

*Leave of Absence**Tuesday March 06, 2012***SENATE***Tuesday, March 06, 2012*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Nicole Dyer-Griffith, who is out of the country.

**SENATOR'S 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. ARNOLD RAM

WHEREAS Senator Nicole Dyer-Griffith is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ARNOLD RAM, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Nicole Dyer-Griffith.

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 6<sup>th</sup> day of March, 2012.

*Oath of Allegiance*

*Tuesday March 06, 2012*

**OATH OF ALLEGIANCE**

*Senator Arnold Ram took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. Fourth Report of the Protective Services Compensation Committee for the period January 01, 2009 to December 31, 2010. [*The Minister of National Security (Sen. The Hon. Brig. John Sandy)*]
2. Recommendation 200 concerning HIV and AIDS and the World of Work, adopted by the Ninety-ninth Session of the International Labour Conference, June 2010. [*The Minister of Public Utilities (Sen. The Hon. Emmanuel George)*]

**SELECT COMMITTEE REPORT**

**Central Tenders Board Act  
(Proposals to Repeal and Replace)  
(Presentation)**

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Mr. President, I have the honour to lay on the table the following report as listed in the Supplemental Order Paper in my name:

The Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act, Second Session (2011/2012), Tenth Parliament.

**ORAL ANSWERS TO QUESTIONS**

**Economic Development Board  
(Details of)**

**37. Sen. Fitzgerald Hinds** asked the hon. Minister of Planning and the Economy:

With respect to the recently appointed Economic Development Board, could the Minister indicate:

- (i) the role and functions of the board;
- (ii) the number of meetings held by the board since its establishment; and
- (iii) the names of the Members of the board?

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie):** The Economic Development Board (EDB) was promised on page 23 of the 2010 manifesto of the People's Partnership, as a new institution to be created in Trinidad and Tobago. That manifesto was adopted as the framework for government policy by Cabinet when the People's Partnership Government assumed office. The thrust of the manifesto is, "Prosperity For All" within the framework of a sustainable development philosophy. A sustainable development philosophy balances economic, social and environmental considerations in the development process.

According to the manifesto, the EDB was to be staff by nationals on a merit basis drawn from academia, the professions, civil society, labour and industry, to advise on economic policy after consulting with the communities and stakeholder advisory councils. The EDB was established by Cabinet on June 24, 2010, as a Cabinet-appointed advisory committee, and the first board was appointed on March 29, 2011. *The Medium-Term Policy Framework 2011—2014*, identifies the role of the EDB as being, to reshape our strategies for economic development by facilitating diversification and achieving a diversified economy within the framework of sustainable development. In specific terms the EDB has been assigned the following responsibilities:

1. Consult with communities and stakeholder advisory councils in order to advise the Minister of Planning and the Economy on possible choices and actions.
2. Provide technical advice and support for the development and implementation of a national innovation policy, and the operationalization of the national innovation system for Trinidad and Tobago, including a results focused implementation plan.
3. Perform an advisory role in the strategic management of the national economy and provide strategic advice to government agencies on economy development issues on demand or through its own initiative.
4. Advise the Ministry of Planning and the Economy on the preparation of an annual performance report on policy implementation by Ministries and agencies and make recommendations for continuous improvement.
5. Review and assess where directed, major government programmes and projects related to economic and social transformation which may be assigned for special projects of socio-economic value.

6. Analyze the performance of emerging sectors in the economy and make recommendations where necessary for improvements to support job creation.
7. Identify new areas of investment within the national diversification strategy and support local and foreign investors in both manufacturing and services sectors to move up the value chain to achieve higher sustainable returns, as they seek out new business opportunities to support the diversification process.
8. Recommend selection criteria for public investment projects.
9. Collaborate with other coordinating investment agencies, as may be required from time, and interact with foreign investors and promote investment opportunities in Trinidad and Tobago. This may be done on the initiative of the EDB or in collaboration with other entities.
10. Continuously monitor and assess the business environment with a view towards making recommendations for improvement in investment facilitation.
11. Implement such general direction as the Minister of Planning and the Economy, after consultation with the Chairman—Economic Development Board may determine from time to time.
12. Play an advisory role at the national innovation system chaired by the hon. Prime Minister of Trinidad and Tobago.

For the period March 29, 2011, to February 29, 2012, the EDB held 25 meetings, inclusive of two joint meetings with the Council for Competitiveness and Innovation. The Economic Development Board and the Council for Competitiveness and Innovation are meant to work collaboratively to achieve key objectives for the economy and country. On March 29, 2011, when the first board was appointed, the membership was as follows:

Mr. Ken Gordon	Chairman
Dr. Sonja Teelucksingh	Member
Mr. Bruce McKenzie	Member
Mr. Ayegoro Ome	Member
Mr. Maurice Suite	Member
Mr. Peter Mitchell	Member

However, Mr. Ken Gordon resigned as Chairman with effect from October 31, 2011, to take up an appointment as Chairman of the Integrity Commission. And Dr. Sonja Teelucksingh also resigned from the EDB to take up an appointment with the World Bank. As a result, Cabinet agreed to the appointment of a new Chairman and four new members with effect from December 2, 2011. They are:

Dr. Thackwray Driver	Chairman
Mr. Ian De Souza	Member
Mrs. Gail Sooknarine-Ragoo	Member
Dr. Patrick Watson	Member
Mr. Kazim Boodoo	Member

As a result of the new members, the EDB will now comprise the following:

Dr. Thackwray Driver	Chairman
Mr. Ian De Souza	Member
Ms. Gail Sooknarine-Ragoo	Member
Dr. Patrick Watson	Member
Mr. Kazim Boodoo	Member
Mr. Bruce McKenzie	Member
Mr. Ayegoro Ome	Member
Mr. Maurice Suite	Member
Mr. Peter Mitchell	Member

Dr. Patrick Watson has since taken the position as Chairman of the Trinidad and Tobago Securities Exchange Commission and a replacement for him will be submitted to Cabinet soon for its consideration.

**1.45 p.m.**

**Sen. Deyalsingh:** A supplemental question, Mr. President. Could the hon. Minister indicate whether this board is pursuing new initiatives as opposed to when they were operating under the former Minister, then hon. Mary King, who would have articulated certain positions in the Senate as government policy? Is this new board continuing with former Sen. Mary King's outlined positions, or have these positions changed either marginally or radically?

**Sen. The Hon. Dr. B. Tewarie:** To be truthful, I am not sure which policies you refer to. I mentioned the manifesto; I mentioned the Medium-Term Policy Framework; I mentioned the terms of reference of the committee, and that is what they are doing.

**Sen. Deyalsingh:** Former Sen. Mary King had spoken about a diamond model for innovation. That is just one I could refer to.

**Sen. The Hon. Dr. B. Tewarie:** Mr. President, with your permission. What you are referring to was her strategy for the National Innovation System, which was based on the model of Michael Porter, as outlined in one of the first books that he wrote. The National Innovation System is being pursued and some work had been done on that during her time, but the strategy for the pursuit has been altered somewhat.

**Sen. Hinds:** Is the Minister able to say whether the board had any meetings since December when it was reconfigured accordingly?

**Sen. The Hon. Dr. B. Tewarie:** I would not be able to say the exact number, but they have been meeting regularly, because I am aware, for instance, that they met last week Wednesday.

### **Foreign Direct Investment (Identity of Sources of Investments)**

**38. Sen. Fitzgerald Hinds** asked the hon. Minister of Planning and the Economy:

- A. Would the Minister indicate what significant steps have been taken by his Ministry since June 01, 2010, to advance the process of diversification of the economy of Trinidad and Tobago?
- B. Would the Minister also indicate the amount of Foreign Direct Investment injected into this economy and the identity or sources of these investments?

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie:** Mr. President, the most significant action taken between the period June 2010 and May 2011 to advance the process of diversification of the economy was setting into motion a process to operationalize the National Innovation System for Trinidad and Tobago; the establishment of the Economic Development Board (EDB) and the Council for Competitiveness and Innovation (CCI) by Cabinet decision.

The first phase of the process involved a legitimisation exercise, that is to say, the first phase of the process of establishing the National Innovation System involved a legitimisation exercise. Six public discussion sessions branded as *panchayats* were held throughout Trinidad and Tobago. The purpose of these meetings was to introduce the concept of a National Innovation System to the general public and to encourage citizens to make their contribution on the subject. A wealth of information was generated from this exercise and this will form part of the foundation on which a National Innovation System will be built. So, Sen. Deyalsingh, that kind of answers your question.

Beyond May 2011, the following steps have been taken to advance the process of diversification of the economy of Trinidad and Tobago. The 2010 Manifesto of the People's Partnership which had been adopted by the Cabinet as government policy with a vision for "Prosperity For All" within the framework of a sustainable development strategy, has since been transformed into the *Medium-Term Policy Framework 2011—2014*. This has been achieved with the able support of my staff in the Socio-Economic Policy Planning Division (SEPP) and in the National Transformation Unit (NTU) of the Ministry of Planning and the Economy, and with significant input and comments from all Ministries in the Government of Trinidad and Tobago.

Just as the manifesto 2010 is framed by seven clearly articulated pillars, the Medium-Term Policy Framework identifies the following five priorities:

1. Crime and law and order.
2. Agriculture and food security.
3. Health care services and hospitals.
4. Economic growth; job creation; competitiveness;
5. diversification and innovation;
6. Poverty reduction and human capital development.

The Medium-Term Policy Framework entitled: Innovation for Lasting Prosperity, also outlines the priorities identified by each Ministry in the Government of Trinidad and Tobago and gives the rationale or the "why" for those priorities. For example, some of the Ministry of Tourism's priorities are:

- (a) Establish a framework for national tourism development.
- (b) Stronger and more effective public/private sector partnerships.

*Oral Answers to Questions*  
[SEN. THE HON. DR. B. TEWARIE]

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- (c) Effective integrated promotion of Trinidad and Tobago as tourist destinations.
- (d) Further develop niche markets through product development strategies.
- (e) Enhance safety and security at beaches and tourism sites.

In the case, for example, as well, of the Ministry of National Security, I will identify a few:

- (a) Implement a national crime reduction plan.
- (b) Identify and address the fundamental challenges to law and order.
- (c) Increase police presence on the streets and in the communities.
- (d) Initiate a process to make every police station a centre for crime containment and reduction, crime fighting, community policing, statistical information gathering and communication linked to the National Operations Centre.
- (e) Disrupt and dismantle criminal networks and crime and so on.

The identification of clear ministerial priorities by individual Ministries represents the “what” of the strategic plans of all Ministries. The individual plans of each Ministry then addresses “who, when, where, how”, et cetera. For all Ministries, and clusters of Ministries, targets have been set for achievement within a results-based framework and Ministries have collaborated to agree on these, for instance, 10 per cent reduction of the import bill in food; for instance; 25 per cent reduction in crime by 2014.

The Ministry of Planning and the Economy has also prepared a sustainable development policy which will be presented at Rio+20 which fleshes out the framework for sustainable development outlined in the manifesto entitled “Prosperity For All”, and which links with the Medium-Term Policy Framework, entitled “Innovation for Lasting Prosperity.” Comments from ministries are now being received on this and this should be finalized by the end of March 2012.

So we have a framework document guiding the policy and execution process around seven pillars. The Medium-Term Policy Framework focused on five priorities for the Government over a three-year period and Trinidad and Tobago as a whole, while the ministerial priorities identified priorities for the individual Ministries and a Sustainable Development Policy, and individual strategic plans focused on execution or delivery, and clusters of ministries focused on delivery of key priorities.

In the MTPF the following industries are identified for diversification, and that is written—it is on the web page; it is in the possession of every Member of Parliament:

1. The Energy Sector—Under the energy sector, these are identified: The promotion of energy services exports; a Bitumen Upgrader Complex; an Ammonia-Urea-Melamine Complex; Methanol to Polypropylene Project; Methanol to Acetic Acid Project; Small Scale LNG; the development of an energy services cluster off Galeota.
2. Creative Industries—These have been identified as: the music industry, including recording, live performance and music publishing; the film and television industry, including on-location productions; advertising; the book and magazine publishing industry; the performing arts; the visual arts; festivals and cultural tourism, including events and conferences as stimuli; fashion and glamour industry and collective management of copyright and related rights.
3. Services Industry—Pharmaceuticals, food production, agro processing, ship repair, servicing and building, food and beverage and printing and packaging.
4. Tourism Sector—A number of non-traditional tourism areas have been identified for promotion and expansion, including, sport tourism, leisure tourism, health tourism, business and conference tourism, festival tourism, culture tourism and ecotourism.
5. Agricultural Sector—Revitalize tree crops such as coconuts, citrus and cocoa; facilitate the development of premium products such as honey and cocoa; develop livestock such as sheep, goat, poultry and buffalypso; develop commercial large farms and manage fishery resources.
6. ICT Platform—There is also the capability for the provision of ICT products in hard services, such as networking, communication equipment, real time operational systems and back office services and other services, such as software design and reengineering web development and e-commerce.

Consultations on the Medium-Term Policy Framework are ongoing across ministries and with the wider community. Five consultations have taken place with civil society from different regions and ten more are in process. One takes place on Wednesday and another one takes place on Friday. The Medium-Term

Policy Framework is on the website of the Ministry of Planning and the Economy for comment and was widely distributed during the last budget debate, including to all parliamentarians and key institutions in the country.

A new National Physical Development Plan (NPDP) and a new Land Use Policy are currently being developed. These plans are mindful of the need to maximize the use of limited land space that is available in Trinidad and Tobago. These initiatives also take into account the location of the five growth poles identified by the Government for focused attention in our manifesto and expanded upon in the Medium-Term Policy Framework.

Four of the designated areas for growth poles are in Trinidad: in central Trinidad, the southwestern peninsula, east Port of Spain and the north coast. The fifth growth pole will be located in the northeast region of Tobago. The Inter-American Development Bank (IDB) has supported a study which is now complete and which is being taken to Cabinet on a strategic approach to each of the five growth poles. Investment interest is growing in some of these growth poles and some proposals have, in fact, been received.

**2.00 p.m.**

The second part of the question has to do with foreign direct investment. The energy sector continues to be the main source of foreign direct investment in Trinidad and Tobago and in 2009 and in 2010 accounted for 91.2 and 91.1 per cent respectively of all foreign direct investment, which indicates that up to the end of 2010, most of the investments were not diversifying away from energy and were in fact concentrated in the energy sector.

Moving away from dependence on the energy sector for revenue would take time. However, the Government has embarked on a course of action that would initiate the process of diversification in the medium term and lay the platform for a continued shift in the long term. Members of this honourable Senate would appreciate that diversification requires a broader range of investments in the energy sector as well as a broader range of investment in other sectors outside of energy. It also requires a mix of foreign and local investments. Diversification does not take place on the basis of foreign investment alone.

The diversification thrust of the Government would include the provision of support for local companies to increase their export goods and services, therefore. This expansion would be achieved by empowering the private sector to grow by targeting specific industries and developing strong internationally targeted

relationships. The Council for Competiveness and Innovation (CCI) has been given a mandate to work with the top 25 non-energy exporting companies, on the basis of export numbers to support specifically their export expansion.

Based upon applications for import duty concessions and in keeping with the legislation, the Ministry of Trade and Industry has advised that a range of local investments would yield approximately 878 new jobs with an estimated total capital investment of just over TT \$250 million. The bulk of these are in local investment.

The following foreign direct investments have been approved by Cabinet in the non-energy sector:

1. Approval has been granted for the establishment and maintenance of an ICT project. Capital investment in this project is valued at TT \$228 million, and is expected to create 100 new jobs for nationals of Trinidad and Tobago. All these jobs would require university degrees in technical areas. This investment is foreign owned from the United States and ICT investments, such as this is stimulus for further related investment and clustering.
2. Cabinet has granted approval for the construction of a transshipment point to amalgamate cargo from Latin American to ship worldwide. This project would generate US \$10 million, TT \$60 million, in foreign direct investment and is targeting an operational date of July 2012. The source of this investment is the United States. An investment, such as this is an attractor and can grow in an unanticipated fashion.
3. A manufacturing plant with an estimated capital investment of TT \$210 million, which is local—we continue to have faith that in some areas of manufacturing we can continue to be competitive.
4. The total amount of capital investment for other potential projects in the non-energy sector is US \$158 million, which consists of both local and foreign investors.
5. In the energy sector two projects have been approved and are expected to begin in 2012. The total investment is US \$1.398 billion, and these are both foreign investments. While we are committed to diversification, we would continue to seek out and support energy investments because of experience and because of know-how in this particular area.
6. New investments in the energy sector for the period 2013—2016 are estimated to average US \$2.9 billion, annually, consisting of both foreign and local investments. There are always risks with projections, but, the projections in the energy sector have been assessed at 90 per cent probability and would help to diversify that sector.

Existing participants in the national economy have expressed their continued commitment to Trinidad and Tobago and have indicated their intention to invest just over US \$2.5 billion, that is over TT \$14 billion, in 2012. Projected investment in the energy sector for the period 2012—2015 totals just over US \$4.9 billion. These represent clear commitments. These investments represent confidence in the local economy and in Government's ability to oversee economic growth and transformation and diversification in Trinidad and Tobago.

The question further asked for identity and sources of investments. Mr. President, with due respect, I do not think that it is wise or even appropriate at this time to give details beyond what I have given. As projects begin and as investments take place, the investors would make their own announcements, and the public would become aware of action as well as activity.

Institutions such as the Chaguaramas Development Authority (CDA), e Teck, the Economic Development Board, the National Energy Corporation (NEC) and the National Gas Corporation (NGC) are proceeding with their work and engaging potential investors both local and foreign and these are ongoing.

It should not be forgotten that TT \$7.6 billion has also been allocated for the largest PSIP in the history of Trinidad and Tobago in the 2011/2012 budget. And, based on first quarter numbers, during the October to December 2011 period, just over TT \$ 1 billion, about TT \$1.1 billion has already been pumped in the economy through the PSIP programme. Moreover, in 2011, despite the fact that positive growth was not achieved, the Central Bank indicates that by the third quarter of last year there was buoyancy in the agriculture sector and that the construction sector also began to pick up.

In addition to investments for diversification, we are also addressing competitiveness and we are committed to an innovation driven economy. We would draw on the consultation held earlier to connect the dots and address the gaps for the establishment of a national innovation system. So that Trinidad and Tobago would achieve its objective of an innovation driven economy with good jobs within a framework of sustainable development philosophy and strategy. Thank you very much, Mr. President [*Desk thumping*]

**Sen. Hinds:** If I did not hold a particular interest in what you have said, I would have found your theorizing very boring. But, let me ask—[*Interruption*]

**Sen. The Hon. Dr. B. Tewarie:** I gave you numbers and facts.

**Sen. Hinds:**—yes, let me ask specifically, along your very winding way, you mentioned that the first of your five priorities had to do with crime and you mentioned en passant—you indicated that you wanted to develop a crime plan. Has that yet been developed, and has it been published for the benefit of the national community, your crime plan?

**Sen. The Hon. Dr. B. Tewarie:** The crime plan is not done by the Ministry of Planning and the Economy. The crime plan is done by the police service. It has been done, and under the guidance of the Minister of National Security.

**Sen. Hinds:** Thank you very much. We are happy to know that the crime plan has been put in place. We were waiting for it for a very long time and look forward to hearing more about it. But let me ask another supplemental question. In respect of your efforts in terms of economic growth and jobs, what would the Minister say is your major achievement under this, thus far?

**Sen. The Hon. Dr. B. Tewarie:** I tried to explain to you, which is why I went through what you called the winding road. [*Interruption*]

**Sen. Hinds:** What was your major achievement in that regard?

**Sen. The Hon. Dr. B. Tewarie:** It was pretty straight but you know, to a crooked eye it is hard to see straight. [*Laughter*] Mr. President, with all due respect, first of all I want to say that the documentation of unemployment for the middle of 2011—I know everybody complains about the Central Statistical Office (CSO) and it is two quarters behind—showed that there was a reduction in unemployment from 25.8 per cent.

So, I do not know what the trends are, I do not know what is going to happen in the third quarter of 2011 or end of 2011 or what the first quarter of 2012 would say. But, it seems to me, if you argue the case that you see buoyancy in agriculture, and you see something of an upbeat element in construction and you note the kinds of investments that are in fact taking place—read the Central Bank Report, it is not me. Because, I have no way of measuring this, they measure this in a certain way. They put the information together. And, if you look at those things you would see that while there is no massive increase in employment, what is happening as you move into the growth trajectory and as investment increases, you are going to see expansion of employment.

**Sen. Dr. Henry:** Supplemental. Mr. President, Just quickly, the Minister mentioned transshipment business in his response. I would like to know if the Minister could tell us which port of our country this transshipment would be conducted from?

**Sen. The Hon. Dr. B. Tewarie:** The port at La Brea. What do you call it? Sorry, it just slipped me.

**Hon. Senator:** Brighton.

**Sen. Dr. Henry:** Brighton?

**Sen. Hinds:** You are the Minister of Planning, you ought to know that. What did you say?

**Mr. President:** Senator, we are not going to pursue a debate. You have a supplemental question, Senator?

**Sen. Deyalsingh:** I understand the need for a gestation period for plans for the growth poles. Could you indicate when the east Port of Spain growth pole initiative would actually begin?

**Sen. The Hon. Dr. B. Tewarie:** It depends on how you categorize beginning. First of all, a study has been done on the east Port of Spain area, trying to identify what are the possibilities for the area and taking into account the realities of today.

Secondly, Port of Spain as a city has been identified as one of ten cities in the Western hemisphere that would be supported and funded through International Development Bank (IDB) funding as one of the sustainable cities in the hemisphere. And therefore, the way we are looking at east Port of Spain strategically, in terms of the growth pole, is not unrelated to the development of the centre of the city of Port of Spain nor indeed the development of the coast of the city of which the Invaders Bay project is part.

So, the idea is to take a holistic view while targeting a major depressed part of the city, east Port of Spain. And one of those growth poles is dedicated to that. We are now working on the strategy to achieve that. Meanwhile, what has happened in collaboration with initiatives from the Ministry of National Security, a number of initiatives had been taken including the Port of Spain East Development Company that are social in nature and community oriented and family oriented in nature because managing the climate is also an important part of the investment and development strategy.

**Sen. Deyalsingh:** Have you met with residents of east Port of Spain and shown them the plans and have they bought into these plans?

**Sen. The Hon. Dr. B. Tewarie:** That will definitely be part of the process.

**Sen. Hinds:** Final supplemental question.

**2.15 p.m.**

**Mr. President:** I will hear the Minister of Public Utilities, Leader of Government Business at the moment.

#### EXTENSION OF QUESTION TIME

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Thank you very much, Mr. President. The time allotted for answering questions is up until 2.15 p.m. However, both because there is considerable interest across the floor in question time, and also because we have two Ministers as our guests today, I crave the leave of both you, Mr. President, and the Members of this Senate, that we extend the time to 2.30 p.m., which would enable the two Ministers who are here with us to answer their questions before we close today. Thank you very much.

*Question put and agreed to.*

#### ORAL ANSWERS TO QUESTIONS

**Sen. Dr. Armstrong:** To the hon. Minister, a further supplemental. Two reports were mentioned: Sustainable Development Policy for Rio+20 and Assistance Obtained From The IDB with respect to the growth poles. Could those reports be made available because I would be very much interested? Are they made available to the public as well?

**Sen. The Hon. Dr. B. Tewarie:** One has gone to the Cabinet and is awaiting comments from Ministers and the other one is going to go to Cabinet soon. Once they are approved by the Cabinet, they can be made available.

**Sen. Deyalsingh:** My last supplemental on this question. The growth pole for the north coast development that has been alluded to since the 2010 budget, is the tunnel from Tunapuna to Maracas still part of that north coast development? And if so, when would that tunnel begin?

**Sen. The Hon. Dr. B. Tewarie:** Mr. President, I think the hon. Senator would have to ask that as another question.

**Sen. Hinds:** As far as I am concerned, you did speak of the growth pole for east PortofSpain and your plans for development thereof. You have just completed your “Colour Me Orange” project where you purported to have spent, very dubiously, \$300 million. Would you say, now that the programme has come to an end, that it had or it is likely to have any major impact on that growth in that growth pole as you have so defined?

**Sen. The Hon. Dr. B. Tewarie:** I really think that is a whole different question.

**Sen. Hinds:** Different question!

**Sen. The Hon. Dr. B. Tewarie:** But that was meant as a temporary initiative.

**Sen. Hinds:** Obviously, it must be temporary if you said three months. I am asking—*[Interruption and crosstalk]*

**Mr. President:** Sen. Hinds, do you have a question?

**Sen. Hinds:** Say again?

**Mr. President:** If you have a question, please—*[Interruption]*

**Sen. Hinds:** Yes, yes. I am setting the background—*[Interruption and crosstalk]*

**Dr. Gopeesingh:** Do not set the background, ask the question.

**Sen. Hinds:** You are a visitor to this Senate, take it nice—*[Interruption and crosstalk]*

**Mr. President:** Sen. Hinds, could we proceed with the question.

**Sen. Hinds:** Yes, thank you very much. And finally, I want to know from the hon. Minister whether your planned establishment of, I think it was eight CNG service stations announced in your 2010/2011 budget, whether you have achieved any in terms of the establishment of those eight?

**Sen. The Hon. Dr. B. Tewarie:** That is really a question for the hon. Minister of Energy and Energy Affairs. But, what I will say is that I know that some have been done. I do not know the exact number. I do not think eight have been done but I know that it is in process.

**Sen. Hinds:** That is the extent of it, he knows very little.

**Point Fortin Highway  
(Details of)**

**39. Sen. Fitzgerald Hinds** asked the hon. Minister of Works and Infrastructure:

- A. Could the Minister indicate the items of sustainable economic activity identified along the proposed new highway to Point Fortin to justify or render this major cash injection and project economically viable?
- B. Could the Minister indicate the status of the land acquisition programme along the path of the said highway, in particular, how much was paid to date; how many persons received payment and the attorney(s) handling the legal aspects of this project?
- C. Could the Minister indicate the amount of money that has been allocated for this purpose of land acquisition?

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):**  
Thank you, Mr. President. While I do have the answer here which I have been delegated to read on behalf of my colleague, the hon. Minister of Works and Infrastructure, I do crave leave of the Senate to request that the next question be posed to the Minister of Education.

*Question, by leave, deferred.*

**Mr. President:** Hon. Senators, I propose to take a suspension of the Senate for the next 15 minutes. We will come back at 2.35 p.m.

**2.20 p.m.:** *Sitting suspended.*

**2.37 p.m.:** *Sitting resumed.*

**Mr. President:** Hon. Senators, at the time we took the break, there was one of the personnel within the precincts of the Parliament who was ill and I understand that she has been taken for medical treatment, hence the reason for the suspension of this Senate during that period.

Before we took the break, Sen. Dr. James Armstrong was on his legs asking a question. I propose that we have a further 15 minutes for the period of answering question, having broken at that point.

**Sen. Dr. Armstrong:** Mr. President, I had actually completed my question but I do have a question pending which is a different question.

**Mr. President:** All right. Could you ask your original question on the Order Paper?

**Education Facilities Company Ltd  
(Details of)**

**47. Sen. Dr. James Armstrong** asked the hon. Minister of Education:

With respect to money owed to contractors who have completed works under agreements with the Education Facilities Company Limited (EFCL) and who have submitted claims for payment, could the hon. Minister indicate

- a) the procedure as agreed between the Ministry of Education and the Ministry of Finance with the EFCL in respect of the settlement of certified payments to contractors;
- b) the degree of compliance of the EFCL with such an agreement or other directives of the Ministry of Education/Ministry of Finance;
- c) what are the established criteria for the priority order of payments to contractors;
- d) what are the outstanding amounts owed to contractors, who completed work for the EFCL, as at December 2011; and
- e) whether funds have been allocated to meet these payments on a timely basis?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Mr. President. With respect to part (a) of the question, the projects executed by the Education Facilities Company Limited (EFCL) are financed from the Infrastructure Development Fund (IDF). The procedure to effect disbursement from the fund is outlined in Comptroller of Accounts Circular No. 12, dated November 09, 2005 entitled "Accounting arrangements for the disbursement of funds from the Infrastructure Development Fund."

The Ministry of Education, in keeping with the guidelines, proceeds as follows:

1. Monthly or ad hoc requests for release of funds are submitted to the Budget Division of the Ministry of Finance in accordance with the available allocation under the applicable vote or votes. Each request must be duly certified and signed by the authorized officer. The approved authorization form must reflect the following:
  - (i) Project identification of the name;
  - (ii) Nature of the transaction;
  - (iii) Contract value;
  - (iv) Previous payments processed; and
  - (v) Current payment due.

The Education Facilities Company Limited claims to the Ministry of Education must be supported by the following documentation:

- (i) A copy of the letter of award reflecting the name of the contractor, the cost and the duration of the project;
  - (ii) Scope of works;
  - (iii) Certificate of completion of the works or valuation certificate to date; and
  - (iv) Delivery note where applicable.
2. The Budget Division will then conduct its internal checks on the documents submitted and would recommend to the Minister of Finance approval for the release.
  3. The Minister of Finance then issues a warrant authorizing the Comptroller of Accounts to withdraw money from the fund. The warrant would be accompanied by a document which would detail the amounts approved for the Ministry of Education for the respective projects.
  4. On receipt of the warrant, the Comptroller of Accounts would notify the Ministry of Education that approval has been granted.
  5. The Ministry, upon receipt of approval from the Comptroller of Accounts, would issue a cheque to the Education Facilities Company Limited in full compliance with the sum released and the vote identified.
  6. The Education Facilities Company Limited would then be expected to settle its outstanding liability to its respective contractors.

With respect to part (b) of the question, the Education Facilities Company Limited has complied with the agreed procedure outlined above.

With respect to part (c), the Ministry of Education issues payment to the Education Facilities Company Limited in accordance with the projects for which releases were received; that is, received from the Ministry of Finance. However, the priority order of payment resides with the board of management of the Education Facilities Company Limited.

With respect to part (d), the outstanding amounts owed to contractors who completed work for the EFCL, as at December 2011, are as follows, and which includes—when this People's Partnership Government took over, we were owing approximately \$183 million for work done by contractors to EFCL. So, we had inherited about \$180 million plus in debt at that time.

We now owe for early childhood care and education centres, \$4.77 million; primary schools, \$29.2 million; secondary schools, \$25.8 million; pre-engineered classrooms and buildings, \$3.6 million; surveying services, \$1.1 million; furniture, \$12.0million; repairs and maintenance during the vacation period and all through the year to schools which are 900-plus, we owe \$120.91 million. A total of \$197.38million.

As I had indicated, we had inherited over \$180 million in debt, but we have a \$400 million bond that has been cleared, and we are now having some financial liquidity where we will pay most of the debts of this within the next few weeks hopefully.

**2.45 p.m.**

In response to part (e) of the question, the average time from request for releases of funds from the Ministry of Finance to receipt is 12 calendar days. When the Ministry of Education receives the invoices from the EFCL, sends them to the Ministry of Finance and the Ministry of Finance looks at them, deals with and sends them back to the Ministry of Education, it is approximately 12 days.

Allocations to the Ministry of Education for execution of projects fall significantly below the estimated value of the works proposed in the Ministry's annual budget submission, as occurs with all Ministries. As such, where projects, whether planned or emergency, are executed in the absence of available funding, significant indebtedness would arise as a result of the company's inability to meet its commitment to the contractors/suppliers on a regular basis.

The amount accrued by the EFCL in the last financial year was in excess of the allocation, in particular for the repairs and maintenance programme during the Easter and Summer vacation, where we did, since we have been in Government, more than 581 repair programmes in schools and where we have completed 29 early childhood education centres. We are in the process of completing another 24 with the Inter-American Development Bank (IADB) and we are to commence another 85. We have completed 11 primary schools, some under the pre-engineered, prefabricated system, where we completed some of these schools within 28 days, as opposed to, in the past, two years. We are doing primary schools at a proximate cost of about \$6 million or \$7 million, as compared to \$40million in the past, which would have taken two years-plus.

Mr. President, that completes the answer to the question from Sen. Dr. James Armstrong.

**Sen. Dr. Armstrong:** Thank you, supplemental now. Minister, you indicated that there are procedures within the Ministry of Education for payments and I appreciate that. Are you aware, or is the Ministry aware, of any irregularities that might be taking place with respect to the requests that are actually reaching the Ministry and are not in the order of priority in which the work might—in other words, are people jumping the queue? Are you aware of that? Have there been any complaints? If there were, are you looking into them?

**Hon. Dr. T. Gopeesingh:** As the line Minister, we cannot get into the day-to-day activities of the board, which is a private board as such. The EFCL operates under the Companies Act and as Minister, I cannot. If it comes to my attention at any time, I will be prepared to deal with it, but as far as I am aware now, there have been instances where people have written complaining that they have not been paid and we have tried to deal with it. I have sent these to the chairman, the CEO and the board for their consideration and this is as much as the Minister can do. There might be instances where people have not been paid at a time and they would have made some complaints, but I think they have sorted that out in a relatively good time.

**Sen. Deyalsingh:** Further supplemental, Mr. President. Is the hon. Minister aware that one of the board members of the EFCL may also be one of his contractors? If he is aware, are any steps being taken to stop that practice?

**Hon. Dr. T. Gopeesingh:** I am not aware of it, but if that is so, you could bring it to my attention and we would have to deal with it.

**Sen. Prof. Ramkissoon:** Thank you, Mr. President. I would like, through you, firstly to extend a warm welcome to the Minister of Health to the Senate. I think this is your first visit to the Senate.

Secondly, I would like to direct question No. 49.

#### **Needs Assessment of Doctors (Details of)**

**49. Sen. Prof. Harold Ramkissoon** asked the hon. Minister of Health:

- A. With respect to the human resource requirements for the provision of quality health care in Trinidad and Tobago, has a needs assessment been done in the past five years?
- B. How many doctors are required to satisfy the need for doctors in both public hospitals and health centres in Trinidad and Tobago?
- C. How many doctors were employed in the public sector (hospitals and primary care facilities) as of December 31, 2011?

- D. How many of these doctors are nationals of Trinidad and Tobago?
- E. How many doctors in total have been trained at the expense of the Government over the past five years, and what is the total cost of such training?
- F. How many of the above trained doctors:
  - (i) are currently employed in the public sector of Trinidad and Tobago as at December 31, 2011; or
  - (ii) have migrated abroad?

**The Minister of Health (Hon. Dr. Fuad Khan):** Thank you very much. Before I start my answer, I would like to extend my gratitude to the Senate for extending the question time to facilitate the questions. I want to thank you on behalf of my colleague also.

The answer to question No. 49 (A) is yes, 2009. In response to part (B), the number of doctors needed to satisfy, if you look at a population of 1.5million, the doctors would be one in 1,000. You would get approximately 1,500 doctors. If you want a doctor for every 500 persons, that would be approximately 3,000 doctors. At present, which answers part (C), we have 1,372 doctors employed in the public health sector.

In response to (D): how many are nationals? The answer is approximately 1,000. In response to (E), the cost of training of the doctors, all the doctors were trained on behalf of the Government because of the receipt of GATE. Most of them were trained under the Government auspices. However, with respect to the cost of scholarships, you would have to ask the Minister of Science, Technology and Tertiary Education, the Minister of Community Development and the Minister of Public Administration. We do not have those figures.

In response to (F), most of them are. With respect to how many have migrated aboard, that is very difficult to tell because we do not know the figure for migration. There have not been many instances of actual migration, so it is difficult for the Ministry of Health to determine who have migrated or which doctors are abroad in training.

**Sen. Prof. Ramkissoon:** Mr. President, I was hoping to get some more figures. For example, what is the percentage? I did not quite get the figure of the number of non-nationals working in Trinidad and Tobago. What percentage would that be?

**Hon. Dr. F. Khan:** There was nothing here about percentages. Basically, if you point me to the part of the question that indicated percentages maybe I could answer it.

**Sen. Hinds:** Supplemental question to the Minister of Health. Is the Minister aware, in relation to the answers that you have provided, that there is some kind of obstacle or hindrance to some nationals who have been trained at the St. George's Medical Facility in Grenada and there is some difficulty, in terms of their being able to operate freely in the context of Trinidad and Tobago, even in the public hospitals? What is the Government's position on this?

**Mr. President:** Senator, I do not think the question arises under the question at hand.

**Hon. Dr. F. Khan:** I can answer that. Your information is incorrect. That is not so.

**Sen. Hinds:** So, is the Minister saying, since my information is incorrect, that there is absolutely no hindrance to persons who have been funded by the Government of Trinidad and Tobago, studying in Grenada, as I have said and their ability to practise in the public and private institutions in Trinidad and Tobago?

**Hon. Dr. F. Khan:** Number one, every single national of Trinidad and Tobago will be employed in the public health service. I cannot say the private health service. There is a rule, as Minister, which I have done, which is there should be no nationals waiting externally for jobs when we have jobs available here. The nationals are employed first and afterwards, non-nationals. That is a rule. That is why I indicted your information cannot be correct.

**Sen. Hinds:** It was my understanding and I would ask again in conclusion, whether the Minister is aware that some of them have not been given, what we would call permanent employment, but they have been put on contracts and, therefore in a sense, on tenterhooks, uncertain about their futures.

**Hon. Dr. F. Khan:** Senator, I have to indicate that is the way things have been going for a very long time, approximately 10 years. People are put on contract and not permanent employment. The contracts are renewed, depending on satisfactory performances thereafter at the end of the contract. That is how it is.

**Sen. Hinds:** So, there is no question of any temporary registration of these doctors? There is no hindrance or no such question, is it?

**Hon. Dr. F. Khan:** Temporary registration, as per the medical board, indicates once you are a doctor, you initially do an internship from the UWI. Once you are working here you get temporary registration. When you have signed off on your internship or performed satisfactorily, you get permanent registration by the Medical Board of Trinidad and Tobago. Other than that, most doctors who come here are temporarily registered until they provide a satisfactory nature of their tenure. After that, you get permanent registration.

Permanent registration is only used for people—once you get permanent registration who are entitled to private practice. Foreigners are given three years prior to asking for or applying for permanent registration by the medical board, but temporary registration is temporary to keep people working in a public institution.

**Dr. Gopeesingh:** For interns.

**Sen. Deyalsingh:** Further supplemental. With regard to part (E), the training of doctors at the expense of the Government of Trinidad and Tobago, we hear about the perennial shortage of doctors, are there any plans to enforce the GATE requirements if a student is trained at Mount Hope, at the expense, using GATE, of taxpayers of Trinidad and Tobago, are you going to enforce the requirement that they serve the Government before they migrate to other pastures?

**Hon. Dr. F. Khan:** Our doctors do not migrate based on other things rather than positions and upward mobility for specialty training. We are at present, together with the Minister of Science, Technology and Tertiary Education, trying to put a programme in place to keep our doctors here for specialty services/specialty training in the University of the West Indies, as well as Mount Hope together with, hopefully Johns Hopkins and other external providers. That would prevent doctors from migrating because they would be able to have upward mobility.

With respect to the other part of your question, we cannot prevent people from migrating, we are still a democratic country and we bond them based on agreement. It is up to the guarantor and the bonding and the person to determine exactly where their sincerity lies.

**Regional Health Authority  
(Details of Collective Agreement)**

**50. Sen. Dr. Victor Wheeler** asked the hon. Minister of Health:

Could the Minister state:

- a) What was the date of the last fully completed and signed collective agreement for salary and other terms and conditions of service between the Regional Health Authorities in Trinidad and the doctors' representatives;
- b) What time period was covered by this collective agreement;
- c) Whether any proposals for a new collective agreement have been received by the Ministry of Health or any of the Regional Health Authorities in Trinidad from the doctors' representatives;
- d) If the answer to (c) is in the affirmative, what was the date that these proposals were received?

**The Minister of Health (Hon. Dr. Fuad Khan):** In response to the first part of the question (a), the date of the collective agreement was December 27, 2006. The time period was January 2006 to December 2008. With respect to the third part of your question, proposals have been received for the collective agreement on February 16, 2012. That is it.

**Sen. Dr. Wheeler:** Are you able to state which of the representative bodies submitted a proposal?

**Hon. Dr. F. Khan:** At present, the proposal was submitted because of the previous approach to agreements by the South West Regional Health Authority, together with the MPATT agreement. The Ministry of Health got that agreement in February and we are having counterproposals at present.

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Mr. President, I have here the answer to question No. 39, which was posed earlier by Sen. Fitzgerald Hinds.

Before I answer, I want to say a very grateful thank you to my colleagues, Ministers Dr. Fuad Khan and Dr. Tim Gopeesingh, for being here and for answering those questions in such a comprehensive manner.

The answer to question No. 39, if you would permit me to indicate, is pretty long. I am sure it will take me another five to 10 minutes.

**Sen. Hinds:** You can give us in writing.

**Sen. The Hon. E. George:** Could I ask permission to give it in writing to the Senate?

**Mr. President:** The Senator is prepared to accept it in writing.

**Sen. Hinds:** Yes, indeed.

**Sen. The Hon. E. George:** Thank you very much.

**Mr. President:** It would be circulated.

*Vide end of sitting for written answer to question 39.*

**3.00 p.m.**

**LAND ADJUDICATION (AMDT.) BILL, 2012**

Bill to amend the Land Adjudication Act, 2000 [*The Minister of Public Utilities*]; read the first time.

*Motion made:* That the next stage be taken at the next sitting of the Senate. [*Hon. E. George*]

*Question put and agreed to.*

**REGISTRATION OF TITLES OF LAND (ADMT.) BILL, 2012**

Bill to amend the Registration of Titles to Land Act 2000 [*The Minister of Public Utilities*], read the first time.

*Motion made:* That the next stage be taken at the next sitting of the Senate. [*Hon. E. George*]

*Question put and agreed to.*

**INTERNATIONAL WOMEN'S DAY  
(COMMEMORATION OF)**

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** I thank you very much, Mr. President. I want to take the opportunity before I get into the meat of the Motion I want to move today, to say that later on in the proceedings, in commemoration of International Women's Day, which will be observed on Thursday, March 08, 2012, I propose to make a short statement in respect of the celebration of that day.

**TRINIDAD AND TOBAGO POSTAL  
CORPORATION (AMDT.) BILL, 2012**

*Order for second reading read.*

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Mr. President, I beg to move:

That a Bill to amend the Trinidad and Tobago Postal Corporation Act, Chap. 47:02, be now read a second time.

Mr. President, the matter for consideration of this honourable Senate, is the Trinidad and Tobago Post Corporation (Amdt.) Bill, 2012. I take the opportunity to first set the scene as to what was happening in the postal sector back in 1999, which gave birth to TTPost and to the enactment of the TTPost Act.

Prior to the establishment of TTPost, Mr. President, the postal sector was significantly underperforming by international standards, and many in the population of Trinidad and Tobago had difficulties with the timely collection, processing and delivery of their mail and parcels. Having duly considered the parlous state of operations of the General Post Office or GPO as it was then called, and its level of service, the then Government embarked on a postal sector reform programme in 1999, this with the assistance of the World Bank.

The first phase saw the establishment of the new postal operator, with the aims of building customer confidence in the postal operator, increasing the volumes and revenues of the new entity, improving overall quality of service and strengthening its financial performance. To achieve these objectives, a contract involving a Delegated Management Agreement (DMA) was awarded after an international bidding process to New Zealand Post International, which subsequently became Transend Worldwide Limited. At the end of the Delegated Management Agreement, TTPost was to transition to local management.

To finance that first phase of the DMA alone was entered into with the International Bank for Reconstruction and Development or the World Bank, for a sum of \$14.85 million. Management fees were paid to the delegated management operator, based on the progressive achievement of established yearly targets, reflecting customer satisfaction, universal delivery, transit time and financial outcomes.

Significant achievements were realized through this reform programme, Mr. President, such as the refurbishment of delivery offices and increase in infrastructure required for effective delivery such as vehicles, equipment and revenue growth. However, there was a significant issue that remained to be addressed having to do with the vesting of properties in TTPost.

In that regard, I should indicate that the TTPost Act, when it came into being, gave the Trinidad and Tobago Postal Corporation the following mandate:

1. to provide postal services within Trinidad and Tobago between the sister isle and places outside Trinidad and Tobago;
2. to carry on any business relating to postal services including postal financial services and electronic or telecommunication services;

3. to carry on any business or activity that is incidental to or which is capable of being conveniently performed in order to deliver the services and carry on the business or activity referred to above.

The Act, Mr. President, by virtue of section 61(1), and I want to quote, says:

“The Minister shall, by Order, within twelve months of the commencement of this section, vest in Trinidad and Tobago Post such property which was under the direction and management of the Postmaster General under the Post Office Act at the commencement of this section, as is specified in the Order.”

That 12-month period ended on June 30, 2000 without the vesting of such property in TTPost. The property referred to consisted of some 56 post offices which belonged to the former post office, and which were under the control of the former Post Master General. As such, Mr. President, what is before the Senate today, is a simple amendment to section 61(1) which recommends the removing of the time limit of 12 months within which to vest the properties in TTPost.

This amendment would allow the appropriate ministerial order to be issued, and have this long outstanding matter completed, thus enabling the vesting of the properties in TTPost. The matter of vesting of properties is important, because it will assist the corporation in bolstering its asset base, and it could also be used as collateral when seeking financing for its programmes, and improve and strengthen its distribution network.

Upon vesting of the properties, it is estimated that TTPost’s asset holding will increase by some \$56 million. Consequently, the corporation will be better able to access financing and reduce its dependence upon subventions from the Government. Further, once refurbished, these properties could be reoccupied and this could see TTPost’s rental expenses fall as well. In fact, TTPost currently rents properties which cost in excess of \$260,000 per month.

It is important to point out as well, that Trinidad and Tobago as a member of the Universal Postal Union is required to provide citizens with access to postal services as a fundamental human right. As part of that requirement TTPost has a universal service obligation for postal delivery, that is to say, the provision of a range of postal services accessible throughout the country at affordable prices.

To meet the requirements of accessibility and global standards for delivery, TTPost needs to be present in many diverse and disparate communities across the country, hence the importance of having ownership of the post offices which are widely spread throughout Trinidad and Tobago. Currently to satisfy the needs of

the nation and meet its mandate, TTPost manages about 50 delivery offices and 14 corporate shops, 22 of these are housed in rented properties; a network of 98 franchises supplement this core network.

Also, by way of background, Mr. President, Cabinet in 2001 approved 47 properties to be vested in TTPost. Given the passage of time, the corporation was asked to re-examine the issue of vesting of the properties as it relates to the location of the properties, and the magnitude of the refurbishment and construction initiative needed to make the properties fit for habitation.

In this regard, the corporation has recommended that it can realize its goals without the possession of six of the properties which were originally earmarked for vesting by the Cabinet in 2001, those properties are in Guaico, Palo Seco, Valencia, Moruga, Guapo and Manzanilla. In making this recommendation, the corporation considered the location of each property; its catchment; dimensions; topography; proximity to the town centre or transportation accessibilities; the universal service obligation needs of each community in question; the present cost of operation in those communities; the potential revenues to be accrued to TTPost in each area; and the plans for future development in each area.

It is important to mention, Mr. President, four properties were also required to be vested after consultation with the Tobago House of Assembly. However, the THA served notice to the corporation to quit the properties in three locations: Scarborough, Roxborough and Moriah. So TTPost currently operates out of the Speyside location and has rented properties in Scarborough, Bon Accord and Castara to fulfil its responsibilities. In that regard, no properties can be vested from Tobago at this time, as TTPost awaits notification of alternative sites from the Tobago House of Assembly.

Mr. President, I must address the delay in vesting of the properties in TTPost. Since the establishment of TTPost, certain issues arose which required clarification and thereby causing a delay in the vesting of the properties in TTPost. The first issue to be clarified concerns the properties that could be vested into the corporation. Under the terms of the Delegated Management Agreement which was entered into between the Government of Trinidad and Tobago and New Zealand Postal, 56 properties were listed to be vested in TTPost. However, there was some intense consultations between the then Ministry of Public Utilities and the Property Management Division of the then Ministry of Public Administration, and based on the outcomes of those consultations, the Cabinet agreed not for 56, but that 47 post offices should be vested in TTPost.

*Trinidad and Tobago Postal Bill (2012)*  
[SEN. THE HON. E. GEORGE]

*Tuesday March 06, 2012*

In 2004, as part of that debate and consultation, the Solicitor General provided formal advice which said and I quote:

A contractual provision cannot take precedence over legislation, that is the order of the Minister; once the order is signed and published, the terms of the order are effective and override contract terms.

All that was saying was that while the Delegated Management Agreement suggested that the 56 properties which belonged to the former post office should be vested in TTPost, after the consultation between the Ministry of Public Utilities, the Property Management Division and the Cabinet decision which indicated that 47 properties should be vested in TTPost. The Solicitor General is advising that the 47 properties should—then the order is what will take precedence and not the Delegated Management Arrangement between the Government of the Trinidad and Tobago and New Zealand Post or Transend Worldwide Limited, as it eventually became. Thus only those properties which were approved by Cabinet could be included in the vesting order.

The other issue that needed to be sorted out and which created the delay was the stipulation of section 61(3) of the Act which says:

“Within sixty months of the date of publication of the Order referred to in subsection (1),” that is the Minister’s order—” the value of the property vested in Trinidad and Tobago Post shall be determined by an independent valuer who shall report to the Board.”

So what this section is saying is that within 60 months after the publication of the order vesting the properties, the properties should be valued. But there was another legal opinion which came for the Chief State Solicitor in 2004 which said that the valuation should come before the vesting, rather than the vesting take place before the valuation. That opinion which came in 2004 reads:

The accepted practice, however, is that the valuation of the properties to be vested is completed prior to the drafting of the vesting order.

So it meant that before any of the vesting could take place and before the Minister’s order could be made, you needed to value all of the properties. The properties, therefore, had to be surveyed and valued and completion of these two processes was time consuming, hence the reason we are here today seeking to have this amendment made to the TTPost Act.

I wish to inform this Senate, Mr. President, out of the 47 properties approved by Cabinet in 2001 for vesting, 40 survey plans have been received in respect of these properties, and 43 of the properties have been valued to date.

**3.15 p.m.**

We expect that given the recommendation from the corporation as to those properties which are not required, we hope that we can approach Cabinet to consider the final list of properties to be vested. However, seeing that we are so close to the completion of the valuation and survey process, Mr. President, it is imperative that the amendment to section 61(1) be made to facilitate the ministerial order.

So, we are saying that the process of survey and valuation has come to a point where there are less than a handful of properties to be surveyed and valued, and we need now to move, while we are completing that, to have this amendment made that will allow the vesting to take place.

Mr. President, we are aware that the TTPost Act states that no negative penalties for non-compliance with the stipulated time limit within which to vest. However, to avoid any and all possibilities of a negative outcome, we seek to amend section 61(1) in accordance with advice received from the Office of the Solicitor General in 2005, which stated that this section should be amended to allow the properties to be properly vested in TTPost.

I do not think that anyone can dispute that the reforms undertaken in the postal sector since 1999 have yielded significant benefits to the national population. TTPost continues to improve its service, and in 2011 improved its domestic delivery performance and got to a rating of 87 per cent for day-plus one delivery and 94 per cent for day-plus two deliveries.

Door to door—that is home delivery to citizens of Trinidad and Tobago—was expanded by 1.2 per cent, allowing TTPost to achieve a coverage rate of 94.14 per cent, and this coverage rate is equivalent to the rate achieved by many developed countries.

The retail point of sale system of PostLink was upgraded, and this has enhanced the overall quality of service delivery and the first full-service franchise was established in Tobago.

The corporation's diligence and performance earned it an 86 per cent rating of public satisfaction in the 2011 MORI poll conducted between May 25, 2011 and July 15, 2011. So, TTPost turned out to be the best performing utility of all the utilities in Trinidad and Tobago, and they must be complimented for achieving that particular milestone.

However, it continues to be a challenge for TTPost to meet its goal of financial viability. The figures indicate that since 1999, TTPost has posted revenues of between \$60 million and \$80 million. However, losses before taxes for the period

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2000—2004 range from between \$4 million and \$15 million, but for 2007—2011, they range between \$45 million and \$8 million, and these figures are provided cautiously since the corporation has yet to have the later figures for the period 2007—2011 audited.

Some of these difficulties reflect modern society where text messaging, Internet usage, social networking, email and instant communication technology are preferred communication tools. Letters and correspondence, both personal and business related, are delivered via email while photographs and documents are scanned and shared through social networks. The use of these tools and media is negatively affecting the performance of TTPost. Competition for direct mail availability of the advertising media and the proliferation of couriers providing home delivery for Internet shoppers are all having an impact on TTPost's competitive position.

The effects of the 2008 world financial crisis have also affected TTPost, as they have affected many postal agencies around the world. In fact, very large postal agencies such as the Royal Mail and also the US Postal Service have been struggling to cope. Recently, when I was surfing the Internet, I read of the difficulty that the US Postal Service, in fact, is experiencing, with losses, I think, in the region of about \$6 billion posted for last year. So, even the US Postal Service is suggesting that it will soon be making an approach to the authorities for an increase in its tariff.

It is in response to these challenges that TTPost introduced many non-core products and services to support its financial viability. They introduced the Bill Pay Service, which was terminated in October last year, because of the losses being made in respect of that particular service. TTPost also introduced local and international courier services; they introduced direct marketing services for direct and unaddressed mail; and they introduced the TTPak online shopping delivery service which is, of course, facing severe competition from the many competitors in the industry.

We need to be mindful that in the face of all of these challenges, that we need to support the efforts of TTPost to efficiently undertake its universal service obligation which is the normal post office work which it has to do, because it is required to do so by international agreement. That support, in this case that we are proposing here today, has to do with ensuring that the properties which should have been properly vested in TTPost many years ago, do get vested in TTPost as soon as possible because this will help, as indicated earlier, with securing their base when they seek to obtain loans to improve their offerings.

So that the vesting of the properties required by TTPost will go a significant way in providing the assistance that we have already indicated, and the advantages of which will redound to TTPost, in particular, but to the wider community of Trinidad and Tobago.

The Ministry of Public Utilities continues to examine the possible need for further reforms within the sector that will strengthen the financial viability of the entity. Currently, there are proposals which would assist in the administration of the Act to assist TTPost in carrying out its functions, and we intend to take these proposals to Cabinet shortly. Should Cabinet agree with those proposals, they will be brought to this honourable Senate.

However, in light of the need to complete the process of vesting the properties into TTPost, I do ask for the support of this Senate in the moving of this very simple and straightforward amendment through the Trinidad and Tobago Postal Corporation (Amdt.) Bill, 2012. I hope that my colleagues on the opposite side and on the Independent Bench will see the need to complete this particular exercise which was started many, many years ago, and support the amendment.

Mr. President, I beg to move.

*Question proposed.*

**Sen. Faris Al-Rawi.** Thank you, Mr. President. I rise to join the contribution on what has been stated to be a simple and straightforward amendment to legislation, specifically, the Trinidad and Tobago Postal Corporation Act, Chap. 47:02. But before I do that, even though it is not the norm, may I have your leave to wish a very hearty happy birthday to Sen. Verna St. Rose Greaves and also to Sen. Vasant Bharath. [*Desk thumping*] I wish them both God's blessings in this year of their birth.

Mr. President, relative to the Act and to the Bill that is before us, I have to confess that we have come full circle. The TTPost Act, if I can call it that, Chap. 47:02, was one piloted in 1998 under the hand of the hon. Ganga Singh, Minister of Public Utilities, as he then was, very ably assisted by a very competent permanent secretary in the person of Sen. Emmanuel George as he now sits. In the piloting of that Motion, and the history being relevant to the discussion of this Bill, as my learned friend has demonstrated, sincere reflection was given upon the level of interrogation of the need for reform that Trinidad and Tobago found itself in.

In fact, the *Hansard* debate then on Friday, November 13, 1998 in the House of Representatives referred to the parlous state of the postal service then and reflected upon, I believe it is about eight or nine reports starting in 1962 or 1963, under the Cecil Alexander Commission and ending with a United Nations assisted report which

demonstrated that the policy objectives of the then Government had gone through a number of paces. I wish to reflect upon the number of paces then, because the rationale for the vesting of properties as is now put before this Senate, must be pegged in the context of the relevance of that vesting then and now, because we seek to now perfect a process which was started in 1998, in the debate of November 13, 1998.

Mr. President, when you look at the rationale laid out then by the hon. Minister who piloted the Motion on behalf of the then UNC Government, the rationale was that there was a transformation shift sought to be had in what he called “corporatization and commercialization” of the postal service.

The architecture of the Bill that came before the House then, and which resulted in the Act which we seek to now amend being born, was that you would create a corporate structure by the Act—it was enabling legislation—and that you would seek to provide it with a commercialization by allowing it to do things in its purpose beyond postal services in the strict sense, but related to.

So translated into English it means, they adopted a structure which would give corporate authority to the board as created, to the institution as created, and then they hoped to make it a commercial, autonomous institution after a five-year period of nursing with benefits and holidays. After that five-year period it would have become autonomous and self-sustaining.

The rationale inside the architecture of the Act is: give it powers as to what it can do; give the TTPost powers as to what it can do, which is very similar to what prevailed under the Companies Ordinance, Chap. 31:01 which, as you know, was replaced by the Companies Act. In those days, you had to state under the Companies Ordinance every power that you wished to give a company in its memoranda and articles of incorporation then, and the Act itself does that.

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

When you look to the Act now, in the context of the amendment, Mr. President, you would note that the TTPost—if I can abbreviate it to that—proposes through its power stated in the Act, to utilize its properties somehow to make it viable. That is what, in essence, is being proposed by the hon. Minister today. Regrettably, however, we have no form of details as to how that is to be done.

Now, when one reflects upon the type of detail that was presented in November 1998 to the House of Representatives and in December to the Senate, a very important document was plucked, perhaps, reluctantly, from the hon. Senator sitting then, hon.

Wade Mark—I believe he was the Minister of Public Administration—by Sen. Daly, as he sat as an Independent Senator, on December 15, 1998. Sen. Daly, in asking for the valuation report of the properties to be vested to be produced, he was provided with a copy.

What struck me was that the valuation report referred to then, referred to a value of somewhere close to \$53 million, if I am not mistaken. That was in 1998. Today, in 2012, we are being told by the Government that there is a valuation, as my learned colleague, the Leader of Government Business has put it, if I am not mistaken, very close to that very figure. I think he said \$56 million.

So the first question that pops into my mind is, if the valuation of properties in a PricewaterhouseCoopers (PWC) report in 1998 was \$52 million, is it reasonable to assume that the properties have only appreciated by \$4 million notwithstanding the passage of 13 years? That is the first point. The second point that I would like to raise relative to those values is, why the hon. Minister has not provided us with the values?

The valuation reports, in light of the advice of the Solicitor General, as disclosed by my learned colleague to this Senate, have been produced. They have been produced pursuant to the provisions of section 61(3) of the Act, and when advice was factored upon that, it says that valuations ought to be produced prior. I would think it an essential item for transparency, and for disclosure to the hon. Senators sitting now, that we receive a copy of those valuations—it may be a consolidated one or it may be disaggregated—but I think it is a critical item for us to look at it.

We are being asked to accept the argument that these properties, once vested into the TTPost, are somehow going to produce revenue to meet an oscillating deficit in the range of \$8 million to \$46 million, as my learned colleague has put it. Understandably, he has put it under very careful and proper qualification that the audited accounts are yet to be finalized.

It is very relevant for us, because Part VI of Act No. 47 of 2002, which deals with the financial aspects of the TTPost—in fact, it is headed “Part VI Finance”, in sections 25—34, the heart and soul of the financial aspects of the TTPost are laid out in the Act, and section 61, which we seek to amend now, is directly referenced in these provisions in Part VI, insofar as valuations must be factored into what is considered the capital of TTPost.

Now, Mr. President, what concerns me deeply is that the social and economic context of the world being such as it is, and Trinidad’s economy being such as it is, I do not yet understand—and, perhaps, the hon. Minister will clarify in his

winding up—how we hope to achieve revenue generation by a mere vesting of properties? I say so because we must have regard to the experiences that TTPost itself had to face in seeking financing upon properties.

When we look to the experience that TTPost had in 1999, when a property was identified to be put as its headquarters near to Piarco—when we look at that experience as is ably demonstrated in the *Hansard* of 2004—in fact, Friday, September 05, 2003, forgive me, Mr. President—on that date, a lot of discussion was had in the House as to the experience that one could fall into relative to the financing of properties.

In fact, the hon. Minister referred to the cost of financing and the negative impact of the cost of financing taken from local financing houses as opposed to World Bank loans. It is in the *Hansard* that that resulted in a loss of some \$6.8 million in one year only.

What concerns me is, how are we going to move by a mere vesting of properties of TTPost into a position of profitability? We may very well be putting assets only into the TTPost, but we are not guaranteed without production of a business plan or any form of conscience as to how we are going to achieve profitability. I would think that is an important matter to put before this Senate. [*Desk thumping*]

Mr. President, I say so emboldened by the fact that the DMA—that is the short-term five-year arrangement with Transend which was once New Zealand Post—has expired, and TTPost has, in fact, properly moved into its long-term arrangements. I say so, insofar as we can no longer rely upon the statement of targets in an expired DMA to tell us what profitability is going to be.

It is incumbent upon the hon. Minister to tell the hon. Senators present and by extension the national community, through you, what the profitability arrangement is supposed to be, and that is emboldened further by the very provisions of the Act, because the Act itself provides that the business plan is meant to be provided to the hon. Minister.

Now, Mr. President, when we reflect upon the fact that the Government has been in the seat of power for some two years now, it is incumbent for us to understand why the business plan cannot be produced even today. It is important if we seek to vest, at lowest \$54million or \$56 million worth of property into the TTPost, it is incumbent upon us to understand the business plan and the context within which these properties are to be invested.

When we look to the Act, again, and we reflect upon the wording of section 61, again, it is noteworthy that section 61 provides:

“The Minister shall by Order, within twelve months of the commencement of this section,”—which we now seek to amend—“vest in Trinidad and Tobago Postal Service, such”—properties; it perhaps should have been were—“property which was under the direction and management of the Postmaster General under the Post Office Act at the commencement of this section...”

I do not know that this clause allows us to cherry-pick assets. The language of the clause is unambiguous and suggests that you must—because the word “shall” is used—vest properties which were under direction and management at the commencement of this section. So, if there were 56 or 74 properties under control, we have to know whether we are obliged now to vest all of them.

Without a business model, are we to presume only that we are going to generate income for TTPost by the use of valuable State assets? Let us not lose sight of the fact that the properties under management and direction of the Post Office Act, the old Act, the Postmaster General, belong to the State of Trinidad and Tobago. So we are taking assets away from the State of Trinidad and Tobago, many of them, which surely could not only be valued at \$56 million, 13 years later, a mere \$4 million more than the 1998 value, and vest them into TTPost without an explanation. How is that going to generate revenue to them? Why should it generate revenue to the exclusion of the State of Trinidad and Tobago when there may be competition for the very assets that we are obliged to vest, and a good reason? That is to be factored as well, when you consider a very important section of this Act, which the Bill seeks to amend, and that is section 33 of the Act.

Section 33 of the Act provides:

“Trinidad and Tobago Post in pursuance of its functions, is not subject to the Central Tenders Board Act.”

What does that mean to us?

In the context of a live discussion on procurement and the propriety of procurement under this Government, we are seeking to perfect what is now, in my view, an outdated position from 1998, the vesting of properties contemplated in 1998, put them into the TTPost without valuations; without a business plan; without a statement of the long-term arrangements which replaced the DMA which Transend managed; and we are seeking under the full knowledge that the Central

Tenders Board does not apply, to take valuable State property, worth, perhaps, hundreds of millions of dollars, and put it into a corporation run by a board, subject to the direction of the Minister only, by broad statements under the Act, and then say the Central Tenders Board does not apply. So the Central Tenders Board Act does not apply.

Let us put it into a more lively discussion. We heard this Government say to this honourable Senate and to the members of the national community, two very important things: one we heard the hon. Minister of Planning and the Economy say to us, "I am not going to give you the legal reasons why the Central Tenders Board Act does not apply to the divestment of \$1 billion worth of land at MovieTowne, the Invaders Bay project". Then you heard the hon. Attorney General tell the nation that the procurement and disposition of land there was correct, thus far, in the debate on the no-confidence Motion. A resonance of "thus far" in repetition was had on this side of the House, but I do not know quite what that means.

You see, it may not be opened to receive legal advice, because it is privileged under the Freedom of Information Act. We have raised legitimate concerns with this Government that we harbour and that members of the national community harbour, relative to the applicability of the Central Tenders Board Act, as it relates to an ongoing divestment of property, perhaps property vested in UDeCott or still in the State, we do not know, relative to the Invaders Bay project, and then we are coming today in this Bill to say, give them 56 properties with a valuation which I have not seen and the national community has not been presented with, take it and know that the Central Tenders Board Act does not apply at all. I would not even be regaled with the kind of answer, if I asked of the hon. Minister of Planning and the Economy nor the Attorney General. There may be no advice to give, because the Act is pellucidly clear, the Central Tenders Board Act does not apply.

So, why am I giving, as a Trinidad and Tobago citizen and as a Member of this Senate, permission to this Government in a vacuum to take valuable assets? There may be a bona fide reason. Let me not impute improper motives, especially to my learned colleague or Members opposite unnecessarily, but we must be told the reason. There must be not only transparency, but there must be disclosure, because one may be transparent, but yet not disclose.

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

That is to be appreciated in the context of discussions relative to the TTPost in the period 1998 to date and, in particular, when you reflect upon the adage that perhaps were destined to repeat the past, continuously.

On December 15, 1998, Sen. Martin Daly, as he sat as an Independent Senator, called the UNC Government's lack of production of valuations and lack of explanation of the business plan, the legislation to incorporate the Trinidad and Tobago Postal Corporation Act—he called it “pickpocket legislation”. Let me repeat that term: “pickpocket legislation”. He said so, specifically, at pages 769—772 of his *Hansard* contribution. He said at page 772:

“I have the same difficulty now. You are the elected Government, I am here to provide constructive criticism which I am eminently fit to do, but I have the difficulty—I think the finance sections of this Bill amount to pick pocket legislation. I feel that strongly about it. I know it is said that I am less than gracious in my comments but the finance section of this Bill is pick pocket legislation.”

In fact, he said something important.

“So I have the same dilemma with this Government that I faced with the PNM.”

Because he had said that he had difficulty with the disposition of assets to PowerGen with the lack of transparency which later turned out to be correct, but he had wanted the disclosure upfront.

In 1998, we had a criticism then in this Senate that the failure to disclose valuation reports and the failure to demonstrate the context within which you were going to vest the properties, in light of the finance provisions in Part V of the Bill, amounted in Sen. Daly's opinion to pickpocket legislation. And I must, firstly, perhaps because he is my senior in the profession and, secondly, because I fundamentally agree with what he said then now, I must repeat the fact that the failure of the Government to disclose the particulars of the valuation reports and, more particularly, in the context of the business plan when viewed with the operationalization of Part V of the Act, the finance positions, amounts to pickpocket legislation.

We cannot, responsibly as a Senate, support a measure to remove the limitation in section 61, just so, because we have not been told the reason why we should not put a further time limit. So why do we now say, “Strike off the 12 months, allow vesting of the property and put no time limit on it”? It was the fact of the inclusion of a time limit which resulted in us coming back to discuss a very important and not so simple, contrary to my learned friend's statements amendment to this Act.

I wish to state openly, the TTPost has demonstrated a fundamental shift and an excellent performance for which they should be soundly complimented. However, the persuasion of the business model which the TTPost perhaps, can present, cannot be interrogated without the information being provided to us. And one of the very critical mechanisms to receive that information was by the laying of reports in the Parliament.

I will say openly—lest I am stung by others opposite and say that I do not disclose—the only report that I could find, the most recent report that I could find of the TTPost was in 2004 in this Parliament, and I found the Auditor General’s report for 2005. I do not think that that is good enough. I accept that the People’s National Movement was in charge of the Government then. Whatever blame is to be had let it be shared. The point is, the Government has been in the saddle for two years now. The performance targets are there to be reflected upon. The realities of the accounts are there to be reflected upon.

I have great difficulty in seeking to vest this corporation with hundreds of millions of dollars, in vacuo. How do I do it, responsibly? How does vesting properties magically result in profitability? Why is it that other institutions can rent properties successfully? One may argue, responsibly, and perhaps correctly, that that may be so because they are not constrained by budgetary allocations which are drip-fed from the Consolidated Fund—one may argue that. Mr. President, surely, as sound-minded people we must see better persuasion than that which is offered today.

When we look at the capital requirements in Part v of the Act, and that is the capital of the TTPost, we note that in section 26, in particular—section 25 established a Trinidad and Tobago Post Fund. That fund comprises the appropriations by Parliament from the Consolidated Fund, that is out of the annual budget; it comprises things which stood to the credit in 1998; sums received by Trinidad and Tobago, the capital of Trinidad and Tobago Post; sums owed; other sums to be paid and that the fund, in particular, is meant to provide the payment—it is at section 26—of returns to the Government in accordance with section 30, which says:

“Within three months after the end of each financial year, the Board may recommend by written notice to the Minister that Trinidad and Tobago Post pay a return to the Government...”

So this is a return on your capital investment. It is a legitimate and well-constructed aim.

The question here for answer by the hon. Minister is, and I am sure that he is capable of answering it, how are we to get a return and what is the estimated return? Is this business model in 1998 moving to 1999, still a viable business model in 2012, particularly, when you hear the hon. Minister say that the profitability of TTPost has been severely impacted by modern technology? That is, by the advent of email, the fact he reflected upon also of the use of courier services, the competition provided there. I do not think that TTPost is going to move into the business of owning its own airline like FedEx or DHL. Perhaps, there may be a compelling business case. I do not know. It has not been provided.

The reality here is, when you look at the intention of the legislation being to vest this so you can get a return, the issue is, is the business case still a sound one 13 years later in light of the market difficulties? The simple answer to that is, we do not know. It is incumbent upon the Government to tell us whether there is a compelling case or not, particularly when in the period 2004 to date, spanning two governments, we have not had the reports laid on time or the accounts published on time. It is more compelling upon us to take an ounce of caution right now and to insist upon its production. That is what we must do, responsibly, to assist each other in providing a better service for our citizens of this beloved country.

Mr. President, when we look to the hon. Minister's statement that there has been severe difficulty in the international climate, that other postal corporations are collapsing in the United States and the UK—we know of the adage “where there's smoke there's fire”—if we are seeing smoke on other horizons, I cannot understand why in the vacuum that we are now, we wish to put oxygen there for a flame to burn brightly in Trinidad and Tobago. If we know that there are international slippages and international standard failures, it is incumbent upon us to revise the policy direction now, and I do not think, most respectfully to my learned colleague, that we can hear him tell us only that the response to the challenge is going to be met by things yet to be taken to Cabinet, and when that potentially goes to Cabinet we would hear about it then.

The fact is, without vesting the properties at present there is an alternative in the very legislation to provide a lifeline to TTPost, and that alternative exists insofar as the Consolidated Fund can be used to finance the TTPost—that is, in terms of budgetary allocations. So if the hon. Minister is presenting a case where he says, “Look, we need the property to get financing, and that in fact is a more viable venture than raising the financing through the Government by way of guarantee or by way of provision through the Consolidated Fund”—well then, he needs to say that, but he needs to tell us how. What are the nitty-gritty details in relation to it?

So we have an alternative in the legislation, the existing legislation, which allows it to be funded through the Consolidated Fund that exists to hold the time well and keep the water in the vessel until a more responsible approach is brought to the Senate, and the particulars of the business model, yet to be articulated, can be put to the House. Let the business model go to Cabinet. Let them decide upon a policy. Let them come back to the people of Trinidad and Tobago through the Houses of Parliament, and tell us what it is, so that we would know that we are not going to vest properties blindly, in the dark.

It is critical for us to get our compass straight. It is critical for us to be responsible in our management of positions. The issue has not yet been articulated by my learned colleague, the hon. Leader of Government Business. I am sure that he can take note of the questions raised and provide us with meaningful responses to them, but right now I wish to say that I personally have great difficulty in taking steps to vest the properties in the blind, without a limitation as to the time frame by which those properties are to be vested, particularly when they can only be done by something as simple as the gazetting of an order. There is no reference to this Parliament. Particularly, also, when you factor the impact of section 33 of the Act which excludes the operation of the Central Tenders Board Act—particularly so.

It is a dangerous concept by a Government that is not willing to disclose the legal reasons in other arenas as to why the Central Tenders Board Act cannot apply to dispositions such as the MovieTowne area, the Invaders Bay project. Half-watered statements by my learned colleague, the Attorney General, that the process is good thus far are not good enough. He is a most eminent Senior Counsel, a man whom I have respect for.

I would think that he would have no difficulty or compunction in disclosing the legal reasons now to this Parliament, and tell us why the Central Tenders Board Act can be avoided there. I hope that he is taking note, as he always does.

Mr. President, those are but a few of my concerns. I must leave ground for others to traverse. I am sure that the financial and intellectual minds behind us, across us, and next to me, will reflect upon more provisions. With those few words, I wish to thank you.

**4.00 p.m.**

**Sen. Elton Prescott SC:** Thank you, Mr. President, for an opportunity to engage in this debate of the Trinidad and Tobago Postal Corporation (Amdt.) Bill. The Explanatory Note to the Bill does not tell us what the justification is for this

rush to amend at this stage. I use the word “rush” deliberately, because this appears to have come from out of nowhere, and nothing in what the Minister who piloted the Bill has said would permit us to think that there is any need for expeditious action.

If, as one would have been inclined to think, we were going to amend in order to permit the vesting of the properties to take place, it having been delayed since 1999, then that would have been easier to digest, than what we have heard from the Minister. The difficulties I have therefore are, firstly, that there is this question of what prompts this piece of legislation at this stage. [*Desk thumping*]

**Sen. Hinds:** Especially with this Government.

**Sen. E. Prescott SC:** When one refers to the Post Office Act, the old Chap. 47:01, and of course to the Act that is now being amended, it would have been clear there would have been some reason in the legislation for seeking to impose a time limit within which to act. It could not have been that section 61 introduced a time limit only because there was some space in the legislation or something. It says specifically:

“The Minister shall by Order, within twelve months of the commencement of this section, vest in Trinidad and Tobago Post such property which was under the direction and management of the Postmaster General...”

We do not know why it has taken more than 12 months to do it. Indeed, it is almost 12 years according to my maths; in fact, it just exceeds 12 years.

The Minister has provided us with some answers. To be fair to him I shall look at them so that members of the public and those who are about to enter the debate, in the event that they had failed to take note, would be able to assess, as against what we are being asked to do, what has happened.

According to the Minister, the reasons for delay in vesting the property, and there were 56 of them, was that there had been some consultations over the years, between the Ministry of Public utilities and the Property Management Division of the Ministry of Public Administration. I think I got that correct. Then there was the world financial crisis. The world financial crisis is now four years in the lexicon, and it appears that we have been able to survive it, so that as a reason for having delays does not appear to be a sufficient or any kind of justification at all. But maybe it was the Minister’s failure to expand on what he knows which would have helped us more readily to grasp what is the need for this piece of legislation.

So given those two reasons for the delay in the vesting of the property, one comes back to the initial question: what prompts immediate action now? More importantly, having decided that today is the day when we need to amend this Bill, tell us why

it is being proposed that no time limit is being placed on the vesting. Why is it we cannot today be amending this piece of legislation to give effect to the vesting of the properties in the Trinidad and Tobago Postal Corporation?

I imagine that over the past 12 years, and since the agreement between the Ministry of Public Administration and the Ministry of Public Utilities, the vesting orders could have been put in place, the valuations could have been done. Indeed, the Minister tells us that the valuations are almost complete. So could we not have waited until all this had been done and then put into place? Once again it might simply be our lack of information about the reasons which prompts us to come to Parliament today. The Minister may well be able to put us right, but until such time I am skeptical about why our time is being taken up in looking at this matter.

Had it been that the Government had come to the Parliament today to say, "We have completed the work. We are ready to sign on the dotted line. The valuations have been done; the vesting orders have been drafted. We have come about section 61 prescription as to time and we need to remove it or replace it with something that says we may now vest, in order to catch up with the intention of the Legislature when it wrote section 61", that would have been so much more of an easy pill to swallow. So for now, Mr. President, I invite the Minister to satisfy us about the reasons for coming before us today, about the reasons for us not being ready to sign on the dotted line and to execute the necessary vesting orders. There must be more information that the public can be provided with by the Government at this stage.

If I may now turn to something else that is even slightly more troubling. We were told that there were 56 properties potentially available to be vested in TTPost. It appears that the Minister is satisfied that together they have an asset value of \$56million or thereabouts. We have been told that some agreement has been reached with Property Management to vest 47 of those properties in TTPost. Once again I am hoping that my understanding of what the Minister said is correct. I therefore am tempted to ask: can we be told which properties are comprised in the nine that have not been earmarked for transfer to TTPost Corporation? There were 56, 47 have been agreed upon, there are nine somewhere out there. That would not take away the responsibility that I think the Government has of telling us in detail which are the 56 properties and what are their values. Where they are located is primarily the question.

I imagine that they all have different values and some may well belong in the low end of the market and some in the high end of the market. In the way that TTPost conducts its business now, which is quite revolutionary compared to what we knew when we were growing up, there may well not be need for some of these expensive properties to be vested in TTPost at all.

I heard Sen. Al-Rawi speak about business models, using other management terms, but I think he means the same thing. Is it really that what is intended here is to boost the coffers, the asset inventory, of TTPost? If that is so, then why not all of the 56 properties being transferred or earmarked for vesting in TTPost? I know there are finance people who say that more is not necessarily better, so that if you are putting 56 properties you are probably going to make the asset base worse. I do not understand it, and I am sure I am right that it cannot be so. If you have more property, you are better off. That is just a layman's view on that particular issue.

Mr. President, the question that I need to have the Minister address, in order to satisfy me that now is the time to make this amendment, to support this amendment, would be: what properties are identified, as having been in the hands of the Postmaster General, and are to be vested in TTPost, what values have been placed against each of them, and since as we have been told the valuation process has not yet been completed, when does the Minister anticipate that the process can be completed? If that is known, and there is no reason why it should not be, then maybe we should return to this amendment at that time, and come with something other than a half-baked duck to the Parliament.

May I just move to some other small point, Mr. President. The former legislation, the Post Office Act, provided at section 41 that the Postmaster General had the benefit of all contracts, bonds, securities and things in action which had been vested in his predecessor. They were all transferred to, or to be transferred to him and vested in the Post Master General.

There is therefore, unless we are told otherwise, much more than 56 pieces of real estate with the potential to be vested in TTPost. There may well be securities, bonds and other things in action, which should be transferred to the TTPost authority. Now might be a good time for the Government to tell the population generally of all the properties, all the things of value that were in the hands of the Postmaster General and which ought now to be passed to TTPost; or, and it is within their power to do so, those things which, having found that they were in the hands of the Postmaster General, they now think ought not to be passed to the Trinidad and Tobago Postal Corporation and if so, why. It is all consistent with transparency in Government. One is not second—guessing their reasons, but one is simply saying if you are going to enhance the transparency activity then these elements need to be introduced into the activity to make it complete and good.

So I invite the Minister to tell us whether pursuant to section 41 of the previous Act—in any event, the Postmaster General of Trinidad and Tobago, as at July 01, 1999, had other properties vested in him or had control or management of other properties—how, if they have not, does he propose to vest those in the hands of TTPost so that their asset base can be significantly enhanced?

There is one other thing I wish to comment on, please, if you would bear with me, Mr. President. Among the advantages the Minister spoke of, of having this increased asset value, is that TTPost would now have access to funds and their dependency on government subvention would be reduced; more particularly, that the cost of rentals now standing at \$260,000 per month, would be managed differently. He did not say it would disappear or that they would cease to rent any properties.

I call upon the Minister to tell us: does the proposed vesting of property in the TTPost Corporation bring about an end to the Government's rental of properties—I better not say the Government's rental—to the rental of properties by TTPost, or for TTPost, and certainly at \$260,000 per month. That figure appears to be a sizable amount of money. If TTPost now has access to 47 new properties, a potential 56, would that suffice to remove TTPost from the category of renters of property and put them in a better position financially to manage their affairs, because they are no longer required to pay rent?

Mr. President, if I may now invite your attention to section 61(3) of the Trinidad and Tobago Postal Corporation Act. Section 63 says:

“Within sixty months of the date of publication of the Order referred to in subsection (1),”—the vesting Order—“the value of the property vested in Trinidad and Tobago Post shall be determined by an independent valuer who shall report to the Board.”

I gather that the Minister was saying that the valuation would precede the vesting. I am not absolutely certain that that was the way it was suggested. I am myself supportive of that. Section 61(3) seems to speak to it going the other way around.

If it is not an oversight, it appears to me that we need to address the language of section 61(3) to provide legislative authority for advancing the dates of the valuation of the property, and remove this reliance on a 60-month date, post vesting, in order to bring about valuations. I am sure there are a good many reasons why property ought to be valued before it is vested, and I am supportive of what has fallen from the lips of Sen. Al-Rawi in that regard.

**4.15 p.m.**

If I may, by way of a quick summary, say that there seems to be a need for us to be told which properties are in the hands of the Postmaster General as at July 01, 1999, and not only real property but personal property as well: things in action, bonds, securities; where are they? Give us the values against them. Secondly, tell us why these cannot now be vested in TTPost rather than remove the time limit altogether, and leave it to the Minister to determine when such properties should be put under the direction and management of the Postmaster General. In the event that I missed the point, we should proceed to ensure that the valuations are completed—it appears that completion is imminent. Let us have the Bill come back when that is done, refashioned, and bring an end to the wait to put TTPost in a better financial position. Thank you very much, Mr. President.

**The Minister of State in the Ministry of Arts and Multiculturalism (Sen. The Hon. Embau Moheni):** Mr. President, thank you for this opportunity to make my contribution to this amendment Bill. I must say that I do agree with the hon. Minister, Sen. The Hon. Emmanuel George—*[Interruption]*

**Sen. Hinds:** Oh, you must. *[Laughter]*

**Sen. The Hon. E. Moheni:**—that this is a simple piece of legislation, in that we are seeking to amend the Bill in order to provide some comfort to the vesting of property in TTPost. I must also thank Sen. Hinds as well as Sen. Prescott SC, for their concerns and for the questions that they have raised.

**Sen. Hinds:** I did not speak.

**Sen. The Hon. E. Moheni:** Sen. Al-Rawi, sorry. *[Interruption]* *[Crosstalk]* That is what I said; Sen. Al-Rawi. But notwithstanding the theatrics, *[Laughter]* the questions raised are important *[Interruption]* but the question that we are faced with today is, whether the vesting of these properties are going to be of value to TTPost, and whether they would contribute to putting TTPost along a line of greater viability and profitability.

I must say that TTPost has played, and continues to play, a very important role in our society. As a matter of fact, I was a bit surprised by some of the lines that were taken by Sen. Al-Rawi. Notwithstanding the fact that TTPost has been functional for the past 13 years or so, I would have believed that it continues to operate because it provides a service which is of value to the community of Trinidad and Tobago. I would just want to provide a brief synopsis, with your permission, Mr. President, so that we could have some kind of appreciation for the work, and the value of the work, being done by TTPost.

First, you have the local courier service, which is a nationwide door-to-door delivery of items via TTPost couriers; same day or next day delivery standards service can be used to supplement in-house couriers; drivers in periods of leave, absence in high peak, for example, during Carnival such as for the delivery of invitations and tokens for events. Signatures received for deliveries, track and trace service available; we have TTPost website and customer service department; cost-effective pricing; direct marketing as well; the mailbox delivery of promotional, educational and informative pieces of consumers by geographical location. Service can be used as a stand-alone or a complementary medium with media and press.

Nationwide drop can be done covering 235,430 homes and businesses in a single distribution or different geographic locations done at different periods. Pricing is based on the weight of items and ranges from 0.2 to 0.45 kilos per item. We also have international courier, door-to-door delivery of documents and items to cover over 200 countries worldwide; support local economy by local—for example, TTPost is the sole local agent for T&T Global for movement of items with regional Caricom states and international affiliations; service standards on par with Fedex, DHL and UPS; highly competitive pricing, track and trace service available.

TTPost operates with a vision to be a world leader in the provision of postal and consumer services, while achieving economic viability and sustainability, and its mission to provide innovative, competitive, quality postal services and solutions for businesses and consumers.

**Sen. Hinds:** Mr. President, a point of order. I would like to forcefully bring to your attention—we are here two years now—Standing Order 32(6), and to enquire whether the Senator obtained your leave to read in such a pedestrian fashion his contribution in this Parliament?

**Mr. President:** Senator, I do not think that you should be attributing any adjectives to his contribution but, having said that, I did think that there was a fair amount of data that the Senator was providing us with, that could not be indicated to this Senate, without reference to his notes. I do hope however, that he keeps the notes to a minimum, and we will continue. [*Desk thumping*]

**Sen. The Hon. E. Moheni:** Thank you, Mr. President. I am just coming to the end of the data as provided, if you would just permit me to close this part.

**Sen. Hinds:** Please.

**Sen. The Hon. E. Mohehi:** Mission: to provide innovative, competitive, quality postal services and solutions for business and consumers. We do this through knowledgeable customer-focused employees and effective systems.

I must say that the TTPost, with 10 corporate shops and 140 franchises, and an efficient delivery network, is capable of providing day plus one service to 96 per cent of our population. The point that I was trying to make is to show that TTPost, firstly, is providing a valuable service to the people of Trinidad and Tobago; secondly, they are striving for efficiency, effectiveness, price competitiveness and a general move towards profitability.

There are other aspects to the question of TTPost, the question of a business plan that was raised, and a number of other issues. But what are we faced with here today? The question is whether the vesting of these properties spread over 47 locations is going to assist TTPost to continue this service, and also to enhance their service to the population.

This proposal has been long in coming as well, and my good friend, Sen. Prescott SC, raised the question as to why now, why the rush? I do not think there is a question of there being a rush, but the fact is that of the 47 locations they have received service for 40, and valuations for 43, which means that the process is almost complete. In order for this process to be completed, first of all, there has to be the amendment, then the order from the Minister, and then the execution, and therefore, the passing of this amendment will provide some comfort to the completion of the process. It would make it, in my opinion, more expedient, and therefore, I would support the Minister and the amendment at this particular point in time.

The establishment of TTPost has brought greater efficiency to the postal service in an environment of competition. We know that we have witnessed the explosion in communications as we move into 21<sup>st</sup> Century, and therefore, it is even more expedient why we need to do everything in our power to provide this addition to the asset base of TTPost, to enable them to be stronger in terms of their assets, with the possibility for greater financial sourcing, and therefore, give them that added fillip that they need to compete in a global environment of explosion where communications are concerned.

With those few words I would just like to express my support for the Minister in moving this amendment today. Thank you very much.

**Mr. President:** Senators, it is now 4.28 p.m. I propose to take the tea break at this point in time, and we will resume at 5.00 p.m. This Senate is now suspended until 5.00 p.m.

**4.28 p.m.:** *Sitting suspended.*

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

[MADAM VICE-PRESIDENT *in the Chair*]

**PROCEDURAL MOTION**

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Madam Vice-President, when we closed off just before tea Sen. Deyalsingh was about to rise, but I want to beg to move that the debate on this Bill be adjourned and debate on Bill No. 2, which is on the Order Paper for today, that is, “An Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction”, be commenced.

*Question put and agreed to.*

**BACTERIOLOGICAL (BIOLOGICAL)  
AND TOXIN WEAPONS BILL, 2011**

*Order for second reading read.*

**The Minister of Foreign Affairs and Communications (Hon. Dr. Surujrattan Rambachan):** Madam Vice-President, I beg to move,

That a Bill to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction be now read a second time.

During her first address to the United Nations General Assembly in 2010, the hon. Prime Minister of Trinidad and Tobago, Mrs. Kamla Persad-Bissessar SC, remarked as follows:

“No”—single—“nation will be safe, no democracy will prevail”—without—  
“mutual cooperation towards global stability.”

This was and remains a fundamental truth with respect to the global fight against terrorism. Viewed through positive lenses, such cooperation remains a pivotal bulwark in the global struggle to ensure that ordinary men and women can go about their daily lives without becoming victims to the nefarious few amongst us, who seek indiscriminately to visit death and destruction on all and sundry. Putting things into perspective locally, we can all recall the state of panic and fear into which we were thrown in 2005 after the dustbin bombing incident which took place in downtown Port of Spain.

The scale of pandemonium and anxiety experienced as a consequence of those incidents would pale in comparison with what we would experience should a biological attack happen in Trinidad and Tobago. I say this, as one only has to

examine the experiences of other countries that have dealt with recent outbreaks of highly communicable and deadly diseases, such as the avian and swine flus. The ease with which certain viruses and bacteria can multiply and indiscriminately spread throughout the human population, as well as the plant and animal species, and the ease with which these can be manipulated for non-peaceful purposes make them a highly viable resource for any individual or any group seeking to wreak havoc on any society.

If I may give you an example, Madam Vice-President, the 2001 anthrax scare in the United States evinces this. Exposure to anthrax spores can result in severe and deadly respiratory complications. It results in lesions to the skin and in the intestines. In addition to these physical manifestations, this disease can also go on to affect the quality of life of persons who survive exposure. In fact, in a report in the journal of the American Medical Association in 2004, it was revealed that in addition to suffering from significant birth problems, the survivors of the 2001 incident also suffered from psychological distress and had trouble readjusting to life, at least a year after the terrorist attacks.

It is with this background and in this context, hon. Senators of the Senate, that the Government has introduced the Bill before us today, that is the Bacteriological (Biological) and Toxin Weapons Bill, which seeks to give domestic legal effect to international obligations undertaken by Trinidad and Tobago when it acceded on July 16, 2007 to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction; what is called the Biological and Toxin Weapons Convention. This Convention prohibits the proliferation of biological and toxin weapons which are categorized by the international community as weapons of mass destruction, and is geared towards preventing the development, production, acquisition, transfer, retention, stockpiling and use of these weapons. In accordance with the provisions of the convention, state parties are mandated to destroy or divert to peaceful purposes any biological agents or toxins which are in their possession or under their jurisdiction or control.

It should be noted, however, that what is important is the purpose behind the use of biological agents or toxins which is prohibited, and not the agents or toxins themselves, since the convention does permit its use for prophylactic, protective and other peaceful purposes. Now, this convention entered into force on March 26, 1975, and is considered the first multilateral disarmament treaty banning the production of an entire category of weapons. It came into being as a result of what might best be described as prolonged efforts by the international community to

establish a new instrument to supplement the 1925 Geneva Protocol. That is the protocol for the prohibition of the use in war of asphyxiating poisonous or other gases, and of bacteriological methods of warfare, and Trinidad and Tobago is a party to this by virtue of its succession from Great Britain. Now, while the 1925 Geneva Protocol prohibited the use of chemical and biological weapons, it did not prohibit their production, their storage nor their transfer. In fact, the convention, therefore, was developed to supplement the 1925 Geneva Protocol by addressing these omissions.

Today the convention is one of three multilateral instruments adopted by the international community to prevent the proliferation of weapons of mass destruction. Trinidad and Tobago is also a state party to the two other instruments, namely: the Chemical Weapons Convention and the Nuclear Non-Proliferation Treaty, which respectively prohibit the use and manufacture of chemical and nuclear weapons.

If you look through the Internet you would get some interesting information about biological warfare during the 1900s. For example, during World War I, the German army developed anthrax, glanders, cholera, and a weed fungus that was specifically for the use as biological weapons, and it is said that they allegedly spread plague in St. Petersburg Russia, infected mules with glanders in Mesopotamia, and attempted to do the same with horses of the French cavalry. Just to go back, the Geneva Protocol of 1925, looking at all what was happening, was signed then by 108 nations.

Trinidad and Tobago adheres to what might be described as the dualist school of international law and, consequently, international legal obligations can only have the force of law, domestically, through the passage of national laws, incorporating the provision of a treaty or convention. There are very senior lawyers in the Senate here who would understand the importance of this dualist school of international law. Having acceded, therefore, to the Biological and Toxin Weapons Convention, it became imperative that Trinidad and Tobago comply with the obligations set out in that instrument, particularly those set out in Article IV. This is accomplished through the passage of legislation to prohibit and prevent the development, production, stockpiling, acquisition or retention of biological agents, toxins, weapons, equipment or means of the delivery for purposes contrary to that permitted under the Convention.

It is interesting how some of the methods of delivery of biological agents and toxins take place. For example, it can be done through the air by aerosol sprays. That is one. It can be used in explosives, artillery, missiles, detonated bombs; it

can be put in food, water, and what have you. Therefore, with that kind of background it is very important that we engage in this particular discussion here today and in the passing of this legislation.

The enactment, therefore, of this piece of legislation, does not only give domestic legal effect to the provisions of the convention, but it will also ensure that Trinidad and Tobago is in full compliance with the binding obligations contained in the United Nations Security Council Resolution 15:40, which was unanimously adopted on April 28, 2004, under Chap. 7 of the United Nations Charter as part of the armory of the international community to preserve and promote international peace and security. Under this resolution—it is an important resolution to read—all member states of the UN are mandated to establish domestic control to prevent the proliferation of nuclear, chemical and biological weapons. But not only that, they are mandated also to deal with their means of delivery, including establishing appropriate controls over related materials.

Madam Vice-President, last September, I had the opportunity and cause to deliver the feature address at a workshop in the margins of the UN General Assembly, which, *inter alia*, gave an account of the measures adopted by Trinidad and Tobago to act in accordance with the provisions of Regulation 15:40. As the Minister vested with responsibility for treaty matters in the Cabinet, it is from that basis I am piloting this Bill. However, the task of implementation would fall on my colleague, the hon. Minister of National Security, having regard to the potential dangers associated with public exposure to these substances, and so I move to deal with the provisions of the Bill.

Clause 1 of the Bill provides that the short title should be the Bacteriological (Biological) and Toxin Weapons Act, 2011.

Clause 2 provides that the Act will come into operation on a date to be fixed by the President by proclamation. You may wonder why a proclamation is necessary. Well a proclamation clause is necessary to allow for the appropriate administrative arrangements to be put in place by the Ministry of National Security before the commencement of this Act. What are some of these arrangements? They include:

1. the selection of a person or persons to form a committee in accordance with clause 6;
2. the development of regulations; and
3. training of necessary personnel, especially for the purposes of conducting inspections.

Clause 3 of the Bill recites the requisite language for legislation which infringes upon the fundamental rights and freedoms set out in sections 4 and 5 of the Constitution.

The terms of this Bill, which are inconsistent with these provisions, will be addressed subsequently, more particularly when discussing the power of the Minister to order the immediate seizure and disposal of biological agents or toxins, which is clause 9 of the Bill. I want to say that I am going to be addressing that. There is always an argument put forward about the powers of a Minister to do certain things, but I would put a case forward why it is important for the Minister to be vested with these powers.

Clause 4 of the Bill defines certain terms contained in the Bill, namely: biological agent, convention, imprisonment for life, means of delivery, Minister, toxin and vector.

Now, Madam Vice-President, the term biological agent and toxin were not defined in the convention. However, due to the technicality of these terms, it was thought prudent for definitions to be contained in the legislation in order to afford guidance for the purposes of implementation, as well as guidance to the public at large. The definitions for these terms as reflected in the Bill were imported subsequent to reviewing legislation from other jurisdictions, such as the UK, and here in the Caribbean, St. Kitts and Nevis, and the United States, which gives the Convention domestic legal effect.

**5.15 p.m.**

Now, due to the infinite list of substances which fall into these categories as well as the very dynamic nature of biotechnology, the definitions adopted you would see are very comprehensive. So that bacteria, such as bacillus anthracis bacterium, which is the agent of anthrax and viruses such as smallpox, Ebola and influenza are just a few examples of the substances which can be used to make biological weapons. I am sure some of that is surprising you.

Clause 5 makes the Act binding on the State.

Clause 6 gives the Minister of National Security the power to appoint a committee to be known as the Bacteriological and Toxin Weapons Committee. This committee is to consist of a chairperson, deputy chairperson and such other persons to be selected by the Minister.

Now, this approach is being pursued so as to effectively utilize existing administrative and enforcement resources, thereby avoiding the creation of new administrative structures which may not be required. We must always seek to simplify the process by which we try to do things rather than have layers and

layers of bureaucracy and administration. Some of these resources may include: the utilization of suitably qualified personnel from within the Ministry of Health, the Ministry of National Security, and the Ministry of Food Production, Land and Marine Affairs, for example, to help in administering this legislation.

Clause 7 sets out the functions of the committee:

1. to advise the Minister on matters related to the creation of regulations under the Act and their subsequent implementation,
2. to coordinate the activities of all agencies involved in the implementation and enforcement of this piece of legislation,
3. to perform any other functions which are conferred on it by the Minister.

Clause 8 of the Bill, provides that a magistrate may issue a warrant to a police officer to inter alia, search and seize items in any building, place, vessel, carriage, motor vehicle, aircraft or any other conveyance where there is reasonable ground for believing that they are being stored or utilized for purposes that are in contravention of the Bill or regulations. We have to be very, very careful.

You know, a lot of people import materials which can be used to make biological and bacteriological agents. We must be very careful that we provide the power to the police officers so that they can search and seize where there is reasonable ground to believe that these things are being stored to be utilized for purposes that are in contravention of the Bill or regulations.

A warrant issued in accordance with the provisions in this clause may also authorize a named suitably qualified person to accompany the police officer, to assist him in performing his duties under the Bill. And the term “suitably qualified person” is used to allow for the use of existing resources, that is, people who are trained from various Ministries or agencies to assist in the performance of these responsibilities.

Madam Vice-President, there is a penalty provision in clause 8(4), which makes it an indictable offence to fail to give persons authorized by the search warrant all reasonable assistance required in executing the warrant.

Secondly, where they also obstruct those authorized persons in carrying out their duties;

Thirdly, where they knowingly make any false or misleading statement; and

Fourthly, where they remove alter or interfere with any seized biological agents or toxins.

Persons found guilty of committing any of these offences shall be liable to a monetary fine of \$100,000 or to an imprisonment sentence of 10 years or to both. And the legislation has to be strong in terms of the penalties for violation that takes place, because this is where you are playing with, not just the life of one person but you could be playing with the life of an entire society. You could be dealing with the environment, dealing with the animals, plants and so on, and it is a very disruptive thing you are dealing with and people must bear the consequence of the burden they impose on society if they make these violations.

Having regard to the potentially catastrophic nature of the threat posed by the misuse of these substances, an effort therefore has been made to have the penalties provided for in this Bill reflect the seriousness of the offences.

I now come to clause 9 of the Bill, which empowers the Minister with the power:

1. to seize and dispose of biological agents or toxins;
2. to direct the owner or occupier of any building, place or aircraft to dispose of immediately biological agents or toxins where the Minister has reasonable grounds to believe that adequate measures are not in place to ensure their safety and security or that they are being kept for purposes which are in contravention of the Bill.

The power of the Minister of National Security to seize and dispose of agents or toxins would be exercised upon the recommendation of the committee.

I want to emphasize that, and repeat that. The Minister is not here just willy-nilly acting on his own. The power of the Minister of National Security to seize and dispose of agents or toxins would be exercised upon the recommendation of the committee. Since it acknowledges that this clause is inconsistent with certain fundamental rights contained in sections 4 and 5 of the Constitution, the Preamble to this Bill states that this legislation would require a three-fifths majority vote in both the Upper and Lower Houses for its passage.

Madam Vice-President, due to the nature of the substances with which this Bill is concerned, situations may arise which would require immediate action, immediate intervention and we have to provide for that also. For example, investigations could lead to the discovery, that someone has been cultivating a highly contagious and deadly bacteriological agent or toxin either with or without malice afterthought. And in such a situation there is a possibility that the containment of this highly contagious and potent substance is not secured and its

release is imminent and a delay in such circumstances, Madam Vice-President, would lead to potentially devastating consequences. So bearing this in mind, it is therefore prudent to have a provision such as this in the legislation because situations can arise where immediate action is required on the part of the Minister.

Madam Vice-President, to allay the fears that may arise about the possibility of abuse of this power, you have to remember that the Minister would only be exercising it upon the recommendation of the committee which would possess the requisite skill and knowledge in assessing and treating with these substances.

Furthermore, should any person be of the opinion, that he or she has been wrongly deprived of his or her property, that perhaps in the exercise of his responsibility the Minister may have failed to act reasonably, and instead acted capriciously, whimsically or arbitrarily, that person would have the right, the ability to approach the courts for necessary redress. But given the serious and widespread harm that these substances can cause, it is the view of the Government, that it is incumbent on the Executive, while recognizing that its actions are reviewable by the courts to invest a decision maker with the power to act in the public interest or the national interest, if you may, if the circumstances so requires.

Madam Vice-President, clauses 10, 11 and 12 of the Bill list the offences. Clause 10 paragraphs (a) to (c) make it an indictable offence to use agents or toxin for non-prophylactic or non-peaceful purposes. Remember I said it is intent behind rather than the material itself. It is the intent behind that we are dealing with here. We know that some of these things can be used for purposes that are beneficial to society, but they can also be used for purposes that are detrimental to society. So we had to deal with the intent behind the users.

Madam Vice-President, considering the great harm that can be inflicted on the public through activities that infringe upon the object and purpose of the convention the greatest harm being the delivery of a devastating lethal attack against a population centre, the penalties proposed are related to those imposed in this jurisdiction for the commission of particular terrorist acts as provided under section 3(1) of the Anti-Terrorism Act, No. 26 of 2005.

So, as an example, the penalty prescribed for an individual committing this offence is life imprisonment—in order that it harmonizes with section 22 of the Anti-Terrorism Act, and a body corporate committing this offence will be liable to a fine of \$1 million.

*Bacteriological and Toxic Weapons Bill, 2011*  
[HON. DR. S. RAMBACHAN]

*Tuesday March 06, 2012*

Clause 10(d): failure to take adequate measures for safety and security of biological agents or toxins. Clause 10(d) of the Bill, Mr. President, makes it an indictable offence—[*Interruption*]

**Sen. Deyalsingh:** Madam Vice-President.

**Hon. Dr. S. Rambachan:** Sorry, Madam Vice-President. Thank you Senator—makes it an indictable offence for failing to take adequate measures to ensure the safety and security of biological agents or toxins which are being stored or kept.

While we want to trust human beings and while we want to think that we live in a trustworthy society, human beings are very unpredictable, and it is because of the unpredictable nature of human beings that we have to have legislation that attempts to suppress wrong action. And this is our job here, as a Parliament, to balance goodness against evil, but to weigh always on the side that will create goodness and right behaviour in a society.

So, clause 10(d) of the Bill makes it an indictable offence for failing to take adequate measures to ensure the safety and security of biological agents or toxins which are being stored or which are being kept. You know sometimes even in homes you have toxins and poisonous substances that are kept, and little children have been known to go and take these and to consume them. You know we also have to have laws in which the adults in a home, adults in organizations, maybe schools, will take the responsibility or be made to bear the responsibility for not keeping these toxins and so on under lock and key.

An individual found guilty of committing this offence would have to pay a fine of \$100,000 or serve an imprisonment sentence of 10 years or both. And if this offence is committed by a corporate body or body corporate, they shall have to pay a monetary fine of \$250,000. Prima facie: Mr. President, this provision may seem to be too harsh—Madam Vice-President, I am very sorry.

**Sen. Deyalsingh:** Much better looking than Mr. President. [*Laughter*]

**Hon. Dr. S. Rambachan:** Thanks to Sen. Deyalsingh who is my check and balance here. Prima facie: Madam Vice-President, this provision may seem to be harsh, however, one has to examine the mischief which the provision seeks to discourage. I learnt about what mischief means in the law from the Attorney General, so I am now a proud user of the word mischief in the law here—[*Laughter*] not the kind of mischief the mayor of Port of Spain has created within the PNM, [*Laughter and desk thumping*] not that kind of mischief. He has now set himself as the alternative leader of the PNM. I thought the worthy Sen. Penelope Beckles was in line, but I see the Mayor Lee Sing has come in line first.

**Sen. Beckles:** That is mischief. [*Laughter*]

**Hon. Dr. S. Rambachan:** This provision is intended to prevent the deliberate failure on the part of an individual or body corporate to ensure that proper safety and security measures are in place. It is intended to prevent agents or toxins from falling into the possession of persons who intend to use them for purposes which are in contravention to this Bill as well as the convention. You know this reminds me of when we were little kids and you used to hear about “cow-itch”. You know “cow-itch”? [*Hon. Senators nod head*].

**Hon. Dr. S. Rambachan:** People used to take cow itch and put it where you are seated, on your chair, and you would have problems for a couple of hours after that very, very well. It is the same kind of thing, but now on a societal level where it intends to destroy entire populations and this clause therefore seeks to provide a credible and harsh deterrent to the occurrence of such an incident

Clause 11 deals with liability of persons in positions of authority. Where a director, a manager, a corporate secretary or other similar officer causes an offence to be committed under the Act or its regulations with their connivance or negligence, the Bill provides that that person would be liable upon conviction to either a monetary fine of \$150,000 or to imprisonment for 10 years or both.

**5.30 p.m.**

Clause 12 gives the Act extra territorial application. The need for extra territorial application arises from the obligation on States parties to take the necessary action under Article 4 of the Convention, which is to prevent the development, production, stockpiling, acquisition or retention of agents or weapons for hostile purposes under its control anywhere. Thus, a citizen of Trinidad and Tobago who commits an offence while outside the jurisdiction of Trinidad and Tobago, that is, in the territory of another State, shall be subject to prescribed punishment under the legislation.

Clause 13 gives the Minister the power to make regulations. This power to make regulations would be essential to, inter alia, one, identify with some specificity the microbial or other biological agents or toxins that have to be prescribed; two, distinguish between types and quantities of agents or toxins that may be justified for prophylactic, protective or other peaceful purposes, and those which are not; three, have prescribed safety, security and storage guidelines on proper storage practices for agents and toxins.

Madam Vice-President, just as an aside, I am still very, very worried and taken aback by those who sell chemicals in this society, by the lack of attention to proper storage and by the handling of chemicals in this society. From time to time

I go to places where chemicals are sold, and people are handling chemicals, or made to handle chemicals, without proper protective gear, without gloves, and I really, really wonder the extent to which these organizations are being supervised by the OSHA authorities, or the extent to which they have some kind of human consideration for the people who work in these organizations. I think it is time that we put our foot down as a society and as a government and as an Opposition, and to make a loud, clarion call to people who deal in this kind of business that you have a little more consideration for the people you employ to do this kind of business.

In addition to that, in the area immediately surrounding some of these places, the chemical gets out into the air and they affect houses and people who live in that vicinity and, therefore, I believe that the law must be applied in order to ensure that people in the vicinity of these places that sell chemicals and so on, that they also be protected from hazardous waste or even the dust of the chemicals that go into the air.

So that clause 13 gives the power to make regulations to have prescribed safety, security and storage guidelines on proper storage practices for agents and toxins and, finally, to prescribe any other measures or guidelines which are necessary for the purposes of the Bill. These regulations, may I say, are to be subject to negative resolution of Parliament.

Clause 14 provides that where any amendment of the convention, including any protocol thereto, is accepted by Trinidad and Tobago, the Minister with the responsibility for foreign affairs may, by Order, amend the Schedule for the purpose of including therein, such amendment. Notably, this Order has not been made subject to any resolution of Parliament, since it will seek merely to update the text of the convention, should we amend it in the future.

Pursuant to its power under section 75 of the Constitution, the Cabinet is given the authority to conclude and ratify treaties, including any subsequent amendments in respect of the said treaties, and consequently, any amendment to the convention which is accepted by Trinidad and Tobago should be reflected in the text of the convention attached to the legislation. This can be achieved by the Order which—let me point out—will not make new law, but will simply facilitate the administrative function of updating the convention text.

Furthermore, since the Order is subsidiary legislation, it therefore cannot amend the primary legislation, namely the Act, unless the legislation so provides. That course is not contemplated in the Bill, and Sen. Faris Al-Rawi had a good

group of lawyers school me properly before I came to make these statements. My Ministry is really blessed with some very, very good lawyers; very good professionals. I pay tribute to them in helping me prepare myself for this particular presentation here today. [*Desk thumping*]

Madam Vice-President, in November 2010, bombs were discovered in air cargo originating in Yemen and bound for the United States of America. For us in the Ministry of Foreign Affairs and Communications, this singular terrorist attempt to engender fear and to destroy life and property has three important lessons: one, it emphasizes how physically interconnected the world has become through travel, trade and telecommunications; secondly, it underscores, therefore, that in today's world, small size in itself can confer no immunity on a country or its people and; thirdly, it reinforces the need for all like-minded States to cooperate in enhancing internal and external security for the benefit of all law-abiding countries and peoples.

It is in recognition of this need for like-minded States to cooperate in the field of security that we are now seeking to give legal effect to relevant provisions of the Bacteriological and Toxin Weapons Convention. In reality, there can, and there should not be, anything partisan about a measure such as this one which is intended to enhance the internal and external security of our State and other like-minded States, and their peoples.

An inescapable result of the interconnectedness and interdependence which, as a prominent feature of modern international life, is the need of States to fashion cooperative arrangements among themselves by treaties, if need be, which take account of the inability or insufficiency of national resources to combat problems which are international in scope.

It was in furtherance of the recognition of this need for cooperative action to confront common global problems that the hon. Prime Minister of Trinidad and Tobago, in her address to the United Nations General Assembly on September 27, 2010, called for the conclusion of a legally binding agreement to regulate the trade in conventional weapons, including small arms and light weapons, as one important measure to deal with the illegal proliferation of small arms and light weapons, and the ammunition which is associated with an increase in gang-related violence, homicides, the illegal narcotics trade and organized crime. The hon. Prime Minister pointed out then that the origin of the illicit trade in these weapons is beyond our national borders and it is international in dimension. It therefore requires a global response.

I am often asked the question: what do we do when we go to the UNGA; what impact do we make in the global hemisphere? Well, during her intervention at that time, the hon. Prime Minister also placed the issue of disarmament in the context of the need for effective global governance. Without adherence to the fundamental tenets of good global governance, maverick States would be able to continue with, what is best described as impunity, the proliferation of the activities which this Bill is seeking to address, and we must not allow that.

It is now part of history, as well, that the hon. Prime Minister, consistent with her unflinching call for there to be a gender perspective in all issues which confront the global community, called on the UN to adopt the resolution on women, disarmament, non-proliferation and arms control. I am very happy to say—very proud to say—that Trinidad and Tobago, in returning this country to where it should really belong and positioned in the international community, the resolution was adopted by consensus, and it is a clear demonstration of the important role being played by our country, Trinidad and Tobago, through the pioneering efforts of the Prime Minister to influence the international discourse on a subject which is largely seen as falling within the domain of the large industrialized States.

Smallness, I often say, is no impediment to greatness. Smallness is no impediment to influence. It is the power of our ideas and the passion with which we approach things that can make a difference in the international community, and Trinidad and Tobago is demonstrating, through two interventions of the Prime Minister at the United Nations General Assembly, that we have begun to exercise that influence, an influence which normally is within the domain of large industrial States.

My action today in piloting this Bill is in keeping with the greater visibility now enjoyed by our country at the United Nations. The aim of international agreements of this nature, of course, is to protect the quality of life of individuals in society, and it is with this laudable objective in mind that Trinidad and Tobago also became a party to the Cluster Munitions Convention in 2011. This convention is designed to prohibit the use, manufacture, stockpiling and transfer of cluster bombs. So by enacting legislation to give effect to its obligations under the Bacteriological and Toxin Weapons Convention, Trinidad and Tobago joins other like-minded States in ensuring that there is an effective deterrent to those amongst us who would use weapons of this kind to commit the worst atrocities imaginable.

Madam Vice-President, can you imagine the bombings of 2005, if they had also used bacteriological agents in those bombs, what would have happened, not just to the people who got injured, but to so many other people in the society? This is why we must adopt a serious, non-partisan approach to how we deal with this matter in this Parliament.

Solidarity and cooperation between countries in the promotion and defence of internal and external security is indispensable in ensuring that the global society we live in is free from the scourge of terrorist threats and actions and the unwelcome aftermath. The multilateral cooperation envisaged in international legal instruments such as the convention, is therefore reflective of our collective responsibility and concrete interest in ensuring that the socio-economic development, political stability and internal and external security of States, and the physical and mental security of individuals are not threatened by terrorists or terrorist actions which can do so much to reduce the quality of life of individuals, groups or persons in the international community.

I will take a moment to look at the historical use and development of biological weapons. When one examines the history of the use of biological agents and toxins as weapons for the purposes of annihilating the purported enemy, one is able to put into perspective the importance of this instrument and the importance of what we are debating. Prior to the entry in force of the conventions, States actively explored and experimented with the use of biological agents and toxins as weapons to cripple their adversaries.

This was a centuries-old practice which, over time, saw the unwholesome progression from the unsophisticated use of bloated, diseased bodies to poison water supplies or spread diseases by catapulting them over the walls of fortified cities under siege, to the conduct of sophisticated experiments and studies to cultivate and harvest substances found to be most effective and expedient in crippling the enemy.

In fact, there was active exploration of the use of such methods of attack by many States and the actual use by some during World Wars I and II. During World War I, Germany actively explored the use of biological substances that could be used to infect livestock with diseases which would assist in crippling the opposition, and according to the *Herald* newspaper of Glasgow, Britain, produced an estimated five million anthrax cases during World War II, with the intention of air dropping them on Germany in 1944. Operation Vegetation was designed to decimate the German beef and dairy herds and to have the bacterium spread to the human population without antibiotics. Without antibiotics, speculate what could have happened; thousands of German men and women would have suffered awful deaths.

**5.45 p.m.**

The anthrax cakes were in fact tested on an island, which was only cleared of contamination just 21 years ago—1990. And, although these cakes were never used, other forms of biological warfare have been applied. It has been reported that German and Japanese prisoners were used to test microbial weapons involving the use of hepatitis A, of bacillus anthracis and neisseria meningitidis.

**Hon. Senator:** You are a lawyer; you are a doctor, now?

**Hon. Dr. S. Rambachan:** The active exploration and experimentation in this area is not limited to Germany and the United Kingdom. You see, Senator, when we prepare for a Bill like this, we have a team of doctors, we have a team of people dealing with biological matters, we have a team of lawyers, so we are surrounded by many teams. And, therefore, when we involve people like this in the business of Parliament, we bring participation by the widest community in the affairs of governance, and as a result of that, people warm up to this Government because they feel they are a part of the creation of the law. [*Desk thumping*] “Do not give me an opening, you know.” [*Laughter*]

**Hon. Senator:** You are getting on.

**Hon. Dr. S. Rambachan:** The active exploration and experimentation in this area is not limited to Germany and the United Kingdom. In fact, up to 42 years ago, 1969, the United States of America also had an active programme exploring the use of biological weapons. Is that not what the Iraq war was also about? Is that not what war is still also about, and invasion of countries is still also about?

Now, engaging in this type of warfare proved indiscriminate, as the effects in some instances spread to both the civilian population and to the forces of the infecting State causing untold suffering. With the entry into force of this convention, however, these States and other States which are parties to the convention—163 to date—can no longer pursue this indiscriminate means of warfare.

And so, Madam Vice-President, in concluding my presentation, let me say that although biological warfare has been considerably reduced by this convention, a new threat has arisen from the potential use of these substances in terrorist attacks. The latter threat was realized with something I referred to already, the anthrax scare in the United States, after 9/11. Despite the many beneficial advances that have been made in biotechnology today, one also has to remember the dualistic nature of such advances, since there is the burden that this technology could be used to facilitate adverse and undesirable consequences for international peace and security.

In the latter part of 2008, concerns were in fact raised by the United States Government, that such an attack could occur in the US before the year 2013. If such an attack were to occur, it could have crippling consequences throughout the world, as a disease outbreak in one territory poses a threat to all neighbouring countries, as has been seen with recent epidemics caused by the spread of the H1N1 Virus and prior to that the spread of Severe Acute Respiratory Syndrome (SARS).

Now, taking all these factors into consideration, Madam Vice-President, the universal application of the convention is, therefore, crucial to prevent or considerably reduce the occurrence of such an incident. Trinidad and Tobago is therefore being called upon, to do its part to prevent such a disaster from occurring by giving domestic legal effect to the Biological and Toxin Weapons Convention. Doing so would not only reflect the country's condemnation of the hostile uses of biological agents and toxins but, above all, would reflect the commitment of this country to international humanitarian law, norms and international peace and security.

Madam Vice-President, in thanking you, I beg to move. [*Desk thumping*]

*Question proposed.*

**INTERNATIONAL WOMEN'S DAY  
(COMMEMORATION OF)**

**Sen. The Hon. Emmanuel George:** Madam Vice-President, I want to thank my colleague, the Minister of Foreign Affairs and Communications for his introduction of the Biological and Toxin Weapons Bill. Before, I seek to move the adjournment of this Senate, I did indicate at the start of this sitting that, Thursday, March 8, is International Women's Day and that I would seek before the closure of today's business in this Senate to read a brief statement on that particular event or celebration.

Madam Vice-President, I wish to bring greetings to all of the female Members of this Senate and indeed all our women citizens as we move to celebrate the United Nations International Women's Day, which will be observed on Thursday 8, March. The theme of this year's observance is "Empower Women, End Hunger and Poverty." This celebration comes at a time when considerable attention is given to formulating policies designed to develop and improve the status of women. This is to ensure that their contributions and enduring commitment to their families, the economy and the society at large are fully realized and recognized. Presently, Trinidad and Tobago is led by a Government headed by an

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outstanding woman in the person of the hon. Kamla Persad-Bissessar SC, the first female Prime Minister of this country. It is therefore appropriate to remind this Senate and by extension the national community of this Government's abiding vision. I quote:

“...to create a more gender sensitive society with a greater awareness of women's issues and rights.”

This is taken from page 43, of the Manifesto of the People's Partnership. In pursuing this vision, and I quote again from the manifesto at page 43:

“We will shape public policy and implement practices which are gender-sensitive.”

This is the irrevocable commitment of the People's Partnership and this Government to the women of Trinidad and Tobago. This is part of our contract with the people.

Again, greetings to all our citizens, and in particular, our women on the observance of International Women's Day. Thank you. [*Desk thumping*]

**Sen. Penelope Beckles:** Thank you kindly, Madam Vice-President, and maybe it is fitting that you are in the Chair at this time. [*Desk thumping*] I want to join with my colleague, Sen. The Hon. Emmanuel George, Minister of Public Utilities in bringing greetings to our sisters, grandmothers, daughters, mothers, aunts, all the women of Trinidad and Tobago as we celebrate International Women's Day, which was originally called “International Working Women's Day”, and is marked on March 8, every year.

Madam Vice-President, the first national women's day was observed on February 28, 1909 in the United States in a declaration of the socialist party of America. In the West International Women's Day was first observed as a popular event after 1977, when the United Nations General Assembly invited member States to proclaim March 8, as the UN day for women's rights and international peace. The event of March 8 is celebrated in more than 100 countries. Actually, March 8, 2011 commemorated the 100<sup>th</sup> anniversary of International Women's Day, and the United States President Barack Obama proclaimed March 2012, to be “Women's History Month,” calling on all Americans to mark International Women's Day reflecting on the extraordinary accomplishments of women who shaped the United States.

As Minister George indicated, the United Nations theme for international Women's Day 2012 is “Empower Women, End Hunger and Poverty”, but the International Year Women's Day also holds the theme of “Connecting Girls, Inspiring Futures”, with the aim of bringing together as many young women as possible through an array of global events and inspiring them to continue to drive forward, female achievement and empowerment.

Of course, when we think of March 8, it allows us the opportunity to reflect on the achievements of inspirational women whose legacies have challenged and shaped the way we perceive the place of women in society. And internationally, of course, we would think of women like Mother Theresa and Rosa Parks. In the political arena, as the hon. Minister indicated we would think of the fact that Trinidad and Tobago has, for the first time, a female Prime Minister recently joined again by Portia Simpson-Miller of Jamaica. Madam Vice-President, we also, of course, celebrate the fact that you too have been elected the first female Vice-President of the Senate and in the Lower House we have a Chief Whip, a female, Marlene McDonald and certainly in the Upper House I join with Marlene McDonald, and yourself, as being the first female Leader of the Opposition Business in the Senate. [*Desk thumping*]

I think on the whole women have done very well. I want to certainly pay tribute to my sister today, Verna St. Rose Greaves. Whilst, I am very happy that our colleague, Sen. Emmanuel George, is celebrating, I know that I would have been very happy to hear from Verna St. Rose Greaves, if only because on so many occasions she has walked the walk, on March 8. [*Desk thumping*] I am sure on her many trips—not just now but in the future, one of the things that would go to her credit is at least standing in the Senate today and bringing greetings for International Women’s Day, but I am sure she would do it for some other occasion during the week.

But, it also allows us to reflect on other women not just in the political arena but some other names. We think of Ida LeBlanc, and we think of, in the region, Eugenia Charles and certainly our two sisters on the Independent Bench, Sen. Corine Baptise-McKnight and Sen. Helen Drayton, who certainly do women very proud in terms of their contributions in the Senate. [*Desk thumping*] [*Crosstalk and laughter*]

Since I realize, that Sen. Cudjoe has some fans—Sen. Moheni, Sen. Maharaj—yes, I may be wrong, but I think that Sen. Cudjoe maybe the first female Senator from Tobago representing the PNM.

**Sen. George:** No. She was a lawyer.

**Hon. Senator:** Eastlyn McKenzie.

**Sen. Cudjoe:** June Melville.

**Sen. P. Beckles:** Who was the other person? Eastlyn McKenzie was Independent. June Melville, yes, June Melville was in the last sitting.

**Hon. Senator:** Cynthia Alfred.

**Hon. Sen. P. Beckles:** And, Cynthia Alfred was here; as a matter of fact, Cynthia Alfred, was here, at the time when I was here. So we have had at least—  
[*Crosstalk and laughter*]

**6.00 p.m.**

**Sen. George:** You have to give her a first “something”.

**Sen. P. Beckles:** Well, let us say she is the youngest female Senator. [*Desk thumping*] I would not disclose her age.

Just to say a couple of things on a negative note in terms of our reflection, Madam Vice-President. We certainly think of Andrea Badree who was—well no, the 31 year-old market vendor is the person who is in custody—but Andrea Badree is the person who was set on fire on Saturday afternoon by a relative, and for some strange reason it seems to have been a practice over the last three years. I cannot figure out why that is the direction some men would go when there are some difficulties in relationships, that they would seek to do that. But, certainly we wish her well and hope that she can recover.

On a more positive note, we celebrate our West Indies women's cricket team who did us very proud yesterday when they defeated India, and the West Indies women's cricket team won the One-Day Series. Unfortunately, they do not have the same hype, excitement and drama—I did not hear my colleagues give any thumping for the women. [*Desk thumping*] Sen. Bharath, I did not hear you give a little thump.

**Sen. Bharath:** I wanted to do it separately. [*Desk thumping and laughter*]

**Sen. P. Beckles:** But we certainly congratulate them on their victory. They have at least given us a little hope that the visiting teams of Australia and New Zealand—maybe our men will at least attempt to get close to the successes of the women. [*Interruption and crosstalk*] Sen. Karim said he is not hopeful. [*Laughter*]

As I close, Madam Vice-President, I just want to thank the hon. Minister for having raised the issue of International Women's Day, and to say to all my sisters, certainly, in the Parliament, the Parliament staff, the Clerk of the House, the Acting Clerk of the Senate and all the policewomen who have been doing an excellent job; to also say particularly to the men who support us, because, you know, sometimes when we talk about International Women's Day, we do not

always celebrate the men who are there with us—many husbands, brothers, uncles and others as well as those who support us in our political careers—to give our thanks to them and, as I said, to generally say happy International Women’s Day to the women of Trinidad and Tobago. [*Desk thumping*]

[*Sen. Dr. Balgobin stands*] [*Crosstalk*]

**Sen. Karim:** It is women’s day.

**Hon. Senator:** Two women there and you are bringing this thing.

**Sen. Baptiste-Mc Knight:** We are celebrating our men.

**Sen. Beckles:** I just said that I am thanking the men.

**Sen. Dr. Rolph Balgobin:** I therefore propose to be brief. [*Laughter*] Thank you, Madam Vice-President, for giving me the opportunity to say a few words on behalf of the Independent Bench on this auspicious day, International Women’s Day. It is worthy to note, to hear—and we, of course, would join with the sentiments expressed earlier. It is worthy for us to contemplate for just a moment how women have progressed as we march along in human history.

As we look at human development, there is no question that women are playing a critical and significant role. They always have and now more than ever, I think, that is being recognized and celebrated. When we think about the rise of women, there are very specific arenas where we see clear evidence of this. For example, in the schools, where girls becoming women are doing very, very well—so well, in fact, that they are outperforming boys, and our concern is really how do we get the boys to keep up.

Also, you look at the realm of academia and you look at people—I was reading some work, just this weekend, by Bridget Brereton, and the kinds of women academics that we have produced here in the University of West Indies, and hopefully, also in the University of Trinidad and Tobago. In the law enforcement, the policewomen who keep us safe; in politics, going back as far as Gene Miles—the courageous Gene Miles, all the way back then—who had the strength to stand for her convictions in the face of terrific odds; terrible consequences she had faced and faced alone. That speaks to the strength of a woman.

More recently, we have here an esteemed Prime Minister who joins, of course, the Prime Ministers of Australia, the leader of Argentina and, more recently, also Jamaica. We have you, Madam Vice-President, as the first woman to occupy that

Chair as Vice-President. I think that is something that we should all feel very, very proud of. [*Desk thumping*] I also want to pay respect to the first leader of the Opposition Bench in the Senate, Sen. Beckles, who is always very soft spoken and reasonable. [*Desk thumping*] And of course, I would extend heartiest respect and affection to Sen. Drayton and Sen. Baptiste-Mc Knight. [*Desk thumping*]

**Sen. Karim:** You are lucky! [*Laughter*]

**Sen. Dr. R. Balgobin:** We are all aware of the roles that women play as mothers, wives, even breadwinners, as they hold families, neighbourhoods and communities together. It is, therefore, right and fitting that we should recognize them on this day, but, of course, there remains much work to be done. When we look at statistics for international slavery and human smuggling and so on, women are, by far, the disadvantaged majority whose rights we too often ignore and whose voices we do not hear enough. So, it is only fitting that this year's theme really speaks to connecting girls with a future that they can trace and relate to, even in their youth, so that they can become women, Madam Vice-President, like you, who would sit or stand as a shining example for others to seek to emulate.

With those few words, Madam Vice-President, I would like to say that it is very heartening for us here to listen to the explicit attention that has been given to this auspicious day. We, on the Independent Bench, join with all the other well-meaning Senators here, in wishing the women of Trinidad and Tobago, and, by extension, the region and the world, the very best on this International Women's Day. Thank you. [*Desk thumping*]

**Madam Vice-President:** Hon. Senators, on a more personal note, I do accept and thank you very much for the sincere indications offered. Of course, to the First Lady, Mrs. Jean Ramjohn Richards, our Prime Minister, Kamla Persad-Bissessar SC and the Clerk of the House in this Parliament, Jacqui Sampson. Thursday, March 08, 2012, serves to represent an international recognition of our women, and to all my sisters, great and dignified women of Trinidad and Tobago and to the world over, I say stand tall and be proud of all that you have achieved, big and small, inside and outside of the home, including our churches, our schools, economic and political institutions.

Let me offer to you, our men, a prayer that you will continue to hold the hands of our women with warmth, courtesy, dignity and confidence as we all move to build our great nation of Trinidad and Tobago.

Before I end, I wish, again, Sen. The Hon. Vasant Bharath and Sen. The Hon. Verna St. Rose Greaves, a most auspicious and Happy Birthday today. [*Desk thumping*]

*Adjournment*

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**ADJOURNMENT**

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Thank you very much, Madam Vice-President. I beg to move that the Senate do now adjourn to Tuesday, March 13, 2012 at 1.30 p.m. when the debate on the Bill entitled “An Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction” will continue. And should we complete the debate on that Bill, we would move on to debate a Bill entitled “An Act to amend the Trinidad and Tobago Postal Corporation Act, Chap. 47:02”.

I want to alert the Senate that on that day, we hope that we can have the introduction of two Bills, the Land Adjudication (Amdt.) Bill, 2012 and the Registration of Titles of Land (Amdt.) Bill, 2012.

**Sen. Ramlogan SC:** They were already introduced.

**Sen. The Hon. E. George:** Okay. The second reading of the Land Adjudication (Amdt.) Bill, 2012, and the Registration of Titles of Land (Amdt.) Bill, 2012.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.12 p.m.*

**WRITTEN ANSWER TO ORAL QUESTION**

**Point Fortin Highway  
(Details of)**

**39. Sen. Fitzgerald Hinds** asked the hon. Minister of Works and Infrastructure:

- A. Could the Minister indicate the items of sustainable economic activity identified along the proposed new highway to Point Fortin to justify or render this major cash injection and project economically viable?
- B. Could the Minister indicate the status of the land acquisition programme along the path of the said highway, in particular, how much was paid to date; how many persons received payment and the attorney(s) handling the legal aspects of this project?
- C. Could the Minister indicate the amount of money that has been allocated for this purpose of land acquisition?

**The Minister of Works and Infrastructure (Hon. Jack Warner):** From a panoramic sweep, one would have thought that consideration of the natural geography and Location alone of the San Fernando to Point Fortin highway would

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have automatically bring to bear on the minds of many, if not all, the plethora of sustainable economic activity and benefits the nation stands to gain from the development of this infrastructure.

But it seems that these benefits are not as clear as I really thought or assumed they were and as such Mr. President, I wish to thank Senator Hinds for giving me this opportunity to clearly outline these for the benefit of the national community and those who wish to still question the wisdom of the government in this regard.

Firstly, this highway is strategically located in the South West region of Trinidad. Here is a natural choice for the location of heavy industries since it allows for the development of deep water ports, which is requisite for the import and export of materials required for construction and operation of these types of assets.

This area is one of the major growth poles and this highway project is a key component of the development of this growth pole since it will support industrial, commercial and agricultural development as well as increased employment and income levels all to the benefit of the regional population and the national economy.

Its Location alone holds the promise for the provision of not only sustainable economic activity but also sustainable human and social development throughout Trinidad and Tobago.

This highway, Mr. President, is designed according to freeway standards with a design speed of 110km/hr or 70mph with eight (8) interchanges, twelve (12) crossroads that traverse under the highway, six (6) cross roads that cross over the highway, eight (8) river bridges and utility corridors which will position the national community to treat with emerging issues ranging from Technical, Physical Infrastructure, Environmental and Social impact of this region.

Mr. President, road transport remains a major contributor to shaping economies through enabling the emergence of a modern supply chain management for both goods and services. As such our economy stands to gain since this highway will:

- Provide an efficient, affordable, and aesthetically pleasing highway for users;
- Reduce traffic congestion afforded by an efficient design that allows for an also efficient flow of traffic and easy access to otherwise inaccessible areas for the transit of products, goods and services etc.

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- Offer reductions in road user and reduced life-cycle costs in the form of saving in vehicle operating cost (VOC) and travel time costs, due to reduced travel distances created by more direct routes and increased travel speed as well as the distance taken between the local regions and other urban areas (*see app5. 1-3, feasibility study*).
- Provide better access to Siparia, Point Fortin and La Brea and with it better road facilities in the area to accommodate the anticipated economic growth; this will be an outcome of the continuing expansion of the oil and gas industries.
- Widen the south Trunk Road to 4 lanes (divided arterial) from Dumfries Road to Paria Suites (TJ's) which would improve the road capacity thus reducing traffic congestion.
- Establish a utility corridor to accommodate WASA, T&TEC and other providers to accommodate future expansion of their services and also reduce maintenance costs to the road surface.
- Similarly, provisions are made for existing Hydrocarbon fuel by bridging or enclosing in culvert to protect our country's most valuable assets (oil). NIDCO has been working assiduously with our Hydrocarbon industry to ensure compatibility.
- The project will also improve the road network in the South West Region, providing connectivity to the main population centers such as Debe, Penal, Siparia, Fyzabad, La Brea and Point Fortin.
- Increase the volume of all utilities to facilitate the major and basic needs of the industrial and residential communities such as WASA, T&TEC, TSTT and NGC.

Mr. President;

- The construction of this highway holds the added benefit of preserving the environmental assets which will be visited by users as they traverse this highway and the region as a whole. These environmental assets includes:
  - Forest wetlands/ mangrove, wildlife reserves
  - Turtle nesting, migratory birds, fishing areas,
  - Endemic species,
  - Archeological sites.

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- The efficient management of vessel transit to ports within the Gulf of Paria, to the highest standard of safety, will be made easier with the highway in place to facilitate this process.
- This highway will promote a host of downstream industries poised to stimulate the transportation industry, service contractors, small entrepreneurs who provide food and other ancillary products.
- The construction of the Highway will impact the demand for skilled and labour resources thus potentially resulting in a decrease in unemployment levels and an increase in income Levels. It should be noted that the prime Professional Contractor (OAS Construtora Ltda) ***must utilize a minimum of 40 % local inputs*** which includes skilled and unskilled labour as well as materials, equipment, suppliers etc.
- Additionally, there will be transfer of technology to our construction industry.
- Materials which will be required in large quantities include the following:
  - Aggregates: for fill, sub-base, base course, and asphalt
  - Sand
  - Cement
  - Gravel
  - Bitumen
  - Asphalt
  - Steel
  - Form Work
  - Thermoplastic paint
  - Bridge components (piles, beams, etc)
- All material suppliers will see an increase in demand for materials which may require these companies to hire more staff to satisfy the demand. Production of bridge components eg piles, beams etc would be re-energized, again encouraging these firms to increase their staffing to satisfy the demand. Therefore, heightened significant employment opportunities for nationals in the communities where the new highway is being constructed will be created in the following areas:

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- Ancillary Work-electricians, certified traffic supervisions, road signs, painters, landscapers, light poles, conduits and electrical wire.
- Material & Equipment Suppliers-sand , tar, conduit, light poles, wire, paint, cement, aggregate
- Road Work-inspectors, foremen, labourers, heavy equipment operators, asphalt, aggregate, cement and fill.
- Bridge Work-carpenters, welders steel benders, steel beams, concrete prestressed beams, reinforcement steel and plies.
- Services & Subcontractors-equipment rental, food, office supplies.

And the List goes on, ad infinitum:

As such, Mr. President, this highway optimizes the set purpose of state enterprises such as NIDCO. By realizing the successful completion of this Highway, within the triple constraints of our project management objective - within budget cost, to exceptional standards of quality and within schedule; the benefits of this highway can be said to be invaluable as there is no comparison when the impact of a project serves to improve 'with significant measure', the everyday lives and livelihood of the people in our communities and the country as a whole.

### **Section B**

#### **As it relates to status of the land acquisition:**

On October 24, 2010, NIDCO retained the services of 5 firms to conduct cadastral surveys for various highway segments. The firms and the respective assigned segment are as follows:

- |  |  |
|--|--|
| -Total solutions Ltd. - Debe to Penal:       | Segment 1  |
| -Geometrics Consultants - Penal - Siparia:   | Segment 2  |
| -Trintoptan Ltd. - Siparia to Delhi Road;:   | Services terminated<br>(Segment 3 TBD after procurement) |
| -L&S Ltd. - Delhi Road to Dunlop Roundabout: | Segment 4  |
| -Ali Deonanan – Godineau to St. Mary's:      | Segment 5  |

On Thursday <sup>5th</sup> January, 2012 the first of the survey orders were issued by Land and Surveys Department. Survey work on all sections is on-going. All surveying works are originally expected to be completed by May 2012.

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As such, to date no one has been paid as it relates to the acquisition of land.

Attorneys handling Legal Requirement

On November 4<sup>th</sup> and 5<sup>th</sup> 2011, NIDCO retained the firms of Smart Communications Limited and Dipnarine Rampersad, respectively, to provide Land acquisition services for all outstanding segments.

### **Section C**

#### **Amount of money allocated for land acquisition**

Seven Hundred Million Dollars has been allocated for the purpose of Land acquisition.

Mr. President, again I wish to thank Senator Hinds for allowing me to remind the national community of the economic benefits and the various levels of sustainable and social capital development this country stands to gain by yet another wise decision to construct the highway from Golconda to Point Fortin taken by the People's Partnership Government.

I thank you.