEDURAL MOTION

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. Chairman, the Bill is being considered and progress is being made.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate continue to sit until the completion of the Bill before us.

Question put and agreed to.

EMERGENCY AMBULANCE SERVICES AND EMERGENCY MEDICAL PERSONNEL BILL

Committee resumed.

Sen. Ramkhelawan: With regard to clause 24(3), I would like to, through you, suggest to the Minister that a more extended period be allowed rather than 18

months, for the simple reason that if you have applicants for licences and investment in plant and machinery, a licence for 18 months does not even cover the life of plant and machinery. Since you have enough hooks in the legislation to revoke and suspend licences, you should go probably to three or four years. Because you can suspend any time and you can revoke the licence at any time. I want to suggest somewhere three to four years. I would say four years.

Sen. Seetahal SC: I do not want to disagree with my friend on this side, but I was thinking two years. Any licence you have in life is dependent on expenditure of capital, whether it is a licence to sell liquor or other things. Generally, unless you do something really wrong, it is renewable. Coming back before the authority gives it time to look at your situation. I would say two years sound like a kind of a good balance, not 18 months.

Sen. Narace: In the circumstances, I would like to suggest two years.

Question put and agreed to.

Clause 24, as amended, ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Sen. Narace: Mr. Chairman, I beg to move that clause 26(2) be amended as follows:

Insert after the word “more” the words “within the last ten years”.

Sen. Seetahal SC: Why is that?

Sen. Narace: All part of the reformatory process.

Sen. Seetahal SC: It says “may be refused”. Generally, it does not mean it will be. You want to include in the last 10 years.

Sen. Ramkhelawan: For clarification purposes, I raised this matter in my contribution. Under clause 26(2), we speak to an applicant where there is imprisonment for 12 years or more. If you refer to clause 22(2), the applicant must be an incorporated entity. I do not think you would have a penalty of incarceration for an incorporated body. Something seems to be amiss or out of sync there. There is need for consistency there. I do not think you can imprison a company.

Sen. Rahman: A person can hold a licence.

Sen. Ramkhelawan: An application under subsection (1) must be accompanied by evidence of incorporation, which suggests to me that the applicant who is going to be approved would be an incorporated body.

Sen. Narace: I beg to move that clause 22 be amended as follows:

If we insert “where relevant”, clause 22(2) would now be changed to read:

“An application under subsection (1), shall be accompanied, where relevant, by—”

Sen. Ramkhelawan: That would change the whole tenor of what you set out to do. The applicant will not be a company or an individual person. I think you have to look at the question of clause 26(2), which speaks to a penalty of imprisonment of 12 months.

Sen. Narace: It includes individuals.

Sen. Ramkhelawan: I am not getting the sense.

Sen. Seetahal SC: A person includes a legal person, which is a company and a regular individual, which is why in clause 22(2) you are now saying “where applicable”. This means when it is a corporation.

“An application under subsection (1), shall, where applicable, be accompanied by—”

Sen. Narace: You want to change “relevant” to “applicable”?

Sen. Seetahal SC: I think “where applicable”.

Sen. Ramkhelawan: Is it that you will be allowing applications from natural persons as well as incorporations?

Sen. Narace: Yes.

Sen. Ramkhelawan: That is what is intended?

Sen. Narace: Yes.

Sen. Seetahal SC: I am sorry. It cannot be within the past 10 years. It has to be the preceding 10 years. The past would have to be counted from a particular time. It does not take into account Sen. Ramkhelawan’s concern about the applicant. Somewhere there must be an indication when you are dealing with a natural applicant. It would be where the applicant, whether a natural person or where relevant, or whatever it is to separate.

6.30 p.m.

Sen. Ramkhelawan: Now, through you, Mr. Chairman, the point is we have now expanded that the applicant could be a natural person or a corporation, and therefore, if you leave the words, the qualifying clause is that if someone is convicted of an offence for which the penalty is imprisonment of 12 months and

that would not be applicable, in my opinion, for corporations. So, we need to expand this whole question of disqualification, because in the case of the corporation, some sort of fine or something like that rather than imprisonment.

Mr. Chairman: I think we are talking about a conviction, precedent, and if a corporation cannot be imprisoned they are automatically excluded and it would be redundant to be explicit to say the applicant is that of a person and not a company.

Sen. Ramkhelawan: What I am suggesting is, for the natural person you have a disqualification aspect, but for the corporation, was it the intention that if the corporation was convicted for some crime or something like that, and there might have been some fine and the fine might be \$500,000 or whatsoever and that would disqualify them as well, but what you are saying is only the applicant that is a natural person would have a disqualification.

That is what I am asking, if it is the intention, if the corporation had committed an offence for which it was fined and for which there was a penalty, will they not be disqualified or is it that they would be able to go on. I do not think that was the intent, I think what you were trying to establish is that there would be, I would say, categories of disqualification, now that you have expanded it.

Sen. Narace: Mr. Chairman, what about if we suggest that we stop at Act, so it would read

“An Ambulance Services Licence would be refused where the applicant commits an offence under this Act.”

Then we go on to say at new (3) that:

“An Ambulance Services Licence, may also be refused where an individual commits an offence under any other Act for which the penalty is imprisonment for twelve months or more.”

Sen. Ramkhelawan: Right, and then “whereas a corporation”.

Sen. Narace: Yes, “is convicted of”, yes. So, could we read that back? We stopped at Act, and then say at the new subclause (3):

“An Ambulance Services Licence may also be refused where an applicant who is an individual was convicted of an offence with a penalty for which the penalty is imprisonment for twelve months in the preceding ten years.”

Let me read that back. The second part would say:

“An Ambulance Services Licence may also be refused where an applicant who is an individual was convicted of an offence in the preceding ten years for which the penalty is imprisonment for twelve months or more.”

Sen. Mark: I think it is not just an “ambulance”; it is an “emergency”, because you have to be consistent with the language, “an emergency ambulance service”, because that is what we are dealing with here.

Sen. Narace: There is only one ambulance services licence.

Sen. Seetahal SC: Could you just read it over please?

Sen. Narace: So it would read, subclause (2) would say:

“An Ambulance Services Licence may also be refused where the applicant is convicted of an offence under this Act.”

Sen. Ramkhelawan: Before the hon. Minister finishes. How could anybody making an application be convicted of an offence under this Act?

Sen. Narace: Previously.

Sen. Ramkhelawan: Under this Act only?

Sen. Narace: No, no, any Act.

Sen. Ramkhelawan: Well, you said under this Act. You said under this Act, that is what I am asking; be convicted of some offence but—

Sen. Seetahal SC: I thought we are talking about two stages. The first one is if you are convicted of an offence under this Act, that is an offence created under this Act, and the second one, we are talking about in general.

Sen. Narace: Yes.

Sen. Seetahal SC: That is the (3), that is what you are talking about. Yes, that is my understanding of it. If you are convicted of an offence under this Act, and then subclause (3) would be the general provision, an ASL may be refused where the applicant is convicted of an offence under any other Act.

Sen. Narace: That is correct; in the preceding 10 years for which the penalty is imprisonment of 12 months or more.

Mr. Chairman: The question is that clause 26 be amended as follows:

In subclause (2) insert after the word “Act”, “.” and delete to the end of the line.

Insert a new subclause (3) with the words “An Ambulance Services License may also be refused where an applicant who is an individual was convicted of an offence under any other Act within the preceding ten years for which the penalty is imprisonment for twelve months or more.”

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Sen. Narace: Mr. Chairman, we now have 40(5).

Mr. Chairman: Wait, somebody wanted clause 25.

Sen. Ramkhelawan: I would like to refer the committee to clause 31 before we go to clause 35.

Mr. Chairman: We are dealing with clause 25 first.

Sen. Ramkhelawan: Sorry?

Mr. Chairman: We are dealing with clause 25.

Sen. Ramkhelawan: Clause 25, oh sorry.

Mr. Chairman: Sen. Mark did mention clause 25.

Sen. Mark: I was concerned about clause 20, Mr. Chairman.

Mr. Chairman: We both had notes on clause 25. If you cannot think of it, you could think of it later and let us know, okay?

Sen. Mark: Okay.

Mr. Chairman: Let us move on.

Clause 31.

Question proposed, That clause 31 stand part of the Bill.

Sen. Ramkhelawan: In terms of this Appeal Committee, clause 31, the Minister is being allowed to appoint a committee, but there is no time frame for the appointment of the committee or for the matter to be heard, and I think that that would be inequitable for an applicant who has been refused. I would like to suggest that we put in the appointment of the committee within a particular period, whether two months and that the matter be heard.

Sen. Narace: Yes, within two months, yes and the matter be heard within three months.

Sen. Ramkhelawan: Within three months, that is fine.

Mr. Chairman: Where are you putting this?

Sen. Narace: So, it would read:

“The Minister shall, where necessary, within two months of a challenge or the refusal...”

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Well, it should not be “the refusal”, it should be “the challenge”. Revocation would work. [*Crosstalk*]

Sen. Ramkhelawan: So, it would have to be within two months for the appeal under clause 32(1).

Sen. Narace: So, he is saying within two months of filing an appeal. Is that what you are saying?

Sen. Ramkhelawan: Yes.

Sen. Seetahal SC: Is there a requirement for him to file an appeal anywhere?

Sen. Ramkhelawan: Yes, 32(1).

Sen. Seetahal SC: No. Is there where it says “where he shall file an appeal”?

Sen. Ramkhelawan: He may appeal, 32(1). You have to go lower down, 32(1).

Sen. Seetahal SC: Okay, within two months of the appeal, of the appeal being filed or the filing of the appeal or the notice of an appeal.

Sen. Narace: Within two months.

Sen. Seetahal SC: Referring to 32(1), within two months of the appeal filed under section 32(1). I think that is it, right?

Sen. Drayton: May I just raise a question here through you, Mr. Chairman? That is fine but should there not be an outside frame by which a decision would be made here, because it could go on and on?

Sen. Narace: We say, three months hereafter.

Sen. Drayton: That is three months it would be heard, but what about a decision on the matter?

Sen. Seetahal SC: It says two months for the appointment of the committee. So, we are dealing with that first, then the hearing afterwards.

Sen. Drayton: So, that you are saying he would get a decision within three months?

Sen. Seetahal SC: We have not amended that part yet; we are dealing with the first part about appointing the committee. I think we have to put that in somewhere else.

Sen. Baptiste-Mc Knight: Mr. Chairman, I am just wondering if the person who is aggrieved under clause 32(1) has to appeal to the committee, it suggests to me that the committee should have already been in existence.

Sen. Ramkhelawan: That is why I suggested that we may want to have a standing committee rather than an ad hoc committee, where the Minister now decides. How are you going to appeal?

Sen. Narace: If there are no appeals, you would have a committee just standing? [*Crosstalk*] So, we would stay with that, and then we would agree in clause 32(2), we would say that:

“The Appeal Committee shall, upon receipt of the appeal under subsection (1), review the decision of the Minister and within three months, either affirm or reject the decision of the Minister.”

Sen. Seetahal SC: That is clause 31 you are suggesting?

Sen. Narace: Clause 32(2).

Sen. Seetahal SC: So, clause 31 is the two months and—

Sen. Narace: Yes, and clause 32(2)

Sen. Seetahal SC: —and clause 32(2) is the three months?

Sen. Narace: Yes.

Sen. Seetahal SC: Right.

Mr. Chairman: Could you give me the actual amendment to clause 31.

Sen. Seetahal SC: Are we going to say within two months of a decision then?

Sen. Narace: Yes.

Sen. Ramkhelawan: Two months of a refusal.

Sen. Seetahal SC: It is not only a refusal it is also—

Sen. Narace: You see he has to file the appeal; if he files the appeal one day before, on the 59th day, you could not very well deal with it.

Sen. Seetahal SC: Maybe we need to put a time limit for him to file an appeal here. “The Minister shall, where necessary, within two months of the decision appoint the committee”, and I think under clause 32(1) it should be “he may appeal to the appeal committee” and put a time limit there.

Sen. Narace: Yes, within three months.

Sen. Seetahal SC: No, “within 14 days or 28 days of his appointment”.

Sen. Narace: So, could you read out the amendment, Senator?

6.45 p.m.

Sen. Drayton: May I seek one clarification, please? If this committee is being appointed—it is not a standing committee—to whom is the person appealing before this committee is convened?

Sen. Narace: The Minister may either affirm the recommendation or reject. Once that occurs, the person who is affected can appeal the decision. Once he appeals the decision, the Minister has two months in which to make sure an appeal committee is set up.

Sen. Drayton: So, the person is appealing to the Minister who—

Sen. Narace: To the appeal committee.

Sen. Drayton: No, but the committee would not be in place. This committee is now being convened. So, the person appeals to the Minister, let us say the Minister declines, so what? Does the person then appeal to the Minister to form an appeal committee, because that is what we are saying?

Sen. Seetahal SC: It is reversed here. What Sen. Drayton is saying is that it is reversed. Normally, you would say, where a person is aggrieved they may appeal, then you have a committee formed in that sequence. Because you have in clause 32(1) that the person has to appeal to the appeal committee then there is no committee formed or standing, which is why Sen. Ramkhelawan says it makes it difficult. So, maybe he will have to appeal to the Minister who will then form an appeal committee.

Sen. Narace: Senator, do you know what will help? Maybe we should have a standing committee and we will just perceive it in that light. So:

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

Understand?

Sen. Seetahal SC: Yes, and then the Minister, take out “where necessary”.

Mr. Chairman: Is that it to clause 31?

Sen. Narace: Yes, that is it.

Mr. Chairman: The question is that clause 31 be amended in sub-paragraph (1) by removing the words “where necessary”.

Question put and agreed to.

Clause 31, as amended, ordered to stand part of the Bill.

Sen. Mark: Mr. Chairman, I had raised some concerns about the Minister having this power to appoint this committee and I was trying to get the Minister to look at the possibility of examining the fairness and the impartiality of this Appeal Committee. I am arguing that we need to have an independent, impartial and fair committee and I am saying how this committee is established, no matter how you put it, it would be seen as a committee that is stacked with ministerial—let us say—membership. I do not think, for instance, somebody who is appealing to this committee would feel that he is being given a fair, impartial and independent hearing.

Mr. Chairman: Senator, we have put the vote, do you have an amendment on clause 31?

Sen. Mark: No, I have an objection to clause 31, Sir.

Mr. Chairman: But we have already put the vote.

Sen. Mark: Yes, but I object to it.

Mr. Chairman: Okay, your objection is noted.

Clause 32.

Question proposed, That clause 32 stand part of the Bill.

Sen. Narace: Clause 32(1), after the word “may” insert the words “within twenty-eight days of the decision”.

Mr. Chairman: Is that it for clause 32?

Sen. Narace: No, and clause 32(2) after the words, “the Minister and” with “within three months either affirm or reject”.

Sen. Seetahal SC: Within three months of what? Of the appeal?

Sen. Narace: Of the appeal, yes.

Mr. Chairman: The question is that clause 32 be amended as follows:

“In subparagraph (1) by inserting the following words after the word “may” “within twenty-eight days of the decision” and in subparagraph (2) after the word “and” insert the words “within three months of the appeal”.

Question put and agreed to.

Clause 32, as amended, ordered to stand part of the Bill.

Clause 40.

Question proposed, That clause 40 stand part of the Bill.

Sen. Narace: Clause 40(5), delete the words “of whom at least one shall be a member appointed by the Minister.

Mr. Chairman: Clause 40(5) be amended as follows:

“Delete the words “of whom at least one shall be a member appointed by the Minister.”

Question put and agreed to.

Clause 40, as amended, ordered to stand part of the Bill.

Clause 42.

Question proposed, That clause 42 stand part of the Bill.

Sen. Narace: Delete in clause 42(1)(b), all the words after the words, “member of” and substitute the following:

- “(a) the Emergency Medical Personnel Board;
- (b) the Medical Board;
- (c) the Nursing Board; or
- (d) the Law Association as the case may be.”

Mr. Chairman: The question is that clause 42(1)(b) be amended as follows:

“Delete all the words after the words “member of” and substitute the following:

- “(1) the Emergency Medical Personnel Board;
- (2) the Medical Board;
- (3) the Nursing Board”—

Sen. Narace: Mr. Chairman, it should be (i), (ii), (iii), (iv)—it should be roman numerals, the typing has changed.

Mr. Chairman: “(i) the Emergency Medical Personnel Board;

- (ii) the Medical Board;

- (iii) the Nursing Board; or
- (iv) the Law Association as the case may be.”

Question put and agreed to.

Clause 42, as amended, ordered to stand part of the Bill.

Clause 60.

Question proposed, That clause 60 stand part of the Bill.

Sen. Mark: Mr. Chairman, clause 60 and then we had also clause 65 and clause 65(3). So, what I am suggesting is that “the council may make regulations with the approval of the Minister for carrying out the provision of this part subject to an affirmative resolution of Parliament.”

Sen. Narace: Mr. Chairman, we do not agree with that recommendation.

Sen. Mark: Why?

Mr. Chairman: I am sorry, Senator, give me exactly where—

Sen. Mark: After “Part”, in clause 60, line 2, put in “subject to an affirmative resolution of Parliament”.

Sen. Narace: Mr. Chairman, this is council’s business. Why are we bringing the council’s business to Parliament?

Sen. Mark: How do you mean the council?

Sen. Narace: The EMT council, so why that has to be debated? It is their regulation.

Sen. Rahman: I do not know if I am wrong here but it seems as though when we got to clause 40(5) and 42(1)(b), we reverted to the so-called amended thing and we did not stick to the original Bill, because these things have no bearing on original Bill clauses.

Sen. Mark: I maintain my position that we should have “affirmative” even if you want to balance it; you could balance it to a negative.

Sen. Dr. Saith: How is it negative?

Sen. Mark: No, I am talking about for this part.

Mr. Chairman: Well, let me put the question. The question is that clause 60 be amended as follows:

“By inserting the following words after the word “Part” in line 2, “subject to an affirmative resolution of Parliament”.

Question put and negatived.

Clause 60 ordered to stand part of the Bill.

Sen. Seetahal SC: Mr. Chairman, could I raise something, I think it was alluded to by Sen. Rahman. I was looking at my various—I have two reports and I have the original Bill, in relation to clause 41(2). My clause 41(2) in the first draft—the redrafted Bill, so to speak—is not the same as what was read out and I think if we are amending, it is really clause 41 that we are talking about, so I think that has to be clear because as we said at the beginning, what are we amending? We are amending the original Bill, so it should really be clause 41. So, I think that needs to be corrected.

Sen. Narace: Yes.

Mr. Chairman: You will make the amendment.

Clause 65.

Question proposed, That clause 65 stand part of the Bill.

Sen. Mark: Mr. Chairman, clause 65(3), where “Regulations made under this section shall be subject to negative resolution of Parliament”, I am proposing that because of the importance of this particular legislation, we are suggesting on this side that we make it an affirmative and not a negative.

Sen. Narace: Mr. Chairman, we disagree.

Sen. Mark: Do you have any justification for it?

Sen. Narace: As you know, negative resolution does not prevent a debate.

Sen. Mark: Mr. Chairman, the Minister of Health would be aware that because of the importance of this legislation, if you have a negative you have to bring it; if you have an affirmative we have to debate it and I am suggesting that it be affirmative.

Sen. Enill: Mr. Chairman, we have a different view in this sense. The regulations are really intended to give effect to the policy and to the law. What seems to be important to us is to give parliamentarians the ability, should they have a view on something, to actually give them the opportunity to debate it and that is consistent with the position that we have taken as it relates to these matters. As you are aware, once it is subject to negative resolution there is a particular time frame within which it ranks with a certain amount of precedent on the parliamentary agenda.

So, our position on this matter is that we see absolutely no challenge to your right to bring any matter for which there is an issue and for us to debate it, but if there is no issue then the regulations take effect and the Government’s programme

continues. So, we would want your support in understanding that negative resolution, simply is a mechanism that allows us to move forward, but it also gives you the opportunity to bring it and it will be dealt with in a priority position, because I think we have time frames involved. That is our position.

Sen. Mark: Mr. Chairman, I am fully aware of what the Minister has said but I insist that we go affirmative.

Mr. Chairman: Well, let me put the question. The question is that clause 65(3) be amended as follows:

“The word negative be deleted and be replaced with the word affirmative”.

Question put and negated.

Clause 65 ordered to stand part of the Bill.

Sen. Seetahal SC: Mr. Chairman, before you move on could I say something please? I am looking at the new clauses, clauses 40, 41 and so, and I realize that there was a change of one clause, so I just want to make sure that when we are going about this—for example in clause 41 there is a reference which says, “notwithstanding section 39” to make sure that the sections are clear, because otherwise we will be having mis-numbering for one.

Secondly, if I may revert to what we had talked about and Sen. Rahman had brought it up, I am looking again at a different draft I had, where we are talking about the amendment that was proposed by the Minister to clause 45. When I look at the original Bill it is really clause 39(6). Clause 45 does not have anything about the words “of whom at least one shall be a member appointed by the Minister”. In the original Bill it is in clause 30(6). So, it is clause 30(6)—

Sen. Narace: Clause 39(6).

Sen. Seetahal SC: Clause 39(6), sorry. In one of the redrafts it would be 45 and in the other one I have it is 39(5). Just to get it clear.

Sen. Narace: That is correct.

Sen. Seetahal SC: Thank you. I have two redrafts, actually.

7.00 p.m.

Sen. Mark: Mr. Chairman, you remember I had raised the issue in clause 9 and also in clause 20 that there should be a qualifier under the question about no personal liability, and you did not raise it. So I am just bringing to your attention that that matter was raised, and you had taken note of it. I had raised the question about clause 20 and said wherever it was repeated, I would have liked the

Government to look at that question. That has to do with the question of giving the small man—as the Minister likes to talk in favour of—the opportunity to sue. But with clause 9 as it stands, he would not be able to have that right.

Therefore, Mr. Chairman, I am asking the Government to consider adding a qualifier and that is after "Authority", "unless the Act or omission was as a result of wilful and wanton misconduct or negligence."

Sen. Narace: Mr. Chairman, they can still sue. It is just that we have to give some level of protection, or else we will not be able to get people to do the service that is required here. So we will hold our position.

Sen. Mark: No, but this is in legislation in Australia, in Louisiana, Virginia and they are—*[Interruption]*

Sen. Narace: The small man can still sue.

Sen. Mark: No, no, no. I am saying that exists in other jurisdictions.

Sen. Seetahal SC: They could sue the State.

Sen. Mark: So why it is in some we cannot incorporate that when that is standard legislation in other jurisdictions?

Sen. Seetahal SC: In our jurisdiction he sues the Attorney General for any fault. If it is like a regional corporation they sue, the person in their personal capacity is protected. Now, if he does something wantonly, you can join him as well. That is normal.

Sen. Mark: But it is negligence—*[Inaudible]*

Sen. Seetahal SC: But I think if you put that in, it might scare people away. I think that is what the Minister is saying. It is not usual. Then you will have to go through all the other legislation you have ever passed and amend it.

Sen. Narace: Yes, that is right.

Sen. Prof. Deosaran: There are a lot of other pieces of legislation with that protection.

Sen. Mark: Mr. Chairman, if I may indulge you for one second. I did not raise it, but I would like clarification from the Minister and Sen. Seetahal SC. Sen. Seetahal SC, if you look at 56(4) "A decision of a Judge under this section shall be final." How do we interpret that?

Sen. Seetahal SC: There is a case called Solomon and somebody, in the Court of Appeal of Trinidad and Tobago—I think I mentioned it in my

contribution, but you may not have been here—in which it was specifically held that these kinds of provisions have no effect once you are acting illegally or in breach of natural justice.

Sen. Mark: So why you have it here, Minister? Delete it, because it is having no effect. It does not make sense having it. It is like you were just arguing, do not put "wanton" because it will scare people away. What is the sense we are having that there, because it would not have any effect? That is why I raised it and I wanted the clarification for it.

Sen. Seetahal SC: Yes, it does not have any effect. Once this decision is illegal; in breach of natural justice; found to be ultra vires—

Mr. Chairman: That section was not recommitted to the Senate.

Sen. Narace: It has no effect.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendments, read the third time and passed.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you. Mr. President, I beg to move that the Senate do now adjourn to Tuesday, June 23, 2009 at 1.30 p.m., where we will be dealing with Private Business, the Motion on the operations of the Water and Sewerage Authority, currently being debated.

Sen. Mark: Mr. President, I just want to inform my hon. colleague, seeing that all of the Private Members' Motions are in our name, we are going to proceed to deal with the Extractive Industries Transparency Initiative Motion. So, we will leave WASA for a while and we want to go on to that particular one.

Labour Day Greetings

Sen. Wade Mark: While I am on my legs, Mr. President, may I encourage my colleagues to join with me in wishing the labour movement and the working class, a very wonderful Labour Day on June 19, 2009.

As you know, Friday is Labour Day and on behalf of the United National Congress, I wish the working class, the people of Trinidad and Tobago and those workers who are under a lot of "stresses and strains" at this time because of the

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economic circumstances, in the spirit of Butler and the patriots of the 30s, a very positive, progressive and wonderful Labour Day, June 19, 2009.

My Brother, I hope that you can join me in extending Labour Day greetings as well. [*Laughter*]

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. [*Interruption*] Under normal conditions, he would have consulted with me before and indicated his intention to change the order of the Motions. But—[*Interruption*]

Sen. Mark: Sorry about that.

Sen. The Hon. C. Enill: —in accepting his apology, I would also on our behalf indicate to the national community, the labour movement, the ordinary man, those for whom we work tirelessly, that we extend to them the very best on the observation of Labour Day celebrations.

Mr. President, this Government continues to be the most progressive, as it relates—[*Interruption*]

Sen. Mark: No, I think you better stop there. You were going good. Stop! Stop! Stop! Close off!

Sen. The Hon. C. Enill: You told me not to read my speech. [*Laughter*]—to matters in which we look at the interest of the common man, and I want to place on record our continuing commitment to ensuring a better standard of life for all those who assist in the process in which we are engaged. Therefore, Mr. President, on behalf of all of us on this side, Government, we extend to the very communities, who are involved in this celebration, our very best wishes for their activities. [*Desk thumping*]

Sen. Prof. Ramesh Deosaran: Mr. President, I want to express appreciation to Sen. Mark for initiating this important process. On behalf of the Independent Bench, all of us are not only friends of the labour movement, but we see the labour movement as a critical element in maintaining the economic equilibrium in the country, especially since they are dispossessed of the required resources for exerting their strength upon the business sector at times.

As Independent Senators, caring very much for the working class, the labour movement as well, we would wish that there be no better time for a unification of the labour movement, [*Desk thumping*] if only to help the economic progress of this country as a whole. I suppose they would need no one to instruct them on

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this particular mission, but it is overdue that the labour movement as a whole see beyond the narrow concerns, get beyond their selfish partisanship and exert the influence that they can over one another to maintain peace and most important, unity at this time of the country's history.

Thank you, Sir. [*Desk thumping*]

Mr. President: On behalf of the staff of the Parliament and myself, I would like to congratulate the labour movement on the enormous contribution that they have made historically to civil society of Trinidad and Tobago. Of course, it extends a long way back, perhaps almost 100 years.

Their contribution has been vast, those members of the labour movement who stood very tall and cast giant shadows over even what takes place in the 21st Century. We must never forget the contributions that they have made in the past and the contribution that they continue to make to the vibrancy of our young nation. There are those leaders who are still with us, that we should recognize the importance of their contribution to the development of our society. And so I would like to congratulate them, to wish them well and to wish that they have a successful day.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.13 p.m.