

SENATE*Tuesday, January 18, 2022*

The Senate met at 10.00 a.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**VISITORS****PRESIDING OFFICER AND DELEGATION****(Tobago House of Assembly Legislature)**

Madam President: Hon. Members, I wish to advise that the Presiding Officer of the Tobago House of Assembly Legislature, Ms. Abby Taylor, and a delegation comprising the Deputy Presiding Officer, Mr. Joel Sampson, the Clerk of the Assembly, Ms. Myrna McLeod and Mr. Marcus Woods, Project and Information Technology Manager, are present in the Chamber for today's proceedings. I ask you to join me in welcoming the delegation.

Hon. Senators: [*Desk thumping*]

JOINT SELECT COMMITTEES**(APPOINTMENT OF)**

Madam President: Hon. Senators, I have received the following correspondence from the Deputy Speaker of the House of Representatives.

January 17, 2022

Dear President of the Senate,

Establishment and Appointment of Members to Joint Select Committees

I wish to advise that at a sitting held on Friday, January 14, 2022, the House of Representatives agreed to the following resolutions:

1) Resolved:

That the following six Members be appointed to serve on the Joint

Select Committee established to consider and report on the Fisheries Management (No. 2) Bill, 2020.

Ms. Shamfa Cudjoe, MP.

Mr. Brian Manning, MP.

Mr. Stephen Mc Clashie, MP.

Mr. Kennedy Richards, MP.

Mr. Rushton Paray, MP.

Mr. Ravi Ratiram, MP.

2) Resolved:

That the following six Members be appointed to serve on the Joint Select Committee established to consider and report on the Shipping Bill, 2020:

Mrs. Penelope Beckles-Robinson, MP.

Mr. Marvin Gonzales, MP.

Mrs. Lisa Morris-Julian, MP.

Mr. Keith Scotland, MP.

Mr. Davendranath Tancoo, MP.

Mr. Dinesh Rambally, MP.

3) Resolved:

That the Representation of the People (Amdt.) (No. 2) Bill, 2020 be referred to a Joint Select Committee hereby established for its consideration and report by April 30, 2022.

That, may be subject to the concurrence of the Senate on the establishment of the Joint Select Committee on the Representation of the People (Amdt.) (No. 2) Bill, 2020 the House appoint the following six Members to sit with an equal number from the Senate on this

Committee:

Mrs. Camille Robinson-Regis, MP.

Mr. Colm Imbert, MP.

Mr. Fitzgerald Hinds, MP.

Ms. Shamfa Cudjoe, MP.

Mr. Saddam Hosein, MP.

Mr. Davendranath Tancoo, MP.

Accordingly, I respectfully request that the Senate be informed of this decision at the earlier convenience, please.

Thank you.

Respectfully.

Mr. Esmond Forde, MP

Deputy Speaker of the House

PAPERS LAID

1. Response of the Auditor General to the Third Report of the Public Administration and Appropriation Committee on the implementation of the recommendations of the Twenty-Fourth Report of the PAAC on the examination into the processing of the payment of Pensions and Gratuities of Retired Public Officers and Contracted Employees. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
2. Ministerial Response of the Ministry of Finance to the Fourth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the National Information and Communication Technology Company Limited (iGovTT) for the financial years 2015 to 2019. [*Sen. The Hon. C. Rambharat*]

ORAL ANSWERS TO QUESTIONS

UNREVISED

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. There are three questions on notice for response today, the Government will respond to all three. Thank you.

**Quarantining of Police Officers at Valencia Police Station
(Measures Taken)**

23. Sen. Wade Mark asked the hon. Minister of National Security:

In light of the quarantining of nine police officers at the Valencia police station, can the Minister advise as to what measures are being put in place to safeguard officers performing duties at police stations?

Madam President: The Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very warmly, Madam President. In March 2020, the Trinidad and Tobago Police Service developed and implemented COVID-19 protocols in keeping with the country's national health protocols for public spaces and employees to safeguard both officers and members of the general public. In this regard, some of the measures include the implementation of:

- (a) Identification of special sanitization areas by divisional commanders at all police facilities, including the provision of relevant sanitizing products and signage; provision of personal protection equipment to officers who are required to engage in higher risk contact; placing in signage in conspicuous locations to provide information on signs and symptoms of COVID-19; provision of directional signage to the special sanitization areas to ensure that all staff and members of the general public can sanitize their hands before approaching the reception area; providing sanitation products for all police facilities and police

vehicles.

And of course:

- (b) Requiring all persons visiting police stations to give a report, interview or to obtain a certificate of character to wear face masks and sanitize their hands at designated areas before entering the police facility or approaching the reception area; requiring police officers as far as practicable to maintain a safe distance, that is to stay some four to six feet from persons giving their report or being interviewed; mandating police officers to wear face masks and gloves whilst taking fingerprints from applicants for certificates of character; requiring persons who exhibit COVID-19 symptoms to return home, revisit the station when he or she has recovered from such symptoms or has otherwise been cleared.

Thank you very warmly, Madam President.

Sen. Mark: Thank you, Madam President. Can the hon. Minister indicate what materials are available to police officers to determine when a citizen who is making a report to the police station exhibits symptoms of the virus or exhibits symptoms that can lead one to believe that that person has the virus? What kind of—

Madam President: Yes, I think the Minister—Minister.

Hon. F. Hinds: That is so common sense, I am surprised at the question, Madam President. The first and basic technique is one of simple observation for signs of flu: runny nose, red eyes, coughing, apparent discomfort. Those very basic and commonsensical things, they are used, even by the very sophisticated health professionals around the world as a first sign, first observation, and once that is seen further precautions are advised, and of course taken.

Sen. Mark: Can the Minister indicate whether these police stations are equipped with thermometers to take people's temperatures as well as oximeters? So just in case, Madam President, we want to double check, can I ask the hon. Minister?

Hon. F. Hinds: A multiplicity of police stations and generally public spaces around the place, most places have equipment that you can have your temperature checked while being sanitized or shortly thereafter. I am certain that police stations are affixed with them too, but I am unable because of the numbers we are talking about, and the generality of the question to give any further specificity at this time.

Sen. Mark: May I ask specifically to the hon. Minister, in the case of the Valencia Police Station, are these pieces of material and equipment available, Madam President?

Hon. F. Hinds: If I were bold and courageous enough I will ask the Member to accompany me when I check. But for the time being I am unable to say, Madam President.

Sen. Mark: Okay. Thank you, Madam President.

COVID-19 Positive Persons

(Monitoring Systems)

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

Can the Minister outline the monitoring systems put in place for persons who have tested positive for COVID-19 and have been ordered to home quarantine by the Ministry?

Madam President: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President, and good morning to all. As per guideline issued by the World Health Organization, the Ministry of Health has implemented and enforced self-quarantine measures to mitigate and reduce the transmission of COVID-19 to other

members of the household. In this regard, the Ministry implemented a telemedicine strategy where 150 officers were trained and deployed to the County Medical Officers of Health to:

1. Conduct contact tracing of COVID-19 positive patients;
2. Track and monitor COVID-19 positive patients and provide ongoing medical advice towards their recovery;
3. Track and monitor COVID-19 positive patients that were supplied with pulse oximeters, to manage, record and report to these officers the status of their oxygen levels;
4. The patient exhibits readings of oxygen below the required level and/or is continuously showing symptoms and the severity of illness worsens, patients arrangements are made for the immediate transfer of care to the Couva, Caura or Augustus Long Hospitals or any of the other facilities;
5. Ensure adherence with the quarantine measures in collaboration with the Trinidad and Tobago Police Service. These measures include:
 - Signing of the quarantine order or certificate;
 - Advice on the adherence to public health measures, including stay in your home and where possible isolate yourself from others;
 - If you cannot isolate at home persons are offered the opportunity free of charge to isolate in one of our state quarantine facilities, and that is important; ensure strict measures of isolation and where possible use separate facilities, example, bathrooms and non-sharing of utensils as far as possible;
 - Ensure sanitization of all areas of use and washing of hands frequently;
 - Do not go to work or be in a public space; do not allow visitors in

your home or accommodation;

- Wear a mask when you are around others, and have food, medication and other supplies delivered to you.

Further, the Ministry of Health in conjunction with the Trinidad and Tobago Police Service can monitor and evaluate COVID-19 patients in home quarantine to ensure strict adherence of the guidelines. Regulation 11 provides where a person is COVID-19 positive and has been issued a quarantine order to quarantine at their home and he or she breaches the said order, he or she is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for six months.

As of January 17, 2022, 121 persons have in fact breached their quarantine orders and the requisite action taken by the Trinidad and Tobago Police Service. I would like to take this opportunity to reiterate strict adherence to the protocols and guidelines for self-quarantine to protect and save lives of our citizens in controlling, reducing and even eliminating the spread of COVID-19. Thank you very much, Madam President.

Sen. Mark: Thank you, Madam President. Madam President, through you, can the Minister share with us the frequency at which these trained officers visit the homes of those persons who have been positively tested and have been placed in self-quarantine?

Hon. T. Deyalsingh: Thank you. As I said and maybe Sen. Mark may have missed it, it is not physical visits. As I said in my answer and I will repeat: In this regard the Ministry implemented a telemedicine strategy where 150 officers were trained and deployed in the offices of the County Medical Officers of Health. This is a telemedicine strategy employed around the world instead of actual home visits.

Sen. Mark: May I ask again, through you, Madam President, can the Minister

indicate whether the Ministry has established a specialized or a special health kit to make available to those citizens who happen to be tested positive for COVID-19 and they are self-quarantined at home?

Hon. T. Deyalsingh: Thank you. I do not understand what the Member means by a health kit. I said that we provide pulse oximeters, we provide written guidelines as to how to isolate. For example, staying in your home where possible. That is part of what he may refer to as health kit. And we provide all necessary documentation to the person to help them isolate safely at home, inclusive of pulse oximeters.

Sen. Mark: Can the Minister indicate whether the Ministry has received reports on persons who have been tested positive and who are supposed to be self-quarantined actually visiting groceries, supermarkets, et cetera? I know he talked about 121 persons, but I would like to ask the Minister, through you, whether this is an accurate reflection of what takes place in the communities involving persons who have been tested positive?

Hon. T. Deyalsingh: So, as I said in my answer, we can go on what is reported to us, and so far, a hundred and—what did I say? A hundred and seventy-one I believe—121 persons have in fact breached their quarantine orders. This is what is known to us and reported to the Trinidad and Tobago Police Service.

Sen. Mark: Madam President, can I ask the hon. Minister, whether the telemedicine arrangement that has been put in place, would that incorporate, for instance, sharing of information with affected citizens or patients isolated at home, concerning what treatment that they ought to be administering to facilitate speedy recoveries of their particular situation? Can the Minister share with us any information?

Hon. T. Deyalsingh: Thank you. And yes that type of information is shared on an individual basis depending on the clinical manifestations of the patient. It is not a

one-size-fits-all. It depends on comorbidities, it depends on age, it depends on the oxygen levels. So all of that is taken into consideration in the telemedicine protocols. And one of the basic things that we always advise, if patients are decompensating and notice that they are short of breath, they should not wait but get to a health facility as early as humanly possible. Thank you very much, Madam President.

**Vieux Fort, St. James HDC Development
(Deteriorating Infrastructure)**

36. Sen. Wade Mark asked the hon. Minister of Housing and Urban Development: In light of the deteriorating infrastructure affecting the homes of several

residents at the Vieux Fort, St. James HDC Development, can the Minister indicate what measures are being taken to address same?

The Minister of Housing and Urban Development (Hon. Penelope Beckles):

Thank you very much, Madam President. The Trinidad and Tobago Housing Development Corporation is in the process of completing works that are affecting the residents at Vieux Fort, St. James housing development. The specific repairs that have been completed or are still in progress are as follows: As it relates to Building A, tiling works were completed by the HDC staff during the period September 2021 to November 2021, throughout the building; plumbing repairs to supply lines are ongoing by both the HDC staff and maintenance contractors. This work started in December 2021 and is continuing in January 2022.

As it relates to Buildings B, C and D: Materials for drainage repairs have been procured and work will commence by the end of January 2022. Tree trimming to be undertaken by the HDC staff, and that is expected to commence at the end of January 2022. The retaining wall works addressed the slippage. A tender

was awarded in December 2021 and work will commence before the end of January 2022.

Sen. Mark: Madam President, in terms of the retaining wall works, hon. Minister, and the challenges that the residents complained about, can the Minister indicate what time frame she anticipates for the completion of the repairs to the retaining wall in that community?

Hon. P. Beckles: I cannot at this time, but I know that all efforts will be made for it to be completed within the shortest possible time.

Sen. Mark: As it relates to the other areas identified by the hon. Minister, tiling, plumbing, for example, and drainage, can the Minister indicate whether there is a time frame for the completion? I think tiling has been completed, but in terms of plumbing and drainage, is there a time frame, Minister, you wish to share with this Senate for the completion of these works?

Hon. P. Beckles: Okay. So I indicated that the tiling works have been completed and that the majority of the other works actually start at the end of January, so no, I cannot give you the exact completion date, but as I indicated, we are prioritizing the projects and we are going to ensure that it is done within the shortest possible time.

Sen. Mark: Thank you.

Madam President: Minister of Agriculture, Land and Fisheries.

Hon. Senators: [*Desk thumping*]

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD (REPEAL) BILL,

2021

Order for second reading read.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. Madam President, I beg

to move:

That a Bill to repeal the Livestock and Livestock Products Board Act, Chap. 67:05, be now read a second time.

Madam President, I thank you for the opportunity to present this Bill which intends to repeal an Act that has existed for the last 25 years. Madam President, I know in fairness to my colleagues it is always difficult to deal with a Bill of this nature that is so short and has one specific purpose without the context. And I am hoping that as I utilize my 45 minutes I am able to provide the context in which I am here today.

Let me say right off that this is a very unusual Bill in the sense that I know many of my colleagues would ask, what replaces this? And I want to say right off, that in May 2020 we debated and passed a Bill which sought to amend the animal diseases Act which had been existing for a long time, and we titled that amongst ourselves as the animal welfare Bill. And in that Bill, and I would get to that Bill, we did in fact propose, and in the passage of the Bill approve the creation of an advisory committee to the Minister. And at that time I indicated that it intends to, that committee intends to replace the work that should have been done by this particular board.

So I would get there, Madam President, in the context of what replaced, when we replaced it and what was the thinking behind it. The Bill itself, Madam President, as I said is simple, but beyond the two lines there are in fact a lot of considerations that must be taken on board. The Act itself was passed in 1997, and surprisingly there is not a lot available to us in terms of what was the thinking of the Government at the time, and what led to the passage of the Act. I would say this, the Minister who gave birth to this piece of legislation is no longer with us.

Dr. Reeza Mohammed passed away recently. But I had the opportunity then to work with him and to understand the context in which he wanted this piece of legislation.

This piece of legislation, the Livestock and Livestock Products Board Act, really does three things, but the more important consideration in my view is what it does not do. So I would say that the three things that the existing legislation that we seek to repeal, the three things that it does. One, it creates the board, Livestock Products Board. And the board is a multi-sectoral board. The second thing is that it gives the board certain functions; and the third, it creates the usual regulatory making function that we have the power to make regulations.

I would say that in the 25 years of existence, no regulations under this Act have been made.

And I want to say that the key difference in terms of the context, this approach is really modelled on the Canadian approach across the various provinces; the approach in Australia; the approach in New Zealand. And the common factor in all three is the size of the livestock industry, and the fact that when you look at agriculture in these countries and the size in terms of volume, but also the size in terms of geography, you understand why when it comes to wheat, corn and livestock, dairy, all those things, there are provincial entities and there are federal entities which provide certain functions.

10.30 a.m.

And the big difference is this: When you look at the Act we are seeking to repeal, the Livestock and Livestock Products Board really does not create policy or administer policy, it does not issue licences or permits. So, for example, if you go to Alberta, if you go to any of the Canadian provinces, if you go to Australia, if

you go to New Zealand legislation you would see that these boards are the only entities which provide regulatory oversight, administration, permitting and licences. And that has to do with size and complexity.

In our country to this day, 25 years after this legislation came into being, the Ministry of Agriculture, Land and Fisheries, whichever name it was called, it has been called Ministry of Food Production and different names, the policymaking in relation to livestock, the legislative work, the administrative work, the permitting, licensing and oversight has remained with the Ministry. And that is something that is very important to understand, that in the approach to restructuring the public sector, in approaching the restructuring of the public sector over the years there have been efforts to take—and when I was writing for the *Express*, I used the expression “carting away” public sector functions and putting it in private, quasi-private entities. And in some cases it worked.

Those special purpose companies, for example, that provide high level complex project management and engineering services in the state sector, the UDeCOTTs and the NIDCOs and the NIPDECs for example, really perform functions and provide expertise that does not reside in the core public sector and that is undisputed. Maybe it resided at one time, but as our needs became more and more complex those functions, whichever government was there at the time, worked out that they would be better provided by special purpose entities. But there have been instances and this is one instance in which the function was never removed from the Ministry, no function was really removed from the Ministry. What the board did the board basically functioned as a think tank, I would say, and as an advisory committee or an advisory group.

And what we found is that if you survey the public sector, and I use the

health sectors, the classic example because I had the opportunity to work with two Ministers in that sector and also to work with the person who drove towards a healthy nation which was the document that gave birth to the RHA model. But anybody who is involved in the health sector would tell you that the main obstacle to the better performing of the RHAs has been the fact that the RHAs are not stand-alone entities in the fact that they—in the context of complete autonomy. They still rely on the Ministry of Health for the main thing, funding, policy and we still have, notwithstanding the creation of the RHAs, we still have duplications where the Ministry of Health has staff deployed across the country and the RHAs have staff deployed across the country.

So we kept in crafting the RHA model on the basis of the French. The RHA model came from the French. We did not suppress functions at the Ministry of Health or remove functions and left the RHAs with complete autonomy. And I use that to say that what has created a problem for this board and similar entities is that they really had very little to do. And no offence to anybody who has served on this board.

In fact, the chairman of the board, the last chairman was also the first chairman and was also the only chairman of the board. And over time, especially my interaction with the private sector, the belief was that the board was not really doing much. Through no fault of the board, because the core livestock area in this country is really poultry. Trinidad and Tobago is self-sufficient in chicken, self-sufficient now in table eggs and self-sufficient in ducks. That is just three examples. And the poultry did not fall from the sky.

The strength of the local poultry industry is built around 1950s and 1960s government policy relating to land, because poultry needs land. You need land for

the processing facilities or you need land for the grow out of the chicks. And you need a supportive government policy, an environment which allows you, for example, to import day-old chicks, to import hatching eggs, to get support throughout, to get subsidies. And all the poultry industry has really required of us, as a Ministry of agriculture is to provide the technical support to those contract farmers. And it is on that basis that local chicken grow out is a private sector activity.

Many of the farmers who grow out are contracted to the processers and that is a private sector function and the Government maintains the supportive environment that allows them to thrive. And because of that the poultry sector was one, because they created their own entities, both a local association, Poultry Association of Trinidad and Tobago, a Caribbean association and amongst themselves have been able to source the sort of expertise that has helped their industry to survive here. And as the table egg worked, there was a time when we had significant amount of imported table eggs on the shelves and eventually over time by organizing themselves, by sourcing state land, by working with the Ministry and the other parties involved, the table egg producers were able to displace the imports and give themselves a sort of stability and strength.

Local duck. The strength of one producer who supported some of the other producers, Trinidad and Tobago is self-sufficient in duck. And that is why we took a long time before we made the appropriate amendment to the legislation to allow duck from Suriname, for example, to enter our market. Simply because we believe that not only the fact that our producers were able to satisfy the local market but our producers were in a position and had been adhering to the required phytosanitary standards.

So the difference, Madam President, between this Bill, this Act, sorry, that is being repealed and similar approaches across the world is that this board did not assume public sector functions. It did not take parts of the Ministry and park it in a board and make it more efficient or anything like this. This added, this added a piece of bureaucracy not to mention a cost to the taxpayers. And it is my view as Minister and a view that I took having regard to what I am going to say about the approach, my view as Minister that whatever functions were required of this board are best performed in the existing public sector arrangement.

Madam President, and I have been consistent, I have been consistent in saying that as Minister upon my appointment my first contribution in the Parliament was in respect of the budget debate 2015/2016. And in that debate I set out the three areas upon which I am going to focus as a Minister and I said structure, governance and people. And that is because, Madam President, I had seen that the structure of the Ministry had remained the same for all its life. In fact, the headquarters of the Ministry had remained the same. In the first place the Ministry was housed in St. Clair and we remained one of the few Ministries, our Ministry and the Ministry of Finance are as far as I know the only ones who remained in the same place throughout its existence. And the structure had to do with modernizing the structure of the Ministry which involves significant interference with public sector functions which are governed by trade union agreements.

But it is not really so much to add but it was to subtract because I made the point that as a Minister in the context of Trinidad and Tobago in 2015, the availability of resources, the availability of talent and the need to focus that I felt that the Ministry could slim down itself. And it is on that basis through a process

that we closed Caroni Green, we closed the Seafood Industry Development Company, we reviewed Caribbean Fisheries Training and Development Institute in Chaguaramas, we reviewed and gave them a fresh mandate and we went through all the entities including the Agricultural Society of Trinidad and Tobago, NAMDEVCO, ADB. And I have said publicly and in this Parliament that I gave to chairmen and several of those entities, a written mandate in terms of what they were supposed to do particularly those who had statutory responsibilities. And in pursuit of that, in relation to livestock, specific work was done.

In fact, two weeks after my appointment in October 2015, I charged the Permanent Secretary at the time with the responsibility to conduct a review of the local livestock sector. And I did not do it without context. I was well aware that between 2003 and 2015 the Ministry's livestock profile had changed because I was involved as everybody knows in the restructuring of the Sugar Industry in the move to turn Caroni (1975) Limited into a non-trading company and I knew that livestock assets which once belonged to Caroni were parked in the Ministry on what I can only describe as temporary ad hoc arrangements.

So for example, the Ministry inherited Mon Jaloux operations; the former livestock, Caroni; the farm at Mora Valley where we have more than 1,000 buffalypso; the asset at La Gloria and some other things. So that in adding assets I would imagine that we needed to add resources and to beef up the Ministry. And the examination I asked for was to see how the local livestock sector including those parts of it executed by the Ministry or those were functioning. And I would say in relation to livestock, Madam President, that in that period my focus as a Minister, alongside my colleague Sen. Singh and whoever was the Permanent Secretary and the technical officers in the Ministry, I would say these are the things

that I paid particular attention to. One, the sector as a whole; two, buffalypso; three, the local poultry sector.

And let me just say at this time, when I became Minister, September 2015 when I was appointed, imported leg and thighs had taken 20 per cent of the local market. I like leg and—in fact I love chicken, let me say that and I love local chicken. And local chicken—so I do not have a problem with what the part of the chicken, but imported leg and thigh took 20 per cent of the market, and in that first contribution in 2015 I placed on the record the views, my views, informed by technical information on the quality and the destruction that imported chicken was doing to our market.

In relation to duck, it did not take very long, by November 2015 the largest duck producer, the person who is putting a million pounds of duck on the market came to me to address an issue that had become so pervasive it was costing the company sometimes half a million or quarter million dollars per shipment. And that is to do with the fact that the duty-free concession allowed for imported chicken is in relation to day-old chicken. And if the chicken arrives here an hour after 24 hours, the chicken will be destroyed simply because it did not meet the—something as that, simple as that a big impact. And attention was paid to it, matter was addressed and I believe that we have a strong, a strong processing environment and growing out environment in which we could compete with that.

Madam President, on the issue of the vets, veterinary services, that has been one of the areas of complaint in every report relating to the livestock sector. The livestock board could not have dealt with that, it could not have. The veterinary labs in relation to the vets, they commissioned—I asked my colleague, the Minister of Finance to have the Central Audit Committee of the Ministry of Finance to

conduct an audit into the performance of the vets in the Ministry and the work was done, a report was tendered and the Permanent Secretary has been charged to implement the recommendations.

In relation to vet labs, historically, we have not been paying attention, we have not been paying attention in fact to the location. The vet lab at Havelock Street in Curepe had been robbed and vandalized and so on, so many times and no attention and this livestock board could not do it. The Ministry itself was not doing it and we paid no attention to the labs. And the audit provided us with an opportunity to first remove the location of the lab, it is now at Mon Jaloux; and to upgrade it and to make it, put it in a position where it could service the sector.

The legislation, we had not dealt with legislation. We had not modernized the legislation, we had not done what the WTO expected of us, which is to create an environment in which we trade on the same basis as all our counterparts in the international environment. And that puts a lot of pressure on importers, a lot of pressure on anybody doing business with us when we have not modernized and we do not have the regulations and the standards which will not only protect our market but will protect our population. In this House and the other place by July 2020, the legislation had been passed to deal with that aspect of it.

In relation to vets and the approach, Madam President, I know that my colleagues, Sen. Mark I know, he has brought Motions, I think it is two, he has brought questions and one Motion on the use of PPPs in the livestock sector, and he brought a Motion specific to Aripo Livestock where we entered into a PPP arrangement. Because I know my friends on the Opposition Bench do not like when we involve the private sector, but I make no apologies. In several contributions in this House and in the other place I have said that I have been in

agriculture for long enough, I have been in the state enterprise long enough to know that the State and the private sector must work together. The private sector is capable of performing more efficiently, more effectively, then we should allow the private sector to thrive. And where we believe that the State is best suited to perform we should do that. So that if my friends are coming to say anything in relation to private involvement I will tell you this, I have been around long, I have been around long. And in 1997, as I said, when this Act came into being Dr. Mohammed was not moving blindly. It is very clear and I would read for you from this report:

“Veterinary Services in Trinidad and Tobago”

And this is a paper done by Dr. Vincent Moe in 1997 for the FAO. And it dealt with veterinary services. But in the paper, in setting out government policy this is the context in which Dr. Moe was operating and I quote:

“Trinidad and Tobago is implementing a structural adjustment program that aims at the reduction of public sector expenditure through the contraction of those public goods and services that could be better performed by the private sector. In the context of this program”—vet “Services of”—the Ministry—“have already introduced cost recovery for laboratory diagnostic services, that had been available free of charge to both private practitioners and government veterinary officers. However, the recommendations for the privatization of the government clinical veterinary service...have not been implemented yet.”

Dr. Moe was referring to a policy already made, 1995 to 2000 was the time of my colleagues and he is referring to a policy decision already made to privatize certain functions of the Ministry of Agriculture. In fact, he articulated later in the

document and I quote:

“Government’s policy over the next five years will be to:

- (a) Privatize the clinical veterinary service while maintaining this service to rural communities that are not able to attract private practitioners for as long as is necessary.”

So the board—the legislation giving effect to the board was conceived and passed and operationalized in the context of the government of the day wanting to privatize aspects of the public functions relating to the livestock sector. And if they wanted to do that, they should have gone all the way, they should have gone all the way and taken the key public interfacing services of the Ministry at the time and place it in the hands of the livestock if that is what they wanted to do. And they could not achieve that without also taking staff from the Ministry and placing it in the livestock market.

So what they achieved by this is far less than what the RHAs achieved, because all that happened is that an Act was passed, an office was identified, a board was appointed and in 25 years nothing significant has happened. And that is why we took that approach of having the evaluation done alongside the other things. And I am not saying that the privatization is wrong, you know, do not get me wrong. I am saying that while it was government policy it was not fully executed in the way it should have been executed. And strangely enough I am proposing something that is the opposite.

I do not want to see these functions, any of these functions carted out from the Ministry. We believe that the policy remains with the Ministry, the technical services should be provided by the Ministry, not just in rural areas, across the country, and there are some aspects of public interface that may be suitable for

private sector involvement, but we are not there yet. The only place we have reached so far is in the operation of certain livestock farms we have introduced the private sector, and that is Aripo and that is on a portion of land in La Gloria, 100 acres; those have been the two.

Recently we put out for public participation a 750-acre parcel in La Gloria, again for anybody in the public sector, public or private sector, anybody to put in a proposal to use that unused former livestock plan to conduct livestock operation if they so choose. People also had the option of proposing non-livestock operations.

And that evaluation we did, Madam President, was on the basis of 13 findings of the exercise and it really had to do with things that we know and that has to do with contraction of local production over a period of time and I would say this right away, nobody can convince me otherwise that the failure of successive governments to renew those leases in Carlsen Field, Wallerfield and across significant parts of the country contributed to the decline of interest in livestock. I know importation was a factor, I know that. But when you deal with those families in Wallerfield, because as I said in the 60s, 50s and 60s it was government's policy to build a local livestock sector and at that time the Minister at the time had the tool of negative listing. I do not have that option. But using negative listing we were able at the time to build a local livestock sector. And that local livestock sector could only to be built like poultry on state land being available. And that is what the led to the creation of Carlsen Field, Wallerfield and those other parts of the country where we have livestock operations.

And I would say after the expiration of those leases, particularly, in the 1980s when we were going through difficult times, the failure then to renew, removed the motivation not from the parents at the time but from the children who

came along. And now 40 years after, we engage in the renewal of those leases. And there is still interest, there is still interest in livestock but it must be supported by the technical work of the Ministry, it must be supported in an enabling environment as we have been able to do for poultry and the others I have referred to.

So this report really confirmed what a lot of us knew, that the Ministry was really focused on running its farms, its own farms and running it in a highly—with all due respect to my colleagues in the Ministry who work hard, I know that, but running it in an efficient way. And in some cases crowding out the private farmers because buffalypso, for example, we still put buffalypso on the market, we still put buffalypso on the market. And for every pound of highly subsidized meat that is put on the market by the State you are crowding out a potential private farm pound of meat. And that is the reality. And in its existence the livestock board really could not do anything, it was for the Ministers, the Cabinet, Prime Minister, the Parliament to do it. The livestock board had no function in relation to that and no power. And this report while not specifically dealing with the livestock board was part of what led to the introduction of PPP, the work on the vet labs, even the work to have new vet surgeon legislation in the country and those things, those were important.

11.00 a.m.

Madam President, as I said, we did the work to replace the board and I will tell you this. This Bill has had a very unusual passage. It was on the Order Paper in 2019 as you know. It was on the Order Paper through 2020, 2021. It had been there for three sessions. It has been there across two terms in office. And why? Well, in 2019 when it was laid we had not completed the work on the replacement, and it

was only in May 2020 that this House was able to debate the Act to amend the Animal (Diseases and Importation) Act, Chap. 67:02. It was only in May 2020. And I made it clear, maybe not to you, but I was very clear that this repeal Bill should not be debated without the replacement being in place. And on May 19, 2020, we passed that Bill, and in July 2020 on the last day of Parliament, in that five-year term, the House passed the Bill. Because I was very anxious to get it done. In politics you never know. You never know. And we got it done.

And I will just remind you very quickly, in that debate I spoke about, for example, a simple thing as a chief vet officer, and Trinidad and Tobago being one of the few countries that did not, while the person performed—the technical officer (animal health)—the duties of a chief vet we had not done anything to create that office in the public service. And anyone of you who have interacted with the public service in particular matters relating to remuneration, acting, promotion, seniority, and so on, will know that if you do not have a job on the establishment it creates a lot of problems. I do not know how my predecessors wrangled with this, but I had a problem in dealing with it. Because if you have statutory responsibilities assigned to a chief vet and if the region has the chief vets—because we all work on model legislation—then we would continuously have this problem.

So that Bill introduced the concept of the chief vet, the inspector and the chief vet, and understanding how the public sector works, we said in the Bill “the Inspector for the purposes of this Act is the...”—person holding or acting in the office of—“...Technical Officer (Animal Health)”—and includes the chief vet officer in the Ministry and so on. So we catered for every possibility knowing that the bureaucracy could really stymie our work if we did not have it as clear as that. And then when we go to—when you go to the section of that Bill which dealt with

the introduction of 3D, you would see 3D(1).

“There shall be established a Committee to be known as the Advisory Committee on Animal Health and Welfare...;

(2) The Committee...comprise...”—eleven—“...members...

(a) a veterinary surgeon;

(b) a senior technical officer from the Ministry...”—responsible—
“...for...”—animal—“...health;

(c)” —one—“...from the Ministry...”—of—“...Health;

(d) a representative from the...”—THA;

(e) a representative from the Zoological Society...;”

(f) one from the private sector, one from the Institute of Marine Affairs, one from the Ministry of Trade and Industry, one from Food and Drugs Division of the Ministry of Health, and two persons to represent farming.”

And the purpose of that committee is to advise and provide assistance to the Minister regarding animal health policies, animal welfare strategies, sanitary measures, disease prevention, control and eradication. So a broad range of things—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you, Madam President. A broad range of responsibilities, and most importantly that Bill which is now—forms part of the parent Bill detailed the regulatory making power understanding that later on in dealing with the functioning of that advisory committee we could introduce regulations specific to that committee.

And, Madam President, as I said before, on the first day of June 2021, that amendment was proclaimed, and it is from that moment, the proclamation, June

2021, I then had the opportunity to pursue this repeal. And instead of pursuing it right away, we set up to establish the committee, populate the committee and get the committee working. All of those things have been done and I feel comfortable now coming to this House to say I do not believe as Minister that this Act has served a significant or any purpose in 25 years and I mean no disrespect to those who precede me. I believe that the work we have done in relation to the amendment in 2020 really sets us on the appropriate course. And I believe that the work that remains to be done in the context of that amendment and the regulatory powers that have been given in that amendment are sufficient to allow us to ensure that a strengthened public sector is the place for these functions and it will ensure the strength of the private operators including our small farmers across the country.

I thank you. I beg to move, Madam President.

Hon. Senators: [*Desk thumping*]

Question proposed.

Madam President: Sen. Lyder.

Sen. Damian Lyder: Thank you, Madam President. And, Madam President, we are called to the Senate to treat with the administration of a key aspect of the agricultural sector in our nation, that being the livestock industry, and more specifically hon. Members present here today have been asked by the Government to support the repeal of the Livestock and Livestock Products Act, Chap. 67:05, the Act No. 40 of 1997. And, Madam President, when I saw the Bill with a mere two lines, and as I heard my hon. colleague, the Minister of Agriculture, Land and Fisheries mention it was only two lines, you know I felt it important to go back into the Act that is to be repealed so that this honourable Senate would have appreciation for the justification of the repeal of this Act here today.

And, Madam President, I listened attentively to the hon. Minister of Agriculture, Land and Fisheries who I felt really struggled today with the justification. I almost feel as though he may be doing this under duress, Madam President. So he danced around from issue to issue. We heard about the types of chicken he likes and all these things, and, Madam President, I did not get a full justification on why such an important board like this that should not be mothballed.

Madam President, the hon Minister of Agriculture, Land and Fisheries made reference to the Act passed in 2020 or the Bill passed in 2020, the Animal (Diseases and Importation) Act, which, of course, I had the liberty of debating in that Act, and spoke about an advisory committee which I only noticed to the end of his presentation he mentioned he formed the committee. I would like to know in the closing of this debate, when the hon. Minister wraps up, you know, who are those persons comprised. If the committee was really formed and who were those persons that were appointed? Because here we are about to close a statutory board, a board that included stakeholders in the industry, that had specific responsibilities as laid out in section 6 of the Act, to hear about some committee that the Minister has formed which it seems very veiled in all respects.

So, Madam President, you know—and if this is the case that we must justify closing down a statutory board, maybe there should be many more statutory boards being shut down. Yet later today in this Senate we are about to put two more boards through the NAPA and SAPA. So to me when I listened to the justification of the Minister stating that this board was bureaucratic, that it served little purpose, it was ineffective, I asked myself the question whether or not this was indeed the fact, or whether they were simply not properly funded and not properly supported

by this Government? But, Madam President, in returning to this Act, it is important to understand the history of the Act, the intention of the Act, and the responsibilities that have been set out in this Act. This is important to set the context for the debate today and, as such, I am grateful for the opportunity now, through you, Madam President, to set this context and referring to some of actual details in the Act and not opinions coming out of the hon. Minister.

So when we examine this legislation, we note that it was passed and proclaimed in 1997 by the United National Congress, and the Government at the time would have seen the justification for the livestock board in an effort to advance, and promote, and develop the livestock and dairy industry, and from the review of this Act it sets out to appoint a livestock and livestock product board. This board would have had various responsibilities as set out in detail in the legislation. But, Madam President, when I took to the section 4 which basically states the composition of the board, we see that the board is comprised of seven members appointed by the Minister, and for the benefit of this Senate I would like to read out who were these members, or what members this board will comprise of. So very quickly I would just run through it.

Firstly, one shall represent the—and if you permit me to read:

- “(a) one shall represent the Ministry responsible for Agriculture;
- (b) one shall be nominated by the Tobago House of Assembly;”

And I welcome our colleagues, brothers and sisters, from the THA here today who have come in a very interesting time to listen to a Bill like this.

- “(c) one shall represent the meat-processing sub-sector after the Minister consults with the sub-sector;
- (d) one shall represent the small ruminants sub-sector after the Minister

consults with the sub-sector;

- (e) one shall represent the dairy sub-sector...
- (f) one shall represent the port sub-sector...
- (g) one shall represent the poultry sub-sector..."

So, Madam President, when we look at the makeup of this board, it is clear that the framers of this Act deemed it necessary, and rightfully so, to include a number of stakeholders on such an important board. Stakeholders who would bring light and bring transparency to the matters that are affecting the farmers in their respected industries.

Madam President, as I continued reading the Act I was able to also identify the roles and responsibilities of the board as set out in section 6(a) through (j). So for the benefit of the Senate when deliberating on such a decision to repeal this law it is important to understand the roles that this board had, and not simply just take it from the hon. Minister that they were ineffective. Let us look at what was actually in section 6, Madam President, and very quickly I will run through that. Firstly, they were meant:

- “(a) to administer on behalf of the Government of Trinidad and Tobago any programmes supportive of the livestock industry;
- (b)” They were—“to promote and guide the formation of cooperatives within the livestock industry;
- (c)” They were—“to collect, store and disseminate data and information on the activities of the livestock industry;
- (d) to monitor problems affecting production and marketing with a view to making appropriate representation to the relevant authorities;
- (e) to provide a forum for communication among farmers in the livestock

- industry;
- (f) to maintain a register of livestock producers and processors;
 - (g) to...”—provide—“...and influence policy-makers in the best interest of the livestock industry;
 - (h) to identify research and development and training needs and provide development opportunities for the livestock industry;
 - (i) to establish and operate auction yards to facilitate the sale of animals;
 - (j) to set quality guidelines for the sale of livestock and livestock products.”

Madam President, when I read this, this is by no means a light task. This is very specific, and if managed properly there was quite a lot that this board would contribute to the livestock industry.

So you know, after reading this and understanding that the Act included stakeholders with specific duties that would contribute towards the development and growth of this livestock industry, I ask myself the question, why? Why are we here today repealing this Bill? Again, the Minister states that the board was ineffective and, you know, Madam President, after reading all of these responsibilities, if this board was indeed empowered could we really understand what could be contributed to this livestock industry? It is almost as though they were set up to fail. So why are we doing away with what I consider to be such a critical institution for this industry? To what? Replace it with a simple committee? But I will get to that in a moment, Madam President.

What was even more questionable and which raises more red flags for me when looking at the history of this board, noting that the first board was formed and inaugurated in 1998 by a United National Congress government, the board

then continued to remain active until the UNC-led partnership demitted office in 2015. It was only when this PNM Government came into power in 2015—right?—we got to find out that no board was appointed from the very inception all the way to 2018 when a former Minister of Agriculture had to put pressure on the Government and take the Government to court to force them to appoint this board. So we ask ourselves, how could the Minister come here today, the hon. Minister, come here today, and state how ineffective this board was when from the very onset when they came into office they never even put this board in place. They never empowered the board. They never financed the board, but only through legal action were forced to put the board in place in 2018.

So upon assuming office the livestock board was not appointed by the hon. Minister until he was compelled to do so, Madam President. It is a past Minister of Agriculture, understanding the importance of this Board to develop the industry, challenged this Minister's failure to appoint the Board and they won in court. Madam President, the Minister attempted to defend his failure to comply with the law by stating that there was no clear mandate for the board and so he hired a consultant to do an evaluation and conduct consultations. However, Madam President, the Minister ignored some of the achievements of the board under the People's Partnership administration which were documented in an annual report. The Minister did not—and furthermore, Madam President, the Minister did not even disclose to the court this report from this consultant.

So the court went on further to state that there was no evidence in the affidavit filed by the Minister as to how the Board in its previous form failed to promote a more efficient livestock industry. So this is the court deciding this you know. This is not the UNC deciding this. This is the court stating that the Minister

could not justify. Just as, respectfully, Ma'am, it could not be justified today. They could not substantiate the weak claims made against the board. Let me quote directly from the judgment on paragraph 64 and as I quote:

Notably missing from the Jacob's affidavit are the documents which the defendant reviewed which caused him to conclude that the Board had not engaged in matters connected with the general mandate of its specific functions. In my opinion, the absence of the said evidence clearly demonstrated that there was no basis for ascertaining that the Board was not complying with its mandate.

That is a quote from the court, you know, Madam President. The court repeatedly pointed out the absence of the evidence to substantiate the Minister's claim. And so the court mandated him to appoint this board. And having lost the court battle and being forced to appoint the board, the Minister now comes to Parliament to disband this board. Therefore, instead of a representative body as contemplated by this Act, the Minister will do as he pleases, but I am not sure is as what he pleases. There is more to this, Madam President.

When the court took the decision and the Government was forced to form the board, what we understand from a former board member was that there were five members of the board chosen and that one of the five opted in the end not to move forward with this board. So we understand that the board, though constituted, remained dormant, completely underfunded and unsupported. In fact, Madam President, it has also come to our attention that some of the board members protested to the fact that a particular senior ministerial official who had already had a substantial portfolio in the Ministry was chosen to chair the board. The Minister could let us know if this is true or not, but at the end of day any progress with this

board to fulfil its mandate was indeed frustrated by the lack of activity and the lack of funding.

So, Madam President, that is why I say it seemed as though this board was set up to fail. So I tend to wonder whether we are repealing this Bill today because the Government was happy with the court ruling or is there another agenda. Because after reading the Act, Madam President, I am struggling to find real justification as to why we are called to repeal a law which will lead ultimately to the scrapping of the Livestock and Livestock Products Board. It is my respectful view that this Senate should not support the Government in the repealing of this Act. This action will serve to continue the decline in the agriculture industry. It will negatively impact small and medium sized farmers leading to a near extinction and the curation possibly of virtual monopolies in these industries, and I think the other term used, the technical economic terms used for this is oligopoly where just a few of the big boys control the entire livestock business.

Madam President, the Government has systemically dismantled key institutions in the livestock industry and I will use section 6 of the Act and stakeholders' feedback to demonstrate the same here today. You see, I intend to dissect each of the aspects of the responsibilities of the board and show where the Government has defunded and dismantled institutions in the livestock sector. But before doing so, Madam President, before delving into the duties of this board and the effect of the absence of this board since 2015—2018, I also felt it important to understand the value of the board by gauging the performance of the industry over the last five years in the absence of this board, Madam President. Because the hon. Minister stated—indicated—in his presentation here today that the functions of the board was best placed within the Ministry.

So let us see how things performed, how everything performed when there was no board. Let us take a look at that. Well the first place I looked at, Madam President, is I pulled—looked for CSO data which presented statistics showing an overall decline in the agriculture sector by some \$190.5 million or a 13 per cent decline from 2015—2020. In 2015, Madam President, total output in the agricultural sector stood at approximately 1.47 billion, but then 2020 it fell to \$1.28 billion. However, Madam President, this information was not specific to production of specific animals and as such I took the opportunity to consult with some well renounced economists who would have investigated this and dug deeper into the decline in the industry.

Madam President, it was estimated that beef production had declined by 127.8 kilograms or a 44.5 decline from 2015—2019. Mutton production fell by 28.5 kilograms or 36.9 from 2015—2018. And then, Madam President, I started digging up and I looked further and strange enough I found an article in the *Newsday* which showed a substantial decline in the dairy milk production. Regarding milk production, the article, which is on the 25th of January, 2021, reported and I will quote from the article:

Productions declines have hit the industry hard.

“Industry record show that farmers were producing as much as 13 million litres in 1995—2000 but production had declined to about one million litres a year...”—that is current, and—“...only about 100 or so remaining the dairy farmers...”—which are by the way—“...no match for the big milk importers”—that spend millions of US dollars in foreign exchange to import milk.”

So understanding the context of the law, understanding the responsibilities

of the board, and witnessing this decline in the livestock industry, I will now take this opportunity, Madam President, to circumscribe myself to clause 6 of the Act to be repealed here today. To this effect I will outline the state of play in the industry and demonstrate where the provision set out in clause 6, if properly administered, will address the current issues in the livestock industry.

So, Madam President, when we look at 6(a):

“...to administer, on behalf of the Government of Trinidad and Tobago any programmes supportive of the livestock industry;”

In consultation, Madam President, with former members of the board as it pertains to the role, they indicated a slew of programmes that the board would have instituted to fulfil the objectives. I can just name a few, Madam President, such as they assisted the artificial insemination unit when they had problems in acquiring necessary equipment to support their work; Johne’s disease survey conducted by the board to ascertain where, how and in what position our livestock industry stood as it pertains Johne’s disease. What is this disease, Madam President? It is a chronic, contagious and often fatal disease for cattle, sheep, goat, et cetera. But as a consequence, Madam President, it is evident that this was a critical exercise undertaken by the board.

Furthermore, Madam President, they assisted to bring new stock of cattle into the country to improve breed. So now, Madam President, what do we see happening? When we look at the artificial insemination station, as we consulted with stakeholders, especially in the Wallerfield area, the issue of the artificial insemination station arose and arose very loud. This was a facility that was used for the harvesting of semen from bucks for farmers. The animals treated in this facility were of all categories of livestock, Madam President, whether it was cattle,

whether it was goat, sheep, even rabbit.

Madam President, the artificial insemination station in Aripo, however, has been under-resourced and defunded over the last six years. By defunding the artificial insemination station, the Government is effectively, or is effectively, eliminating the small farmer in favour of these large farmers who could bring in their own stock, who could afford to bring their own stock, who can do their artificial insemination, Madam President. Madam President, the small farmer does not have access to these key facilities for their operation. This is the facility that the board would have had the oversight—

Madam President: Sen. Lyder, I need to just—I have given you a lot of leeway and I just want to point out that you have to relate what you are saying to the matter that is before us, and not just go into a general discussion on everything in the agricultural sector. Okay?

Sen. D. Lyder: Thank you, Madam President. And that is why, as I was coming down to the end of this point, I was indicating that this is a facility that the board would have had an oversight over. So I am saying that with the closure or with the repealing of this Bill, this board which would have had oversight over this facility would no longer have that level of oversight. So it is very relevant, Madam President, to the repeal of this Bill. So I know I am stating things that do not appear very nice, or attractive in the agriculture industry, but I am going to tie every one of them, Madam President, to what the effect will be in repealing this Bill. So we ask ourselves the question: Why? So, Madam President, we ask ourselves the question, why? An answer to which I shall reveal again later, Madam President.

We see the same things happening, Madam President, with the Sugar Cane Feed Centre which makes quality breeding livestock available for persons with

farms. Research has gone on in making alternative feed for farmers as well. A lot of farmers have learnt on farming feed mix at their site. Yet this is another programme that the Government has continued to defund which this board would have had some level of oversight and influence, Madam President. So, Madam President, Centeno Livestock Station is another location that has suffered the same faith in the funding. These facilities, Madam President, and programmes would have fallen under the purview of this board we are repealing today. The board would have had advocated for the proper staffing and funding of these facilities to benefit the small and medium farmer.

Programmes are now almost non-existent under this board, and, as such, it is the private entities that have to fend for themselves. For instance, Madam President, in the absence of this board between 2015 and 2018, there was this sheep and goat association—which by the way I sat on that board—who had to collaborate with the European Union on a programme to bolster goat milk production, and the European Union would have supplied equipment to the small and medium farmers, milking equipment, to improve goat milk production.

11.30 a.m.

This would have been something that the board could have taken a part in. These are programmes that the board would have usually facilitated but due to the absence of this board, the sheep and goat society was compelled to engage with the European Union for this initiative and for this venture. The board was also working on a programme to get farmers to be more efficient. All of this has fallen apart. The board was advocating for rabbits to be included under processing and was working to have it facilitated under small ruminants. Aquaculture producers were also seeking inclusion as they were not facilitated at the national strategic level.

This would include tilapia farmers and so on. The board was advocating for this. The board shut down.

Madam President, when we look at 6(b) of the responsibilities of this board, where we are repealing this Bill today or attempting to repeal this Bill today, part (b) was:

“to promote and guide the formation of co-operatives within the livestock industry;”

This aspect could have been greatly facilitated by an active and funded board. When we look at 6(c):

“to collect, store and disseminate data and information on the activities of the livestock industry;”

In conversations with former board members, this function is something that would have been done over the years. A significant amount of data would have been collected, stored and shared with stakeholders all through the length and breadth of this industry. The board dispatched field officers through the Ministry to engage in outreach to farmers giving them the information they needed to grow their farms. With the repealing of this Bill which seeks to dis-man this board, is this Government now putting the Ministry of Agriculture in a position to lose this data and deprive small and medium farmers from such valuable information? Where is the information? Maybe the Minister could tell us where the information is. Or is it locked away in a Cabinet somewhere.

Madam President, when we look at 6(d):

“to monitor problems affecting the production and marketing with a view to making appropriate representation to the relevant authorities;”

Livestock farmers are in effect without a marketing unit and this is because when

we looked at the operations in NAMDEVCO, there were little efforts made or no efforts made to promote and market the livestock industry. It was all towards fresh produce, not meat. So this has resulted in harsher operating environment when you compound it with the infrastructure deficiencies now faced by livestock farmers. An active board would have had the responsibility to advocate for marketing of livestock through NAMDEVCO.

Madam President, when we look at some of the constraints to marketing, the UWI agriculture department in 2019 research into the dairy industry pointed to constraints to marketing. These constraints that should have been addressed should there have been a board in place pertaining to marketing would have been stuff like prices for milk received by farmers was deemed to be a constraint by 64 per cent of the respondents in the survey. A major issue regarding the dairy farmers in the industry hits at the heart of their business model. UWI reported and I will quote:

“The price offered for raw milk by the main milk processor, Nestlé was \$2.35 and a \$1.50 subsidy was paid by the Government of Trinidad and Tobago to give a total price of \$3.85 per kilogramme of raw milk....Farmers had the opportunity to receive a bonus based on the quality of milk they produced, which acted as an incentive.”

But, Madam President, UWI also pointed to Medford farms as another buyer of raw milk for \$5.00 per kilogram and it was found that the cost of production per kilogram of milk was \$5.22. The revenue obtained from the milk processors is less than the cost of production itemized by UWI. So UWI concluded that there was a need to agree a favourable price for all. This is something that the board could have championed. Another issue, Madam President, feed used was a key component in the cost of production as well as output.

When we look at the Mon Jaloux Forage Development Centre which the Minister spoke about earlier located in Chin Chin, this is a major grass forage bank for farmers in the country. All farmers should be able to access grass and forage from this at very little cost. This facility has been defunded. It is now manned by a skeleton crew. There is faulty equipment inclusive of three broken down tractors. There are hundreds of acres that have been reserved for forage, yet it is not being serviced. If the farmer visits, they will be faced with a situation where the individual would be asked to provide some charity to this Government to help to service the equipment in order to get “ah little bit ah grass” needed for their livestock. If we had a board governing over this sector, they could have taken the steps, they could have exposed all those illegal farmers and the illegal farming that is now happening on this Mon Jaloux Forage Development Centre with over a hundred acres of the Mon Jaloux Forage Development Centre is being encroached by illegal farming.

Madam President, even medicine for animals, when you look at this, this is another very important component to ensure a steady production and production levels are high. However, this time medication for the small and medium farmer is very difficult to obtain. You see, the main supplier of livestock-related medicines, a company by the name of Seumedis experienced a fire which resulted in now currently a shortage of supply of medicines. Medicines needed for these small farmers such as wormers, antibiotics, vitamins, amongst others. Surely a functioning board would have placed an emphasis on finding solutions through the Ministry to address these medication shortages. So the large farmers are basically handling their own supply of medication whilst the small farmers are now left in the cold.

Madam President, when we look at 6(e):

“to provide a forum for communication among farmers in the livestock industry;”

I invite the Government to pleasantly surprise the Members here today. What information can indicate that this mandate is being carried out?

Madam President, 6(f):

“to maintain a register of livestock producers and processors;”

In September 2019, just over two years ago, the Food and Agriculture Faculty of UWI St. Augustine published a report on the status of the dairy industry in Trinidad and Tobago. The report was very extensive where they outlined the state of the industry addressing main challenges and outlined recommendations for improvement. The report stated that, and I quote:

“The total number of dairy farmers in Trinidad is not accurately recorded.”

Nevertheless, the university identified 103 farmers using information from 90 for their report. A board could have dealt with this.

In 6(g):

“to advise and influence policy-makers in the best interest of the livestock industry;”

I heard the Minister talk about land tenure. This is a major issue that farmers need a policy to be made. They need this to be addressed. The Government via the Ministry of Agriculture does not give leases. They merely prepare the application for the leases but it is the President of the Republic of Trinidad and Tobago that has to give these leases. Farmers' lease applications have been held, they have been held up in a state land department for years before they could get any approval. So this has led many farmers to refer to this state land department as the

cold storage unit for leases.

The board at the time was examining how they could get past the hurdles to increase the access of farmers to land and to increase production for farmers. So now that the board is set to be disbanded, who exactly is going to seek the interest of these small and medium farmers in this regard? I call again for the Minister to tell us who is on this committee.

Madam President, when you look at praedial larceny, that is another major issue with agriculture. This is a pertinent issue when you consider that land holdings and physical operations of farmers. Prominent among the recommendations of the UWI study published in 2019 was the need for the Government to place proper emphasis on praedial larceny. Madam President, a significant amount of farmers, 43 reported losses by theft of over 165 animals within the last five years estimated to be more than \$651,000. These reported losses are only a fraction. When I was farming small ruminants, I lost 19 in one day, \$50,000 worth of livestock.

Madam President, the UWI report indicated that 48 per cent of them were affected by praedial larceny. They call for the strengthening of the praedial larceny unit squad. When we look at the single greatest factor besides natural disasters that prevents the success of farmers in this country or both active or potential farmers is this thing they call praedial larceny. When you consider that there are only three—
Madam President: Sen. Lyder, you are doing it again. You are straying into an overall discussion and I am asking you to please bring it back to what we are dealing with.

Sen. D. Lyder: Yes, and thank you very much. And every point that I have given you today, I bring it right back to the point that a fully functioning board would

have advocated for the interest of the farmers and stakeholders in this country, especially when we see that the board was made up of actual stakeholders and not simply Ministry officials. I think when the hon. Minister spoke about the committee, there were two stakeholders but there was a stakeholder representing every single industry of livestock in this Act that we have come here today to repeal and praedial larceny is a fact. But, Madam President, I would take your advice, I will take your advice and I will move on but I will continue to say I will bring it back every single time to this board having such an important role on the processes.

Madam President, when we look at 6(h) of the Bill that we are about to repeal:

“to identify research and development and training needs and provide development opportunities for the livestock industry;”

This is what this board is meant to do. Madam President, this comes now to the pasteurizing plant in Aripo. Yeah. It was under the United National Congress that a multimillion-dollar pasteurizing plant was meant for the use of farmers in the country and was housed in Aripo. This board was—

Madam President: Sen. Lyder, you have five more minutes.

Sen. D. Lyder: Thank you, Madam President. This board was involved in that. The farmers of Wallerfield were clamouring for a plant that they could use to pasteurize the milk and sell on the local market and get better money than they were getting from Nestlé. Madam President, however, at present, access to this plant is not there for the small and medium farmer, it is there for someone else but not for the small and medium farmer.

And when we look at 6(j):

“to set out quality guidelines for the sale of livestock and livestock products.”

Again, on this score, Madam President, HACCP which is an international standard for agriculture has been the key focus of the board at that time. The board ran training programmes for farmers in HACCP. So this is very relevant. Furthermore, courses were offered across the country in proper handling of food for operation along the food value chain. So again, the removal of this board spells an end to this initiative.

So I ask myself the question: Who really benefits here today? So I have outlined that the board would have fulfilled a significant mandate, the absence of which coupled with the funding of key facilities as outlined above in my contribution results in one commercial farmer benefiting from taxpayers investment when the Aripo farms was gifted to a close friend of a high government official. And I ask myself the question: Is this why the artificial insemination station is now almost mothballed? Is it also to be gifted to the Aripo farms? Just a question, Madam President. As we are aware, the Aripo farms almost engulfs the artificial insemination station and could naturally form part of this Aripo estate. Is this why we do not have a board to facilitate Aripo farms to take control of this so that there is no oversight, no independent oversight by stakeholders?

Madam President, then we are also hearing about other facilities. Tongues are wagging in this industry about other facilities that are meant to be privatized. So the closure of this livestock board would now be the final blow to small farmers in Trinidad and Tobago. This approach would only benefit the large farmers and especially the importers of meat in this country. So the Government has questions to answer as farmers have been testifying to us that this high government official is

utilizing a very large farm in this country. But I would not get into too much of that.

Madam President, we are hearing about the privatization of a number of entities owned by the State, owned by the taxpayers of this country. We heard about La Gloria, we know what happened to Aripo. We are asking what is going to happen to the artificial insemination plant. We are asking what is going to happen to the Sugarcane Feeds Centre, Mon Jaloux facility, Centeno Livestock Station. Is it all being earmarked to be sold? The shutdown of this board will silence a major voice of the livestock farmers in this nation.

Madam President, I see my time is coming to a close and so it is my respectful view and the view of the UNC that this Bill should be rejected and the Government should reinstate fully this board specifically made up of previous stakeholders in the industry. It is clear to me that any Member who supports this Bill will be complicit in the act of destroying the livestock industry. They will become complicit in the extension—

Madam President: No, no, no, Sen. Lyder, please, I would discourage you from saying that. I would ask you to withdraw that.

Sen. D. Lyder: I will withdraw that, Madam President.

Madam President: Yes.

Sen. D. Lyder: But if I were to vote for this, I would be complicit in destroying the livestock industry. If I voted for this, I would be complicit in the extinction of small and medium farmers at a time when our food import bill continues to be in excess of \$5 billion, at a time when foreign exchange is in short supply, at a time when we are experiencing supply chain issues and shortages in food supply, it is then reckless for this Government to now come to commit the injustice of this

livestock industry. Food security is of the utmost importance to every nation. It is high time that this PNM Government takes its role and its endeavour with the utmost seriousness. Do not repeal this Act. Thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira: Thank you, Madam President. Before I begin, maybe I should say a little of my background and exposure to the livestock sector back in the day and I am going back many years. I used to do work with Dr. Reeza Mohammed and Dr. Mahfouz Aziz for the cattle, the dairy farmers and meat farmers association. I was also involved at one point as one of the lawyers advising the ADB and I have also been involved in the drafting of the Constitution for the veterinarian association.

Let me say first off that the livestock sector is absolutely critical to the well-being of this country and let me put that in context. It is an important source of nourishment for our population, it is important for agricultural development and as Sen. Lyder says, it is important for food security. In fact, one could say that livestock rearing is or should be a pillar of our food system and more so during this time of supply chain disruption and the rising cost of imported food.

Now, I am not one of those that subscribes to the belief that livestock farming must be mega farming. In fact, in most parts of the world, livestock farming is small-scale farming and small-scale livestock farming, not only offers opportunities for socioeconomic development in our rural areas, as I said, it is also critical to food security and it should be one of the key elements towards economic growth.

So given the comparative recency of the livestock Act commencing in 1998 and the importance of the livestock sector, I was really surprised to see this

repealing of both the Act and the board and after hearing the hon. Minister, I am even more surprised. I think this is a step backwards. The Act was unpretentious. Its purpose was very simple and clear.

“There is hereby established, a Board to be known as a Livestock and Livestock Products Board having the general duty to promote greater efficiency in the livestock industry and the livestock products industry...”

General duty to promote greater efficiency. I am not going to read over the sections, section 6, Sen. Lyder quoted from it but that function, I do not see how and why that would clash with the Ministry of Agriculture. It is not in conflict with the Ministry. These are merit-worthy functions, particularly when you look at the question about administering Government programmes supportive of the industry, collection and dissemination of relevant data to the industry, monitor problems affecting production and marketing, providing a forum for communication among farmers, maintaining a register of livestock produce is very important, advising and influencing policymakers in the best interest of the industry, setting quality guidelines. These are important functions and I did not really see any need for the Ministry to be in any way offended by or at odds with these functions.

Now, the hon. Minister has basically said that this Act is being repealed for these reasons: The board had little to do. The board was not set up to provide regulatory oversight. The board did not assume public sector functions, just added to the bureaucracy and fuels these functions best performed by the public sector. Well, given the purposes of the Act, my question is: Why repeal? Could we not just amend? If we lacked regulatory oversight, could we not provide the necessary regulatory oversight?

We hear now that this board which really comprises experts in the sector on

a multi-disciplinary basis, this board is now going to be replaced by an advisory committee within the Ministry of Agriculture and again, I think that is a step backwards because the advisory committee does not have the breadth and gravitas of the board but in any event, the advisory committee was always there. They were there with the board and they will be there to continue with the board. So we are not really replacing the board with anything in my respectful view.

Now, the Minister recognized that the board functions as a think tank and as I pointed out, the board had the function of advising on policy. I do not accept the notion that all expertise in the sector resides within the Ministry of Agriculture. I think that is a dangerous notion and we sell ourselves short. So now if it is going to be that this advisory committee is going to be creating and advising on policy, then I think again, we are taking a step backwards. I agree with Sen. Lyder, I think the Minister was contradictory, he was not his usual precise self in piloting this Act.

For example, he says all relevant expertise resides in the public sector, well I do not accept that. He quoted excerpts and relied on a particular report and yet confirms that the report did not deal specifically with the livestock board. He says livestock must be supported by the technical work of the Ministry. The board was conceived and passed to operationalize in the context of privatizing aspects of the functions of the private sector. Yet he says that where the framers of the legislation erred is that they failed to go all the way. Well, if that is where they erred, we could correct that, let us go all the way. Let us go all the way in the context of this framework. I do not see repealing it and leaving a vacuum as helpful at all. I do think that we are taking a step backwards. Had a multidisciplinary board with meaningful and useful functions, now we will not have the benefit of those sector experts and we will be relying solely on this advisory committee within the

Ministry of Agriculture.

It seems to me that this Act is more about ensuring that the functions are not—how did the Minister put it?—are not catered out of the Ministry of Agriculture. This is not about diversification and decentralization, it is actually the opposite. It is not about crowding out the public sector, it is about crowding out the private sector and it is a sector which as I said is a very important sector for our economy for food security for our rural communities here and in Tobago and it is a sector which includes cattle, dairy and meat, goats, sheep, pigs, ducks, fish like tilapia. It is not just buffalypso and poultry. It is a sector that needs think tanks and multi-sectoral support.

And as I said, I do not think that livestock farming is all about the large farms, the “Caroni’s” and so. It really, this really should be about the small farmer. Livestock rearing at its heart is about small farmers and enabling and enhancing our livestock sector through environmentally sustainable food production policies will have multiplier effects throughout our rural communities and the economy.

There is a lot I can say about the livestock sector and Sen. Lyder talked about praedial larceny and livestock sector. I am not going to go there because it is irrelevant to this debate but we do need to find ways to increase the efficiency of the livestock sector and environmental sustainability. By incentivizing farmers and the institutions that serve them, that is how we are going to diversify this economy. The livestock sector is an important agricultural subsector which offers many opportunities for small holders, for agri business, job creators throughout the livestock supply chain but it needs to be properly managed if we are to avoid the risks posed by adverse impacts on the environment, to animal and human health, the osmosis legislation we looked at before. We need to improve financial

incentives for livestock producers and to provide them with proper guidance in ways that are relevant to the needs which is what this board was about.

This cannot be left in my respectful view to the departmental advisory committee within the Ministry of Agriculture. If we do not replace the board with this legislation with something meaningful, if we leave a vacuum to exist, I agree with Sen. Lyder, we will be seriously failing the livestock sector. I thank you.

Hon. Senators: *[Desk thumping]*

12.00 noon

Madam President: Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, in accordance with Standing Order 48(4), I beg to move that the debate on a Bill entitled an Act to Repeal the Livestock and Livestock Products Board Act, Chap. 67:05 be adjourned. Thank you.

Question put and agreed to.

Madam President: Minister of Tourism, Culture and the Arts.

NATIONAL ACADEMY FOR THE PERFORMING ARTS BILL, 2022

Order for second reading read.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you, Madam President. Madam President, I beg to move:

That a Bill to provide for the establishment of the National Academy for the Performing Arts and for the management and control thereof and for related matters, be now read a second time.

Madam President, it is indeed a signal honour for me to pilot this Bill to establish a body corporate to be known as NAPA, for the purpose of owning, managing, and operating the facility known as the National Academy for the

Performing Arts in the City of Port of Spain. This Bill once passed and proclaimed addresses a number of inefficiencies and issues that have plagued the NAPA since its inception and will once and for the more effective management of the facility in the spheres of culture and the arts.

The question one might ask now is why is there such a need at this time to put these measures in place to ensure this greater and more effective management and operations of NAPA. Apart from some of the management inefficiencies plaguing NAPA, it is a fact that Trinidad and Tobago is, and continues to be, a cultural power house in the region and in the world, and it is what drives our tourism product. We have given our culture to the world and many countries and cities across the world not only continue to enjoy and fall in love with our culture and cultural expression and products, but they also utilize our cultural expression and products to realize real economic benefit. Yet, we continue to miss the opportunities to truly maximize our culture and entertainment economically, while at the same time continue to advance the development of our orange economy.

It is a fact, perhaps too little recognized, that apart from our energy cost and resources, our other comparative advantage is our culture. It is one of our main unique selling propositions. As little as we may be on the world map, we have created and developed the steelpan instrument, calypso, soca, rapso, Tobago speech band, chutney, our own version of spoken word, our dances, our theater, infused and influenced with the culture and practices of our many ancestors. And with these incredibly valuable intangible assets we must continue to move away from the dependence on the energy sector and realize fully the economic potential of our entertainment and cultural sectors. We must treat creative works and expression as productive and valuable endeavours.

So how does this tie in to our policy prescriptions? The *Vision 2030* Sustainable Development Goals identified among other challenges dependence on the energy sector, weak institutions, and rapid advances in technology as national challenges to be overcome on the way to achieving developed nation status. More effective management and operations of NAPA and SAPA will contribute to fulfilling the national vision statement, by enabling members of the creative sector to feel valued and attain their fullest potential supported by efficient management of these performance spaces providing a facilitative environment for fostering diversity and creativity. In other words, Madam President, changing the management structure improves the ease of doing business, which lays the foundation for creatives to create in a space that allows their work to flourish comfortably.

The reason for and desired outcome behind laying these Bills are in keeping the development themes outlined in the Sustainable Development Goals. By changing the management structure of these performance spaces, we are able to promote decent work and economic growth through diversification and innovation, promote job creation, entrepreneurship, creativity and innovation, and devise and implement policies to promote sustainable tourism that creates jobs, promotes local culture and products. In addition, these Bills will facilitate the protection and safeguarding of our cultural and national heritage by providing a more efficiently managed performance space.

Madam President, permit me to go a little into the background of the National Academy for the Performing Arts, and place on the record and provide some understanding the genesis of the creations of the two academies for the performing arts in north and south Trinidad. Of course, we are dealing with NAPA

in the North. The first major stakeholder consultation for the performing arts academies took place as far back at 1988 at the Jean Pierre Sport Complex under the NAR Government.

In 1990 a committee convened by that Prime Minister put forth a new plan for a national school of the arts, steel band theater, an overall creative arts gallery, and administrative offices. Between the years 1990 and 1994 further consultations done over the period with concerned stakeholders conducted in part by former culture Minister Mrs. Joan Yuille-Williams and it was from then where that we find the evidence of the national academies for the performing arts and it was then that it was born.

Fast forward to 2002 to 2004 consultations continued, and in 2005 the decision was taken by the then Cabinet to construct the national academies for the performing arts funded by a concessional loan with the Government of China and the IDF in alignment with that government's aggressive pursuit of its *Vision 2020 National Strategic Development Plan*, that was designed to ensure that by the year 2020, Trinidad and Tobago would be a unified, resilient, productive, innovative, and prosperous nation.

In 2007, construction started on NAPA at the Prince's Building Grounds in Port of Spain at the estimated cost of \$360 million for the construction works, to be funded via the concessional loan while the design and other ancillary costs were to be funded by the IDF. The estimated cost of construction increased through a variation to relocate the public tennis courts and other facilities from the Prince's Building Grounds to the then named King George the V Park.

The NAPA facilities built on 26,000 square metres consist of three main and distinct areas, a theater area, an academy area, and a 53-room hotel. The theater

area now called the Lord Kitchener (Aldwyn Roberts) Auditorium is a theater 1,200 seating capacity, one VIP room with a capacity for 10 persons, a box office, and an over 1,000 square metre stage capable of moving in sections, state of the art. Technical control rooms, both on stage and front of the house, two main dressing rooms and smaller dressing rooms for a more personalized atmosphere as well as studios for the performing artistes, and office space for administrative use.

The academy area, which is occupied by the University of Trinidad and Tobago has three large classrooms and 10 smaller classrooms, two multifunction halls which are conference rooms to host functions with lighting and sound systems on the ground level with a total capacity seating of 400 persons.

In the hotel area there are 53 rooms consisting of standard single and double rooms, as well as three suites, and two restaurants, one designed for western cuisine with a capacity of 80 to 100 persons, and the other with catering to Chinese cuisine with a capacity of 130 to 150 persons. There are other areas on the complex: an atrium, a waterscape and garden feature, and a bridge connecting the hotel to the academy area. There is an outdoor area with landscaping and high mast external lighting that beautifully lights up the skyline, parking facilities with 172 outdoor spaces, and 44 basement spaces within the compound, and of course, Madam President, a musical fountain.

NAPA was officially opened in 2009, but in 2008 prior to its opening the then Cabinet determined arrangements for the ownership, management, and operation of NAPA which might have at that time seemed logical in a public sector management sense. Government determined that the ownership of NAPA would remain with government. A single entity, a subsidiary of UTT was tasked with the management, maintenance, and security of the entire complex. UTT took

responsibility for the academy area and the state enterprise eTeck took responsibility for the hotel area. The Ministry of Community Development, Culture and Gender Affairs took responsibility for the auditorium.

In 2010, in came the People's Partnership Government and in 2013 that Government amended the management and operational arrangements of NAPA, which would now be under the complete management of the Ministry of Arts and Multiculturalism with MOUs entered into with the Ministries of Tourism for the operations of the hotel, and Ministry of Tertiary Skills for the operations of the academy. The management of the auditorium would be managed through a management committee through the Ministry of Arts and Multiculturalism appointed by Cabinet.

So, Madam President, it is no surprise that such a convoluted and ineffective model of management of the NAPA complex by overly bureaucratic organizations, subject to strict public sector rules and guidelines resulted in poor maintenance, poor management, and poor decision-making. This, compounded by the People's Partnership failure to properly maintain the facilities, the employees of NAPA in 2014 were compelled to initiate an investigation by the inspectors of OSHA to have that facility closed for assessment, and testing, and subsequent remedial works due to poor maintenance resulting in poor air quality and dangerous states that existed at the facility.

These remedial works had to be completed by a PNM Government in 2016 and NAPA was reopened in that year. And since then, NAPA has been maintained through a facilities management contract provided by UDeCOTT. But, Madam President, the failure to properly institute an effective management model for the maintenance of the NAPA facility did not only manifest itself in the closure of that

facility by OSHA. The management model has also had an adverse impact on the operations of NAPA in terms of bookings, the inability to collect and utilize revenue generated by bookings as well as grant funding. But, Madam President, the NAPA hotel has also been underutilized since it has been created and the attraction of an operator continues to be difficult, on account of a myriad of issues including the ownership of the hotel, the absence of a legal contracting entity on behalf of government for the hotel, and the ability to provide a proper lease to the operator for the hotel.

Having regard to the adverse impact of the inefficient and effective management model for NAPA, NAPA being basically run by a unit of the Ministry, it is our view and the policy of this Government that the solution to the issues would be to create a statutory body corporate known as NAPA in a model that mirrors the successful Queen's Hall and Naparima Bowl model, where all the property and assets known as NAPA, meaning the entire facility be vested in, and the operations and management be led by a responsible and accountable board of directors.

The establishment of NAPA as a corporate legal entity means that NAPA will be presumed to exist into perpetuity despite changes in the members of the body, creating an enduring legal business structure. NAPA will be able to conduct its own transactions, enter into contracts and retain its own accounts and other related matters in an expedient and efficient manner and in its own name.

The establishment of the board of NAPA will allow for faster and improved decision-making, greater ease of doing business as it relates to the proper control and management of NAPA, and its commercial activities. The board would be comprised with persons with the requisite qualifications and experience in the

performing arts, culture, law, engineering, management, finance, accounting, IT, HR, marketing, and the other related fields which will in itself manifest into a resilient corporate governance framework. The board will also be tasked with strategic planning and ensuring the commercial viability, competitiveness, and sustainability of NAPA where such planning was indeed absent in the past.

So, Madam President, with your leave I will now give a detailed overview of the clauses of the NAPA Bill to the House. The Bill itself comprises of five parts with 40 clauses. And I also wish to make it clear that Government has not sought to reinvent the wheel with this governance structure. In fact, this Bill represents tried and tested legislative constructs used in similar circumstances that have already met the approval of Parliament, including but not limited to the Queen's Hall model, the Naparima Bowl model, and other relevant statutory bodies.

So Part I of the Bill sets out the preliminary matters. Clause 1 of the Bill—sorry, Madam President, Part I of the Bill sets out the preliminary matters. Clause 1 of the Bill provides for the short title. Clause 2 provides for the commencement of the Act by proclamation of the President. And clause 3 defines certain key terms used within the Act.

Part II constitutes the substantive portion and crux of the Bill, which is aligned with its purpose. Clause 4 establishes NAPA as a body corporate. NAPA will therefore now as stated have a separate individual corporate and legal entity. Clause 5 of the Bill provides for the functions of NAPA. NAPA as a culture and the arts showpiece will have five main functions. It will:

“...promote the development of culture and the arts in Trinidad and Tobago...”—while providing—“state-of-the-art facilities...”
—that boast conference amenities, a sound laboratory, musical fountains, a 1,500-

seat capacity cloaked in masterful architecture which is reminiscent of our Chaconia flower.

It will serve as a theatre and dance hall featuring a variety of cultural and artistic events and performances. Critically, NAPA will also function as a commercial and business entity so that it can, like its international contemporaries, explore more progressive business models beyond the traditional historic management, and therefore enter into contracts that optimally generate funds towards enhanced self-sufficiency and self-sustainability.

Clause 6 of the Bill establishes the board of NAPA which:

“Shall comprise...”—of—“...not less than five and no more than eleven Members.”

Inclusive of a Chairman and a Deputy Chairman, who will exercise their powers and duties within the ambit of the Act and our other laws. The members are to be appointed by the Ministry and there is no specification for these members to have a very high certain degree of—sorry. There is specification for these members to have a certain degree of skill, qualification, experience, and expertise. As previously mentioned, these members will be selected from persons who have certain specified qualifications or experience listed in the clause:

“A member...”—will—“...be appointed for a term not exceeding three years and is eligible for reappointment.”

Clause 7 provides for the:

“Responsibilities and powers of the Board”

—in respect of the management and control of NAPA. Government saw it prudent to vest the board with the responsibility for:

“...regulating...”—and—“...co-ordinating...”—NAPA’s—

“...activities...entering...”—beneficial—“..strategic partnerships...”—and—
 “...alliances consistent with...”—NAPA’s functions.
 “...optimizing...”—NAPA’s—“...revenue-earning...”
 —capacity, as well as its overall—
 “...contribution to the culture and art sector;”

The board will also be at the helm of developing and implementing management policies consistent with its duties and powers under the Act.

Further, the board will have a generalized power to do anything, which it finds necessary, incidental, conducive, or convenient for it to do, or in connection with the functions of NAPA to remove any unnecessary fetter to the effective execution of its fiduciary responsibilities.

Clause 8 provides:

“That that the appointment of a Board Member shall be on such terms and conditions determined by the Minister.”

The Bill makes provision for instances where a member resigns or should be terminated from office.

Clause 9 provides that:

“...Member may...resign...”—at any time or—

“(2) The Minister may...”—opt to—“...terminate the appointment of a Member...”—in certain circumstances, which include—

- (a) the commonplace formulations such as unsoundness of—
 “...mind;
- (b) ...bankrupt...;
- (c) being—“...unable...”—or—“...unfit or unwilling to perform...”—one’s—“...functions;

- (d) absenteeism,—“...misbehaviour in office or misconduct...”—
 and
 “(e) ...imprisonment...”

Where either resignation or termination takes place there is a provision for filling the vacancy. The board will thus not be left improperly or insufficiently constituted. There is a further provision for temporary and acting appointments to the board where a member needs to travel:

“outside”—of—“...Trinidad and Tobago;”—or is—
 “absent...”—by reason of—“...illness...”—or some—“...other reason...”—
 that prevents him or her from performing their duties.

Clause 10 ensures transparency in matters involving the appointment, removal or resignation of members of the board. It requires the Minister to:

“...cause notices of the appointment...”—termination and resignation “...to be published in the *Gazette*.”

Pursuant to clause 11, a corporate secretary will be appointed by the board. A person to be appointed as Corporate Secretary must be suitably qualified to fill that position and the terms and conditions of their employment will be set by the board. The board also determines the responsibility which falls to the Corporate Secretary.

Clause 12 prescribes the manner in which NAPA must execute legal instruments and manage use of the official Seal of NAPA. The clause details the Seal:

“shall...be kept in the custody of the Corporate Secretary...”—and—
 “...shall be used with the...”—Board’s permission.

The clause also stipulates what necessary signatures must accompany the affixture

of the Seal. So where the law does not require at the Seal to be used it specifies that signatures that will suffice will legitimize the document.

Clause 13 provides for the manner in which documents may officially be served upon NAPA. Clauses 14 and 15 provide for the meetings and minutes of the Board.

“The Board...”—will meet—“...at least once...”—monthly or—“...at such other times...”—where—“...necessary...”

The Chairman may also call special meetings, 50 per cent of the Board's membership will constitute a quorum for meeting of the board and decisions are taken by a majority vote of the members present. Where there is a tie, the person presiding will have a casting vote.

Further to clause 15 it will be the responsibility of the Corporate Secretary to take and keep proper minutes of all meetings. These minutes will be confirmed by a member present at the meeting certified the Chairman and then forwarded to the Minister. Clause 16 of the Bill provides that:

“The Board”—of NAPA “... may appoint committees comprising...”—of—
 “...its Members or other...”—members—“...to assist in the performance of the functions of NAPA.”

This clause also makes provision:

“for the remuneration and allowances, if any, of such committee members...”—who are not board members to be declared by a resolution of the board subject to:

“...the approval of the Minister of Finance...and such sums shall...”—be—
 “...properly...payable out of the funds of NAPA.”

Clause 17 pertains to the disclosure of interest in keeping with the principles

of accountability integrity and full transparency. All Members appointed by the board must, having regard to their fiduciary relationship with NAPA:

“...within three months of...”—being appointed declare—“...any actual or contingent pecuniary interest...”

—they may have in any company firm or other—“...entity carrying on any business with NAPA.”

Thereafter, each member must make such disclosure within three months of each anniversary of his appointment. Although this is a timetabled disclosure, provision is also made for instances where an actual or contingent pecuniary interest arises in respect of a member at any point. Where this occurs, the member must disclose the nature and extent of the interest as soon as possible after the relevant facts comes to his knowledge. Disclosures will be recorded in the minutes of meetings and the member to whom the disclosure relates will not take part in the deliberations or decisions of the board in respect of that matter. The member will also be disregarded for the purpose of constituting a quorum of the board at that meeting.

Madam President, board members are stewards of public trust. It will be an offence for a member to fail to comply with the disclosure provisions and such member can be:

“...liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.”

Further, a board member:

“...who knowingly makes a false declaration...”—as to his interest—commits an offence and is similarly—“...liable on summary conviction to a one hundred and fifty thousand dollars...”—fine—“...and imprisonment for...two years.”

The concern about personal liability is very real and this is particularly true within the rapidly changing climate which we now inhabit.

The Government therefore saw it fit to afford such protection to those board members and NAPA staff who diligently execute their duties towards an environment friendly to bona fides' efforts and hard work.

Clause 18 therefore seeks to shield members of the board and members of staff of NAPA from personal liability when carrying out their duties so that these persons can effectively keep NAPA true to its mission and perform their functions without fear of legal consequences where their acts or omissions are conscientious and done in good faith.

Clause 19 pertains to "Directions as to policy". This is a boilerplate clause found in numerous pieces of legislation. It directs that:

"...the Board shall, when exercising and performing its functions, powers and duties..."

—must act according to any special or general directions from the Minister.

In Part III of the Bill provision is made for the staff and advisors of NAPA. Clause 20 of the Bill provides that:

"The Board shall..."—on such terms and conditions as are approved by the Minister—"...appoint a General Manager..."

Clause 21 of the Bill provides that:

"NAPA may..."—subject to the approval of the Minister—"...employ such persons...it considers necessary for the due and efficient performance of its functions and exercise of its powers..."

Clause 22 of the Bill provides that:

"The Board..."—of NAPA—"...may enter into contract for services with

persons for the performance of...”—specific—“... tasks...”

Clauses 23 and 24 of the Bill provides for the secondment and transfer of public officers to NAPA.

Clause 25 enables public officers to exercise:

“...within three months of the”—date—“of...coming into force of this Act,...”—an option to:

One:

“...voluntarily retire from the Public Service...”

Two, to:

“transfer to NAPA with the approval of the appropriate Service Commission...or...”

Three, to:

“remain in the Public Service provided that an office commensurate with the office held by”—the officer—“in the Public Service...is available.”

12.30 p.m.

Clause 26 requires NAPA to establish a pension fund plan for the officers and employees of NAPA.

Clause 27 was drafted to effectively mirror clause 17 and require:

“The General Manager and such other persons employed or engaged by NAPA, as the Board may...determine”
 —with the Minister’s approval to disclose—“whether or not”—they have —
 “any actual or contingent pecuniary interest in any”—company, firm or other—“entity which is engaged by NAPA.”

Such disclosure is akin to clause 17, which must be made within three months of the appointment or engagement and three months after each anniversary of such

appointment or engagement. Again, so as to enhance public confidence we as well—and as well corporate transparency and accountability, this provision is backed by a stout enforcement provision. It will be an offence for such person to:

1. Fail to comply with the disclosure provisions.
2. Knowingly take part in a deliberation decision in which he has an interest, which is likely to impact said interest.
3. Knowingly make a false declaration as to his interests. Such a person can be liable on summary conviction to a fine of \$150,000 and imprisonment for a term of two years.

Part IV of the Bill constitutes the financial provisions. Clause 29 specifies that:

“The funds of NAPA”—would—“consist of—”

Including:

“...appropriations”—from—“Parliament...
 ...sums borrowed...
 ...grants, covenants, and”—the—“donations...”

It will also consist of:

“...fees and... charges collected by NAPA...”

And:

“...sums received”—and—“owed to NAPA...”

—since the Bill also contemplates NAPA as a commercial and business entity.

Clause 30 determines how NAPA may apply its funds. NAPA may not use its funds in any other manner or for any other reason than what is strictly provided herein. Funds may be applied to necessary items like:

“...operating expenses...”

...acquisition of property...

...remuneration”

—for the board.

“...salaries, fees, allowances, advances...gratuities, pensions...

...research and development projects”—and—“training and certification...”

—of staff.

Clauses 31 to 34 deal with reporting requirements for transparency and accountability in relation to NAPA’s income and expenditure. Under clause 31 NAPA must prepare and submit estimates of income and expenditure every financial year, in line with the budgetary cycle. Clause 32 prescribes and describes NAPA’s financial year that runs from the first day of October in any year to the 30th day of September the following year.

To reiterate, clause 33, consistent with the theme of transparency and accountability echoed throughout the Bill, requires NAPA to keep proper accounts and records of all sums it receives and spends and provide a report on its activities and financial statements every financial year, which is forwarded to the Minister and laid in Parliament.

Clause 34 provides for the auditing of NAPA’s accounts on an annual basis by the Auditor General. NAPA will also have a power to invest its moneys and borrow sums to meet its obligations where necessary. Clauses 35 and 36, these both powers are to be exercised with the approval of the Minister of Finance.

Part V provides for miscellaneous matters in the Bill. Clause 37 mandates that the board must prepare strategic and operational plans to be submitted to the line Minister. It is incumbent on me to remind this honourable House that NAPA’s

strategic plan will be for periods of three years or less but its first strategic plan will be a three to five year plan. The operational plans are to be done yearly.

In clause 38, the board is empowered to make rules for the management control and use of NAPA, subject to the approval of the Minister. Clause 39 vests in NAPA all property that exists currently in relation to the National Academy for the Performing Arts. And lastly, clause 40 exempts NAPA from the payment of certain types of taxes similar to other statutory bodies, like the National Museum and Art Gallery, the Environmental Management Authority, Legal Aid and Advisory Authority, Trinidad and Tobago Civil Aviation Authority, et cetera, but in this case, with the exception of Value Added Tax.

Madam President, in conclusion, Government holds firm to the position that this Bill is necessary for a more agile and strategic management of NAPA. This Government continues to recognize that culture and the arts, the creative sectors, are integral to our national identity, belonging and purpose, as well as emblematic of the strength and energy of our people. The creation of NAPA as a body corporate will contribute significant benefit to our creative sectors and by extension the national community.

As a body corporate, NAPA will be able to efficiently discharge his duties including risk alleviation, befitting upgrade maintenance, business management, the competitive exploitation of its assets, both real and personal, improved financial record keeping and reporting and other related matters. The newly configured NAPA will serve as a critical agent of change that will revitalize our competitive edge and provide even greater contributions to our existing cultural scholarship. Improved dynamic decision making from a well constituted board possessed of the key competencies will not only safeguard NAPA's interest, but

will also develop and champion NAPA's business governance system in a manner that will further elevate this important national performing space for generations to come.

Madam President, I look forward to the contributions to come from the other side and in that case, Madam President, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Thank you, Madam President. Madam President, the Bill that is before us is seeking to establish a framework for the governance, management, administration and ultimate control of this particular entertainment, cultural performing centre, which is known as the National Academy for the Performing Arts.

Madam President, one would have thought that in seeking to promote the cultural or I should say the creative economy and to develop the industries associated therein, the Government through the Minister of Tourism would have in fact provided his honourable Senate with a basic framework and at the same time to connect the dots if this particular National Academy is to play a very critical role in the development of our economy.

Madam President, the first area I would like to pay attention to is the need for the Government to embark on large scale consultation on the matter that is before us. From my interaction with the artistic community and the cultural drivers of this economy, there has been little or I should say, absolutely no consultation. So, the Minister went back in times to tell us about what took place in 1988 under the NAR and 1994. But in terms of 2022, Madam President, there is no commitment, no information sharing as it relates to the players involved in this industry being

directly involved in consultation participation in this decision-making process. So, I would like to firstly say, Madam President, how disappointed we are with no consultation involving the stakeholders in this industry and in this regard, I would like the hon. Minister, to seriously consider this matter being sent to a Joint Select Committee, so that we can have the various stakeholders' involvement in this matter. This is a very serious matter.

Madam President, I want to indicate that this NAPA literally was designed to fail. The Minister talked about being competitive and having this edge and being an agent of change using NAPA. How can you bring about change? How can you be an agent of change? How can you be competitive? How can such an industry or institution generate revenues and become self-sustaining, Madam President.

If, when you look at NAPA, there are only two major rooms in that building that can be monetized, Madam President, that can generate revenues. You are talking about the auditorium and of course, Madam President, there is another room that is in that building that is not properly outfitted. So, when we examine what we have before us, Madam President, we are seeing where the Government is attempting to promote this institution as a mechanism that can mobilize the cultural and creative sectors in our economy. But I am saying, Madam President, it is impossible to do so given the current structure of the legislation, the legislation that is before us, Madam President.

When you look at its clauses, Madam President, when you look at clauses 4, 5, clauses 6 and 7, you will see, Madam President, where the Minister looms large, the Minister is large and in charge, but this is a multimillion dollar exercise. NAPA started off at around 300 million, it went to 500 million. There were a lot of cost overruns. This NAPA, Madam President, with the greatest respect, was never fit

and never built for purpose. This is an irrelevant structure for the cultural community in Trinidad and Tobago. For this structure to have meaning, Madam President, for the cultural interest groups in our country, this NAPA has to be restructured and redesigned.

Madam President, if you have ever visited cultural centers in the world, if you go to the opera house in Sydney, called it the Sydney Opera House, if you go to the Royal Academy which is dealing with dramatic arts, if you go to the United States of America, if you go to Canada, and you look, Madam President, at what you call centres for the performing arts, centres that will promote the art, the culture, the music, Madam President, what you would see Madam President, in a building, there is need for no less than 20 rooms for cultural purposes, for cultural performances, so that you can have the monetization of the cultural product in our country. This NAPA was not designed for Trinidad and Tobago, it was designed for some other country. And, Madam President, you know what is even more disgusting and alarming? Is that when the cultural community who have been fighting for over 50 years to establish a cultural centre, a home for the arts in our country and it was manifested, as the hon. Minister said, when a decision was taken in 2005 to begin construction in 2006, everybody was happy. They felt something was going to take place. But, Madam President, when that was announced, designs were already determined, everything was already concluded, nobody got a chance to participate. There was no involvement by the cultural community in our country.

Sometimes we wonder, Madam President, was this NAPA designed in another country? The country that loaned us money, and I have no problem with that country, because I love it. The question here, Madam President, is whether that

country designed NAPA without the involvement of Trinidad and Tobago's cultural community?

Madam President: Sen. Mark, I have to just caution you that we are dealing with a particular Bill here, the Bill is setting out certain issues but you are not dealing with the issues that are in this Bill. Okay.

Sen. W. Mark: Madam President, no but we have to put this thing into perspective.

Madam President: And I so know that you have to put things in perspective but I also know that whatever you are putting in perspective, at some point in time, you have to come to the Bill and be relevant to the matter at hand.

Sen. W. Mark: Thank you, Madam President. Madam President, all I am saying is that we are dealing with something called the National Academy for the Performing Arts and that is a structure that is there before our eyes, right here in Port of Spain. And that centre, that Academy was designed to achieve certain objectives. And I am saying by the President, it—when you examine that structure, it is not designed, it is not built for purpose. But, Madam President, let me go on, as you have advised.

Madam President, let us look at what is being proposed in this Bill. Madam President, when you go to clause 5 of the Bill, you have a number of functions being outlined for this body called NAPA. But if NAPA is a statutory authority that we are trying to establish, should NAPA not be responsible for the maintenance of this institution called NAPA? Should the board of directors, that is, not be given that responsibility under clause 5? I am not seeing a provision in clause 5 as it relates to the functions of NAPA, dealing with the maintenance of that structure that they would be responsible for. We heard from the Minister that

there is a facility maintenance arrangement with UDeCOTT. But what UDeCOTT has to do with NAPA? They had a function to perform. They executed it via Shanghai Construction Group that has now been completed. We are now trying to establish this statutory body and I am saying, Madam President, one of the functions of that statutory body should be the maintenance of that structure. And I am saying to the Minister, it is not included in the legislation. So that is an amendment I am flagging very early for the Government's consideration.

Madam President, may I also indicate when you look at the composition of the board, we are either going with nine persons or we are going with seven persons or we are going with six persons. This thing about less than—no more than—how they have it here, Madam President? Not less than five, Madam President, and no more than 11. Queen's Hall is nine persons. You must be able to think this thing through properly, Madam President, and say that the board will be made up of nine members. Right, and Madam President, that is another area as I said, I would like to address in an amendment that will come.

Madam President, let us look at the composition of the board. Right, we are talking about nine persons or 11 persons I should say. And we talk about the experience and the qualifications that they would have. Madam President, this is a centre, an academy for the performing arts. The stakeholders should be involved in the governance of this structure. I would like, Madam President, through you, to indicate to the hon. Minister who piloted this Bill, we should look either at the model of the National Insurance Board, or we can look at the model that we—the matter we were just debating and we adjourned, Madam President, the livestock board, where you will deal with interests. So, when you are appointing a board, Madam President, you either go on a tripartite basis because of the nature of the

industry that we are dealing with or you focus on the interest groups in making up the board to govern this particular centre or academy.

So, Madam President, what I am saying in essence is this, there is something called TUCO, they deal with calypsonians. That is part of the cultural and art form in our country, and community. Madam President, there is the National Band Leaders Association, there is Pan Trinbago. Madam President, there are many other bodies established in this country dealing with the theater, dealing with drama. Those are the individuals and interest groups that should be asked to appoint a member to this particular board, and the Minister's only role would be to issue the instrument because the appointment is being made by Pan Trinbago, it is being made by the Band Leaders Association, it is being made by TUCO, not for the Minister to sit down in his lofty area office or wherever he is located and then decide that, you know, I want this one in law, I want this one in technology, I want this one in culture. And most likely might be a PNM board, jobs for the boys. But if we want this thing to work, Madam President, we have to be serious and this is why, Madam President, I said very early, let us refer this to a Joint Select Committee.

Let the stakeholders come in and indicate how they want to see this National Academy for the Performing Arts work and not come from any politician to determine who are the members of the board. We are putting the cart before the horse, Madam President. How is this going to work, if the Minister alone—does the Minister has the sole repository of knowledge in this country? No, what role as a Minister have in understanding how the cultural forms develop here, that is the people's business. Madam President, culture is about identity, culture is about the way of life, culture is made up, Madam President, of people and therefore, they

must have a say in how the institution works, how it is governed. And that is why Madam President, I am putting forward very, very firmly that there is need for interests to be represented on the board and the Minister's only role is to appoint or to issue instruments of appointment, not to appoint these people, Madam President. So I want to make that very, very clear. And wherever we look, Madam President, the Minister is looming large.

The Minister, Madam President, is even determining your terms and conditions of employment for the workers. How the Minister "get" involved in that? That should be a function for the Personnel Department; that should be a function for the CPO if this is a statutory body. But the Minister wants to determine not only the terms and condition for the CEO or the general manager, who the board is appointing but the Minister wants to determine as I said, Madam President, the appointment—the terms and conditions of the workers.

So we have a real challenge, Madam President, with what is being proposed in this particular Bill that is before us. And, Madam President, if you want NAPA to generate revenue, if you want NAPA to generate income, if you want NAPA to be financially self-sustaining, you have to put the power in the hands of the stakeholders. And, Madam President, most importantly, NAPA has to be redesigned. So that is another very important matter, Madam President, I want to draw to your attention as it relates to this institution that we are trying to deal with here today.

Madam President, you know, the Minister made reference to diversification and competitiveness and I want to agree. But Madam President, if you are going to use the cultural, or what I call the creative sector, or the creativity economy, through the creative industries, manifested in all of the different areas of the arts,

how are you going, Madam President, to generate income? Madam President, you know, we had a good—the idea, Madam President, was extremely good. When you talk about NAPA, Madam President, the Minister indicated in his contribution, there is a hotel there, there is also an academy where there is training and education and the UTT, Madam President, that is there as well and then you have the auditorium. So, there was a connection, so that persons who want to be trained, Madam President, who want to be certified, who want to get a degree in the performance or in the performing arts, in whatever area, Madam President, UTT would have been able to provide that training and therefore, they would have—these people would be able to blossom and earn income, Madam President.

1.00 p.m.

But how it is structured right now because of the fact that moneys are not generated, income is not being earned, people are not being employed, there is frustration, Madam President, because this whole matter of the cultural industry has collapsed. And there is no vision or direction for the industry. I thought, Madam President, the Minister would have sought to link the Draft National Cultural Policy that was tabled in this House in June of 2020 to this matter that we are dealing with so that we could see the connection between the Draft National Cultural Policy and NAPA and showing how NAPA can play a very critical role in the transformation, in the development, in the growth, in the transformation, in the generation of, Madam President, revenues, income towards our GDP, towards sustainability. But, Madam President, lo and behold, at last, we did not see it. We did not get that connection, Madam President.

So if we really want to see and play a very important role—we want NAPA to play a very important role, Madam President, we have to be serious. You must

talk with the cultural individuals and forces in our country. You cannot bring a Bill here, Madam President, without consulting them.

Madam President: Sen. Mark, you have been speaking now for quite some time and you have now circled back really to where you started. You have made this point already so you need to either make some new points but you cannot stay on this point again.

Sen. W. Mark: So, Madam President, let me—Madam President, you know I always look for your guidance and, you know, sometimes I ask you when we are dealing with a Bill, second reading, we deal with the merits and the principles and I just want to ask you—

Madam President: Sen. Mark, thank you—

Sen. W. Mark:—whether when I am dealing with—

Madam President: No. No. Sen. Mark, hold on. Thank you so very much for your guidance but may I just point out to you that you are now repeating yourself; whether you are speaking generally about policy you have dealt with this issue already.

Sen. W. Mark: Yes, Madam President, let me continue to deal with what is before us today. Madam President, we are dealing with this institution or this centre called the Performing Arts, NAPA, the Academy, let us go to Part III of the Bill, Madam President, as I try to connect the dots. Again, we see in these clauses the Government is seeking to establish what they call, Madam President, workers on contract which we have a problem with. So if you go to clause 21 of the Bill that is before us it reads that:

“NAPA may employ such persons as it considers necessary for the due and efficient performance of its functions and exercise of its powers on such

terms and conditions as...agreed upon between...”—that particular body—
“and...persons subject to the approval of the Minister.”

Again, Madam President, we are talking about the Government—and maybe, Madam President, the Minister will need to clarify, are these workers going to be employed on a permanent basis, Madam President? Who is going to be employing these people, Madam President? Is it the Statutory Authorities Service Commission or is it, Madam President, going to be the General Manager through the board of directors, and approval being given by the Minister? In those circumstances, Madam President, are we talking about workers being employed on contract? And this is an area, Madam President, we would have a concern with.

Madam President, I also want you to pay attention to the ability of this particular Academy, according to the Bill that is before us, Madam President, to have the power under clause 35. Madam President, I refer you to clause 35 and I refer you to clause 36 where they have the power not only to invest in securities but they have the power to borrow, but, Madam President, this body will not be earning any income from what we are seeing and what has advanced, unless there is a radical reformation of its structure. So, therefore, if it is not earning revenues, Madam President, it means to say it will have to be dependent on the State, on the Government, on the Parliament through its budgets in order to get income to generate its activities. So if that is the case, Madam President, if it is depending on the State, on the Government of T&T for subventions in order to carry out its work then its capacity to borrow becomes questionable. And even if it borrows, Madam President, the question is, how is it going to repay? How is it going to repay? And in this regard I want to serve notice, Madam President—and I am taking advice and guidance from my hon. friend, the Minister of Tourism. He did indicate in his

presentation that they have extracted a lot of provisions from existing legislation, Naparima Bowl, Queen's Hall in order to arrive at what we have here today.

So I want to serve notice on the hon. Minister that I will be taking out from the Queen's Hall Act and the Naparima Bowl Act certain provisions that will give the Parliament a certain degree of oversight as it relates to borrowings where when you borrow, Madam President, you have to inform the Parliament. There must be a statement that you bring to this Parliament indicating, Madam President, the terms and conditions of that loan, who you have borrowed it from and when it is going to be repaid. Those are matters, Madam President, in accordance with the Queen's Hall Act, are inherent in this piece of legislation. So I am going to follow my colleague's advice and extract from the Queen's Hall Act these provisions so that the Parliament, Madam President, will not only be giving that power to borrow and not only giving that power to invest in securities but we in the Parliament will have an oversight role in that capacity to borrow and that capacity to invest and there must be accountabilities in this matter, Madam President.

So when we are talking about the National Performing Arts or the Academy for the Performing Arts, Madam President, we have to see it in the context of its ability to, as I said, invest and borrow. I also believe, Madam President, that in clause 37 where we are talking about "strategic plans" and "operational plans", it is very important, Madam President, that those plans, as well as the operational plans, yes, be established to guide the Board and to guide the management as it relates to the future projections of this particular body or institution.

Madam President, if you go to clauses 29, 30, 31, 32 and 33 which deal with the financial provisions, Madam President—let us go to the financial provisions and where these funds are going to come from. And as I told—Madam President,

that the funds of NAPA in clause 30, Madam President, if you follow the Bill that we have before us, you will see in clause 30 that any financial—the defraying of financials under NAPA will come, Madam President, from—the funds will come from:

“...operating expenses...
...capital expenditure...”

—which will be subject, Madam President:

“...to the approval of the Minister;”

NAPA will have the power through this arrangement in defraying expenditure, Madam President, under clause 30 to acquire property, Madam President, in the course of its function. Also, Madam President:

“the remuneration of the Chairman and other Members;”

—will fall under that provision of the legislation:

“...salaries, fees, allowances, advances, loans...”—et cetera.

All of this:

“research and development projects...”

So we are seeing where NAPA will have access and it is telling you where their expenditure and how they are going to defray their expenditure to deal with their day-to-day operations, Madam President.

Madam President, I would like to also say here that it is important that when we talk about revenue generation at the level of this body, we are not only focused on an allocation coming from the Government through its annual budgets but we also need, Madam President, to pay attention—I would like the Minister—and I would like the Minister to share with us his thoughts on local content—on local content, Madam President. Madam President, if we are to generate the kind of

revenue to make NAPA self-sustaining there is need for legislation and I would like the hon. Minister to address this matter of local content so that, Madam President, will encourage local production. So whether it is the broadcasting services involved here, radio, television, the film industry, we must promote local content. And, Madam President, in promoting local content it will go a long way in bringing about financial self-sufficiency for this particular Academy.

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Yes. Thanks.

Madam President, another area I would like the hon. Minister to address when he is responding to this debate is whether the Government has given thought to the equivalent of a national arts council. Madam President, you need seed capital, S-E-E-D—seed capital for the artistes. They need it. They need a predictable, Madam President, amount that they would be getting ever year for them to carry out their work and their activities. So right now, Madam President, we are in a pandemic and what the cultural artistes have been able to get is a \$2,500, a \$5,000; that is not going to do anything to them. They want to be self-sufficient. They want to generate their revenues, but, Madam President, to do so there is need for us, as we are talking about the Performing Arts and we are talking about culture and we are talking about the cultural industries, we need to focus on, not only local content but we need to pay attention to what is called, Madam President, a national arts council that would be transparent in its distribution of resources to the various stakeholders involved in the creative economy and the cultural industries and that must be predictable, Madam President. So that is an area, Madam President, we would like the Government to pay attention to.

Madam President, I know I only have a few moments left and in these few moments I cannot escape raising with you, or through you, the need for the Government to pay attention to spaces, open spaces. Madam President, Trinidad and Tobago is a nation of festivals, Madam President, and if we are talking about promoting this NAPA, Madam President, if you are to have real festival events in our country, where are we going to have these things, Madam President? Where? At one time the Government of Patrick Manning, and may his soul rest in peace, he was talking about the building of a carnival centre in our country, because we still do not have in our country today, Madam President—we do not have buildings with spaces for all our festivals so people can go and display. Whether it is Ramleela, whether it is Divali, whether it is Hosay, whether it is Carnival, in terms of Panorama whether it is steel band music, Madam President, you need open spaces for these things but we do not have these things available to us.

So, Madam President, when we talk about NAPA we are talking about generation of growth, we are talking about diversification of this economy, we are talking about the generation of revenues, we are talking about putting our cultural artistes on a sound financial footing so they do not have to live from hand to mouth. They must be able to earn their own keeps, Madam President. Madam President, we would like the Government, in closing, to have this matter referred to a joint select committee. In closing, we would like stakeholders to come before this joint select committee to discuss what they think about NAPA. And, Madam President, I would like the Government to pay attention to the present design of that building called NAPA so see how we could redesign it to make it more fit for purpose to help our artistes earn their keeps and to establish, Madam President, in closing, the link between John D, visual arts and the artisans to look at the

animation industry with UTT, link up all of these things into one overall arrangement so there would be one governance structure with outlets in different parts of the country. Madam President, I thank you very much for the opportunity for allowing me to say a few words. Thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Before I call on the next speaker, I just want to remind Members that any proposed amendments must be submitted in writing before and be ready for circulation as we begin the committee proceedings. So I just want to remind Members of that, please. Sen. Vieira.

Sen. Anthony Vieira: Thank you, Madam President. Madam President, I wonder if you, or perhaps anyone else picked up on the delicious irony, perhaps even incongruity that on the same day Government extols the ability of an advisory committee within the Ministry of Agriculture, Lands and Fisheries as justification for the doing away of a board, literally minutes later the Government is asking us to establish a board to counteract the inadequacies and failings of NAPA being run by a unit within the Ministry. I should say that, by way of declaration of interest, I, for many years—not now but in the past acted as legal advisor to the Queen's Hall and for a number of stakeholders in the performing arts and cultural sectors. And as someone who has lobbied for our performers and artistes to have affordable access to established spaces to perform and promote their art, at first blush this appears to be welcomed legislation.

I have long promoted the concept of making our republic the artistic and cultural capital of the Caribbean. As the Minister has rightly pointed out, we certainly have the talent, whether it be music, dance, drama, literary work, Carnival, mas. We punch well above our weight. We are the birthplace of pan,

calypso, soca, chutney. We have produced Nobel laureates in Literature. We are in The Guinness book of records for limbo and yet so many of our performers and artistes are struggling financially and seem unable to make a decent living. Even when there is a demand for their work many of our talented performers and artistes are undeservedly poor. And one of the reasons for that is that the art economy is disproportionately distributed. Another reason is the need for our performers and artistes to get guidance and training on how to use entrepreneurship to deliver sustainable, equitable economic growth. And a third reason relates to the need for clusters, networks and districts of interconnected and interdependent performers, artistes, funders, professional advisors, Government agencies and the private sector working in symbiosis; the need for a creative ecosystem, developing, promoting and sustaining our creative and cultural sector as an engine of growth and development; to the extent that this legislation offers promotion and development of culture and the arts; the provision of state-of-the-art facilities for our performers and artistes; the showcasing of performances; cultural and artistic events and the provision of technical training in culture and the arts for upcoming practitioners as set out in the functions stipulated at clause 5, I think.

I am supportive of this Bill. Having said that, I have some concerns and there are certain aspects I would like to get some clarification on. It is not clear, for example, if this body corporate, this proposed institution for the advancement of culture and the arts is portable. That is to say, can it be located anywhere in north Trinidad or is it fixed at the Lord Kitchener Auditorium? It is not clear if clause 7(d), which speaks about:

“implementing the policies of...Government in relation to the management of performing spaces...as may be directed by the Minister from time to time;”

—is in relation solely to NAPA—that is to say the body corporate and the complexes under NAPA’s responsibility, or if it has wider application. For example, whether it will extend to and impact on the Queen’s Hall, the Little Carib Theater, the national stadia, and so on. It is not clear if clause 39, vesting in NAPA:

“All rights, title...”—and—“custody to property of the Government...in relation to the National Academy for the Performing Arts...”

—is just in relation to the Lord Kitchener Auditorium or if we are talking about the entire complex and it includes the other areas such as the Academy—right—run by UTT and the hotel.

So as the Minister is signalling—and I am happy to see he is signalling that the Bill encompasses all the complexes, plant and machinery between Frederick Street, Keith Street, Queen’s Park Savannah and Chancery Lane—yes, because that is necessary. As the Minister has confirmed we have had a complex which has been plagued with issues arising from multiple organizations using different parts of the premises with, as he put it, convoluted and ineffective responsibility for maintenance and repair. The Lord Kitchener Auditorium, falling under the Ministry of Community Development, Culture and the Arts, even at one time being looked after by the management of the Queen’s Hall. The Academy area providing educational courses in culture and the arts, falling under the University of the Trinidad and Tobago and the hotel for a long time being something of a “no man’s land” with responsibility shifting from the Ministry of Trade and Industry, to

eTeck, to the Ministry of Community Development, Culture and the Arts. And then there were also issues such as the facility not being purpose-built, as Sen. Mark has talked, with monetizable rooms for participants and stakeholders in the sector; maintenance and repair falling under UDeCOTT and mismatches between the electrical system which was installed by the Chinese contractor and our own T&TEC electrical system. I will deal with the purpose-built point later.

Hopefully the electrical and the other technical issues have been revolved and if this legislation can rectify the overlaps and gaps occasioned by various Ministries and operators occupying and using different parts of the complex. If this Bill makes one board fully responsible for everything, management, maintenance, security and operation of all the complexes at the premises, I am very supportive of that. That is a good thing but clarification is needed. Also, if the hotel and the teaching institutions run by UTT are to remain operational, are to remain at that premises, will they fall under the management of the NAPA Board or will they be autonomous enterprises operating there as tenants of NAPA, with their own budgetary requirements and funding? So that is not clear but I think it is something I would like to get guidance on. And if UTT and the hotel operator are tenants, then what provisions would be made for the tenant arrangements arising out of such relationships? The Minister rightfully points out that board members are stewards of public trust; certainly they will be responsible for a billion-dollar complex but they will also be wielding considerable influence on the development of arts and culture in our capital city. So I suspect a number of people are going to be troubled by the fact that it is the Minister who will be running the show as it is the Minister who appoints the Board.

Now, when it comes to concert halls and performance institutions of

excellence, Carnegie Hall, whatever, there are different models. At one end of the continuum Government allocates the funding and then the Government will forensic how the money is spent with little or no interference on the management and the day-to-day operations, but at the other end of the spectrum there is complete ministerial control. Now, the Minister said that the Board will be at the helm of implementing policies under the Act; I am hoping that the Board will operate as directors are supposed to function, under the Companies Act where they are required to exercise independent judgment and to exercise reasonable skill, care and diligence in the best interest of the company. Significantly under the Companies Act directors cannot passively allow others to manage the company. They cannot abrogate personal responsibility or allow their independent judgment to be compromised.

1.30 p.m.

The Minister spoke of a resilient corporate governance framework, but these board appointments fall outside the ambit of the Companies Act. So I am hoping that the Minister can give assurances regarding board autonomy and political independence. Will the board members be allowed to run the show, pun intended, using discretionary judgment where it may be most needed? Will the board members be immune from the arbitrary exercise of authority? Because this is necessary if we are looking for the faster and improved decision-making that the Minister spoke about.

A related concern is that the board members must be professionals of excellence, and not mere political appointees, especially having regard to that fact, as I said, they will be responsible for a billion-dollar complex and they will be at the centre of our creative industries. If agile and strategic management is to be

accomplished, members must have the requisite expertise, necessary experience, but also gravitas and standing within the arts and cultural world.

Ideally, hopefully, the Minister will consult broadly and equitably with the community, with sector representatives when making board appointments, because in this area, when you are dealing with artistes and performers, and communities of artistes and performers, stakeholder buy-in, community involvement, community support, is critical. The Ministry and the Board have to work hard towards building trust and gaining legitimacy, and that can only be achieved with a certain amount of dialogue and consultation and involvement.

May I also suggest that at least one board member should have knowledge and experience in the collective management of intellectual property rights, and I am thinking in particular copyright and neighbouring rights. Because when you are talking about shows and broadcasting of events, this is a very much rights sensitive area and critical.

Ironically, in the same breath as I express concerns about political patronage and interference, I must confess feelings of apprehension when I look at clauses 22, 23 and 24. Sen. Mark has raised the issue of employment as a matter falling for special consideration. My concern is from a slightly different angle. I am concerned about the quicksand bureaucracy that obtains in the service commissions. I cannot help but think about recent complaints. I was hearing about the city engineer's reputed unwillingness and failure to perform with apparent immunity. So, striking the right balance between maintaining political neutrality and improving efficiency remains a fundamental challenge, not just for this organization but across the board.

Turning now to the purpose built issue. My understanding is that many

performers have complained that the rehearsal rooms do not have proper dance floors and facilities. Stakeholders have also complained about the lack of available low budget and low-cost rooms, even though a quarter of the facility is underutilized, unused and unusable. So the board members are going to have their work cut out for them in customizing the place and, presumably, there will be members of the Board or on staff who understand event programming and the use of space.

I expect that work will need to be done in customizing the facility and, perhaps, even allowing for stakeholders and sector representatives to have offices or to be able to maintain even if it is just a shelf presence, but a presence within the complex. We want it to be part of our cultural ecosystem. It must be the centre.

Further, there should be multiple theatre spaces and rooms that can be used all year round for the benefit of practitioners and the public, not just the big auditorium. It really would be a shame if this magnificent facility were to become a white elephant, as seems to be the case with some of our national stadia. This complex and the potential it has to offer is too important to fail.

I am satisfied that the Bill adequately covers what is necessary for the establishment of an entity responsible for the management and operation of a performing arts facility. My concerns are really directed to how it would operate, and how it will transition with its incorporation.

In fact, Sen. Mark had mentioned Queen's Hall. The irony is Queen's Hall would very much like aspects of this Bill to be brought as amendments to their own Act. So I am hoping that that is something that the Minister could also look at, because the amendments to the Queen's Hall Act are sorely needed and have been calling for, for some years now.

Whether NAPA ultimately makes or breaks will depend on, in the language of Daron Acemoglu and James Robinson, who wrote the book, *Why Nations Fail*, on whether we are creating an inclusive or an extractive institution with this legislation. On the one hand, an inclusive institution if professionally run will generate sustained economic growth, but on the other hand, if it turns out to be an extractive institution, well then it is likely going to generate over-centralization, infighting and will ultimately undermine the sector. Either way this legislation matters, because it is going to affect the lives and well-being of our performers and artistes. As the hon. Minister confirms, the hope here is that it will contribute significant benefit to our creative sectors. I thank you.

Madam President: Sen. Burgess.

Sen. Dr. Margaret Burgess: Madam President, I thank you for this opportunity to present and to share a comment on this Bill, Senate Bill No. 1 of 2022, an Act to provide for the establishment of the National Academy for the Performing Arts.

Madam President, I have looked at the Bill and I wish to comment on one section, section 38, which provides that:

“The Board may, by resolution and with the approval of the Minister, make rules for the management, control and use of the NAPA or any other matter or thing which the Board may consider necessary or conducive to the performance of its functions.”

Pursuant to section 5(b) of the Bill it states:

“The functions of NAPA are—

- (b) to provide state-of-the-art facilities for culture and the arts in Trinidad and Tobago, including theatres, concert halls and other places of assembly for the presentation of music, opera, drama, dance, visual

or auditory arts, and conference facilities;”

And (c):

“to provide any service and carry on any business or activity relating to the provision of facilities and other amenities for the purposes of promoting culture and the arts and facilitating persons engaged in the performing arts;”

Madam President, as we are aware, children form a large part of the persons who are engaged in performing arts. Thus, in making rules for the management, control and use of NAPA under section 38, there ought to be an emphasis on child protection and on the child protection policy for this institution.

Why do I say that the Act ought to require the Board to institute a child protection policy for NAPA? Madam, when we look at the issue of child abuse and child maltreatment, we would recognize that it is a horrendous problem around the world today, which has devastating lifelong consequences on the child, the family and the society. Madam we are referring here to all kinds of child abuse, the different forms, which I am sure we are all aware of, physical, sexual, emotional neglect. Just to give a brief snapshot of the kinds of statistics of this ill that we have around the world today.

According to the World Health Organization, a report dated 8th of June 2020, stated that globally it is estimated that up to one billion age two to 17 years have experienced some form of child abuse in the last year. We also have several reports of child abuse in several organizations. And then UNICEF in 2014 to 2017, reported that sexual abuse affected over 120 million children. In the USA the official government data states that over 700,000 children are victims of violence.

In the Caribbean, the incidence of child abuse is also widespread across the Caribbean. A UNICEF report which was based on a regional assessment on

violence against children conducted in 16 Caribbean countries in 2005 to 2006, which included Trinidad and Tobago, stated that the problem of child abuse and neglect is rampant in the region.

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

It takes place across all ethnic, socio-economic and religious groups, and significant numbers of children are affected.

Additionally, it was found that child abuse takes place in multiple settings, including homes, schools, communities, on the streets, in families, work environments and in institutions, and in all of these settings child sexual abuse is a major problem.

Even looking at the incidence in Trinidad and Tobago, Mr. Vice-President, in 2019, in the annual report of the Children's Authority it was reported that in fiscal year 2018 to 2019, the Children's Authority of Trinidad and Tobago received 4,333 reports of child maltreatment, with an average of 361 reports per month. Mr. Vice-President, 54.4 per cent of the victims were female, 43.3 per cent were male.

In Trinidad the majority of the victims were in the 10 to 13 age group, and in Tobago the majority were in the 16 to 17 age group. The highest reported categories of abuse was child sexual abuse. Reports of child sexual abuse also have consistently been the highest reported types of child maltreatment to the Children's Authority over the years that it has been instituted.

In January 2020, the Child Protection Unit of the Trinidad and Tobago Police Service reported that almost 600 people were brought before the courts in 2019, for crimes against children. Reporting a 137 per cent increase in criminal acts against children, the CPU of the TTPS indicated that the figure includes a 45 per cent increase in violent offences, like cruelty to children. Then also, Mr. Vice-President,

a review of the local news reveals that for the entire COVID-19 period in 2020 and 2021, to date several persons have been charged for abuse against children.

Then it is also significant to look at this issue, because of the impact of child maltreatment on children. Because sometimes as adults we tend to think that it is only a child and he or she would get over it, but the research reveals that violence against children has lifelong impacts on the health and well-being of children, families, communities and nations.

In an article published by the World Health Organization on the 8th of June, 2020, it was stated that exposure to violence at an early age can impair brain development and damage the other parts of the nervous system, as well as the endocrine, circulatory, musculoskeletal, reproductive, respiratory and immune systems with lifelong consequences. As a consequence, the cognitive development is negatively affected resulting in educational and vocational underachievement.

The World Health Organization also reported that child victims are substantially more likely to demonstrate negative coping and high-risk behaviours, such as smoking, drug and alcohol abuse and sexual behaviour which may result in unintended pregnancies, induced abortions, gynecological problems and sexually transmitted infections.

Child violence also results in a higher rate of anxiety, depression, other mental health problems and suicide among children. It also contributes to a wide range of non-communicable diseases such as cardiovascular disease, cancer, diabetes and other health conditions largely due to the negative coping and health risk behaviours associated with child maltreatment.

It has also been found that child victims are more likely to drop out of school, have difficulty finding and keeping a job, thus increasing the risk for later

victimization and perpetration of gender-based violence, thus affecting future generations. The reality is that the incident just does not go away from the mind of a child. Child maltreatment is traumatic. Its effect stays for a lifetime and affects the way that children develop socially, mentally and emotionality.

So, Mr. Vice-President, it is against this backdrop that I wish to emphasize the fact that the Board of NAPA, in implementing clause 38 of the Bill, should establish rules for dealing with children for these institutions.

According to the National Society for the Prevention of Cruelty to Children in the UK, if you are organizing or providing performing arts activities that involve children, you must prioritize their well-being. This includes making the environment as safe as possible for children and young people, ensuring that children are properly supervised by the right people and following the relevant legislation and guidelines for child performance.

So why do I say that it is important to have a child protection policy for NAPA? A child protection policy is necessary because children, staff, volunteers, paid workers and all stakeholders of an organization are at risk without guidelines for behaviour. A child protection policy for NAPA would therefore provide guidelines for any staff selection, background checks, appropriate behaviour, oversight of children who are involved in the performing arts, and the reporting of inappropriate behaviour.

In the circumstances, Mr. Vice-President, it is therefore critical that the Board of NAPA as they develop the rules for the operation of the facilities under clause 38 of the Bill, should include the establishment of a child protection policy which will create a safe environment in the facility, to ensure that children are safe while they are using the facilities.

Furthermore, Mr. Vice-President, in the light of the high incidence of child abuse and the devastating impact that it has on children and, thus because of the critical importance of this issue, I wish to suggest that consideration should be given to the inclusion of a subclause under clause 38, that would require the Board to make specific rules for child protection, even to the point of instituting a child protection policy for the facility, to ensure that our child performers are safe. Furthermore, there should also be a subclause on the liability for any instances of child abuse or child sexual abuse.

In the circumstances, Mr. Vice-President, with respect to Act 2 of 2022, which will be discussed later on, my thoughts are the same for that Act. I thank you very much, Mr. Vice-President.

Mr. Vice-President: Hon. Senators, permit me to congratulate Sen. Burgess on her maiden contribution in this Chamber.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Bethelmy.

Sen. Yokymma Bethelmy: Thank you, Mr. Vice-President. Colleagues and citizens joining us on *ParlView*, welcome.

Mr. Vice-President, before I get into my maiden contribution—sorry, not my maiden contribution—before I get into my contribution, I would just like to congratulate Sen. Burgess on her maiden contribution.

Hon. Senators: [*Desk thumping*]

Sen. Y. Bethelmy: I just want to say, when I am preparing my contributions I always think of the average citizen who finds themselves in debates concerning what happens here in this House and the other place. I believe as a Member of Parliament, as all Members of Parliament, we have a responsibility to ensure that

anything we say here is fact and it is the truth, and we always well equip our citizens to join any discussion that they may be having with a colleague, friend family member or stranger concerning legislation and Bills passed in this House.

With that being said, Mr. Vice-President, I just want to address some comments made by Sen. Mark, when he said that this Bill shows no commitment to our cultural industry, but everything in this Bill is geared towards only the benefit of our creative industry, our creative entrepreneurs and our country. He even spoke about us passing it on to a Joint Select Committee, but in my opinion that is just him trying to waste time.

How will it become sustainable? He even made mention to there being only two major rooms, but just allow me to share. Our NAPA centre has a theatre area, also called the Lord Kitchener Theatre Auditorium that can hold 1,200 in seating capacity, a VIP lounge that can hold 10 persons. There are also 10 small classrooms, three large classrooms, two multifunction halls, which are conference rooms to host functions, with light and sound systems. We even have two multifunction rooms with lighting and sound systems on level three. There is also the NAPA hotel with 53 room accommodations, two restaurants and an atrium area.

Sen. Mark even went on to speak about why the Minister must be the person—or why the Minister should be so involved. But this is the same Senator, forbids, if anything goes wrong would be the first Senator to call or to host a press conference to speak about what went wrong, and blame our Minister for whatever issues that occurred.

He asked about who will be hiring. Clause 21 in the Bill clearly states that NAPA will be responsible for whatever hiring will occur, obviously with the

approval of the Minister.

With that being said, Mr. Vice-President, just allow me to jump into my contribution, and I would be attempting to explain the purpose of this Bill through the three Ws: What is the purpose? To establish a corporate body for the National Academy for the Performing Arts. In other words, make it a company, a business, a profit-bearing entity, whose main goal is to support the Government as it pertains to promoting culture and the arts of Trinidad and Tobago, in addition to providing training to upcoming practitioners.

But why is this Bill necessary? To reduce the bureaucracy by accelerating decision-making and policy implementation. It has been observed that the current operation of the management committees of NAPA is inefficient, based on the significant delays in giving effect to the committees' decisions, since the decisions must be considered and approved by the line Ministry, prior to implementation, making these committees more closely resemble that of an advisory committee.

The committees possess responsibility for oversight, policy advice and managerial expertise for the respective entities. However, the powers of the management committees are limited compared, for example, to that of a body corporate, and this has led to certain managerial inefficiencies.

Some of these inefficiencies came in the form of expenditure exceeding our revenues by approximately \$5 million. In addition to this, COVID and unstable oil prices have highlighted the need to diversify our economy, away from petro focus into other profitable and promising activities like that of the creative sector. This enables Trinidad and Tobago to further support efforts to invest and expand in what we call the "orange economy". But what exactly is the orange economy?

According to UNESCO, the orange economy, also known as the creative

economy, is the bringing together of sectors of the economy whose main purpose is the production or reproduction, promotion, dissemination and/or the marketing of goods, services and activities that have cultural, artistic or—sorry, what I just described, Mr. Vice-President, would be the main functions of NAPA, the company. But to ensure NAPA is successful, it must be converted into a moneymaking entity, capable of making its own timely decisions that will allow for investment into the development of our culture and the arts.

But who will be the persons responsible? Mr. Vice-President, as we said, we would be looking at the Queen's Hall model. As such, it is important to have a well-qualified board overseen by the Minister to ensure that NAPA can move into a profitable direction, allowing the development and reinvestment into the orange economy.

By employing a qualified board and adopting the Queen's Hall model, we stand to benefit in the following ways. We will be provided with strategic direction ensuring your company develops and implements business plans, strategies and policies to operate with profitability and sustainability in mind. It will help us to set and monitor our performance targets, as far as NAPA is concerned. It will also help us in compliance, ensuring that our company, or NAPA, complies with its legal and accounting requirements. Risk—ensuring our company identifies and mitigates risks and looks for new opportunities.

So, Mr. Vice-President, this Bill could not come in a better time, and its impact cannot be discounted. As we move into an orange future, it is one of the ways that we can assure that creative entrepreneurs blossom here at home, regionally and internationally. Arts and culture related spaces, such as NAPA, provide direct economic benefits to Trinidad and Tobago. It will create jobs, attract

investments, generate tax revenue and stimulate our economy through tourism and cultural purchases. With this shift in the operations of NAPA, Trinidad and Tobago can move into expanding our cultural industry year round.

With those few words, I thank you, Mr. Vice-President.

2.00 p.m.

Mr. Vice-President: Sen. Sobers.

Hon. Senators: [*Desk thumping*]

Sen. Sean Sobers: Good afternoon, Mr. Vice-President, and I thank you for allowing me the opportunity to make a minor intervention here this afternoon on this Bill:

“An Act to provide for the establishment for the Northern Academy for the Performing Arts and for the management and control thereof and for related matters.”

Mr. Vice-President, if you will allow me just a few moments as I begin my contribution to just actually touch on a few issues raised by the hon. Minister of Tourism, Culture and the Arts when he piloted the Bill. I tie squarely into some of the things that Sen. Mark was saying and a couple of the things Sen. Vieira and even myself.

I could remember vividly when the NAPA was being constructed in 2007. I think I would have been about 17. Yes, I am that young. And I remember the immense amount of discussion, the traffic that the construction caused and the flurry of conversation to be had by many persons within the length and breadth of the country because this building was touted as something that would promote arts and culture and whatnot to the world, put Trinidad and Tobago on the international stage.

And when the NAPA was completed it was a fantastic structure. I do not think that anybody would have any difficulties in saying so. But then we started to hear about the issues related to NAPA in terms of the actual thing that it was supposedly designed to do, which was to promote our culture on an international stage, give our arts, our artistes and individuals an opportunity to promote themselves internationally. And I could recall the level of discontent shared by many citizens when they spoke about NAPA, the issues they had, the gymnastics that they had to perform to try to be able to actually perform in NAPA.

Not so long ago please, Mr. Vice-President, there sat a Senator in this Chamber in 2020, a Senator by the name of Jason Williams. And I remember as a young man I used to like to watch his programmes on Synergy TV. I cannot remember the name of the programme now, I think it was Synergy Nights or something like that. And I remember Sen. Williams or Jason Williams speaking about how upset he was when he wanted to film a video, a soca video in NAPA that he explained that he had so many things he was required to do and he did them and whosoever was the management of NAPA at that point in time, and this would have been in 2009 or 2010, they told him no. He could not utilize the facility, that the facility was not constructed for those types of activities, the same activities that it was being promoted to actually promote. And he wrote them several letters asking if he could film the video or the shoot itself on the steps of NAPA. And they wrote back to him and they told him, no, he could not do that either. So what he resorted to doing was actually filming his shoot on the streets in front of NAPA so that he was able to get the backdrop. He procured the required permission from the Commissioner of Police at that point in time and he had the video. And it was a very nice video, if memory serves me correctly.

But I say all that to say that this conversation that NAPA was built for a specific purpose, it actually escapes us. This conversation now about NAPA and the implementation of this management structure to finally start to promote Trinbagonian culture especially in a time or in an economic situation where we are not getting foreign exchange is in fact a welcomed position. But the real question that I think should be put to the floor and really squarely put to the Minister and to the Government and to the administration is that we would really need a commitment not only in words that this is actually going to be done.

Since the construction of the NAPA and in the other Bill with respect to SAPA, 2007 or, I think, SAPA would have been completed by the People's Partnership administration, how many international concerts have been held at NAPA that would earn us some forex? I do not know of any. I mean, when you look at the global stage—someone was speaking to me the other day that Adele is having a concert now in Vegas. I think she is resident there. To get a ticket to go to see Adele now is upwards of US \$4,000 and persons all around the world are still paying that money to go see her. And we have local acts in Trinidad that are spoken about with international acclaim that should be allowed to perform in these venues and they are not. When was the last time whenever Machel Montano was performing did he have a concert in NAPA or Kes have a concert in NAPA? Or anyone of those local soca artistes with international acclaim have concerts in NAPA or SAPA? And I think that is the point that many of us are trying to make.

I sat listening to the hon. Minister, good presentation, the Minister is a good man, listening to him and today, since 2007, was the first time that I heard NAPA had a restaurant. I never “eat” there and I suspect no one in this Chamber may have eaten there either. It is the first time that I heard that NAPA had an atrium. I heard

about the hotel. I do not know anyone personally who would have stayed there. And then in terms of the facility being utilized by UTT for, I think, it would have been fashion, I knew someone who was enrolled in that fashion course. So, yeah, maybe it was used at some point in time. But it tethers then the conversation as to subsequent to this management committee being set up, what are the real plans to promote this place, to maybe change the place so that it can, in fact, facilitate the things that we needed to do to be fair and to be frank to make the money that we need at this point in time. So, I would really be listening to the hon. Minister in his winding up to hear from him what plans possibly, at least, in terms of governmental plans they would want coming out of that NAPA.

Now in terms of the Bill itself, the Bill, setting up a company, a body corporate is not something abstract to any of us, at least, those who would be involved in corporate or commercial law or persons generally involved in running a business or an organization.

I looked at clause 6 which dealt also with the composition and management of the board members and I saw that the Act or the Bill went to great lengths to specify certain persons with certain qualifications. But then, it also left it a bit open to allow for any other person with a “related or relevant field of expertise” to be allowed to be a member of the board. And I thought it a bit strange that I did not see anyone from the media, a person with media expertise, being included here. I think it would be a valuable asset and it should be something that should be considered.

I also looked at clause 15(3) in particular at page 8 of the Bill. Now, what clause 15 speaks to is—would be the minutes. And minutes are something extremely important especially in terms of it being the contemporaneous or most

contemporaneous note to be taken to reflect the will of the body actually having that particular meeting. And the way in which this particular clause reads. It says that the:

“Minutes in proper form of each meeting shall be kept by the Corporate Secretary.

(2) All decisions, resolutions and rules made by the Board with respect to the operations of NAPA shall be recorded in the Minutes.

(3) Minutes prepared in accordance with subsection (1), shall at a subsequent meeting of the Board—

(a) be confirmed by any Member who was present...

(b) be certified by the Chairman or Deputy Chairman...”

And then (4) it says that the minutes:

“...be forwarded to the Minister within one week of being confirmed.”

Now, how minutes actually take place, at least, in a corporate structure is that subsequent to the minutes being compiled at the meeting, before the minutes are actually confirmed, the minutes are supposed to be circulated to all members present at that meeting. And if any member may have had an issue with the record of the minutes, the member would be given an opportunity to amend the minutes. The amended version would then be recirculated and then they are confirmed via email. And so, at the actual board meeting, the minutes would then simply be circulated and actually confirmed. This does not, in terms of the construct of clause 15, it does not allow for something like that to take place.

And in terms of civil matters or matters that may well engage the courts' attention, when the court needs to decide or to determine what actually took place within the meeting, the way in which this particular construct is for this clause, it

could in fact allow for a situation where that which was actually said was not actually recorded because it is one person treating with the recording and not getting the input from all the members of the board as contemporaneous as they should have been.

Moving on, I looked at clause 16(1) which dealt with appointment of persons to specific committees. And clause 16(1) allows for those persons to be appointed accordingly with the necessary approval from the Minister who would then set the terms and conditions which would be the remuneration and allowances. And if it is, in fact, that most of these appointments have to be done with some type approval or involvement by the Minister, I recognize that the beginning of the Bill as it pertains to the Corporate Secretary page 6 clause 5 I think it is, the Corporate Secretary is actually appointed by the board and the terms and conditions of that Corporate Secretary is also appointed by the board and there is no involvement of the Minister with respect to that actual appointment. So in an effort I suspect to be tidied, the Corporate Secretary would be someone in an extremely important position based upon the construct of the Act, of the Bill. There should be should level of involvement there as well too, at least, interaction with the Minister for that particular appointment.

Then I looked at clause 17(1) which dealt with the declarations that persons would have to make subsequent to them being appointed. Now, the disclosure of interests as is stated here in the Bill.

Now, clause 17(1) states that:

“Every Member shall, within three months of—

- (a) his appointment; and
- (b) each anniversary of his appointment

submit to the Minister, a statement declaring whether he has any actual or contingent pecuniary interest in any person or entity carrying on any business with NAPA.”

Now here, as opposed to what is contained in 27(1) where the exact same construct treats with the General Manager, the construct for the General Manager in 27(1) talks about a prescribed form or an approved form that the GM would have to disclose these interests to the board and to the Minister. Well number one, there is no prescribed form attached to the Bill. So we do not know what that prescribed form would look like. So I suspect that is something that would need to be fixed.

And two, I would hope then that in this clause 17(1) it would be the same prescribed form that these members would have to fill out as well and then that prescribed form would also need to be included and referred to here as well.

So, in closing, I would just want to hope that whatever decision is adopted, however this board is actually constituted, and in terms of whatever policy they are, in fact, going to try to execute, it would be in the best interest of the persons associated with arts and culture within our country. And, let us actually try to promote our arts and culture so that the next time anybody goes on Ticketmaster and they are trying to get a ticket to go to Machel Monday or whatever Kes Tuesday and those sort of activities, it would be extremely difficult for them to buy the ticket because it would already be sold out in NAPA or SAPA. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Richards.

Hon. Senators: [*Desk thumping*]

Sen. Paul Richards: Good afternoon colleagues. Thank you, Mr. Vice-President, for allowing me to make a contribution to this:

“An Act to provide for the establishment of the National Academy for the Performing Arts and for the management and control thereof and for related matters.”

Before I start, allow me to join my colleague, Sen. Bethelmy, in congratulating Sen. Burgess on her maiden contribution in this honourable House.

It is interesting that we are debating this Bill which really is—this Act, sorry, which is really an Act that is seated in the promotion of the creative arts in Trinidad and Tobago. We are basically six weeks away from what would have been our normal Carnival. We have had some kind of indication that we will have some kind of Carnival, and I would like to start by following from Sen. Sobers’ final comments when he said, the establishment of this board, and, I guess, the board without running afoul of the Standing Order of anticipating a debate upcoming shortly for NAPA and then SAPA will be seated in terms of the furtherance of the policy to accomplish the mandates of the board which are stated in Part II clause 5. And so I ask the question, where is the policy? What is the policy? What is the overriding national policy on creative arts, the creative sector arts and culture?

I know that the hon. Minister Mitchell’s predecessor had a draft policy, if I am not mistaken, I could be corrected. I will stand corrected happily. But I do not know that there has been determined and approved a national policy on the creative sector on arts and culture and how that policy fits into the national framework for diversification using the creative sector—

Sen. Mitchell: Senator. Senator, would you give way?

Sen. P. Richards: Yes, please, absolutely.

Sen. Mitchell: Yeah. The national cultural policy was laid in the Parliament in last

Session.

Sen. P. Richards: Okay. Thank you. Appreciate the correction.

Sen. Mitchell: Thank you.

Sen. P. Richards: Right. So then let me move to next the point. Are we closer to optimizing our creative sector? And I am not talking only about Carnival because when we talk about the creative sector, we like to talk about Carnival alone. But the creative sector is wide, diverse and extremely sustainable if executed properly.

Two, do our artistes, creatives, have a clear sense of how they fit into the national economy in a sustainable manner through the policy as identified by the Minister a short while ago? And I thank him for that. And will the establishment of these boards or this board in this particular Act accomplish the mandate as set out in clause 5? And also, what may be missing from this? And I will go through quickly because it is important in terms of the context of parts of my contribution what the functions of NAPA are.

And I really and I am trying not to run afoul of the Standing Order of anticipating a debate that is coming up. But I am confused as to why NAPA and SAPA have to be separated into two Acts. Because Port of Spain is 20 minutes' drive from San Fernando on a clear Sunday and this is a small country and then there is a Queen's Hall Act also, all under the context of the creative sector and maximizing these assets, because they are assets, they are all assets of the State in Trinidad and Tobago, all under the creative sector in the promulgation of what has been articulated by the hon. Minister Mitchell and his colleagues of efficiency and of achieving the mandate of promoting:

“(a) to promote the development of culture and the arts in Trinidad and Tobago;”

(b) providing for a—“...state-of-the-art facilities for culture and the arts in Trinidad and Tobago, including theatres, concert halls and other places of assembly for the presentation of music, opera, drama, dance visual or auditory arts...” I would add digital arts to that and archiving. I know we have a National Archives centre and.

“...and conference facilities;
 ...to provide any service...”

That is (c) to:

“...carry on any...or activity relating to the provision of facilities and other amenities for the purposes of promoting culture and the arts and facilitating persons engaged in the performing arts;

(d) to showcase cultural and artistic events...”

And I am editing here:

“(e) to provide technical training in culture...”

Which is being done in collaboration with UTT by my understanding already. And:

“(f) to engage in any other business or activity that is incidental to or which is capable of being conveniently”—out—“carried...in the performance of its functions under paragraphs...”

In this regard, I would add to that humbly the issue of heritage and conservation because I think as a board that should be specified in the Bill because of the importance of heritage and conservation in the context of culture in Trinidad/Tobago and also in terms of monetizing culture in a diverse way. And I will give you an example.

When Trinidad and Tobago was on the verge, through you, Mr. Vice-President, on the verge of attaining its 50th anniversary of Independence I was

tasked with producing some featurettes for then CNMG now TTT. So part of—one of the chronicling the journey of Trinidad/Tobago from Independence to 50 years was looking at the various high points in our country's history. And, so I was forced to call the Smithsonian Institute in Washington to try to get digitized archival footage of then Prime Minister Dr. Eric Williams, the late, and others raising the flag to the declare our Independence. And the cost of that for a three-minute clip for one airing astounded me. It was in excess of US \$11,000 back then. That is the potential of our cultural history in Trinidad and Tobago. That is the potential of us digitizing and maximizing it. So in the context of the function of NAPA—and I know we have a national archive centre, in a more direct way—I think the issue of our heritage in Trinidad/Tobago and documenting that, one, for our own history and for educating generations to come, but also for monetizing that because it is valuable around the world whether we realize it or not, I think should be a stated part of the function of NAPA and the board of NAPA in this Bill.

Mr. Vice-President, the issue of setting up of these multiple boards in such a small country, to me, is counterintuitive and I am really hoping the Minister who piloted the Bill can go into more details of the rationale for how this is going to make it more efficient in Trinidad and Tobago given the levels of bureaucracy we already see and the issues we have with governance and accountability in the present context of Trinidad/Tobago. To me, more boards just means more drama because we do not seem to have gotten the board construct in Trinidad and Tobago right because very often, not always, the boards are populated with persons with who are ill fitted, who are sometimes political appointees and who are sometimes anathema to achieving the mandate of the board at the expense of political

expediency sometimes. And I am not saying that it is definitely going to be the case here but it has been a strong part of our history and we have to recognize that. What is going to make the difference in this case? We are going to have a NAPA board, a SAPA board, a Queen's Hall board, all trying to maximize these assets in a really small place. So, I am hoping that I can get some more clarity on that from the Minister when he does the wrap up.

We also need to look at how we develop and organize the creative sector in a sustainable manner in Trinidad and Tobago. Sen. Sobers, I think, Sen. Lyder, my colleague Sen. Vieira all touched on it. A large part of maximizing or ensuring that the creative sector in any economy is focusing on the issue of copyright and intellectual property in the context of our cultural artefacts. And I have not seen, and I know this may be an operational matter, but I am not sure that the provisions in this Bill really clearly spell out that. If we are to be serious about maximizing the assets as is intentioned in this Bill, because very often we do not look at culture and art and history and heritage as structurally as we look at oil and gas in Trinidad and Tobago because sometimes they are a little more abstract. And because we do it so naturally, we are such a creative people, we take it for granted the value of these cultural artefacts in Trinidad and Tobago. So I think that also needs to be focused on in more detail in Trinidad and Tobago.

And it is interesting that we are discussing maximizing these assets through the establishment of a board six weeks before Carnival would have been when I have been bombarded with calls, messages, WhatsApp messages, from persons in the creative sector who knew this Bill was coming to Parliament and beseeched me to ask, okay, you are going to be debating a NAPA Bill and SAPA Bill—Act sorry, in the context of maximizing these assets and maximizing the creative sector and

maximizing the work of artistes and artisans and wire benders and digital documenters and stuff, but there is no clear plan for even Carnival 2022 in their minds. No clear plan for what or how they will participate in that in the context of a creative sector. And I have been bombarded by those messages and questions as we debate this kind of Bill.

So again, to them while this may be part of the process that the Minister and/the Government has for putting the framework in place, the immediate needs of our artistes, artisans, et cetera, are in limbo after they have already missed 2021 in terms of their revenue income earning. So it seems kind of a little scattered to me in terms of understanding that it all has to work together in the interest of, not only of the entities and the assets but also the biggest, the most important aspect of this, the human resource capital, the artists and the creatives themselves. And when they look at this kind of Bill, they do not see their role clearly spelt out. They do not see the plan moving forward. They do not see how they fit into it in a seamless integrated manner.

And there is a very public situation now where and I would not call any names for obvious reasons, where there is an investigation ongoing into an event by a private promoter who in many cases ended up there because private entrepreneurs, cultural entrepreneurs have to feel their way, feel their way through a very unsure, a very nebulous future for creatives in Trinidad and Tobago because, again, there is no clear plan.

2.30 p.m.

And six weeks out of what is usually their biggest money earning time they are still wondering, how do I do this? How do I do this and participate safely? How do I ply my trade in the absence of clear guidelines and an integrated process to put

on events in the space of culture and carnival in Trinidad and Tobago?—while we are discussing this Bill. It seems ironic to me in many, many ways. So I hope that my plea on behalf of them is heard, that a clear well-articulated guideline on how we as the mecca of Carnival, the centre of the greatest show on earth, are going to execute a year after we had none last year, in a year where other Caribbean territories and other carnivals have moved forward.

Mr. Vice-President, through you, Sen. Sobers also identified one of the areas I think is lacking here, where from someone who has been involved in media for over 30 years, there is an inextricable critical link between monetizing cultural and creative artefacts and expressions and the media. Because that is really how you garner the biggest income; broadcast rights, digitization of the content, streaming rights, intellectual property rights, copyright funds. And, I am not sure, it may be operational, but as a board this needs to be clearly articulated in this Act as how we are going to monetize this in a sustainable way moving forward. Because you can have an artiste, a creative can have one performance. They can make one cultural artefact, but it can be sold millions of times, or the video or the stream can make billions of dollars after one performance. And I am not sure our mindsets are there yet, and we can see that because of the absence of the understanding of the importance of the digital connection to cultural arts in Trinidad and Tobago, inclusive of entities like NAPA and SAPA, and how they fit into it. And yes, clause 5 part (b) mentions, and I quote again:

“to provide state-of-the-art facilities for culture and the arts in Trinidad and Tobago, including theatres, concert halls and other places...”

But it does not specifically reference digital broadcast and streaming facilities in the age of COVID and when we are seeing the US pivot to through the

Versus series, artistes performing with each other and against each other to get millions of streams, et cetera. Where is the game plan for us moving forward in this new scenario? It is not business as usual. It probably will not be business as usual for the next two to three years. And even when the pandemic is starting to subside, the world would have shifted to a new paradigm and we do not want to get left behind. So I think that aspect of it needs to be clearly articulated in the Bill and as a mandate for the board to pursue. It is not an option if they do not pursue the digital aspect of this or the broadcast aspect of this, we will be missing what is perhaps the biggest opportunity.

Mr. Vice-President, through you also, one of the gaps I see in this is that the board is not specifically mandated to identify, probably in collaboration with the hon. Minister of Trade and Industry, and develop and facilitate regional, international and cross-cultural linkages for opportunities for our cultural artefacts, our artistes in other jurisdictions, because that is part of what selling our culture is. Very often our artistes—and this could be part of what NAPA does. This could be part of what the NAPA board does, to facilitate that sort of linkage to development so that our artistes, our artisans, our cultural products can be exported more seamlessly in a more integrated sustainable fashion. I think that is also missing from reference in the Bill, and it also speaks to—and I think it was a wonderful idea for this Government to integrate the Ministries of Tourism, Arts and the Culture into one, because they are really intricately linked.

And I think understanding that part of the mandate of this, working inside of the overall Ministry of Tourism, Culture and the Arts is for boards like this to identify those sorts of linkages, to export our cultural artefacts and our cultural expressions as we would do oil and gas, ammonia, Chubby and everything else.

Because that is part of how we can also promote brand “Trinidad and Tobago” internationally. And I think that also is kind of missing from expression in the Bill. It would have also been quite helpful, through you, Mr. Vice-President, for the Minister to even give us a simple framework of a strategic plan in terms of, well, we are doing this, we are presenting—I am piloting this Bill today, or these Bills today in furtherance of these objectives in the medium term so that everyone gets a clearer sense. The Minister did a very good job of giving us the history of NAPA, which to me coincided with the arrival of Her Majesty and then President Barack Obama, as one of the venues for hosting, is it the Summit of the Americas I think it was?

Sen. Mitchell: CHOGM.

Sen. P. Richards: CHOGM, sorry. CHOGM. So I know parts of the issue that we faced in the construction of NAPA was because we had to rush it—let us not forget that—to meet that deadline, and then we had to change, retrofit parts for actual performance, so it cost us a little more in the long run. But I mean, it is what it is now, and I think the potential is immense.

So in conclusion, Mr. Vice-President, I hope the Minister can address some of the issues I have raised to develop a more comprehensive sustainable framework and idea of how these state assets are going to fit into the medium and long-term optimization of our cultural expressions and artefacts in Trinidad and Tobago. And also, act as a really strong foundation for heritage, and I think the Government has done an excellent job in terms of parts of the heritage landscape with the restoration of the buildings around the Queen’s Park Savannah, and looking at other heritage sites in Trinidad and Tobago, and refurbishing them. But it all has to be integrated in a seamless, clear manner so that we all know what our role is,

especially as we are all creatives in one way or another.

I have not even mentioned the IT part of this and how that integrates with culture around the world, the development of apps so that people could get our own products and services in one portal, which has not happened as effectively as we would have liked, because that is also part of the development of a single portal for promotion and access to our culture in Trinidad and Tobago. Quite frankly, I think it is there already, I do not think we need to reinvent the wheel. We have TTT which has a strong digital presence. It is state owned media. We can really use TTT in a more effective manner to push all our culture and artefacts to one place in a different kind of engagement. There is no need to reinvent the wheel and have three, four portals so you do not know what brand or portal Trinidad and Tobago is as a whole. And with those few words, Mr. Vice-President, I thank you.

Mr. Vice-President: Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President. It would be easy to underestimate the importance of this Bill that we are debating here today. This Bill, a Bill to provide for the establishment of the National Academy for the Performing Arts and for the management and control thereof and for related matters, as well as the sister legislation which we will debate later, is crucial in our present circumstances. Indeed, it may yet provide the fertile ground for a bountiful harvest in this economic guava season.

But sadly we may not recognize that, for as the late Brother Resistance sang in, “Put on your dancing shoes” and as our actions or lack thereof too often evidence, we do not stand firm for our culture. Yet we lament the passing of our cultural icons who have left us within recent times. Treasures like Singing Sandra,

Torrance Mohammed, Tony Voisin, Anand Yankaran, Bobby Mohammed, Devon Melville, Joy Caesar, Peter Joseph, Winsford Devine, Brigo, Mighty Bomber, Kenny J and Clive Zanda Alexander. Now, I speak on this Bill from a twofold perspective, as parliamentarian and longstanding performer in the arts. From birth my destiny was sealed. My mother used to tell the story as I have related it as some might say ad nauseam, that when I born and the midwife announced that I was a girl my father had exclaimed, “another girl again”! And my mother said, “Child you will have to be a performer for your daddy to love you”. She lived to regret those words, because from a toddler I was an entertainer and she would sigh, “Ah cah find the switch to turn you off”. Be careful what you speak into children’s lives.

I am excited by the prospect of the establishment under clause 4 of this Bill, of the body corporate, the National Academy for the Performing Arts, hereafter NAPA. The functions of NAPA as enumerated in clause 5 are to:

- “(a) to promote the development of culture and the arts in Trinidad and Tobago;
- (b) to provide state-of-the-art facilities for culture and the arts in Trinidad and Tobago, including theatres, concert halls and other places of assembly for the presentation of music, opera, drama, dance, visual or auditory arts, and conference facilities;
- (c) to provide any service and carry on any business or activity relating to the provision of facilities and other amenities for the purposes of promoting culture and the arts and facilitating persons engaged in the performing arts;
- (d) to showcase cultural and artistic events and performances and expand

the range of available artistic opportunities;

- (e) to provide technical training in culture and the arts for upcoming practitioners in the field which builds the cadre and proficiency of national professional artistes and performers through timely and consistent access to NAPA; and
- (f) to engage in any other business or activity that is incidental to or which is capable of being conveniently carried on in the performance of its functions under”—the preceding—“paragraphs...”

Now, let us start with the first: to promote the development of culture and arts in Trinidad and Tobago. Mr. Vice-President, Trinidad and Tobago is rich in culture and the arts. Someone once said that we have more talented persons per square mile than any other country, and I endorse that view. God has been good to us in that respect, but I cannot say that we as a society or that any government past or present has truly recognized the worth of those that have been blessed with talents in the culture and the arts, or that we have paid as much attention to investing in the development of our culture and the arts as we should. The culture and the arts of Trinidad and Tobago constitute a sleeping giant that has yet to be awakened. We do not see the manifold benefits of the culture and the arts in their great potential contribution as some other countries do. It is particularly important now more than ever since our revenue from oil and gas has declined, that we nudge awake this sleeping giant from its slumber.

Now, what contribution can arts and culture make to our economy? In a publication entitled, *The Conversation* Jen Snowball, Professor of Economics at Rose University stated:

“There is growing international interest in the potential of the cultural and

creative industries to drive sustainable development and create inclusive job opportunities.”

She revealed that:

“Cultural Times, the first global map of the cultural and creative industries... assesses the contribution of cultural and creative industries to economic growth.”

And estimated:

“...that they generate US \$250 billion in revenue a year, creating 29.5 million jobs worldwide.”

So that this:

“...report helps demonstrate the value of arts and culture...”—and—
“...provides a good rationale for Government support of arts and culture, especially in developing countries where there are so many other demands on the public purse.”

In South Africa a cultural and creative industry in mapping study in 2014:

“...showed that the industries had created between 162,809 and 192,410 jobs, about 1.08...to...1.28 of employment in the country, and...they contribute 2.9...to GDP.”

Other spinoffs from these industries are their:

“...potentially important...”—contribution—“to social cohesion and nation-building through the promotion of intercultural dialogue, understanding and collaboration.”

Now, in 1993, I attended the first World Congress on Family Law and Children’s Rights at the International Convention Centre in Sydney. Somebody mentioned that convention centre earlier. It was a defining moment in my life. As I

gazed at the spectacular building that is their premier convention, exhibition and entertainment centre, I wondered if my country could ever have something so grand. The taxi drivers who took me daily to the venue, on enquiring about my accent, were thrilled that I was from the same country as the much revered Brian Lara, and treated me as a celebrity. They did not just speak his name but breathed it with a degree of reverence and awe, Brian Lara. I basked in the sunshine and reflected glory and was low to admit, I had not at that time even met the man.

Today, when I take Caribbean visitors to NAPA I feel a sense of pride that we had not done too badly. The architecture looks spectacular. However, it does not meet some of key planning issues for the provision of cultural facilities as set out in a Hong Kong study titled, “Cultural Facilities-A Study of their Requirements and the Formulation of New Planning, Standards and Guidelines”. And some of these were like accessibility, most important the locational requirement of cultural facility must directly influence the level of participation by artistes, audiences, and community location near homes to encourage community participation and networking proximately to transport system, work places and homes as well as accessibility by the elderly and the disabled. A glomeration of cultural activities and facilities that may be achieved through horizontal or vertical integration of facilities. Horizontal now meaning different types of facilities with a similar role, so if you are having dance you have a number of sessions that could go on at the same time. Horizontal, you have different types of facilities with a similar role—sorry, vertical being different type of facilities for one or a few related art forms at one location. For example, you have a dance centre with venues for performance, rehearsal, training and research, all under one roof.

Now, NAPA is situated near the savannah which is not a residential area.

There is no transport hub nearby, so for shows like Best Village competition, which has been held there, people have to be bused in, or if they do not have a private vehicle, depending on others for transport. So the hotel on site I think could hardly be afforded by locals. I know one person who ever stayed there and she was there because she had come in from the UK, and because of COVID she had to be quarantined there, and she said it was an excellent location. Now, COVID-19 and its attendant laws and regulations created a situation that was challenging for NAPA. Notwithstanding, there was no enabling legislation, and NAPA was being used along with other venues as Queen's Hall and Naparima Bowl to promote the development of culture and the arts in Trinidad, which was its first function. But with the coming of COVID, NAPA doors were shut, not a roar came from the premier house of the sleeping giant. But did it have to be like that? In 2019/2020 the annual performance review of the ICC, which is in Sydney, reported that like nations, industries, organizational and individuals, ICC Sydney felt the impact of the COVID-19 pandemic quickly and severely. Travel and gathering restrictions led to the cancellation of all events, and with huge sadness we had to temporarily scale back our team. But what happened? At the end of the day that ICC in Sydney in 2019/'20 generated \$510 million in direct expenditure for the State from delegates attending events at that venue during COVID. 73 per cent came from international and interstate visitors. Events further led to 981,445 overnight stays in Sydney and created 2,806 local jobs.

Now, how did they achieve that? They had the same COVID we did, but they created an event-safe operating framework, a set of operating principles that enabled the venue to safely run events in an environment transformed by the pandemic. And this has implications for our plan for the possibility of some form

of Carnival 2022. Because when you look at the review it revealed that the operating principles involved a comprehensive set of protocols which spanned 16 key areas of event management, including the customer journey, environmental hygiene, food service, technology and equipment and employee and public awareness, and covers meetings, conferences, exhibitions, live events and internal operation. It integrated best practice from ASM Global Venue Shield, a programme of the most advanced hygienic safeguards informed by public health authorities, medical and industry experts which is being employed in ASM Global 325 worldwide facilities. So we ought to study that and see what happened. And the review also informed that the framework operating within the safety protocols of Safe Work, Australia's codes of practice, and drew on ICC Sydney's work with international industry bodies to develop industry-wide protocols in response to COVID-19.

Now, these have evolved into a venue specific framework which responds to the needs of clients for a level of detail if they allow them to confidently start planning future events. So it would seem therefore, that to advance to a state of normalcy the potential clientele must be made aware of the details of the protocols that have been put in place for their safety, such that they will feel confident they will be absolutely safe at the venue.

Now, the second function is pretty straightforward:

“to provide the state-of-the-art facilities for culture and the arts in Trinidad and Tobago, including theatres, concert halls and other places of assembly for the presentation of music, opera, drama, dance, visual or auditory arts, and conference facilities;”

Now, as I recall and we have heard here today, there were some initial challenges

at the venue. But I did also learn that UDeCOTT came to the rescue and sorted out quite a bit of the problems. Apparently the people who were constructing could not take it for granted and did not take it for granted, everyone designing and constructing a performance venue that they did not understand that performers need not only to change to and out of their costume, but they also needed shower stalls and none were there, that when steel bands now have to appear on stage there should be a waiting area so that they could move in and out swiftly. So those things were not in place. So that every stage performance does not turn into a long weary panorama night. Now, the Minister did say that there was a myriad of other problems with the facility that need to be corrected.

Now, the third function:

“to provide any service and carry on any business or activity relating to the provision of facilities and other amenities for the purposes of promoting culture and the arts and facilitating persons engaged in the performing arts;”

Now, over the years finding a facility for a performance has been a great challenge, directors and producers have to wait months at a time to find a venue to stage a performance. Venues for rehearsal were a headache. I remember Derick Walcott theatre workshop like the “boll weevil” looking for a home. We met variously at Holy Name Prep in Cascade, Bishop Anstey High School in Port of Spain, Little Carib Theatre in Woodbrook. On Sunday last I listened to the interview on the radio with Short Pants and his daughter and he mentioned Legion Hall, and it brought back memories of my performing on that stage and attending meetings and rehearsals there, and at the Town Hall with Freddie Kissoon’s Strolling Players Theatre Company.

[MADAM PRESIDENT *in the Chair*]

So we have had performances, I have been there at Central Bank, Naparima Bowl, Queen's Hall, Mausica Teachers' College, Hugh Wooding Law School auditorium, Dagga Hall, Shorelands Hotel, UWI carpark and Normandy Hotel, tennis courts, penthouse and so on. I have traversed them all. So we have a number of public spaces but they are not all created equal and they are certainly not purpose built for the functions.

The fourth function is:

“to showcase cultural and artistic events and performances and expand the range of available artistic opportunities;”

The provision of the state-of-the-art facility for culture will certainly go a long way in fulfilling the board's function to showcase cultural and artistic events. And the expansion of the range of available artistic opportunities will require some more thought and planning and will only be properly executed if the board is properly constituted with members of the required competence, experience, exposure and integrity. How will the board decide whose cultural and artistic event and performance will be showcased? And in what direction the range of available artistic opportunities should be expanded? What recourse is there for an artiste who is frustrated in showcasing a cultural or artistic event or performance or denies an artistic opportunity?

So for the children we had Hazel Ward with *12 and Under*, Aunty Kay on the road—on the radio for the young ones, and you have heard one of the presenters here, one of the Senators talk also about children and the importance of keeping them safe. Now, for the older heads you had two shows, *Scouting for Talent* and *Mastana Bahar*, and I know, I was not a child, but when I was taking part in *Scouting for Talent*, I had been sexually harassed, victimized, forced to

discard my performance for which I was professionally trained, and a piece which was written by a noted poet, I had to write my own work, train myself and provide a new costume all in short order, as I had told the host he could not touch me with a 10-foot pole.

So children are at risk. You remember Machel Montano on the night, “Too Young to Soca”, what he had to put up with at the Dimanche Gras night? So, as (e) is concerned we have:

“to provide technical training in culture and the arts for upcoming practitioners in the field...”—to—“build the cadre and proficiency of national professional artistes...”

So I urge that persons who are chosen to conduct the training must be persons of integrity. The persons who are chosen as board members will be key to the success of this objective. When I took part in Best Village Trophy Competition, my village Mount Hope/Mount Lambert was not successful. But after and show Ms. Wong Sang and Dupigny informed me that they wanted me to give a command performance on the night of the finals at Queen’s Hall. No transportation was provided, no refreshments. I do not think I even got a verbal thank you. So artistes are always exploited, and it would be interesting to see how it is that the NAPA structure is going to in fact protect artistes for what can happen.

You have, of course, some of the impresarios, some of the organizers who are very fair, like Aubrey Adams. He was always fair to us when he brought in the artistes. Whatever he was doing on his show he certainly would pay you. Margaret Walcott would make sure that we were paid. And you had Freddie Kissoon, he had a structure in place as well. But many artistes are exploited in a number of ways. Many times you go to foreign countries—I am able to go on a tour and learn of the

heritage of the city or town. A few years ago I was invited by one of my former Guyanese law students—

Madam President: Senator. Sen. Thompson-Ahye, if I may? You have been speaking for a little while now and, you know, leeway has been given to you. But I want to remind you what we are dealing with here and the remit of the matter that is before us. Okay?

Sen. H. Thompson-Ahye: At this point I am dealing, Madam President, with function (f), which is the functions of the authority. So, what I have been saying here is how we are going to execute the various functions. So I talked about (a) to (e), the performance of the functions, so this is where I am. So one of the things we did was to visit a site where we were taken on a simulated journey through time to learn of the early beginnings of the history of the Cayman Islands, very dramatic, and I would like to see something like that created here for tourists and locals alike. Because we showed what we were capable of with CARIFESTA, there is no reason we cannot do it here.

Clause 6 provides for the Minister to appoint a board comprising of not less than five and no more than 11 members and specifies they must have qualifications or experience in the performing arts, culture and so on, management, finance. So I found among the members, the Minister appoints the chairman and deputy chairman of the board. Given the potential for arts and culture, I wish to see someone with experience in business appointed to the board. I also wish to see someone who is interested in conservatism, you know, conserving, because we are a throw-away culture. Every year our designers create spectacular costumes, should we not preserve the best costumes for tourists and school children to come and view? Also with our literary works we do not value those, and I know that I

have been trying myself to save some of my works, because recently I was asked to produce something I had written some years ago for “Lawyers under Lights”, and I could not locate it. And the International Society of Family Law, they are looking to put a publication together, and I am trying to get, again, some of the works so that they could go into the publication. It has been difficult to recover some of the works during the time.

Clauses 8 to 19 of the Bill, which detail appointments to the board, termination of board members and operations of the board are fairly standard and raise no red flags that I could see. Part III of the Bill deals with appointments of staff and advisors of NAPA and duties and responsibilities of staff. With regard to clause 20, I wondered on a reason the Minister must approve the terms and conditions of the General Manager who is appointed by the board. Since the board must comprise members qualified or experienced in finance, accounting and human resources, could the board not be trusted to make a determination on remuneration of their employee?

3.00 p.m.

Clause 26 is one for which I commend the drafters of this Bill. I do not know if it is an innovation but it is certainly one which I welcome. I have chastised the Government on more than one occasion with good reason for being unfair to retirees and persons whose contract have expired. So I particularly welcome this subclause (4) which states that:

“Where a person who is transferred in accordance with section 24 dies, retires or his post in NAPA is abolished or he is retrenched by NAPA prior to establishing or joining the pension...plan and, if at the date that his service is terminated by any of the above-mentioned methods he was in

receipt of a salary higher than the pay, pensionable emoluments or salary referred to in subsection (3), the superannuation benefits...to his estate or to him, as the case may be, shall be based on the higher salary.”

So I hope that this principle will be adopted across the board in all government departments. Too often there are persons who are acting in higher positions than their substantive post for years and when they retire their benefits are calculated on their substantive post. It is unconscionable and inhumane and certainly not the hallmark of a caring government and should be stopped.

Clause 27 which deals with disclosure of interest requires of the General Manager and says:

“...persons employed or engaged by NAPA, as the Board may with the approval of the Minister determine, shall within three months after—

- (a) his appointment or engagement; and
 - (b) each anniversary of his appointment or engagement submit to the Board a declaration in the approved form stating whether or not he has an actual or contingent pecuniary interest in any person or entity which is engaged by NAPA.
- (2) A person referred to in subsection (1) who has an actual or contingent pecuniary interest referred to in that subsection shall not, in the course of the performance of his duties, knowingly take part in any deliberation or decision which is likely to affect that interest.”

And, Madam President, I ask the question that I asked when we were debating the Special Economic Zones Bill which had a similar provision namely, what is meant by not taking part in the deliberations?—that the member sits in the room and takes in the discussion? Surely not, that cannot be acceptable. And I

repeat my recommendation that what must happen is what is provided for in other laws and to practice that obtains here namely that the member with the conflict of interest shall excuse himself from the meeting while the matter is under discussion.

Clause 30 details how the funds of NAPA had to be utilized. And I was very happy to see in subclause (f) that included among the items for which funds of NAPA will be applied are:

“research and development projects, training and certification and other related matters...”

Research is very important to inform best practice and that leads on to excellence. Training, again, is very, very important for the development of the expertise.

I would wish to commend the Government for bringing this long overdue Bill which deals with a subject close to my heart. When I present a paper at world conferences I view myself as an academic. After presenting a paper to world conference in Cape Town one of my compatriots Senior Counsel Gilbert Peterson told me I was not a presenter but a performer. So I have always compartmentalized my rules but it seems that when they look on at us you see that sometimes we are performing in a way that we are also ambassadors for our country. We have a wealth of talent that needs to be harnessed, provide income and enhance the economy.

In the December 2021 issue of *Creative New Zealand* a publication from New Zealand in an article entitled:

“The evidence to support your advocacy”

It states that:

“The arts contribute to New Zealand’s economic, cultural and social well-being.”

We know and have proof that the arts, and it is listed in this production what, the importance of the arts. It:

“...contribute to the economy...creates job, generates household income, supports tourism and contributes to the economic development of towns, cities and regions.”

And:

“...UK Creative Industries”—said it was—“worth £84.1 billion per year”—was generated for the economy through—
 “British films, music, video games, crafts and publishing”—and they—“are taking a lead role in driving the UK’s economic recovery.”

Madam President: Sen. Thompson-Ahye, you have five more minutes.

Sen. H. Thompson-Ahye: Thank you. It improves educational outcomes. When I use drama in the classroom I find the children keen and stimulated and excited about learning. So once when they said, “Miss, religion so boring”, and I began to dramatize the classes, what a transformation they began to look forward to religious instruction classes. It:

“...creates a more highly skilled workforce”—it improves health outcome—
 it—“improve your personal wellbeing”—it—“rejuvenates cities”—it—
 “support democracy”—it—“creates social inclusion”—and it is—
 “important”—to our—“lives.”

So the article concludes that states can use the arts to boost their economy in a variety of ways from community development and promoting arts assets as booster cultural tourism. They should also adopt strategies that support and strengthen their creative industries. States can support the inclusion of arts in community development strategies by offering grants and creating public space for

arts. This way states will reap numerous benefits that help generate stable and more reliable communities.

So in all of the circumstances outlined I urge the Government to wake up the sleeping giant and boost the economy and I am quoting here from *Creative New Zealand* by understanding our cultural industry by first mapping our cultural and art assets; do an inventory to gauge the contribution of art and culture to the economy; get the data; develop strategies to support culture and art sectors; support individual entrepreneurs; give small grants to encourage creative individuals; entering into public/private partnerships; provide technical assistance with planning and marketing; target specific sectors and offer significant economic growth; films, craft, design an environmental art; offer training programmes to encourage growth in the industry; include art and craft into state wide planning; seek input from stakeholders; identify a vision; attract tourism dollars; tourists attending cultural events not only spend on events but also spend money on dining, gifts and services; help make the economic areas as creative industries can benefit residents in rural areas and urban core; heritage and tourism are the main components of a sustainable economy. So state should develop innovative strategies to encourage tourism planning and marketing their unique arts.

States can use the arts to boost their economy in a variety of ways from community development and promoting arts assets that boost your cultural tourism. They should adopt strategies to support and strengthen their creative industries. They should offer grants and create public spaces for art. That way states will reap numerous benefits that help generate stable and more livable communities. So do not let COVID-19 defeat us. There are ways that we can use the arts to boost our economy and I commend the suggestions by these

international researchers to us in Trinidad and Tobago. Thank you, Madam President.

Madam President: Sen. de Freitas.

Hon. Senators: [*Desk thumping*]

Sen. Nigel de Freitas: Thank you, Madam President, for the opportunity to contribute to this debate that has been engaging us from this morning to this current time. I do not intend to be very long because I think a lot has been said so far by all the speakers that have gone before me in relation to the history of NAPA, its functioning in the way it operated now and what is being proposed by way of its operation in this Bill.

What I would say, Madam President, is that from all of the speakers that have gone before, one of the things that I think that is common on the Opposition side, the Independent side and the Government side is that everybody recognizes that NAPA has great potential. I think where we diverge is in terms of the ability to realize that potential. And one of the things that comes across in this Bill by way of putting in this type of a structure which I have heard other speakers say follows the Queen's Hall model is that it allows the culture and arts community and the institution and structure that is NAPA to truly realize that potential, and let me explain why.

Every single creative I have ever encountered in my life, one thing has been common to all of them, they are normally free spirits. They tend not to do well under any kind of stricture or any kind of restrictive environment. And if you think about it, you think about painters, you think about musicians, you think about dancers, they are free. That is the one thing that comes to mind, they are free to create, they are free to express themselves and they are free to release the energies

that they have as creative individuals. And one of the things that comes across in this Bill by putting in the structure by way of having a board that has certain responsibilities is that they have a greater level of freedom to be able to put things in place to really allow that particular building or that particular, what I would call, cultural and arts centre, to realize that full potential. And let me explain by going to clause 7 and looking at part (b), where it says:

“entering into strategic partnerships or alliances to facilitate beneficial activities consistent with the functions of NAPA;”

When I read that, the first thing that came to my mind is that as a creative entity one of the things that can happen or is envisioned is that that board can enter into a memorandum of understanding if you call it that, that is the best phrase I can use to explain it, with theatre companies in the US. We all know about Broadway and we all know about the plays that they put on, we all know based on what Sen. Bethelmy stated in her contribution as to what is residing within NAPA in terms of the infrastructure. And I can see in terms of the roles and responsibilities under that particular section, in the future once this Bill is passed and the structure is put in place, a memorandum of understanding occurring between NAPA and a Broadway company that puts on regular plays on Broadway in the US and having that particular play, let us call it Shakespeare or Othello or any other play that comes up that has, let us say, a large amount of popularity, that that play can be held in NAPA through that memorandum of understanding therefore bringing foreign exchange and therefore increasing revenue of that particular institution. And that is one of the things that this particular structure is able to do because they now have the freedom to go ahead and do something like that.

I heard Sen. Sobers speak to having events such as Kes or Machel and those

types of events at NAPA. And he indicated that when Mr. Williams, former Sen. Williams, was trying to do a music video at NAPA that he was not able to do so. Well, Sen. Sobers, what I will respond and say is that this Bill allows the board to be able to look at the benefits of something like that and make a determination on spot as to whether they want to do something like that. But what I would say is that even though you are saying that these things could be done you also have to be careful because I do not know of any Machel event or concert where you sit down and listen to Machel. I know it is a moving event, I know it is an event where you are dancing and you are up and it is a large crowd and what not. The kind of concerts I thought that would be held at NAPA would be the ones where you sit down and take in the event.

He mentioned Adele as a concert, for example. One of the things with those international artistes, as far as I remember, is that the contracts, the Minister of Tourism might be able to expand upon that, tend to come with something called riders. So it is not just a matter of I pay you, you come, you would sing, they would have other things added into the contract, one of which might be you need to put me up in a five-star hotel, for example. And if you cannot do that then I am not coming. And the thing is, is that as much as I agree with Sen. Sobers in that sense where you can start to have those type of concerts to bring in foreign exchange in NAPA, the fact is that prior to the structure that we are putting in place now that would have been a difficult thing to do in terms of the management that is there now.

However, with the board, with the kind of hiring practices that they can engage in, with the kind of team that they can put together, you can now engage in bringing those individuals into the country to perform at a state-of-the-art facility

like NAPA. Because you would be able to ensure that the hotel attached to NAPA, with the 53 rooms as Sen. Bethelmy pointed out, could be upgraded to a five-star entity, that the restaurants, the two restaurants that were mentioned earlier could be upgraded to a five-star facility allowing you to be able to attract these types of five-star artistes to the venue. That is why this particular Bill is important, that is why this structure is important, and I heard when Sen. Richards said that based on the fact that we have been putting boards into institutions before and they have not operated to 100 per cent efficiency what makes this one different.

What I would say to Sen. Richards in response to that is I have a lot of faith in our creative industry in Trinidad and Tobago. I think it is one of the best in the Caribbean region. I am not going to get into a spat to say Trinidad and Tobago is better than any other particular island in the Caribbean, but just to say that we are one of the best. I think we have some very good artistes, we have some very good creatives. And it is based on that sentiment that I believe having these individuals on this board, made up with other individuals like lawyers and accountants and what not, that this particular board and this particular management structure as put in place will be able to see NAPA realize its full potential. Because if it is one thing these individuals are is that they are creative. No matter what obstacle they may face, they are creative.

So my response to Sen. Richards in relation to that is we have to have faith. There is a saying that goes: no institution can be greater than the people that make it up. It is not possible. And if it is, as I stated we have some of the best creative individuals in the Caribbean then it stands to reason that this particular structure in relation to a board that has people from the industry in it, I expect great things from NAPA going forward.

So, Madam President, Sen. Richards also went on to speak to why it is that we have a Queen's Hall Act and now a NAPA Act and a SAPA Act. And I listened to him carefully when he was speaking and I thought to myself in that he is correct. Why is it that we do not have an Act or one Act to govern all of these types of institutions in Trinidad and Tobago? And then it hit me again. Do you want one Act to govern all of these institutions? Institutions that in and of themselves are expressive and when you think about it Queen's Hall is built and it is expressed by way of its building, structure and the way it is shaped and everything in one way, you have NAPA being expressed in one way and then you have SAPA being expressed one way.

So is it that you want one piece of legislation to govern them all or is it that you want the ability in the future that if it is NAPA is going in one direction based on how the board takes it, that SAPA can go in another direction based on how the board takes it and same with Queen's Hall. Because at the end of the day these are institutions that are there to assist the cultural and arts industry in Trinidad and Tobago. And like I said earlier in the beginning of my contribution you do not want too much stricture involved in that. You want them to be able to express themselves and in doing so, you want to be able to have that flexibility to amend where you would need to amend as each one moves forward going into the future and expresses themselves.

So I would say to Sen. Richards I understand how having one Act to govern them all could have its own benefits but in relation to this particular industry and how it expresses themselves I think it is actually better to have it done this way, to allow for that flexibility going forward in the future as each one starts to emerge in terms of how they operate and how they express themselves.

So, Madam President, as I indicated I was not going to be long because a lot has been said. I think arguments have been made on all sides. I think that the potential for NAPA to do what it was set up to do, in terms of helping the creative industry in Trinidad and Tobago is made greater by the provisions in this Bill. This Bill is nothing more than the systematic setting up of systems to allow NAPA to operate efficiently by way of putting a board in place, by way of ensuring that there are financials so that they can budget properly and ensuring that all of the checks and balances are in place as it relates to that are also in the Bill by way of reporting to Parliament, by way of reporting to the Minister and so forth.

So, Madam President, before I run into tedious repetition I think enough has been said. I support this Bill and I look forward to what NAPA can do with a board of creatives and other professional individuals. With those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Madam President, for acknowledging me to partake in this Bill. And, Madam President, I must say that in Trinidad we are very fortunate where we have such a diversity of cultures that we have here. We have seen persons from all parts of the globe brought here and the cultures have been flourishing. We have seen fusion of cultures and this is something we have to be very grateful for. And I must say that even sounds and culture and whatever persons hear it is actually what they grow up listening to. It actually forms part of their memory. And we found that even elderly persons when they are having problems with Alzheimer, listening to sounds in the past could definitely trigger that happy memory where they first heard it, it gives them that joy where they first dance it. So it is important to have culture and cultural expressions within the spectrum of a country where it could be handled in such a way that it will be

fair, it will be in a way that it actually will be in a way that it will encompass all.

So therefore, this Bill serves to have a board which would be looking at our culture, being actually as somebody had mentioned, it will be there as looking at the culture, looking to see how we could manage it, see how they could market it to be stewards. I think somebody had mentioned to be stewards of our culture. But these stewards have to be a little careful in the sense that, you know, to ensure that what they portray, what they push there as culture is in truth and in fact nationalistic in its portrayal. And this is where I want to just take it a bit, Madam, in the sense that the importance of the board members.

Why I look at this is we have to be also cautious what occurs in a country as diverse and blessed as us. Recently in America with the Black Lives Movement we had persons claiming that there was a dominant culture but there was a subculture of the Afro-Americans. And there was still a fight for those persons to be, you know, to get that identity, to be there in the main events, the cultural events, in the books and what, and we had that. And you see in our country we also have to be sensitive to the different cultures, to the different races that exist here and we have seen it recently where persons may have said they were discriminated in a burial rights or cremation rights and we have to be sensitive that we do not ignite anything. So this is why it is important, the composition of the board, and this is why I want to push, because I do not think many persons mentioned about the composition in terms of the sensitivity to other cultures. And why I make this I would like to just read into it, Madam, just an article that I have here where it is called:

“Challenging Discrimination Promoting Equality”

And it was really a committee on the elimination of racial discrimination trends

and developments. And this was by Theo van Boven and it was presented in the European Rights Centre. And just one thing I want to put into here, that it was actually mentioned the importance of the state in combating racism and racial discrimination. Where they said:

“Failure to recognise the distinct culture, lifestyle and language of certain groups and minorities...and forcing them to assimilate also forms part of the pattern of denials.”

So basically what they are trying to say is that we have to appreciate the cultures of other persons. And the role of the state is that with its capacity to legislate and enforce, which is institutions to monitor and to control, with its responsibilities in the area of teaching, education, culture and information and with a states to promote social welfare and political justice, the state has a crucial role to play in combatting racial discrimination and promoting racial equality.

This NAPA Bill here, if it is somehow handled in a way where different persons feel that they are included in the mainstream culture you find that it will do much to negate any sort of racism or inequality people think that they have. And the composition of the board, I think the Minister has to ensure that whoever is in that board would look at the undercurrents that exist in our country. And the undercurrents I just want to make mention, Madam, just two papers I just want to read in very quickly:

“Ethnic Identity, National Identify, and Music in Indo-Trinidadian Culture.”
It is by Peter Manual. And what Peter said is that within Trinidad the East Indian persons, some Trinidadians, Trinidadian cultural policy he put it as it is ad hoc and there is a:

“...marked favoritism towards creole culture and music at the expense of

Indo-Trinidadian counterparts.”

So he made this. He also made a point that:

“Indo-Trinidadian culture is similarly marginalized”—in—“state-funded Best Village...folklore contests”—and—“one Indian academic told”—him—‘We are made to feel unwelcome there and the orientation is mostly Afro Trinidadian’—and we were—“criticized as clannish...”—sometimes when we came out and were not mixing and participating.

So there are definitely the undercurrents and there is another article: Racialism in Trinidad and Tobago, which has the similar sentiments where there are certain East Indians who figure they are not included in culture. And let us think, is that true, is that not true? Well, we have seen a dominance of calypsos, we have seen a dominance of pan and all these things and we have to appreciate—I grew up, Madam, looking at *Indian Variety*, looking at *Mastana Bahar*, looking at calypso competitions, attending functions. I had a Baptist Church near to me, I used to go to it and hear their music, listen to soft rock. This is my culture, I have been exposed to all these things.

Now, if there are certain persons who figure that they are within Trinidad and Tobago and they are not represented in the mainstream cultural activities they may feel isolated. So we have to work at that, we have to work at that in those two studies I quoted were the sentiments of certain people. So our duty I think is not just passing laws for NAPA and what not, but ensuring that they reach out.

Someone mentioned to me that there was an event, Madam, where they got a grant for persons to go and perform abroad. And the person actually told me, hey, look at the composition of those persons. And he was trying to imply, it was racially skewed. He may be right, I did not look at the composition. But what I am

saying if that is so we or those in authority, those in this new board have to reach out to those other persons and include them, have them included it so we would have a society where everyone feels that they have that connectivity and that movement. And this is all I am trying to say when I am looking at the composition of the boards we have to ensure that.

Madam, also what I must look at is that there is the move to have this NAPA conceptualized with its own board, with its own money making process and Sen. Bethelmy said if we could have things running right through, cultural events this would be a remarkable thing because then we can actually have as an income earner, as a tourism event arts from everywhere. There is the Chinese artiste, we have the Orisha music, Bobo Ashanti we have to engage these cultures to come out. So we as a Trinidadian will say all those are parts of us. We have to realize that East Indian music, you may not like it but other people like it, Trinidadians, put them in there let them feel that they are also part there, they are Trinidadians too.

I also would look at the fact that if we are going to create this body I had a question to try to find out, the funds will be going in to pay these board members, funds would be going in to get it running and remember when they started the NAPA and it was actually, it came about where there was a lot of money spent and over spent and persons had the opinion that even the structure itself had a lot of defects we had to fix. So we are now going to be put in money there into this body or a body to run it so I am just hoping that we would eventually be able to get some sort of profit out of this body or those bodies.

And, Madam, right away I must say in our economic times I also have to agree with Sen. Richards when he made mention that he did not see the need to

have SAPA and NAPA because Trinidad is a small place. By doing that you are going to create a further geographical division. People in south they say they are south of the Caroni bridge. Trinidad is small, we can have one body looking at both of them, one body maintaining both of them. Why?—the advantages less chance to say, well I am south of the Caroni bridge, is this discrimination? The other advantage is cost. You are now looking at putting board members in NAPA, board members in SAPA and this to me we cannot really afford that in times like this.

3.00 p.m.

And again as Sen. Vieira mentioned, we were now speaking about disbanding the livestock board because of funds and here we are trying to create. So I do not agree. While I agree if we can make something that could run efficiently, that could be a tourist attraction that could help the arts and really have something that persons could carry their family to see all sorts genres of music, this is something I am agreeing to. But we cannot afford, as I am saying, to have boards being run. People may accuse the Government of job for the boys. I do not know. So this is something we have to be careful of not—of probably rethinking this.

I also think, instead of having SAPA, why can we not give Tobago something? Because remember Tobago had their own—when I went to Tobago and saw the folk dances, the culture there is different. Even if we do not want to have something else like an academy in Tobago, again the new board has to not only look at East Indian artistes, and look at Bobo Shanti, look at other Chinese music or whatever, but they also have to accommodate Tobago culture within that framework. So at any time you can go in and see things happening there. So I do not like that aspect of the spending. I also wonder what will happen to Queen's

Hall and Naparima Bowl. Will we be having a duplication of services? Because Queen's Hall they have—I mean, they have had a good history, good performances, they have moved with the times. I think Sen. Vieira had mentioned that they were one of the first to have online tickets. So they actually were running things properly. So they could probably learn from—NAPA could learn from them, and vice versa. They could probably, as Sen. Vieira said, get some of their legislation in place to help the Queen's Hall and the Naparima Bowl.

Ma'am, I may say so that NAPA had gotten criticism before and even from you know persons who looked at the structure. Certain artistes associations say they were not consulted, but this is the time I am thinking we could bring them in and figure is there anything that needs to be fixed there, is there anything that need to be added on to at least get that greater accommodation to that? I want to know, Madam, is when I look at the Bill I had some aspects here that I just wanted to go through. I looked at Part II of the Bill, the National Academy for Performing Arts, where there is an “established body corporate to be known as the National Academy Performing Arts” and I say I really wanted to be nationalistic really in its true sense inclusive of all. I think the country deserves this at this stage. We have moved along.

In fact, we have Senators here who have a great cultural—you know they are deep in the culture. Sen. Sagramsingh-Sooklal I know has that culture for your East Indian culture and you are involved, Sen. Avinash Singh, and they might be the ones to help guide policy to be more inclusive. And I am happy we have those Senators on board here so finally we can put a rest to persons saying there is discrimination in culture and a dominant culture there.

Madam, when I looked at the fact that—I looked at the Part II, clause 7(d),

NAPA actually would be:

“implementing the policies of Government in relation to the management of performing spaces...culture and...arts education as...”—they—“...may be directed by the Minister from time to time;...”

So I am happy I saw this because I was wondering initially if we are going to have NAPA and SAPA and they are going to have diverse opinions, like there is a chairman down there who does not want to include a certain culture for whatever reason, there is another one doing his own thing in north, that will— You know, at least if the Government themselves could have that overreaching policy drive to say we have to be all inclusive, we have to run it this way. So I think clause 7(d), the importance really is the Minister. The overseeing Minister would have to be the one to give the clear guidance how we can move this forward.

I want to say that the clause 5(e) mentioned that they would be, you know, having:

“to provide technical training in culture and arts for upcoming practitioners in the field which builds the cadre of proficiency of national professional artistes and performers through timely and consistent access to NAPA;...”

So, in a way what we would be doing here is we would be—I am hoping in the future we would be seeing—I think UTT was involved and I am hoping that we could still have the involvement of UTT. We could still have the offering of not just pan but harmonium, other events where people could come and get whatever training you have there.

So the idea of having this training there, it is something that I think we have to ensure that there is a push for it. You see, recently there was a—I think the Ministry of Youth Development and National Services had put out some sort of

ads for persons to come and learn to set up sound systems, and I think it was certain areas in Trinidad. And again in social media I looked and I saw people criticize it and say, “Look, those areas are mainly areas that are occupied by Government Members, Members of Parliament that won on Government side.” So while you hear that undercurrent and persons making that, it is easy to solve that. We expand this, that development programme, to other areas so that dialogue we would not hear; or when you have this NAPA, you have this NAPA here in such a way that any sort of persons from any part of Trinidad could be able to come to either NAPA and SAPA. Well, NAPA I was hoping we do not have—well the same academy where they can get that training in any art form they want, any culture they want. So I am thinking we need also—the country needs to know what are they offering, what cultural forms they are offering, what sort of instruments they are allowing to play.

Madam, we have something in psychiatry where you call music is like art, music therapy, and we have African drums, we have a guitar, and a patient came to me, and say, “But Doc, I live in the El Socorro area. I grow up playing tabla and harmonium, why do we not have that there?” And it was a valid question. So as a doctor I was trying to reach out to the Indian High Commissioner and say, “Give us something, nah?” Because there are people who will come for something and they have to have an instrument that they want to play, and it is a similar thing. When I see this in my private practice I want to see in the public, especially if it is the domain of taxpayers’ money running these entities, these entities have to be fair to all and all inclusive.

And, Madam, I want to say something. If you have this board running this and it is taxpayers’ money and they are promoting music, like music with wine and

jam, and dance, and alcohol, things that I do not like, could I now object to say, “Hey board, I do not think you should have—if you are going to give taxpayers’ money into this you should have a better sort of civic or social responsibility where certain songs like the wine and jam and certain songs are not somehow benefiting from taxpayers’ money.” Because let us say I am a Muslim individual who does not like to show my body and I am seeing this thing now where you are using my taxpayers’ money, I could be a bit upset with this. So you have to now balance certain things.

And again, I always say—I heard our Independent Sen. Burgess mentioned about the children, and I was shocked once when that lovely song came out, “Dollar Wine” and I love that song, I love the artiste, but when I saw Standard 5 children doing the dollar wine it was not age appropriate. So somehow this body will have to look at making certain songs age appropriate, certain things children cannot be performing in, certain things children cannot be—we should shield children— Just as how you have movies 18 years and over, I am thinking we should have—

Madam President: Sen. Deyalsingh, I just need to remind you that we are dealing with—what we are dealing with here, which is to set up the establishment of the National Academy for the Performing Arts, and the Bill talks about management and that sort of thing, what you are dealing with right now is going beyond the remit of the Bill. So I would ask you please to try and tie in what are you are saying to the subject matter.

Sen. Dr. V. Deyalsingh: Thank you, Madam. What I was trying to tie in is that if you have members of the board to be selected, I am looking at clause 6(3):

“...Members shall be selected from persons who have qualifications or

experience in the performing arts, culture, law, engineering, management, finance...”

I want somebody there from the IRO. They may have a greater sense of morality in terms of what should pass as certain cultural events. And this is why I was trying to form that link between certain types of music, certain portrayal of certain types of culture, and what we should be promoting. So I would really love somebody from the IRO to be there.

I also want, is if we have to try to be all inclusive from the studies I show, some people think that the East Indian culture has been left out of mainstream culture. Not just here, but in the States we have had that same thing with the Afro Americans. Somebody from the NCIC should also be appointed there to make sure there are members there who can look after and ensure that not just you have persons with performing arts, culture, law, engineering, management, finance, but somebody there who could ensure that there is that inclusive East Indian culture.

Because, Madam, I remember I often wonder what happened to all the artistes who I used to see in *Mastana Bahar* who got first, second, third place? We are not seeing them. Where are they? They are talented, they learnt to play instruments, but they are not seen in the public domain. It is like they are hidden away and they are cast aside, and we have to reach out to them. This why I am saying the membership board should be somebody from NCIC who can look at all these shows from before, reach out for these artistes who might be very talented, depressed with the COVID, could play harmonium, could play a violin, could sing some music and say, “Come, come love, let us bring you here. Let us engage you in society now. Let you be inclusive in society now.” We, the Government, the new board at NAPA, would be able to now reach out and find certain members.

So, Madam, while I also looked at the fact that clause 6(2):

“The Board shall comprise not less than five and no more than eleven Members.”

I think that is overkill. Make it—why 11? Make it seven or even nine. And why I say an odd number, in case you have to vote on certain instances you would have that. So Sen. Vieira mentioned that somebody with intellectual right should be there and this is something I agree with him because you have— We have great talent here, great fusion music. We have wonderful things here, and then somebody with intellectual right I think should also be included as part as the makeup of the board.

I looked at clause 9 of the Bill, well clause 9(6) where:

“An acting appointment of a Member under subsection (5) shall not continue for more than six months.”

Madam, I think if we are serious about culture on certain boards, we should have it three months. I think six months is too long. And even when I look at subclause (8) there:

“Where a person is acting as a Member and the office becomes vacant while...”—the—“...person is so acting, that person may continue so to act until the...”—Minister—“...otherwise directs, the vacancy is filled or a period of six months...”

Again, most respectfully, I think if you are serious have people there who would really be reappointed quickly, have persons there who are not going to take some long time off so they would not really know what is going on, and I think at least we would let persons know we are serious about a culture of our country.

Again, when I looked at clause 14(4):

“The quorum of the Board shall be not less than fifty percent of its Members.”

So again, if we are sticking with seven members which I hopefully think it is a small amount, it should save again taxpayers' dollars. You will find the larger groups sometimes they are disbursement of effort. So sometimes the smaller group might be able to work more. Also I looked at the clause 15(4) where it says that the:

“Copies of the Minutes...”—when you have the minutes—“...shall be forwarded to the Minister within one week of being confirmed.”

And I think that is a bit tedious. Why should we burden the Minister? If the Minister had gotten this board to act and do their work—

Madam President: Sen. Deyalsingh, you have five more minutes.

Sen. Dr. V. Deyalsingh: Thank you, Madam—I do not think the Minister needs to get a minute very month. I mean, if there is an issue they can go to the Minister rather than burden him with this.

Clause 16:

“The Board may appoint committees comprising its Members or other persons...”

I would like to have a—if they are going to get committees, let it be a knowledge who are in these committees so it would be published, so we would see again there is a diversity of culture representative in certain committees there.

Clause 17 spoke about:

- (1) Every Member shall, within three months of—
 - (a) his appointment; and
 - (b) each anniversary of his appointment,

submit...a statement declaring whether he has any actual or...”—some—
“...pecuniary interest...”

I think this is excellent because you may start out there without having an interest, but afterwards you could develop an interest. That is putting them on a level of transparency that persons there would be able to now, you know, if they are on a board, not gain some other interest after without letting it come to the light of the Minister.

When I look at clause 17(5):

“A person who commits an offence under subsection (4) commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.”

I am wondering why it is “and”. Why it could not be “and/or”? Because I am thinking if you are putting in “and” you are actually—you know, even though we want no sort of a corruption or fraud to occur. So subclause (5) and subclause (6) I am looking at “and imprisonment” I was thinking it should be “or”. When I looked at the—

The rest of this Bill, Madam, it mainly looks at salaries and transfers of people moving out from the relevant Ministries in coming there to act. So there is nothing there that I would really say that I would have wanted to change. In that sense I would want to say though that it seems to me here that we have a time here where we could really get our Act in such a way that we could include persons, we can actually have it in such a way that if handled correctly persons may feel they belong here, we could have it—And, Madam, when the black plague struck Europe the renaissance period after was a period where the artistes came and they had buildings, architecture, art pieces, and culture really expanded. Similarly after

COVID here, if we play this right the young person who could play the harmonium or pan, the artistes, we will give them a world where they could have the stage post-COVID.

So I think we have to get it right, and I am hoping we can get it right. I thank the Minister for bringing this Bill, it is just that those little concerns I have I am hoping we can address it. Thank you.

Hon. Members: [*Desk thumping*]

Madam President: Minister of Tourism, Culture and the Arts. Minister, may I just remind you have 30 minutes.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Madam President. Hopefully I will not need all of the 30 minutes. I also want to thank you, Madam President, for the opportunity to respond to some very valuable contributions coming from the other side, from the other Senators, of course, with the exception of Sen Mark who tried to reengage the issue of the construction and the design of NAPA and, of course, try to take us into some very ridiculous positions that, as a very experienced Senator, he knows not to be true. Notwithstanding, Madam President, I am truly grateful, truly thankful, for the contributions of Senators from the other side for their suggestions and for their expectations with respect to the creation of this statutory body that we now want to create to manage the operations of NAPA.

I can start off perhaps with addressing some of the concerns of the last speaker, Sen. Deyalsingh. I would say to Sen. Deyalsingh that Tobago is not left out and there is the Shaw Park Cultural Complex. That is a very advanced state of the arts performance space for Tobagonians for their cultural expression, and it is well used, well utilized in Tobago. With respect to East Indian culture, perhaps the

Senator may not know, and again it comes down to the ineffective and inefficient management of these performance spaces. Because a lot of times the Naparima Bowl or even in the Southern Academy for the Performing Arts, the next Bill that we are about to do, there are lots of East Indian shows that occur in San Fernando, in the Southern Academy for the Performing Arts.

In fact, during the Divali period there is a group that puts on a show. They put it on last year and the year before that during the COVID environment and it was aired on *Zee TV*, and that show which was an East Indian show—it was around Divali time—garnered over 20 million views in the Indian diaspora, persons who viewed *Zee TV*. So it is incorrect to say that you know the East Indian performers and the East Indian culture are not expressed at these performing spaces. They are, but where these performing spaces are properly managed and they have their marketing arrangements down, you would find these things being advertised, being marketed, the use of social media, the use of technology, digitization in terms of being able to procure a ticket and entry via a QR code, et cetera. But those things are not in place because what you have virtually is a Ministry with all the bureaucracies built in, and bureaucracy for good reason and good purpose, managing these commercial performing spaces that have a lot of potential. So I hope I have answered Sen. Deyalsingh there.

I touch on Sen. Sobers, very valuable contribution, and Sen. Sobers spoke about the gymnastics that are involved in trying to utilize these auditoriums, the NAPA auditorium in particular, and he gave an anecdote of former Sen. Jason Williams having to write and enter into this back and forth pen pal arrangement with somebody at the NAPA to be able to get the space and eventually he was refused. So let us speak plainly here. That is what occurs, and that is the reason

why we need to create separate management arrangements. What occurs on a daily basis if there is an organization or a group wishing to retain the National Academy for the Performing Arts, the auditorium, what happens is: you go to the administrative offices and you fill out a form; the form then gains preapproval; the form then goes to the management committee and then gains preapproval; the form then goes to the Ministry and it goes to the receiving desk, whoever desk that might be; and then the form goes to the desk of the Deputy Permanent Secretary; and then it moves from there to the Permanent Secretary who now has to sign off. And the period of time that takes, depending on whether that officer wishes to have someone else remove the documents from his out tray to take it a number of footsteps to somebody's in tray, the time that takes is about two weeks. And sometimes during that period the opportunity is lost.

The hirer, the organization, most times they have lost interest. They no longer go to the NAPA to try and engage NAPA. They prefer to go to Queen's Hall, or they prefer to go to somewhere else, or they just prefer not to have their show. That is what occurs and that is what we are trying to fix here today, faster decision-making and faster procedures so that there can be more shows, and there can be more activity, more cultural expression, more economic activity for those event managers, for those promoters, for those artistes, for those cultural performers. And it is no fault of the employees of NAPA. It is just the system that has to be corrected, but that is for another debate.

Sen. Sobers also asked about a number of concerts and international concerts, and he spoke to about Machel Montano, or other of our very outstanding artistes being able to perform in these spaces. And I agree with Sen. Sobers, but it has not been our culture. Our culture has been for outdoor type concerts. It is the

very nature of our music to get up. The music hits you, you get up, you move, you dance, you enjoy yourself. But last year, interestingly, because of the COVID restrictions a number of those artistes decided that they would hold these concerts indoors. And what happened, all the concerts were oversubscribed. You had Second Star in Queen's Hall, you had a number down at SAPA, you have concerts in NAPA, all of them oversubscribed, and I truly believe that the event promoters they discovered something different. The exact same thing, the Adele, the Bruno Mars, and you go to a concert and you sit and you perhaps stand, they have discovered that there is another way and they can reach a different audience. But prior to the pandemic those things may not have occurred.

The policy of the public servants may have been well no soca, no concerts, nothing to go on in SAPA or in NAPA. But now the soca artistes, the cultural practitioners, they have realized that they do not necessarily need to go outdoors into a big field, with a big stage to have a concert, or a fete, or a performance. They can reach an older audience. They can reach persons who might be disabled who these performances spaces cater to. They may reach persons who love the soca music, or love the calypso music, but may have an issue with the wine and jam and the alcohol, persons who truly just want to enjoy the music, and that is what we saw in the year 2020.

We also saw a number of different types of cultural expressions during the Carnival period. There was a production called Mas. It was absolutely brilliant. And when you go into NAPA—of course, many of us have been to NAPA during the Independence Day awards and that may be it. But when you go into NAPA there are so many—the stage is so technologically advanced I did not even know that there was a massive big LED screen behind that stage that can be incorporated

into these performances. And there is that little sunken area—I do not know what it is called—that the orchestras can play in, in line with international performing spaces anywhere in the world but we do not know. We do not know that.

Sen. Mark spoke and indicated that there are only two areas that can be monetized in SAPA. Clearly Sen. Mark has not been into the guts of NAPA and I do not blame him for that. I was only taken there as Minister with responsibility for culture. There is so much behind there that we do not even know about. The two restaurants that are there they occur and they are within the hotel arrangement, and strangely enough it was between 2010—2015 that they were mostly utilized by the UNC for hosting of dignitaries, hosting of visiting dignitaries, the hosing of awards, the renting out of those spaces to corporate entities, et cetera, and there was a big, big issue. I mean, on the file you would see a number of correspondences going back and forth, and persons quoting the Audit and Exchequer Act, and what to do with the money that the corporate entities pay, and it cannot be deposited anywhere; it has to go directly to the Treasury, and it has to be written to the Treasury.

4.00 p.m.

I mean, it was a mess and it was truly discouraging, especially as someone with a business background who knows that you can truly utilize this space. There are just not, Sen. Mark, two spaces that can be monetized. You have the entire foyer area. You know, NAPA is one of the only places that I have seen and it struck me as a person who is in love with art, there is no art hung in the NAPA foyer. None. There can be art exhibitions. The entire front of NAPA can be the host to weddings, can be the host to recitals, can be the host to many different things including music videos. It can be done.

When you go in there and you see the real estate and that is what it is. You are licensing or leasing out real estate. There are many little areas where little black box theatres can be put up, where persons can practice, where persons can do recitals, whether it be spoken word or whatever else. There are many things that can be happen in there, but of course, you need a board establishing a strategic plan with a mission, with a vision to get that done and to truly monetize and to truly utilize the space that is the National Academy for the Performing Arts.

And in 2020, Sen. Sobers, we, between the Ministry of Tourism and the Ministry of Culture, we held several discussions and the National Academy for the Performing Arts, the auditorium did extremely well with the number of cruise tourists coming in and they were directed there and we held a number of shows using our local cultural practitioners. So it can be utilized.

With respect to the minutes, again, the Act itself, being a parent Act will not get into all of that minutia. Clause 14(3) determines that the board can regulate its own proceedings and it would regulate its own proceedings with best practice corporate governance and I truly expect as occurs in most state enterprises that the minutes will be circulated before time and then presented and persons given an opportunity to object.

With respect to Sen. Burgess and the issue of clause 38, I do agree with Sen. Burgess that a number of rules, including rules that treat with discipline, that treat with, maybe not directly but indirectly the issue of child protection will be done by the board of NAPA. In this clause, along with clause 7(1)(e) and 7(2) are rules for a number of matters that need to be created. There are rules that deal with discipline among the employees and of course, discipline, how people behave within the precincts of the National Academy for the Performing Arts. There will

be rules that deal with grievances, there will be rules that deal with OSHA, there will be rules that deal with smoking, there will be rules that deal with many different things. There will be rules that deal with maintenance. So I do expect that these rules will be created by the board and promulgated within the statutory body.

With respect to Sen. Richards, Sen. Richards asked why two boards. “Why two boards for NAPA and SAPA?” “It is 20 minutes from Port of Spain on a cool day down to SAPA.” I really do not know what speed Sen. Richards drives at. When I come from Port of Spain every day, it is not 20 minutes, it is a lot longer but that notwithstanding, these are two facilities that are not worth millions. The word “millions” was said and I know exactly what Senators meant. These are properties that are worth hundreds of millions of dollars and if you take into consideration the contents, if you take into consideration the potential, it could very well be into the billions and I do not see why in terms of having regard to best corporate governance practices, why we should confine these two very, very, very valuable properties to just one board.

I think it should be split because of the value of the properties in terms of its true value as well as its potential and just for best practices with respect to corporate governance. I mean, we have state enterprises here that have every subsidiaries and every subsidiary has a board. Because that is how it has to be under the Companies Act. It is a statutory board but I believe that with respect to best practice corporate governance, there should be two boards: one for the National Academy for the Performing Arts and the one for SAPA.

The National Academy for the Performing Arts, that board has to be very experienced and qualified. As Sen. Vieira said, that board has to be excellent, it has to be made up of people with excellence because you have prime property in the

form of the hotel that needs to be leased out to an operator so that the operator can utilize and monetize and commercialize that property. You also have the academy, you also have the auditorium as well as the car park, the front, the fountains, et cetera. There is a lot that that board has to deal with, with respect to SAPA. SAPA does not have a hotel per se but it is a substantial property as well.

Sen. Richards as well as Sen. Vieira also spoke to the monetizing of IP rights and ensuring that someone who is well conversant with intellectual property rights be on the board, be mentioned specifically with respect to the experience and qualifications of the board. I am no intellectual property expert, I have just touched on the thing cursorily but I believe that the way our section that treats with the qualifications and expertise for the board of NAPA, it contemplates persons with other relative experience and somebody within the intellectual property realm can be considered for the board.

But I wondered and Sen. Vieira, you may correct me, knowing your experience in the area and I wondered whether we were conflating a number of different things because while NAPA is a performing space and does have at this time the capacity to film all of its productions, who do the productions belong to? Does it belong to the producer? Does it belong to the artiste? Or will it belong to NAPA being the ones with the camera and the equipment filming? Or does it have to be consensual? So—I will give way if you wanted to explain.

Sen. Vieira: That is exactly why you need to have someone with IP experience.

Sen. The Hon. R. Mitchell: Yeah.

Sen. Vieira: Because the producer really would be the person who has made all the arrangements for the particular show, NAPA would be the venue, but even though you are the venue operator, you need to get necessary licences and

Sen. The Hon. R. Mitchell (cont'd)

permissions and releases. So once you are dealing with performances and multiple rights interests competing with each other, you need someone that could really steer it through because if you do not get it right, the consequences could be dire, financially, damages and even criminal infringements.

Sen. The Hon. R. Mitchell: Understood. Understand clearly but the impression I was getting was that NAPA could have benefited and they can but they could have benefited as part of its revenue generation on those IP rights but I am hearing from you now and I totally understand and agree. There has to be an understanding of where the ownership of the rights lie and to ensure that whether it lies with NAPA or it lies with the promoter or the artiste that it is monetized and it is protected and I totally agree with that. But the section contemplates persons with those intellectual property skills but the board as well under the part that deals with staff and advisors can engage the assistance of advisors to properly ensure that those at NAPA, the managers, et cetera, are properly aware of the intellectual property rights.

Sen. Richards said that it is not business as usual and I could not agree more and it is why at this time after over a decade that this Government felt it was now. Now was the time to ensure that NAPA as well as SAPA, but in this instance NAPA is properly managed and can see its full potential in terms of its diversification efforts and in terms of giving its creatives an opportunity for creative expression and to benefit from that.

He spoke about a single portal and I was very, very happy to hear it because the Ministry at this time, we are in talks with TTT, with the Carnival institute and with a provider for a single platform where all of Trinidad and Tobago's cultural expression can be placed and can be monetized. So we have shows like *No*

Boundaries, Sugar Cane Arrows, when you go back and you look at those shows, you are in awe at the skill and at the quality that these productions were produced and with very little money and if you go to YouTube now, you can see all of these shows for free. Somebody makes money off of the advertising but even if the owner of the content who has put it on to YouTube makes a little money from the advertising, who is the advertiser and that is something they cannot control. Perhaps it should be Carib, perhaps it should be Angostura, perhaps it should be tied in to our trade so that we can now express ourselves not just in the culture but also in trade, but YouTube does not give you the option to control that. With this platform which is a platform, it is an app, you download it on to your television just like Netflix, just like other apps and you have everything laid out there.

Madam President: Minister, you have five more minutes.

Sen. The Hon. R. Mitchell: Thank you very much. So we are actually in discussions with TTT, with the Carnival institutes and we will continue discussions with other persons who are holders of content so that we can ensure that these things are monetized.

With respect to Sen. Mark, I will just touch on it very quickly. Sen. Mark knows that it is not the Minister who selects the board. When you say Minister, in this construct, it means the Cabinet. It is the Cabinet that is responsible for appointing the board. With respect to the qualifications, expertise and the different sectors that the Bill contemplates, the creative sectors are well covered on the board. With respect to the terms and conditions to be set for staff, Sen. Mark very well knows that it is the HRAC, the Human Resource Advisory Committee of Cabinet that sets the terms and conditions of employees of these statutory bodies and state enterprises as advised by the CPO. And in giving that advice, what the

CPO does is the CPO does a comparative analysis across all the sectors for positions doing the same thing or similar. Sen. Mark knows that but if we were to bring a Bill tomorrow creating a statutory authority with the same boilerplate sections and constructs, I know and I have every confidence that Sen. Mark will rise and he will make this same objection on this same sections.

So, Madam President, again, I am grateful for the ability to pilot this Bill and to wrap this up. I again thank hon. Senators opposite. I think that we have an incredible opportunity to utilize the space that is NAPA to get a hotel operator so that hotel can finally be functional, to get more and more artistic expression, performances, plays that would create work for event promoters, for the ushers, for all concerned. There are many, many, many sectors that would benefit including the tourism sector. Somebody comes to the Hyatt for a business meeting or a business convention, somebody comes to the Hilton and they can just go to the NAPA, enjoy a show, enjoy all that is Trinidad and Tobago and pay a very small US \$50 or US \$100 sum, we could earn some foreign exchange and of course, it will be to the benefit of our economy and redound to the benefit of our citizens. Madam President, with those few words, I thank you.

Hon. Senators: *[Desk thumping]*

Madam President: Minister, I need four specific words from you.

Sen. The Hon. R. Mitchell: And I beg to move.

Madam President: Thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Sen. Mark: [*Inaudible*] I am missing the Attorney General. Where is he?
[*Inaudible*]

Madam Chairman: So, Sen. Mark, we will begin. Hon. Senators, I remind you that there are 40 clauses to this Bill. Okay.

Clauses 1 to 3.

Question proposed: That clauses 1 to 3 stand part of the Bill.

Sen. Mark: Madam Chair—[*Inaudible*] Hon. Minister, I would like to ask through the Chair whether the policy of the Government is cast in stone as it relates to the National Academy for the Performing Arts being the centrepiece of the governance structure and you have for instance southern, the performing arts, central, Tobago as the case may be. So, in other words, what I am asking you is whether the Government of Trinidad and Tobago wants to stick to two arms or whether the Government will want to have this body called the National Academy for the Performing Arts as the centralized agency for the operations of the performing arts in Trinidad and Tobago with the southern academy being an outlet and we can develop something for Tobago as well as let us say central. So I just wanted to ask you if you have any thoughts on that.

Madam Chairman: Sen. Mark, Minister. Sen. Mark, the Minister in his winding up addressed most of the issues, if not all that were raised during the debate. Your question that you are now posing to the Minister is with respect to policy. We are now at the committee stage where we are going to deal with the details of the Bill. So I would ask you, please, let us move on. I have put clauses 1, 2 and 3 to the committee. Sen. Vieira.

Sen. Vieira: Thank you, Madam Chairman. Hon. Minister, through you, Chair, I am just trying to wrap my mind around the nexus between the body corporate and the plant, building and complexes which comprise the premises. The body

corporate is the person—

Madam Chairman: Sen. Vieira.

Sen. Vieira: I am looking at the definitions.

Madam Chairman: But we are dealing with clauses 1, 2 and 3.

Sen. Vieira: Yes and so:

“‘NAPA’ means the National Academy for the Performing Arts established...”

But that seems to conflate both the body corporate and all the plant and premises that comprise what the body corporate will be taking care of. Where is the connection?

Madam Chairman: Minister.

Sen. Mitchell: Through you, Madam President, the body corporate is called NAPA. In terms of the property relative to the National Academy for the Performing Arts, all of that property, and I did forget to address it in the wind up but all of that property, the car park, the land and the facilities, all of that will now be vested into the body corporate.

Sen. Vieira: I see and that was always the assumption but sometimes you usually see some sort of schedule making clear what it is exactly we are talking about. It is just that I am saying is we are conflating the two and we are assuming.

Sen. Mitchell: Yeah and I think it is down to the nomenclature.

Sen. Mark: Madam Chair, may I ask—

Madam Chairman: Just one second, Sen. Lutchmedial has a question.

Sen. Lutchmedial: Minister, I was wondering because based on what Sen. Vieira asked, so that we do not get mixed up between the property and the company, would it not be more useful then to establish a body corporate called the “Southern Academy for the Performing Arts Company Limited” like how we have normal

state boards with that attachment to it so that you do not confuse what is the name of the entity and the corporate body with the property itself? Because I think that is what we are getting at. It is usual with state enterprises that you add something to the end and not name it the same thing as the property itself.

Sen. Mitchell: I believe— [*Inaudible*] —that falls under the Companies Act. This is a statutory body created by Parliament. I mean, understand the slight challenge of calling it NAPA and then of course reading the National Academy for the Performing Arts, I understand that, it was discussed but I do not think we can call it anything else.

Madam Chairman: Sen. Mark.

Sen. Mark: Madam Chair, I am just asking my honourable friend, I am talking about clause 3, I am looking at “Board”, look at the definition of the board as it makes reference to 6(1). Again, I want to ask through the Chair whether this board is not taking on board the National Academy as the centralized agency and not the Southern Academy. In other words, what I am asking is that when we look at the definition under clause 3 whether the Government’s intention here is to have this board as the agency, the centralized agency and you will have southern performing arts as just an outlet and not an independently standalone arrangement given the definition we have in clause 3. So, Madam Chair, I am trying to just get clarification on clause 3 as it relates to “Board” under 6(1).

Madam Chairman: So really and truly though, Sen. Mark, what you have just done is to repose the question that you initially asked that I did say to you is really part of policy and not dealing with the details but to bring this matter to an end because I am going to put clauses 1, 2 and 3 to stand part of the Bill in five seconds, I will allow the Minister to answer the question.

Sen. Mitchell: But, Madam Chairman, through you, there are two Bills before us

and the two Bills deal with two specific statutory bodies. With respect to policy of NAPA being the centralized agency for all of the arts in Trinidad and Tobago, the answer to that is no.

Question put and agreed to.

Clauses 1 to 3 ordered to stand part of the Bill.

Clauses 4 to 6.

Question proposed: That clauses 4 to 6 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah, Madam Chair, again, through your good self to the hon. Minister, in clause 5, there is no mention whatsoever of the role of NAPA in maintenance of the very expensive equipment costing millions and millions of dollars on an estate worth billions and billions of dollars. So I am asking the hon. Minister whether given the fact that you are giving legal clothing and you are moving away from a management committee, whether it would not be appropriate to insert a provision or a clause under section 5 or clause 5 of the Bill focusing on the maintenance of all the equipment and plant of NAPA by this board that we are about to appoint. So I am asking, through the honourable Chair, if he could clarify that for us.

Madam Chairman: Minister.

Sen. Mitchell: Thank you very much, Madam Chair. With respect to clause 5, if you look at clause 5(b), maintenance there is incidental to the provision of:

“...state-of-the-art facilities for culture and the arts in Trinidad and Tobago...”

If you look at clause 5(f) also:

“to engage in any other business or activity that is incidental to or which is capable of being conveniently carried on in the performance of its functions

under paragraphs (a) to (e).”

It is incidental to and it does not have to be specifically stated that maintenance be a part or a function of the board. Maintenance is a part of the function of the board. I do not understand your point.

Sen. Mark: Madam Chair, is the Minister inclined to incorporate the word “maintenance” so that it could be specified? Because the reason why I am saying so is that many of our challenges in this country is the lack of maintenance. All I am asking is that we are passing legislation that appears to be vague, I would like it to be specific. So if you could incorporate maintenance along with security, at least it would give the members of the board clarity in terms of the legislation.

That is all I am asking. Because now all of us on the same page. We want this thing to survive. It must be maintained, and it must be secured. So that is all I am saying.

4.30 p.m.

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, I hear what the honourable Member has said. I do not think it is absolutely necessary to put the words “maintenance” as well as “security”. When we go on to 7 you will also see that there are powers of the board and there are powers that enable the board to create operational plans and other matters, Madam Chair. So I do not see that we need to put the word “maintenance” or we need to put specifically the word “security.”

Sen. Mark: [*Inaudible*]

Madam Chairman: Sen. Vieira.

Sen. Vieira: Minister, I am looking at the Queen’s Hall Act and in their definition, they say:

“‘the Hall’ means Queen’s Hall situate...”

So they separate the board and the hall. And then in the:

“Establishment of...”—the—“...Board

A Queen’s Hall Board responsible for the management, control and maintenance of the Hall is hereby established a body corporate.”

Now, in one fell swoop you have dealt with the board, you have dealt with the premises, and you have dealt with the body corporate. There seems to me in this Act a lack there. That nexus I do not get clearly. We are assuming.

Madam Chairman: Sen. Lutchmedial.

Sen. Lutchmedial: I just went to point out that the exact same wording applies to the Naparima Bowl Act, and it is also I think a lot clearer. And I mean inconsistency in drafting our laws because we have now what will essentially be four pieces of legislation, establishing four different boards Queen’s Hall, Naparima Bowl, NAPA and SAPA which are intended to do the same exact thing. But you have two of them drafted one way and two of them drafted another way. And I think that is not just bad drafting but I think it is not—I do not see the reason why these two pieces of legislation have to be so broad when we have precedent existing in our law for the identical functions being carried out at different premises that are drafted in more precise language.

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, I hear what Sen. Lutchmedial is saying but it should not be lost on us that legislative drafting has modernized. These—the Queen’s Hall as well as the Naparima Bowl Acts have been done since the 1960s or 70s. Madam Chair, I am looking at the long title of the Act and it is:

“An Act to provide for the establishment of the National Academy for the Performing Arts and for the management and control thereof and for related matters.”

So I really do not see why we need to specifically put “maintenance” or “security” in there.

Sen. Mark: [*Inaudible*]

Sen. Mitchell: It is a part of the board’s fiduciary duties.

Sen. Mark: Yea, but all we are saying is that we have to be consistent, hon. Minister. In the Queen’s Hall Act, in the Naparima Bowl Act, it has “management”, it has “control” and “maintenance.” So all we are saying is that let us have some consistency. Leave out “security.” But please incorporate “maintenance” in that section. That is all we are asking. So it will be very clear to those who are taking charge of this operation. That is all I am asking.

Sen. Mitchell: Madam Chair, I have not seen an amendment coming from the hon. Senator. However, the section itself speaks to the functions of NAPA. I think it could be entertained from the hon. Senator at clause 7 when you see functions of the board. So I believe that you may be ahead in terms of making your suggestion at this section.

Madam Chairman: Hon. Senators, the question is that clause—

Sen. Mark: Madam Chair. I think we covered 6?

Madam Chairman: Four to six.

Sen. Mark: Yes, well I have 4 to 6—[*Inaudible*]

Madam Chairman: So you had something else to say?

Sen. Mark: Yes Ma’am.

Madam Chairman: All right.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yes. Madam Chair, again through you to my hon. friend, the hon. Minister that is. I would like to ask the hon. Minister whether the Government would be inclined to look at interest, interest, as we talk about interest growth, as opposed to just experience in and qualification in engineering. That could be anybody. But when you are dealing with the national performing arts in this country, you are talking about interest groups, TUCO, PanTrinbago, you are talking about the Band Leaders Association. Somebody mentioned NCIC, you are talking about the Dance Theatre Company. So what I am saying, hon. Minister, through the honourable Chair, is that if you want the stakeholders to be in charge of this operation then the legislation should be amended to reflect so. Otherwise, another government coming here, you may not be there, you might know what your intentions are now, and somebody will just put cronies right, and they may just put party hats to be here. Whereas if you deal with interest and you talk about PanTrinbago, you talk about TUCO, you talk about the band leaders, you talk about the theatre hall performers, you talk about NCIC then it means to say that they will now be responsible for nominating an individual, a professional to sit on that board, but you as the Minister will be issuing the instrument to that individual who is appointed by the stakeholders to run the affairs of NAPA. So that is what I would like to suggest—

Madam Chairman: Minister.

Sen. Mark:—for your consideration.

Madam Chairman: Minister.

Sen. Mitchell: Thank you very much, Madam Chair. I understand what the Senator is saying but that is the political system that we exist in. We know all too well what occurred between 2010 and 2015 and in terms of putting persons who are qualified with real qualifications, not fake qualifications, and persons who have

real expertise could very well be an issue. But I do not see that there necessarily needs to be interest groups introduced into this Bill. Those interest groups that you just spoke about are well represented on the National Carnival Commission Board and on other boards and in other organizations. I believe that the sectors—it is contemplated that they be represented here. It is a facility, an auditorium, a hotel and otherwise that treats with the performing spaces and the performing arts. So I am very certain that those persons will be represented. And in any event the board is empowered to co-opt members from interest groups and from other stakeholder groups in subcommittees.

Madam Chairman: Just one second, Sen. Mark. Sen. Mark, just one second. Sen. Richards.

Sen. Richards: Thank you, Madam Chair, through you and I apologise. I do not know if this question should be reposed—is we are talking and clause 6 right?

Madam Chairman: Yeah.

Sen. Richards: If it should be reposed in clauses 6, 7, or 8. I apologise because I am not legally trained. Does the Minister envision that these board appointees be prohibited from serving if you are on NAPA's board on SAPA's board or Queen's Hall Board because we have situations in the country where people sit on multiple boards, and if the intention is for these to be autonomous in their remit for NAPA, SAPA, and et cetera, they should be ineligible to sit on other boards of this nature.

Madam Chairman: Minister.

Sen. Mitchell: It is not unlawful for a person who sits on the NAPA board to sit on any other board. It may be bad corporate governance practices, but it is not unlawful per se.

Sen. Richards: Through you, Madam Chair, I am not saying it is unlawful, but I am saying if the intention as stated by you when you piloted the Bill, it is for these

bodies that govern NAPA, SAPA and Queen's Hall to operate on their own in terms of furtherance of these three assets. There should be some ineligibility criteria for them sitting on multiple boards, because it defeats the purposes of the entities operating independently to me.

Sen. Mitchell: Yeah. No, I understand exactly what you mean. I did not mean to presume that you meant it was unlawful but there may be a situation, for example, where you need some interrelation or you need someone from the NAPA on the SAPA. There may be for example that SAPA or even Queen's Hall, I mean, there was once a time when the Queen's Hall Board ran and managed the NAPA auditorium. There may be instances where there is someone on the board with a great amount of expertise who may wish to sit on both boards for a period of time to ensure that that expertise is shared.

And let me just say too, Madam Chair, what we have right now that at the Ministry is an arrangement of a committee of best practices among those government-owned performing spaces to ensure that perhaps Queen's Hall who benefited from training in Europe and other places, in terms of lighting and sound engineering and so on, they can share those experiences with the other performing spaces so that we can all rise.

Sen. Richards: Finally, Madam Chair.

Madam Chairman: Sen. Vieira. First, I am trying to get everybody.

Sen. Mitchell: So I would not want to prohibit that.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you, Chair. Minister, I know that "Minister" means Cabinet. I am just registering my concern that the Minister or Cabinet selects persons who have qualifications or experience in these fields, but there is no requirement for consultation, and there is no requirement for any sort of sector representation. It is

whoever the Minister or the Cabinet feels meets these particular fields. And I think that that could—I am just registering that as a concern and leave it at that.

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah. Madam Chair, I am not too sure if the Minister is aware of modern international practices in different countries of the world whether it is Europe, Canada, United Kingdom, United States. Trustees of these very important cultural institutions are made up of the stakeholders. The State, which is the Government they build buildings like NAPA, but what they do is through trustees and boards of trustees they put the stakeholders in charge of these buildings. You are continuing a line where a Minister through a Cabinet is going to appoint these people. And the stakeholders, the interest holders, the people who actually produce the culture, they are left out, and I am saying that is a dangerous thing. Madam Chair, may I once again through you as the hon. Minister, if he will want to consider a tripartite approach? So you would have like for instance the interest community—

Madam Chairman: Sen. Mark, I get the point. I do not think you need to elaborate any further. I will allow the Minister to respond. Sen. Richards, you wanted to ask something?

Sen. Richards: I think I am good, thanks.

Madam Chairman: Minister.

Sen. Mitchell: Yeah. Through you, Madam Chair. I understand Sen. Mark's point, but that is one side of the coin. Now, when we look at the Queen's Hall model, the Queen's Hall model has—the Queen's Hall model of governance and management has performed well and does not include stakeholder interest. And if you look further in the Bill the other side of the coin could very well be that there may be conflicts of interest arising where you have these stakeholder groups

controlling the governance arrangements, and controlling the management of the board to the exclusion of others. So I believe the construct that we have presented here is correct, and I would ask that you accept it.

Sen. Mark: Madam Chairman, I would like to make one final intervention. Hon. Minister, are you aware that at one time a management committee in charge of NAPA refused PanTrinbago use of NAPA? Do you know at one time they refused the National Chutney Association from using—

Madam Chairman: All right. So Sen. Mark, at this stage no. Sen. Mark, at this stage I think there has been enough discussion on the clause and I will now put the clause to the Committee.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clauses 7, 8, and 9.

Question proposed: That clauses 7, 8 and 9 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: May I again through you, ask my hon. friend—I miss the Attorney General, I must tell you.

Madam Chairman: Sen. Mark, I am sure that the Attorney General will be touched that you are missing him, but can we proceed.

Sen. Mark: Madam Chair, can we call the Attorney General—make a call so he can arrive here?

Madam Chairman: Sen. Mark, if you wish you may step out of the Chamber and make that call to the Attorney General. [*Laughter*]

Sen. Mark: [*Inaudible*]

Madam Chairman: But I think—yes

Sen. Mark: Madam Chair, clause 7.

Madam Chairman: Yes.

Sen. Mark: I want to take up my hon. friend's offer, offer hon. Minister through the honourable Chair, can you formulate through your legal people here a provision that will deal with maintenance under clause 7, as you promised a short while ago? We should take it up under 7 and that will be the appropriate place rather than where we were proposing. So can I ask you to assist this Committee to formulate this area? I do not know where you would want to put it, so I will give you that in your hands in terms of maintenance.

Madam Chairman: Anyone else needs to raise an issue? Minister.

Sen. Mitchell: Madam Chair, through you, I did indicate under clause 7 was the more appropriate place to place the word "maintenance" but on reflection and looking closely, more closely at 7(1)(e) I believe that maintenance is captured there without using the specific word maintenance. And also, I do not have the benefit of Sen. Mark's intention through circulated amendments so I would have to decline your invitation Sen. Mark.

Sen. Mark: Madam, all we were trying to do was help. That is all. We were trying to help. So if the Minister feels that he does not need our help because it is a simple majority, you go ahead. "Yuh know wha ah meen?"

Sen. Mitchell: I am very grateful for your help, Sen. Mark. And if you look closely to at 7(2), clause 7(2) you would see there that it also is all encompassing and it should catch the maintenance and security aspects.

Madam Chairman: Sen. Vieira.

Sen. Vieira: I hear you, Minister, but as you know, when you piloted the Bill you did indicate that because of the problems and issues concerning with maintenance and repair over the years, that is one of the fundamental reasons why we are coming with this legislation. And you know that sometimes as lawyers, people can

take a very narrow, pedantic view of sections. And so someone looking at section 7(1) says, “Well, where is maintenance and repair in all of this?” We are implying—it is implied. It is not at all expressed. I am just echoing Sen. Mark, does it hurt making clear that we are looking to maintain, repair this billion-dollar plant?

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, it pains me to try and amend the legislation on the fly but I am thinking in 7(1)(a) after the word “operating” we can place a “,” there and insert the word “maintenance”.

Madam Chairman: Is it “operating and maintaining”?

Sen. Mitchell: Sorry, I am sorry. I am sorry. And that is what we get when we do it on the fly without the benefit of circulated amendments, Sen. Mark. But on this one occasion I can concede.

“...for—

operating and maintaining”—sorry—“operating, maintaining”

No, it would be:

“operating and maintaining NAPA and regulating, coordinating and conducting all of his activities in accordance with the provisions...”

Madam Chairman: So what we are including and this is something that I frown upon as Members know, because when we try to make amendments from the floor it will lead to numerous difficulties. But here we go. So “operating—

Sen. Mitchell: “and maintaining”

Madam Chairman: “and maintaining”

Sen. Mitchell: No. “operating and maintaining”

Madam Chairman: So no comma?

Sen. Mitchell: No comma.

Madam Chairman: Hon. Senators the question is that clause 7 be amended as follows: At 7(1)(a) by including the words “and maintaining” after the word “operating”. Those in favour say “aye”—[*Silence*]—oh well, this is lovely.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Clauses 10 to 12 ordered to stand part of the Bill.

Clauses 13 to 15.

Question proposed: That clauses 13 to 15 stand part of the Bill.

Sen. Mark: Madam Chair, I just want to in clause 14—to the hon. Minister through you, in clause 14(4), Minister, you would not prefer a have a number rather than say a percentage? You know “fifty percent”. It is a very unusual kind of phrasing—

Madam Chairman: Clause 14(4), Minister.

Sen. Mark:—of legislation. You know you normally say well look a board is made of X numbers, X number rather, and then the quorum shall be X. You know rather than saying “fifty percent” I just find it a bit awkward in terms of the framing. So I just say I will you know raise that for whatever it is concerned.

Sen. Mitchell: No. Madam Chair, I am not able to accept his recommendation at this time.

Question put and agreed to.

Clauses 13 to 15 ordered to stand part of the Bill.

Clauses 16 to 18.

Question proposed: That clauses 16 to 18 stand part of the Bill.

Sen. Mark: Madam Chair, may I ask through you, in clause 17 subclause (1) why should a member who is conflicted, right, indicate “...within three months...”. No,

man. If I am conflicted, from day one I must declare. First day. So I will give a little ease up to that person, one week. I am not going to allow somebody to sit in meetings for three months and then give them that time to say “I am conflicted, I have a problem.” No. Madam Chair, I would like to hon. Minister to alter this three-month period, one week is enough for you.

Madam Chairman: Anyone else has something? Sen. Sobers.

Sen. Sobers: Through you, Madam Chair. In terms of 17(1) in terms of the disclosure of the interest, I raise the issue of the approved form. So if you look at 27(1) it deals with the General Manager having to do the same disclosure of interest and it states that he has to do so “declaration in the approved form” but in terms of 17(1) there is no in the approved form. So I was just wondering whether or not we could stick it in in 17(1) so it would read “a statement declaring in the approved form whether he has any actual or contingent pecuniary interest.” And also on that point, what is the approved form?

Madam Chairman: Any other question or comments before I ask the Minister to respond? Minister.

Sen. Mitchell: Yes. Firstly, to Sen. Mark, I believe in 17(1) I think the three-month period is satisfactory because once appointed the board may not immediately meet, but it ought to meet within the first three months of that board’s appointment. So I think that is satisfactory but even if you go on to the 17(2), you will also see that:

“Any Member who has an actual or contingent pecuniary interest shall, as soon as possible after the relevant facts come to his knowledge, disclose in writing to the Board and to the Minister the nature and extent of that interest.”

Madam Chairman: And Sen. Sobers?

Sen. Mitchell: Sen. Sobers, I am sorry. It was on the approved form?

Sen. Sobers: Yes.

Sen. Mitchell: So the board has the power to regulate its own affairs and to make its own rules governing the functioning of the board. And it is through that process that they create a statement as the HDC does—HDC board does and other boards do. They create a form where you must place your statement, indicate whether you have an actual or pecuniary interest and lodge it with the board and with the corporate secretary.

Sen. Sobers: So that would be the form?

Sen. Mitchell: That would be what is—yeah, the prescribed form.

Sen. Sobers: In terms of just amending 17(1) to state that “a statement declaring in the approved form” so that it would mirror that which obtains in 27(1).

Sen. Mitchell: Yeah. You see, not necessarily. I think it is different from the General Manager because the board itself, that declaration may come out in a board meeting. So they must make that statement and the statement must be record in the minutes. And I do not think it needs to be in any prescribed form in the minutes. But the General Manager, of course, would make that in a prescribed form.

Sen. Sobers: So it is two different types of declarations.

Sen. Mitchell: Well, I mean it is the same type of declaration, but one is for the General Manager who is an employee of the body and the other one is for the board itself.

Madam Chairman: Sen. Mark.

Sen. Mitchell: But the statement would be made during the board meetings and they would have it. So a board member would say, “I would like to have recorded, so and so is my cousin, is my family member, I have no pecuniary interest, but of

course there is a conflict that person is my family member. Please record it in the minutes, and I will have nothing to do with the decision relative to that matter.”

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah. Madam Chair, I am just wondering in clause 17—just now. I would like to—why is the Minister—yeah, Madam Chair, I have it now. Clause 17 subclause (2) the last two, the second to last sentence or line. Why is the hon. Minister, through the Chair, why would you want to be informed of whether the person as a conflict of interest or not. There is already a board appointed and the person has to report to the board and once the person reports to the board you get the minutes and you will see the information. But to have it specifically the Minister as well as the board, I was just wondering for instance whether that is not—

Sen. Mitchell: Sorry, we are talking about 17(1)?

Sen. Mark: No. I am talking about—

Sen. Mitchell: 17(2).

Sen. Mark:—17(2), you know. So I am just asking, hon. Minister, through the Chair, whether if you are the Minister or somebody else I think the board should have that responsibility and through their minutes they have informed the Minister. But I do not see why a person who is there must declare their interest to the board and to the Minister at the same time. I do not know. I just find that—

5.00 p.m.

Sen. Vieira: Yes, Chair, I am on the same point. So first of all, we are talking about two disclosures, one to the board and one to the Minister. And, again, as you had said, in the normal course of things, one would make a disclosure to the board, and you would proceed. But here we go, not just to the board, but to the Minister as well. And to my mind, this is unnecessary, but it just underscores the level of

Ministerial/Government control of this board. And I do not know if that is not a little unhealthy and if not overkill. If the board wants to disclose it to the Minister, that is fine but I just find that two disclosures is a little bit much.

Madam Chairman: Minister.

Sen. Mitchell: I do not see that it is two disclosures, I mean, it must be first disclosed to the board and it must be recorded in the minutes and then it is reported to the Minister. Where the Minister—where the Cabinet through the Minister appoints these board members, I think it is appropriate corporate governance practice, for the Minister to know and understand those persons on the board who have some sort of actual or pecuniary interest, or any conflict thereof. It may very well be for the Minister to determine that, okay, this person may have been a bad pick, they are too conflicted and it may cause for the removal of that person. But I think the Minister is the person who is ultimately responsible. When Sen. Mark comes into this Parliament in a different proceeding, you call upon the Minister to answer. So I believe that the Minister, and I believe it is appropriate that the Minister be aware of these conflicts of interest as they arise.

Sen. Mark: [*Inaudible*] —the Minister, why do you not incorporate the Parliament? In other words, make the Parliament your protection, make the Parliament your protection. Rather you be—

Madam President: Minister, Minister.

Sen. Mitchell: And, Madam President, the Parliament is involved. Lower down you will see that administrative reports must be laid in Parliament.

Question put.

Dissent indicated.

Madam Chairman: Seriously.

Question put and agreed to.

Clauses 16 to 18 ordered to stand part of the Bill.

Clause 19 ordered to stand part of the Bill.

Clauses 20 to 27.

Question proposed: That clauses 20 to 27 stand part of the Bill.

Sen. Mark: But, Madam Chair, may I just indicate to you that I have no problem with clause 20 although I believe that the Minister, again, should not be involved in these things, in terms of approving the appointment of the General Manager. But you know, reluctantly, I would go along. But when it comes to 21, I do not understand what role the Minister is playing in this matter. Because, Madam Chair, as you know—

Madam Chairman: Well, let us just ask the Minister, because—

Sen. Mark: Now, before I ask him— [*Inaudible*]

Madam Chairman: Sure.

Sen. Mark: [*Inaudible*] —what I mean, Madam Chair. Madam Chair, there is something called the Statutory Authorities Service Commission. When it comes to the appointment of persons to statutory boards there is an independent commission that does that. This clause 21 is undermining the independence of the Statutory Authorities Service Commission. So the Minister is bringing legislation in order to take away the power of the SASC and give him the approval through the board to appoint these people, in terms of their terms and conditions and so on. And I find this to be quite, you know, troubling, Madam Chair. How can we undermine an independent commission, which is called the statutory authority? Madam Chair, if I got it right, we are told by the Minister, this is a statutory board, and if it is a statutory board and you are appointing people to work—

Madam Chairman: Sen. Mark.

Sen. Mark: [*Inaudible*]

Madam Chairman: Yes, yes, Sen. Mark, you know we are dealing, we are in committee stage and one would expect that interventions are made in a very precise manner. So there is no need to repeat what you are saying, I think the Minister gets it, I have heard what you had to say. Before I ask the Minister to respond—Sen. Vieira, you wanted to say something?

Sen. Vieira: Thank you, Chair. I just want to register my disagreement with that last part of the sentence; “subject to the approval of the Minister.” You have a competent board, they are doing what they are supposed to be doing, now they are looking to employ people. This is not just a veto power. After you go through all of the recruitment exercises, you line up your people, you now positively need to get the approval of the Minister? I think that is just too much Ministerial control. Let the board do the employment and take it from there.

Madam Chairman: Minister.

Sen. Mitchell: May I start with Sen. Vieira first?

Madam Chairman: Sure.

Sen. Mitchell: Through you, Madam Chair, that is what Ministerial oversight—that is what government accountability, transparency, and all those buzzwords that routinely come out of Sen. Mark’s mouth is about. Now, let me please explain how it works in practice. The organization is designed, either through the Ministry, through a consultant with the assistance of the CPO, it is provided to Cabinet in the form of a Cabinet Note and Cabinet approves the organization. The positions then go to the subcommittee—each position, all the job descriptions, et cetera, they go to subcommittee of the Cabinet called the Human Resources Advisory Committee. As a part of that committee, the CPO is heavily involved. The CPO gives its advice with respect to each position on the organizational chart, according to the organizational design, according to the job descriptions and then it is approved by

the Cabinet. So it is not the Minister but it has to have oversight because what you do not want, and we have seen this before—you do not want where a board with a chairman, who may be very powerful actually or otherwise, giving someone, some friend or family member a job and paying that person way over the standard remuneration for that position. So there must be oversight.

With respect to Sen. Mark's point about the Statutory Authorities Service Commission, Sen. Mark knows that the Statutory Authorities Service Commission—the number of statutory authorities that they have responsibility for is circumscribed in the schedule to that Act and this is not one of them.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Minister, so someone is looking to hire manager, a secretary, a lights operator, this requires Cabinet's vetting and approval? I just find that that is just overkill.

Sen. Mitchell: No.

Sen. Vieira: It is too much and any event as you pointed out earlier, they would have had to make a declaration, they would have had to disclose the conflict of interest regarding this potential employee. It is just too much Ministerial control.

Sen. Mitchell: No, what Cabinet approves, Cabinet approves the position and the terms and conditions attached to each position. It is not the person, it is the position. Once that is approved, then from henceforth, until the remuneration arrangements change—

Sen. Vieira: That is not what the section says, "may employ such persons".

Sen. Mitchell: Yes, but the persons have to go into the positions but in terms of the last line that you object to, "subject to the approval of the Minister on such terms and conditions," the "terms and conditions" are attached to the position on the organizational structure.

Sen. Vieira: And those persons.

Sen. Mitchell: Sorry.

Sen. Vieira: And those persons are subject to the approval of the Minister and the people that I— [*Inaudible*] The Minister has to approve the persons, not the positions.

Sen. Mitchell: No, no, it is the “terms and conditions,” terms and conditions as are agreed upon between NAPA and those persons subject to the—yeah, no, it is between the terms and conditions that are agreed upon between NAPA and the persons, subject to the— So it is between NAPA and the persons but the persons are not approved by the Minister. And if we try to put in commas inside of there it may confuse the thing a little more but it is between the “terms and conditions” as agreed between NAPA and the person because the employment agreement has to be between the person and the organization, the NAPA, subject to the approval of the Minister. It is “terms and conditions” that the Minister approves.

Madam Chairman: Sen. Lutchmedial.

Sen. Lutchmedial: [*Inaudible*] Sorry, Madam President, may I suggest through you that we split that section and to make that very clear, because I think it is vague and I think that it should be that SAPA may employ the persons—

Sen. Mitchell: NAPA.

Sen. Lutchmedial: Sorry, NAPA may employ the persons and so on and so on. And then—like a clause B, the terms and conditions of employment subject to the—should be approved by the Minister. That would make it clear what the Minister is saying because I do not think it reads clearly the way it is.

Sen. Vieira: And if I could read clause 22, it gives you the impression that it is the person because on such terms and conditions as are agreed between NAPA and the person, so.

Sen. Mitchell: Yeah, sorry, Madam Chair, I would not accept it. I mean, this section is a construct that has been in other statutory bodies, in other Acts—and I mean, I read it clearly so, I do not accept the suggestions.

Madam Chairman: So that is the response of the Minister with respect to clause 21. Are you raising another clause, Sen. Mark?

Sen. Mark: 21.

Madam Chairman: Sure.

Sen. Mark: Are you on 22?

Madam Chairman: Well, you are so let us—

Sen. Mark: No, when I say so, they covered it?

Madam Chairman: Yes, yes, we are dealing with clauses 22 to 27.

Sen. Mark: Again, again, Madam Chair, clause 22. The Minister looms large and in charge, now the question here is, is the Minister undermining the role of the Procurement Regulator? Because we are talking about contracts here for services and we know that there is a law that deals with procurement. Now, we are being told by this Minister, through this amendment that the Minister will determine this. Now, Madam Chair, one would have thought that the Minister as a leading light in the Cabinet would be aware of procurement and therefore, instead of putting his name here or his office I should say that should be under procurement, the Procurement Regulator.

Madam Chairman: Minister.

Sen. Mitchell: Yeah, Madam Chair, the only interaction here or the only involvement here with the Minister is that the Minister would set a maximum limit of remuneration and that is it. And this is where the board determines for example, where we spoke about in the debate that the board may require some sort of IP assistance from an IP expert or the board may require some forensic auditor or

some other specific task. The board may arrange and agree with that person, contract for services for those specific tasks but subject of course, to the maximum remuneration as the Minister determines—just the maximum.

Madam Chairman: Any other questions or comments?

Sen. Mark: [*Inaudible*]

Madam Chairman: I am now going to put [*Interruption*]I am going to—Sen. Mark, it is up to you—I have put clauses 20 to 27.

Sen. Mark: [*Inaudible*]

Madam Chairman: Yes.

Sen. Mark: Could you tell me where we have stopped— [*Inaudible*]

Madam Chairman: Sen. Mark, you should know where we have stopped because you are raising issues.

Sen. Mark: I am just asking, Ma'am.

Madam Chairman: Okay, so Sen. Mark, we are now—we have finished, questions have been raised about clause 22. Are there any other issues to be raised in respect of clauses 23 to 27?

Sen. Mark: Yes Ma'am.

Madam Chairman: Could you tell me which clause please?

Sen. Mark: Yes Ma'am.

Madam Chairman: Sure.

Sen. Mark: Yes, hold on Ma'am. I know that, you know, you know how things are going, right? Let us go to clause 25.

Madam Chairman: Okay.

Sen. Mark: Let us go to subclause (2) of 25; that is clause—

Madam Chairman: Yes.

Sen. Mark: Where you see the word “negative,” Madam Chair?

Madam Chairman: Yes.

Sen. Mark: May I ask the Minister to consider “affirmative” so that at least it gives the Parliament a role. Everything is under the Minister control, everything is under the Cabinet control, well for heaven’s sake there is a Parliament, there is a Parliament. So I am suggesting that we delete “negative” and replace it with “affirmative” so at least the Parliament will have a role. Do not relegate the Parliament.

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, being a very bright light and a very experienced Member in this Parliament, I know such contentious matters if they are indeed contentious would be picked up by Sen. Mark and a motion would be triggered—

Hon. Senator: That is not the point.

Sen. Mitchell:—the—I do not see that we should trouble the Parliament with any affirmative resolution for this matter.

Sen. Mark: [*Inaudible*]

Madam Chairman: Sen. Mark, I think the Minister has responded so we move on. Any other questions, clause 26 and clause 27?

Question put and agreed to.

Clauses 20 to 27 ordered to stand part of the Bill.

Clauses 28 to 31.

Question proposed: That clauses 28 to 31 stand part of the Bill.

Madam Chairman: 31, Sen. Mark?

Sen. Mark: Just checking on this.

Question put and agreed to.

Clauses 28 to 31 ordered to stand part of the Bill.

Clauses 32 to 36.

Question proposed: That clauses 32 to 36 stand part of the Bill.

Sen. Mark: [*Inaudible*]

Madam Chairman: Yes.

Sen. Mark: Subclause 2(b) shall lay—

“...shall be laid rather in Parliament as soon as possible thereafter.” That is very vague and non-specific. So to be very specific, Madam Chair, I am proposing that shall be laid in Parliament within one month.

Madam Chairman: Minister.

Sen. Mitchell: One second.

Sen. Mark: So we have a specific time frame for it rather than leaving it open, as soon as possible. That could mean anything, Madam Chair, it could be next year.

Madam Chairman: I think the Minister understands what you have said.

Sen. Mark: So if we could get a specific time frame and I think they must be guided by the Queen's Hall Act.

Madam Chairman: Sen. Mark, I think the Minister has understood your point and he is going to respond now, Minister.

Sen. Mitchell: Yeah, I do understand Sen. Mark's point. In fact, I think even in 2022 we are still getting reports and administrative reports from entities during the years of 2011 and 2012, but there are, Madam Chair, there are issues that may arise in some of these financial statements. They may be referred to the Auditor General, they may be referred to Central Audit, even at the level of the Cabinet there is a specific subcommittee of the Cabinet that treats with these administrative reports and financial reports so, I would not want to prescribe a time. I think it is as soon as possible thereafter. I believe that the joint select committees of the Parliament—

Madam Chairman: He has not finished, Sen. Mark.

Sen. Mitchell: Please, Sen. Mark. Yeah, I think the joint select committees of the Parliament would take notice if there is any matter outstanding or if they wish to call anyone before them to lay before them any financial statements or anything like that.

Madam Chairman: Sen. Mark.

Sen. Mark: Madam Chair, I want to tell the Minister very definitively, we are not asking for favours, we demand certain answers. Madam Chair, may I say there is a distinction between an administrative report and a financial report that is audited by the Auditor General. There is no if and buts about the Auditor General or somebody appointed by the Auditor General to do the accounts of that particular body. We are being told by the Minister that if they go to Cabinet, the Cabinet have a subcommittee—and the Auditor General Report has to be sent, this is not an administrative report. So, Madam Chair, I am insisting that a time frame be given once the Auditor General submits that report to the particular entity and it goes to the Minister, the Minister cannot go and play games with that report. That report is stamped by the Auditor General. All we are saying instead of saying “as soon as possible”, “within one month,” that is all we are asking.

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, this has nothing to do with the Auditor General but if you look at the clause, Sen. Mark, 33(2)(a) you will see that it contains:

“...a report on the activities of NAPA; and

...financial statements prepared...

...a copy of such report and financial statements shall be forwarded to the Minister and shall be laid in Parliament as soon as possible thereafter.”

I do not see anything wrong with that construct. In fact, this Government has been laying reports—

Sen. Mark: [*Inaudible*]

Madam Chairman: Sen. Mark, Sen. Mark.

Sen. Mark: [*Inaudible*]

Madam Chairman: Sen. Mark, I have—Sen. Mark—

Sen. Mark: I want the Attorney General back here.

Madam Chairman: Sen. Mark?

Sen. Mark: Sorry Ma'am.

Madam Chairman: Well, I wonder if you are because you know, you have been pleading for the Attorney General.

Sen. Mark: Ma'am, I am sorry, I am sorry. I apologize to my dear President who we fought together in Pointe-a-Pierre. [*Inaudible*]

Question put and agreed to.

Clauses 32 to 36 ordered to stand part of the Bill.

Sen. Mark:: Madam Chair, [*Inaudible*]

Madam Chairman: Yes?

Sen. Mark: [*Inaudible*]

Clauses 37 to 40.

Question proposed: That clauses 37 to 40 stand part of the Bill.

Sen. Mark: Madam Chair, May I seek your indulgence?

Madam Chairman: Yes.

Sen. Mark: Clause 38.

Madam Chairman: Yes.

Sen. Mark: May I ask you to just put an amendment after the word “rules” “subject to the affirmative resolution of the Parliament.” We need to know what is going on under the watch of the Minister because we have to protect you.

Madam Chairman: Minister.

Sen. Mitchell: Madam Chair, through you, I cannot accept his suggestion.

Sen. Mark: He cannot accept that? You cannot accept that?

Madam Chair: The question is that clauses 37 to—

Sen. Dr. Burgess: Madam Chair, excuse me, Madam Chair?

Madam Chairman: Yes, Sen. Burgess.

Sen. Dr. Burgess: May I make a suggestion with respect to clause 38?

Madam Chairman: Yes.

Sen. Dr. Burgess: I am thinking that, could we include—whether we should include after NAPA, “including rules for child protection” and change “or” to “and any other area”.

Sen. Dr. Burgess: Minister.

Sen. Mitchell: Chairman, I hear the hon. Senator’s suggestion, I know that she is extremely passionate where child protection is concerned but there are laws in Trinidad and Tobago that sufficiently deal with child protection and for those reasons, I cannot accept the suggestion.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Just to confirm for the record in clause 39, the phrase “in relation to the National Academy for the Performing Arts” that encompasses not just the kitchen of the auditorium but the academy, the hotel, the whole kaboosh.

Sen. Mitchell: Yes, all the property.

Question put and agreed to.

Clauses 37 to 40 ordered to stand part of the Bill.

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

Senate resumed.

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

5.30 p.m.

Madam President: Minister of Tourism, Culture and the Arts.

Sen. Mitchell: Thank you, Madam President. Madam President, I beg to move that a Bill entitled—sorry. Madam President, are we on Bill No. 3?

Madam President: Yes.

Sen. Mitchell: Yeah. Okay.

**SOUTHERN ACADEMY FOR THE
PERFORMING ARTS BILL, 2022**

Order for second reading read.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Madam President, I beg to move:

That a Bill to provide for the establishment of the Southern Academy for the Performing Arts and for the management and control thereof and for related matters, be now read a second time.

Madam President, as you know, and as hon. Senators in this honourable Chamber know, the Bill entitled the SAPA Bill is an exact replica of the NAPA Bill that was just read a third time and passed. And, Madam President, like the NAPA situation—or rather the situation with the National Academy for the Performing Arts, there are similar inefficiencies and issues that have also plagued SAPA.

Madam President, the background into SAPA and the genesis into the Academy for the Performing Arts, south, is almost identical to that of the National Academy for the Performing Arts in Port of Spain and it too is traced back to 1988 and to the NAR government. And in 2007, like NAPA, SAPA was started in San Fernando and the estimated cost was \$250million for construction works funded via the same concessional loan that funded NAPA, while the design and ancillary costs were

also funded through the IDF. Similarly, Madam President, the construction of SAPA was in complete alignment with the *Vision 2020* strategic plan of that Government. The estimated cost of construction however, increased during that construction. There was a variation and that variation and the increase in cost was due to major works regarding the redirection of a sewer line which delayed the project by approximately 18 months and therefore SAPA was opened three years following the completion and opening and commissioning of NAPA.

SAPA is modelled after a G-clef and NAPA is modelled after our Chaconia flower, but SAPA is modelled after a G-clef inspired design and is our southern cultural flagship facility, me being a San Fernando boy. The 110,000 square foot complex boasts of two practice halls, a 730-seat auditorium of international acoustic standard and it is affectionately named after the Barrackpore-born chutney artiste Sundarlal Popo Bahora, more popularly known as Sundar Popo, in recognition of his lasting contribution to—his contributions to culture. SAPA is also endowed with teaching facilities and advanced audio-visual equipment. This blue-ribbon wonder also possesses certain unique spaces, including the little theatre, the VIP reception area and exhibition hall and a dance studio.

Unlike SAPA—unlike NAPA, rather, Madam President, SAPA—the management and operational arrangements for SAPA was under the Ministry of Arts and Multiculturalism through a management committee, however the difference being that as soon as SAPA was commissioned, UDeCOTT entered into an arrangement, a facilities management arrangement with SAPA and has been the facilities manager of SAPA since it was opened. So SAPA did not have the indignity as its brother performance space—its brother facility in NAPA, of being shut down for a number of years due to poor maintenance issues.

SAPA also had entered into an MOU with the Ministry of Tertiary Education and Skills Training for the operation of the Academy, and as we know, there is no hotel facility at SAPA. SAPA as well, as indicated before, is constrained by similar ineffective management arrangements and slow decision-making, and of course like NAPA, with SAPA the solution of this Government is the creation of a body corporate into a legal entity for faster decision-making and more enhanced strategic planning. Madam President, again the Bills are exact replicas of each other. Part I sets out the preliminary matters; Part II sets out the crux of the Bill and is a mirror of the NAPA Bill so I would not go into that at all.

Madam President, clauses 14 and 15 again provide for the meetings and the minutes of the board. Clause 15, it is the responsibility of the Corporate Secretary—I mean, Madam President, I know that, you know, it is prudent for me to put a lot of these matters on the record since we are dealing with another Bill, however, Madam President, I think we have very much traversed the entirety of the Bill. It is an exact replica but I believe, and in concluding, the creation of SAPA into a body corporate would do well and would enhance the creative sectors in the south of the island. It would complement the Naparima Bowl. Just like NAPA, SAPA has a number of areas that are underutilized. In fact, when I became Minister I went into the dance studio and I was told by the persons who manage SAPA that it had never been used, ever, by a dance company.

There are a number of spaces within SAPA that have simply not been utilized. The space is underutilized and with the creation of this Bill—the creation of these provisions, Madam President, I think that it would do well for the creative economy. And with those few words, Madam President, I beg to move. [*Desk*

thumping]

Question proposed.

Madam President: Sen. Lutchmedial. [*Desk thumping*]

Sen. Jayanti Lutchmedial: Thank you. Thank you, Madam President. I do not know if it is a case of stereotyping but on my bench they assume that I would want to talk about SAPA and not NAPA and, you know, as a “San Fernandian” as well, I am sure the hon. Minister would not disagree with me when I say that culture and the arts in San Fernando is certainly very important to us and I might be biased but I think we are in a class of our own. And, you know, San Fernando has been a city that we have excelled and we have produced some of the greatest musicians and we have our own feeling when it comes to Carnival. And it is really something that over the years I have noticed that when it comes to culture, arts, sports and all of that, we are always like—I say the “semi-final city”. And I am happy to see that facilities in San Fernando would be treated in the same way that facilities in Port of Spain are being treated in terms of management and so on to the point that it is literally identical, but one of the things that I hoped to be accomplished by having a board that would run a facility such as SAPA is that we would have equality in the way that culture and the arts are promoted throughout the country because you always find that—as I said, I call it the “semi-final city”; the semifinals, we have Calypso Fiesta in San Fernando but the finals are in Port of Spain. We have so many things that take place.

I remember going to school—some of my fondest memories actually are linked to the Naparima Bowl where we would have music festival and Sanfest and all of these things that I attended and we always had to come to Port of Spain, to Queen’s Hall for the finals of everything as opposed to having it in San Fernando.

So with the establishment of this board and the running of this facility in San Fernando, I would really hope to see more promotion and more equality in how we promote the arts and culture throughout our country, because, as I say, I know “we better” in San Fernando but I do not think there is any difference in how our culture should be portrayed and marketed and so on throughout our country. So that being said though, I have to say that because these Bills are identical it leaves me a little bit confused when we look at the functions of this Board called SAPA which is to manage the facility called SAPA, and it talks about—one of its functions:

“to provide state-of-the-art facilities for culture and the arts in Trinidad and Tobago...”

So the role of this Board is not really to be confined to San Fernando, it seems to encompass a wider function and this is why, as was raised before, and I do not want to get into the whole argument again and be repetitive, but this is why we are wondering why one body that manages all of our performance spaces in Trinidad and Tobago would not be a better idea, because you know what, you could have one proper strategic plan for the promotion of arts and culture in Trinidad and Tobago.

You may have a board in NAPA that has a particular direction that they want to take with respect to the performance arts and you would have a board called SAPA in south that may have different ideas and would be managing things differently. The Minister just said that SAPA had an arrangement for facilities management with UTT that NAPA did not have so it did not have to suffer that indignity and so on; well, again, do we want to have in this one—well, two little tiny islands, different boards managing our performance spaces and being, you

know, just out of line with each other or do we want to have a body—if you are going to have a board and we want to have the expertise that we have spoken about here, from intellectual property, to marketing, to law, to all of that, all together, do we really not think that it would be better to have one body that could engage with our stakeholders, TUCO and NCC, and Pan Trinbago and the National Chutney Foundation, and everybody so that they could all have one holistic approach to the promotion of arts and culture in Trinidad and Tobago. So that is my first thing, I feel really feel that I have to reiterate the point that one board would be better off.

The Naparima Bowl Act is in existence; the Minister said, you know, it is older legislation like the Queen’s Hall legislation as well, but those pieces of legislation deal specifically with those properties. So you have four boards, four pieces of legislation, slightly different wording here and there dealing with four different performance spaces. And I was wondering if we were here “creating board for the sake of creating board” because that is what it seemed like and then I heard the Minister speaking about why it was necessary to incorporate these bodies and put the management of these facilities. And the Minister is speaking about the fact that it takes two weeks for a document to move from somebody’s outbox to somebody’s inbox, and I worked in the public service for nine years and I do not disagree with him, but to say that we need to create bodies and boards and incorporate them for the sake of getting around inefficiencies in the public service, I find that to be unacceptable.

There must be a greater thrust towards improving efficiencies. And as somebody pointed out, we started off the day here a long time ago talking about disbanding a board and bringing the management of a particular sector in-house. So I am a little bit lost. I do not know if one Ministry is running—I do not know if

“in agriculture it does only take a day” from the outbox to the inbox as opposed to two weeks in tourism, but I—you know, what is the policy of this Government? Is it that we want to leave the management of certain specialized functions and so on to these appointed boards or do we want to have greater control from our Ministries?

Now, I have always had a bit of a challenge with these boards because the accountability is simply not there. Ministries are inefficient, I know that, but if five cents goes missing from a Ministry, somebody usually is able to account for it. And one of the challenges again that came up in the debate of the last Bill, when the Minister talked about the old style of drafting and I mentioned that the way that these Bills are drafted the powers are so wide and so broad and subject to some interpretation and all of that, some of that contributes to the fact that we have a problem with corruption and transparency when it comes to state boards and that is not a secret. Special purpose companies in Trinidad and Tobago have been seen as vehicles for corruption, regardless of which administration. So we have had those issues and that is why more precise language—and I know if we have to go back into committee stage, and I do not want to rehash all of the same comments that were made, but it may very well be that we want to see more tight language with respect to the functions, with respect to the role of the Minister, with respect to how much accountability there is to the Parliament, and again we have to say that.

Now, SAPA when it—under the Partnership administration, because that is when it was opened due to the delays that occurred, one of the things that came about at the time when it was open, that the then Minister said, is that, you know, it was unfortunate that Naparima Bowl had been suffering and needed a lot of money spent on it to upgrade and instead of that there was the decision taken to build

SAPA and Naparima Bowl had been somewhat neglected. And again, to me that illustrates the point of why one entity to manage our cultural spaces would be a good idea. Because what is the sense, we have a problem in this country with building new things and not maintaining the things that exist and that is exactly what has happened in the city of San Fernando with SAPA and Naparima Bowl.

Some upgrades were subsequently done to Naparima Bowl, I recall, but the Bowl—and, you know, it is not about the Bowl but the Bowl is one of the few spaces where you have an outdoor amphitheater, Shakespearean style. And it is something that really, if you had one board managing our performance spaces you could utilize them in a way that it would be more efficient. So under the Partnership administration at SAPA—and I do not know if it still exists but I recall that they established, with the assistance of UTT, something called the Ramleela institute and a pan institute. So they tried to make a really good use of SAPA as a teaching facility and to promote that sort of thrust and education, and it was meant to be part of, together with the Debe campus of UWI, to have a sort of an education city coming up between San Fernando and Debe which became, you know, very well connected with the construction of the highway and so on. Of course, many of those things have not come to pass for—well, circumstances we are all aware of.

One of the issues and one of the things that come about when you start opening these facilities that are built and so on, and one of the things that I recall very clearly when NAPA was opened, and we had a lot of push back from the public about it, was the lack of consultation. And one of the things that people voiced concern about at that point in time—of course the thing is already constructed—was the lack of a really good outdoor performance space at NAPA because our culture—and somebody mentioned it here today, our culture with soca

and chutney and Carnival and outside, all those things, you really do enjoy the outdoor space. So I have seen NAPA now and the grounds being used a little more for outdoor events but there was really no outdoor performance space. And again, when you have the management of our facilities being under one institute you can actually create and leverage the assets that you have. Saying that there are billions of dollars in assets and we are putting it under separate boards to me does not really justify it and I think that was one of the points that was mentioned by the hon. Minister. We have state bodies that manage billions and billions of dollars in assets and I do not see that it is a problem. Having one robust entity, as I said before, you leverage the strengths of all our different spaces.

Now, moving on quickly, I want to raise one thing again that came about because, as I said, everything else has been said about the NAPA Bill. I have noticed in the financial provisions that the funds of this Board will not just—of this entity will not just consist of the appropriations and their fees and so on but they have the power to receive:

“grants, covenants”—and—“donations and other receipts from persons, including national and international bodies;”

When I read this what jumped into my mind is the recently enacted Non-Profit Organisations Act, because the reason why we have an NPO Act in Trinidad and Tobago is to deal with the issue of money laundering through NGOs because NGOs receive donations and they can do fund raising and they get tax exemptions, and so on. As a state board I am assuming there would be no—we have to look at reporting as standards to be put in place for a body like this that could receive national and international donations, because you could actually run the risk of an entity being used to launder money, a state entity.

I will never forget at my time in another place when I was told of a scheme where someone would pay their electricity bill for a lot of money and what they would do is they would go to the counter and say that they forgot their Bill at home but they know the account number, but they would give one digit off and they would pay their electricity bill with a lot of cash, and, of course, our utility companies receive cash and so they would take the cash. And then the person would go and file a claim saying, “My money was applied to the wrong account”, and they would give the correct account but they would ask for a refund and it would be, “cut a cheque”, and they would take that cheque to the bank. And this person was literally laundering money through T&TEC. And I remember that as a case scenario that had been put out there. So to say, to think that our state bodies and our state boards are not susceptible to money laundering, and if the thrust of this Government, as they have said over and over and over, is to tackle money laundering and to ensure that no institution can be susceptible to it, I think that more consideration has to be given when you are establishing a state board when they could receive donations and covenants and grants from national and international bodies because you are basically creating an entity that could be abused for the purposes of money laundering. And I am almost certain that it is something that the Government would want to look at a little bit more.

Madam President, in closing I just want to say that our artistes have suffered tremendously during the time of the COVID pandemic and private sector entities have actually led the charge in terms of coming up with ways to have virtual concerts and many things virtually to allow artistes to earn money. I think this year we are still having virtual Chutney Soca Monarch; I read about it recently and other things. And if it is that the Government is still taking a position of being

responsible for policy and being responsible for the direction and so on, and the Board really here is for management and—but they have certain powers, greater thought and time and effort has to be put into coming up with alternative ways because as this pandemic has taught us, it is just not business as usual. And so vesting the property and ensuring that the property is managed by a board really will not solve the problem of us not having direction and not having strategy, and not having a plan when it comes to really marketing what is, I think, the greatest culture in the world. Because I have been to over, maybe 30 countries in this world and I have never seen a culture as unique and as blended and as magnificent as ours. If it only gets the attention that it deserves it could be so much more spectacular. So with those few words, Madam President—as I said, I reiterate some of the concerns raised by hon. Members with respect to the sister legislation that was brought here today and I look forward to having further discussion with the Minister at committee stage. Thank you.

Madam President: Sen. Mark.

Sen. Wade Mark: Thank you, Madam President. Madam President, I would not be long. I just wanted to raise a few points on this Bill dealing with the establishment of the Southern Academy for the Performing Arts and for the management and control thereof and for other related matters. Now, Madam President, we know that the Southern Academy for the Performing Arts was formally opened sometime in September of 2012 and it was for the development of the performing arts education, arts education and the culture, the nation's vibrant culture, as stated in a report that I have before me. Now, we all recognize, Madam President, that this body has a seating accommodation, according to the notes I have before me, of 772 persons. Now, we just completed NAPA with audience

space, seating accommodation that is, of close to just over 1,200, maybe a max of 1,300 seats. And what is interesting, Madam President, is that even though there are differences in terms of the accommodations for seating arrangement at the venues that I have mentioned, when it comes to this particular Academy we noticed the same structure being identified.

Now, we would have liked, Madam President, in dealing with the Southern Academy to have been provided with information on its operations, its activities. We know it opened sometime in 2012, so it has been in operation for close to about eight to 10 years. And, Madam President, I researched and I sought the support of the librarian in our Parliament to access any administrative reports that would give us an appreciation of what the Southern Academy for the Performing Arts did in the last six years in particular because the last report I have with me is for 2014/2015. And although this Government took office in August of 2015, Madam President, six years, this is going to be the seventh year—or six years, not one administrative report has been produced.

6.00 p.m.

So we have no way of knowing, as we seek to debate this Bill, what has SAPA done under the PNM for the last six years. The library has no administrative reports that I can reference to say exactly, well look, Madam President, as we deal with this Bill, I can tell you that this particular facility had been in full use and the report so identifies same. What they have done, what they have not done, how much revenue they have earned, how much losses they have experienced, nothing. So we have no information whatsoever. What was the Government doing during that five-year period, that they could not have produced these reports?

Madam President, I say this to bring to your attention the fact that we do not

have the evidence to show anything surrounding this Southern Academy for the period 2015 to 2021. So, therefore, I have to deal with what is before me and, in this regard, I would like the hon. Minister when he is winding up to indicate to us why there are not any transitional clauses in this Bill. Meaning, Madam President, we know that there are workers on a permanent basis and on a contractual basis currently employed at the Southern Academy. Maybe the Minister can tell us, Madam President, how many employees, because I am dealing with Part III, Staff and Advisors of SAPA, under clauses 20 to maybe about 30, I think.

I would like the hon. Minister to tell us what is the staff complement at this particular facility, and why if there are personnel under the technical and managerial structure, including administration, along with contract staff, along with volunteers like ushers, why is it there is no provision in the legislation before us dealing with transitional clauses to deal with those workers? Is the Government going to have a new start? Is it that there will only be—the Government is seeking to bring new employees on board? We do not know because we have no evidence before us, and that is why I am raising this matter of staff and advisors under the Southern Academy in Part III of the legislation. I hope that the hon. Minister could provide us with some answers, because we need to know what has happened to the staff of SAPA.

Now, Madam President, when we go to clause 23 of this piece of legislation, we have provisions where persons who may want to work at SAPA, they are telling you in clause 23 how you should go about that process. They are also indicating in clause 23 subclause (2) that they will also address the preservation of the rights of the officer so transferred to “any pension gratuity or other allowance for which he would have been eligible...”—at the time.

However, in subclause (3) it says, and I quote:

“A period of secondment shall not, in any case exceed three years.”

Why three years? Why three years? Why not five years? Why not 10 years? The Minister needs to explain to us why this number came into existence, because there are other pieces of legislation with similar provisions where persons are given up to 10 years to make that decision. In the case of this piece of legislation, we are being told only three years and it should not exceed three years. Why? So I would like the Minister to clear the air for us on this matter.

Madam President, on the question of pension, I think it is important for us to pay attention to the issue of pensions for staff members. So we go to clause 26 of this Bill before us, and it says that the:

“SAPA shall establish a pension fund plan or where the establishment of a plan is not feasible, join an existing plan.”

Now again, Madam President, this SAPA is a relatively small operation. We do not know how large is the staff complement, but we do know that their venue and their seating accommodation is just about 772 persons. When we are told in clause 26(1) that the Government is going to establish a pension plan in SAPA, and if that is not feasible they are going to join an existing plan. Now again, Madam President, can the Minister explain and clarify what he means by this? Is it feasible, is it practical to have a pension plan for these employees engaged at SAPA?

When he says if that is not feasible they are going to join an existing plan, could, again, the Minister explain to this Senate what existing plan is the Minister referring to? Can the Minister provide us with examples of those existing plans, pension plans, that workers would be able to access in the instance of them joining this pension plan? Because in his brief statement earlier, no information was

provided on this matter. So where workers' interest, workers' rights are concerned, it is important and incumbent upon the Minister to provide clarity and certainty as it relates to their rights, to their benefits and their entitlements.

So, Madam President, if you go to clause 26 of the Bill, you would see there several scenarios surrounding superannuation benefits, and exactly who will pay and who will not pay. Again, because we did not spend sufficient time on that matter we need the Minister to clear the air on these matters.

There is one in subclause (5), that is clause 26 subclause (5), where it states and I quote that:

“Where there is a difference between the superannuation benefits payable on the basis of the highest salary...and the superannuation benefits payable under the relevant pension law, on the basis of the pay, pensionable emoluments or salary...shall be paid by SAPA.”

Now, again, we need to get from the Minister exactly whether this situation is intended to arise, and whether SAPA would be in a position to honour these commitments as outlined in the legislation. So these are some issues that I felt we needed to clarify with the hon. Minister, so that when it comes to pension rights, superannuation benefits for the employees of this SAPA the Minister must tell us exactly how it is going to work.

So, Madam President, I want the Minister to clarify for this Senate the following before I close: How many permanent staff do we have at the Southern Academy and give us a breakdown of the categories, technical, managerial, administrative, how many? We also would like to know from the Minister how many workers are there on contract at the Southern Academy at this time and, Madam President, how many workers are operating on a voluntary basis receiving

some stipend here and there to facilitate any activity at SAPA? We need to get that information from the hon. Minister.

Finally, Madam President, can the Minister provide this honourable Senate with the reasons why there is no transitional provision in this piece of legislation, to accommodate the existing staffers at the Southern Academy. Or is it the intention of the Minister and his Government to retrench and dismiss and fire all of these workers? We do not know, because there are no transitional provisions. So we want those things clear on behalf of those workers at the Academy and on behalf of our own records here at the Parliament. With these few words, Madam President, I thank you very much.

Madam President: Minister of Tourism, Culture and the Arts.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Madam President, and I thank hon. Senators for their contributions on this SAPA Bill, an Act to provide for the establishment of the Southern Academy for the Performing Arts and for management and control thereof and for related matters.

Madam President, I am looking at—clause 24 to clause 26 treat with transitional arrangements, and that is the first point. The second point I would answer Sen. Mark in saying that there are 23 employees at SAPA. The positions are General Manager, Business Operations Assistant II, Technical Coordinator, Stage Manager, Front of the House Manager, Bookings and Promotions Coordinator, Theatre Technician, Senior Lighting, Theatre Technician, Senior Audio Technician, five Theatre Technicians, Stage Technicians, four Lighting Technicians II and seven Audio Technicians, for a total of 23 employees of SAPA.

These employees are on contract. There are also temporary employees in the

form of ushers, and they number 28. So there are contract employees. With respect to any additional functions at the SAPA, they are assisted by the Projects Unit and other units of the Ministry in their administrative procedures.

Madam President, Sen. Mark stated in his speech—in his contribution just now, that he went to the librarian, I think is what he meant, and he was told that there are no administrative reports to treat—[*Interruption*]

Sen. Mark: 2015 to 2021. That is what I said.

Sen. The Hon. R. Mitchell:—from 2015 to 2021. But, Madam President, as we all know, if you enter the wrong search criteria into Google, Google will return with the answer that you are not looking for. If you had listened to my presentation on this matter, as well as on the previous matter, somewhere in there you would understand that SAPA and NAPA are parts of the Ministry.

With respect to administrative reports, under our present governance arrangements, Ministries state enterprises, statutory bodies, among others, are required to report. SAPA and NAPA, prior to the passage and proclamation of these Bills, must fall into one. They are not a statutory body, neither SAPA nor NAPA. They are not a state enterprise. So what you would have to look for on your return to the library would be the administrative reports for the Ministry of Community Development, Culture and the Arts, and in those administrative reports you would see all that you are looking for.

So, Madam President, I dealt with that. With respect to the secondment, Sen. Mark asked why three years and not five. The answer to that is three years is standard in the public service, it is standard practice. This is a standard position. It is three years. The person transferred, the public servant is expected to go on secondment to either learn or to provide learning wherever he is seconded to, but

he is also expected to return to provide the services of employment according to his terms and conditions and engagement.

With respect to the superannuation and the pension plan and so on, Madam President, section 26 gives SAPA the flexibility and the freedom to either provide a pension fund, pension plan for its employees, or treat with if not feasible join an existing plan. What can happen here is that SAPA and NAPA may very well join up and decide to put a pension plan together, or SAPA may wish to join with Naparima Bowl, or all the performing spaces owned by Government may decide to join together to form a pension plan. So there is enough flexibility in there to ensure that these pension benefits are provided for employees.

Madam President, with respect to Sen. Lutchmedial—and let me say I have the greatest respect for Sen. Lutchmedial. Sen. Lutchmedial and I we attended the Arthur Lok Jack Graduate School of Business. We did our MBAs there. We failed no courses, and I know that we both passed with distinction. Just for your information, through you, Madam President, to Sen. Mark. But Sen. Lutchmedial would recall in the Graduate School of Business while doing the MBA, that different organizations have different unique selling propositions, different value propositions. I am a fan of Michael Porter, and I believe in the competitiveness of organizations.

In Sen. Lutchmedial's example, Naparima Bowl is a unique facility. Where you have an auditorium, you have a stage, a very advanced well-maintained auditorium and stage, and then on the outside you have an outdoor seating stage that can utilize the same stage, and you can have one show with outside seating and indoor seating. You can have one or the other. That is different from SAPA, which is different from NAPA, which is different from Queen's Hall. So I believe

instead of having one board of management attempting to manage all these different facilities, each with its own unique features, each with its own unique value propositions, would be an extremely poor decision.

Why not have individual boards, as we are doing now, and why not have them benefit from each other, but also compete with one another or also carve out their own unique niches within the entertainment sector? One board of management, it is very difficult to do that. Why not have separate boards? I believe in competition, and developing competitive advantages.

Sen. Lutchmedial spoke about corruption. Corruption is there, not in state enterprises or not in governments. Corruption is there when you are dealing with humans, but in this piece of legislation we have sufficient safeguards to treat with matters of integrity, and to ensure transparency and good governance.

The hon. Senator spoke about money laundering, and I understand that there are many different examples of money laundering using companies and other organizations, but the banks also have very, very strict procedures in place. While the organization itself must have financial rules and regulations as is contemplated by clause 38 of the Bill, the banks also have strict procedures. So it will be very difficult for someone to launder money through the receipt of grants and donations and covenants from organizations through the banks. But notwithstanding that, there is still parliamentary oversight. Through the administrative reports, through the reports to the Auditor General, because the Auditor General must audit the financial arrangements for this entity, there are sufficient safeguards in place. So I would not trouble myself too much with that at all.

So, Madam President, again it is my privilege to participate in this debate, to pilot this Bill. I do believe that it is absolutely necessary that we put in place more

agile and strategic management structures, and we do form a body corporate to manage the affairs of SAPA and, again, I believe it would redound to the benefit of the creative sectors, to the orange economy and to the people of Trinidad and Tobago at large.

Madam President, with those few words, I thank you and I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: I remind Members that there are 40 clauses in this Bill. Minister, are you ready?

Clauses 1 to 6.

Question proposed: That clauses 1 to 6 stand part of the Bill.

Sen. Lutchmedial: Madam Chairman, just for the record, just a question really to the Minister arising out of his winding up. Minister, do you think it is beyond the scope of one board to establish or manage the different spaces, and have unique value propositions for each? Would that not be something like the equivalent of a private sector entity selling different products on the markets, and they have to develop their own unique value propositions for each one? I mean, I am just asking the question, if this has been thought out. You mentioned competition and so on, but to have four spaces owned by the taxpayers and four separate boards, and to say that you want to have each one as a value proposition, would it not be a more efficient use of resources to have them managed by one board, and one board can actually still have unique value propositions and marketing and capitalizing on the uniqueness of each space?

Madam Chairman: Minister.

Sen. Mitchell: I still do not believe that we will derive tremendous benefit from having one board manage two very distinct performing spaces, two performing spaces that have developed distinct cultures within themselves. I do not think that we would derive any benefit from that. I do not think that the funding with respect to the board fees—and I think that is what everybody is concerned with—I do not think that in comparing the board fees, the amount of board fees compared to the potential and the opportunity cost, no, I do not think there is a benefit.

Sen. Lutchmedial: Just for the record, I mean, I think it goes a bit beyond board fees. We are looking at staffing, administrative costs and so on as well, but that is just for the purposes of the *Hansard*.

Question put and agreed to.

Clauses 1 to 6 ordered to stand part of the Bill.

6.30 p.m.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

Madam Chairman: Yes.

Sen. Lutchmedial: Madam Chairman, I will ask that the same amendment that was made in the NAPA Bill 7(1)(a) operating and maintaining, I think “maintaining” was the word that was inserted, and maintaining SAPA and regulating, coordinating and conducting all of its activities.

Sen. Mitchell: I have no objection, Madam Chair.

Madam Chairman: Hon. Senators, the question is that 7 be amended as follows, at 7(1)(a) by inserting the words “and maintaining” after that word the “operating”.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 40.

Madam Chairman: Sure. Which clause?

Sen. Mark: I am dealing with clause 11.

Madam Chairman: Okay. The question is that clauses 9 and 10 stand part of the Bill.

Procedural Clerk: 8 to 10.

Madam Chairman: Sorry.

Clauses 8 to 10 ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

Sen. Mark: Yeah. Madam Chair, in clause 11—in clause 10 I should say—

Madam Chairman: We have passed clause 10, Sen. Mark.

Sen. Mark: In clause 11, you have passed there, you said?

Madam Chairman: We have passed 10. We are dealing with clause 11.

Sen. Mark: Ma'am, may I engage you?

Madam Chairman: I beg your pardon?

Sen. Mark: May I seek your indulgence?

Madam Chairman: Sure.

Sen. Mark: It is really clause 10 I wanted to clarify. I know you passed it. But I am asking you—

Madam Chairman: All right. Sen. Mark—

Sen. Mark: No. This is a very serious thing that—

Madam Chairman: Everything we do here is serious.

Sen. Mark: Can I ask—

Madam Chairman: This is the only time I am going to allow it. All right? But I will ask you, please, to yeah.

Sen. Mark: Thank you.

Clauses 8 and 9 ordered to stand part of Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

Madam President: Sen. Mark.

Sen. Mark: Yeah. Thank you very much, Madam Chair. Madam Chair, through you to the hon. Minister, I would like him to consider deleting in the second line of clause 10 the word “Minister” and replacing it with the words “Corporate Secretary”. I do not think, Madam Chair, that you have had a Minister informing or causing a notice to be published in the *Gazette*. It is normally the Corporate Secretary that does that. So I do not know, it might have been an oversight on the part of the drafters of the legislation. But you do not have Minister getting involved in these things. These are petty things. The Corporate Secretary does that.

Madam Chairman: Minister.

Sen. Mitchell: I believe in practice, the Corporate Secretary does it. But the Ministry, the Minister is the person who shall cause it to happen and the Minister is the person who is accountable and responsible for it happening. But in practice the Corporate Secretary, I believe, does it.

Sen. Mark: [*Inaudible*] —is in the legislation?

Sen. Mitchell: Yeah. And in every other piece of legislation, in any other similar clause, it is the same construct.

Sen. Mark: So you are saying that the Minister does all of this?

Sen. Mitchell: Yes.

Sen. Mark: All right, Madam, I am not too aware of this. I do not support that.

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Clauses 11 to 20 ordered to stand part of the Bill.

Clauses 21 to 27.

Question proposed: That clauses 21 to 27 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Madam Chair, the hon. Minister said that the transitional—

Madam Chairman: Which clause, please, Sen. Mark? Which clause?

Sen. Mark: I am on clause 24, 25—24 and 25. But I think the Minister did indicate 23 as well. So I am going to 23, 24 and 25 respectively.

Madam Chairman: Uh hmm.

Sen. Mark: The Minister, through you, Madam Chair, indicated that these are the transitional provisions in the legislation to deal with the permanent staffers currently at the Southern Academy. But he did indicate in his contribution, in winding up rather, that there are contract workers as well. So I wanted to find out from the hon. Minister how are they going to treat with these contract workers in terms of the transitional provision?—because wherever you have permanent and then you have the contract. Some contracts might be for three years, some might be for two years, some might be for four years as the case may be. How are these workers and so on protected by the legislation as it relates to continuity in the future?

Madam Chairman: Minister.

Sen. Mitchell: Thank you very much, Madam Chair. We will treat with that in the spirit of good industrial relations.

Sen. Mark: So, would that be incorporated in your regulations? Or do you think that, for instance, it should be incorporated in legislation?

Sen. Mitchell: No. No. It should not be incorporated in legislation at all.

Sen. Mark: But you will deal with that on an industrial relations front.

Sen. Mitchell: Yes.

Sen. Mark: All right. Okay.

Question put and agreed to.

Clauses 21 to 27 ordered to stand part of the Bill.

Clauses 28 to 36.

Question proposed: That clauses 28 to 36 stand part of the Bill.

Sen. Mark: Madam Chair—

Madam Chairman: Yes.

Sen. Mark:—as it relates to the finances.

Madam Chairman: What clause, please?

Sen. Mark: I am talking about clauses 34 to 38.

Madam Chairman: Well, we are going up to 36 right now.

Sen. Mark: Yeah. Well, it is 36 rather.

Madam Chairman: Right.

Sen. Mark: Now, I wanted to ask the hon. Minister, what mechanisms are going to be put in place to ensure that the board does not engage in investment? No. Let me put it another way, Madam Chair. Minister, do you think that this board should be engaged in security investments?—investing—

Sen. Mitchell: Which clause is that?

Sen. Mark: I am talking about clause 35.

Madam Chairman: Clause 35.

Sen. Mark: 35.

Sen. Mitchell: 35. Yes.

Sen. Mark: 35.

Sen. Mitchell: And your question is, do I believe that—

Sen. Mark: Should this board be involved in investing in securities on the stock

exchange or in any kind of private business? Or is that—or strictly on the stock exchange because you talked about securities, you are talking about the Securities and Exchange Commission.

Sen. Mitchell: Well the first is, with respect to the definition of “securities”, I am not sure it is limited to matters on the stock exchange. That is the first thing.

The second point is that any investment must be done on the approval of the Minister.

And the third point is, that these statutory bodies sometimes come into the possession of surplus funds through a donation or some other way and they would invest their moneys into some sort of fixed deposit or some other bank account but it must be done on the approval of the Minister of Finance.

Sen. Mark: Hon. Minister, through the Chair, do you think that there ought to be a clear definition for the word “securities”?—because I am not too sure if it was in the NAPA legislation.

Sen. Mitchell: Well, we will have to go to the Securities Act for it. It is in clause 28. “Securities” has the meaning assigned to it under the Securities Act.

Sen. Mark: Okay. All right.

Sen. Mitchell: Yes.

Sen. Mark: All right. Okay. And the issue—Madam Chair, okay. Yeah. Madam Chair, 36(1).

Madam Chairman: Yes?

Sen. Mark: Yeah. Hon. Minister, through the Chair, do you think that the Parliament ought to be apprised of any borrowings given the escalation in our debt portfolio in this country? Should we not have Parliament having some oversight rule as it relates to—if they are going to borrow and they get the approval of the Minister of Finance, I am suggesting that the Minister of Finance, because it is

being passed by the Parliament to allow them to borrow, we are not only giving them the power to borrow, we are doing that here as a Parliament. We want some oversight. So we are saying that, when they borrow with the approval of the Minister, there should be a statement being issued by the Minister and tabled in the Parliament so that we in the Parliament would be aware of what they are doing as a board.

Sen. Mitchell: Sorry. Madam Chair, Sen. Mark surely has a lot more experience than I do. But I am certain that all the borrowings by statutory bodies, they do come to the attention of the Parliament in one way or the other through the budgeting process, so it does come before the Parliament. There is oversight. It cannot be done in—it cannot be done in secret.

Sen. Mark: No. But all I am saying, I understand the point that you are making, but seeing that we are giving them the authority as a Parliament to borrow, I am saying that when they are going to borrow we should be alerted through a statement issued by the Minister of Finance and tabled in the Parliament. So in other words, once they are taking that action with his approval, we ought to be aware. That is the point I am making. I am trying to give the Parliament greater oversight at it relates to borrowing at a time when the country is heading towards close to 100 per cent in debt to GDP ratio, so we want to control that.

Madam Chairman: Minister.

Sen. Mitchell: Yeah. Madam Chair, there is enough oversight. It is a very, very unique proposition that Sen. Mark is proposing. It is unacceptable. It is a bureaucratic step that he is inserting into this procedure here and it is overreach. It is tried and tested and I have to reject his submission.

Question put and agreed to.

Clauses 28 to 36 ordered to stand part of the Bill.

Hon. Senators: [*Crosstalk*]

Madam Chairman: Well, let me put the question first.

Clauses 37 to 40.

Question proposed: That clauses 37 to 40 stand part to the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah. Madam Chair, again, I would like to propose for the consideration of the Minister two areas, the strategic plan and its operational plan. I see no harm of those plans coming to the Parliament. Just as how the Minister is going to receive those plans, I think that they should be tabled in Parliament. So I do not know if he will have any objections to those plans, that is, the strategic plan and the operational plan being tabled in the Parliament. Upon the Minister receiving same, it should be tabled in the Parliament. That is the first thing.

And the second point I would like to make, Madam Chair, in clause 38, I ask the Minister again to consider rules that are being made which are regulations for the management, control and maintenance of this organization and any matter that they consider necessary or conducive, those rules and regulations ought to be subject to an affirmative resolution of our Parliament.

Madam Chairman: Minister.

Sen. Mark: I do not think that this board, SAPA, should be on its own. There should be some oversight and if it is making the rules and it is taking moneys from taxpayers without Parliament approval, they “cyar get” no money. So just as how we are giving them money to do things, we are saying that they should inform the Parliament through an affirmative resolution how they are going to manage, control these things. That is all I am proposing.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you. I suppose I am speaking with reference to clause 38, but it

is really in the form of a general observation. Minister, I say in my respectful view, I think this legislation suffers from too much ministerial control and it is going to be inimical to a faster and improved decision making that we supposedly want. Now, I have no problem with the Minister giving special general directions or even having a right of veto. But this veers, in my view, to micromanagement. Wanting ministerial approval can be an exercise in futility sometimes.

I am seeking—I mean, you have a sophisticated board. They are making rules for the management, control and use of SAPA and they now have to wait on ministerial approval. I know of situations where certain professions have had draft regulations sitting for years still to come to be approved by the Minister. I know of a state enterprise where the board spent a lot of time and developed a very important set of tenders rules and procedures but they were of no effect because they were waiting for the ministerial approval. And this, I think, can suffocate a board that is trying to really do its work properly. I just want to put that on the record.

Madam Chairman: Any other questions or comments before I ask the Minister to respond? Sen. Deonarine.

Sen. Deonarine: Thank you, Madam Chair. I just want to echo the sentiments that Sen. Vieira just put forward on the floor as well. Thanks.

Madam Chairman: Minister.

Sen. Mitchell: Thank you very much, Madam Chair. I will deal with Sen. Mark's submissions first. With respect to the strategic plans and operational plans, those will come to the attention of the Parliament in its annual administrative reports. That is in 33(2) that we have passed. So those will come to the Parliament. I do not accept your submission on the need for affirmative resolution of the Parliament and for Parliament oversight.

With respect to Sen. Vieira, I understand your submission and on the face of it, it does look as though it is bureaucratic. But on the other side of the coin, there may be an instance where a statutory body may make rules, for example, for the use of its space that intentionally or unintentionally discriminates against somebody or some group or the other. And in that case—you see, we do not like the word “Minister” a lot of the times but the Minister is the one who has to answer and the Minister is the one who has to be accountable.

Now, I do not believe that it is to make the procedure overly burdensome or to make the Minister some sort of king or king maker. But I do believe that the same oversight, because Sen. Mark wants to go a step ahead, you know. He wants to go for parliamentary oversight of these decisions. So I think that ministerial oversight and the approval, I think, I do not have any objection to the provision as it is and as it stands, I do not have any objection.

Madam Chairman: Sen. Vieira.

Sen. Vieira: I hear you but we live in a world today where you have freedom of information requests, you have judicial review, you have an Equal Opportunity Commission, we have a slew of laws dealing with procurement and money laundering. So if the board was to go off into a direction that might be embarrassing in any of those fields, I think there are already sufficient checks and balances in place.

Sen. Mitchell: Yeah.

Question put and agreed to.

Clauses 37 to 40 ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this House do now adjourn to Tuesday, 25th January, 2022, at 1.30 p.m. Madam President, that is Private Members' Day and my understanding is that there is on the Order Paper one Motion which is time-bound, Motion No. 8. And it is the intention of my colleagues on the other two Benches that that Motion be proceeded with on that day.

Madam President, I also want to indicate that on Monday June 24th the House intends to deal with the Finance (Variation of Appropriation)—

Madam President: June? January.

Sen. The Hon. C. Rambharat: January. Sorry. January 2022 on—Madam President, I want to indicate that the House intends to deal with the Finance Variation of Appropriation Bill, 2022 on Monday, January 24, 2022, and it our intention to deal with that Bill on Wednesday, January 26, 2022, from 10.00 a.m. Thank you.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Lutchmedial.

Students with Learning Disabilities and Other Special Needs

(Government's Failure to Support)

Sen. Jayanti Lutchmedial: Thank you, Madam President. Madam President, I welcome the opportunity to raise this matter captioned, the failure of the Government to provide enhanced resources to support students with learning disabilities and other special needs.

Madam President, learning disabilities are perhaps more common in our

society than we know. Growing up I am sure we may all recall that there was someone in our classroom, our neighbourhood, or in our family who people would deem “duncey head”, lazy. We ascribe a lack of discipline or ambition to those who do not succeed in the traditional school system and we simply cast them aside and we brand them for life. But there is a saying that goes, if you judge a fish by its ability to climb a tree, then it will live its whole life believing it is stupid. I believe that is what is happening in our education system particularly with children who have learning disabilities.

That person that you referred to as the madman by the traffic light or the woman who is married off very young and living in a situation of domestic abuse or the teenager who drops out of school because they are suspended on several occasions for aggressive behaviour, may actually be—all be products of undiagnosed, untreated learning disabilities.

Persons with learning disabilities experience altered brain functioning. It affects the cognitive processes related to learning. So these processing problems make basic learning skills such as reading, writing and basic mathematics not impossible but requiring a slightly different approach.

Other life skills like organization, time management, maintaining your attention span also prove challenging to persons who have these types of learning disabilities. Having a learning disability affects persons beyond—in life beyond academics and if there is no meaningful intervention in early life, these disabilities can impact relationships with your family, friends and even co-workers, if you get so far as to be able to have a job to begin with.

Learning disabilities are often referred to as hidden disabilities because persons look perfectly normal and in many cases they are of average or even above

average intelligence. The challenges with basic academic skills like reading, writing and math are recognizable during early school years and that is why it is important for us to diagnose these issues at that point in time and deploy the appropriate interventions to assist students.

A learning disability cannot be cured or fixed. It is a life-long challenge and it has to be managed and accommodated. And I say accommodated because the persons who do not have these challenges owe it as a duty to those who do to accommodate them.

We have of a slew of laws and cases and so on. The one that I remember most at the top of my head is the case that dealt with a person's access to justice because there was no ramp to access the Hall of Justice and whether that prohibited a person from, you know, having, enjoying their constitutional rights of access to justice. Those are the physical disabilities. And so we have moved very far ahead as a society in recognizing the need to accommodate physical disabilities. But the same just simply cannot be said for learning disabilities.

And so I—with the appropriate support and intervention, people with learning disabilities can excel in school, work, relationships and become valuable and constructive members of the community.

It is the duty of the Government from as early as the level of early childhood care and education and all throughout life to create the environment that would provide the services to enable persons with learning disabilities to not just survive but thrive. We have a student support services division within the Ministry of Education and it is my personal experience that the resourcing in that division is woefully inadequate.

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

Prior to the pandemic and the closure of schools, some educational districts, and I have reached out to particularly to persons in Victoria and St. Patrick, but there is on average a two-year waiting period for the assignment of an aide to assist children in the primary school system. These aides are basically persons who sit in the classes with children who need assistance and ensure that they are able to function in a normal school environment. The availability of specialists in our public health care system makes diagnosis simply non-existent and parents are referred to private specialists. This is extremely costly.

In an article captioned, and it is written by someone who writes every week in the newspapers by the name of Dr. Radica Mahase, I read her articles every week. But there was one particularly where she told a story about a family who noticed something was wrong with their child and wished to access services.

She spoke about having to wait almost 18 months for a referral in the public health care system. They had to pay almost \$5,500 and embark upon fund-raising ventures in order to raise the money to see a private paediatrician and have a report that would then refer this child and make it possible for this child to access specialized services. And later on when a number of therapies were recommended that could assist this child and help this child to function in the school system, it simply just was not available.

I can give you an idea and I can give this Parliament an idea of what it costs to give a child who has a learning disability a fighting chance; speech therapy, \$250 a week, occupational therapy, \$400 a week, behavioural therapy, \$600 a week; music therapy, \$300 a week. And the music therapist and speech therapist who work privately, they do so because they are simply not employed in our public health care system.

7.00 p.m.

There is a complete lack of facilities through any of the RHAs to deal with persons with learning disabilities and provide them with this. I heard earlier in one of the debates when we were talking about NAPA and SAPA, that Sen. Deyalsingh mentioned that music therapy and art therapy, and there are two positions, I believe, created in the NCRHA that assist the adult population with art and music therapy through the psychiatric facilities but there is nothing really available for children. In fact, it is my information that the Tobago RHA had a position for an art therapist and it was discontinued. So, we are seeing here basically a lack of provision of services for children to be able to thrive in the regular environments.

Mr. Vice-President, whilst this is a problem that has persisted before, the pandemic has severely exacerbated the situation, and it is not something that is not on our radar, because the issue was raised before a Joint Select Committee on Social Services and Public Administration last year sometime around, I believe it was March 2020—2021, sorry. And around that time we had schools having been closed for about a year, and really it was necessary, I think, and it was raised about what type of special treatment was being given to students with these diagnosed learning disabilities. At that hearing, and it was reported in the newspaper, they talked about the fact that—

Mr. Vice-President: Senator, you have two more minutes.

Sen. J. Lutchmedial: Yes. They talked about the fact that there was really absolutely nothing done to accommodate the children who had special learning needs and needed special education and to help them transition into an online learning environment.

But what was even more troubling is that we heard that there was only about

a 20 per cent staffing with only 23 trained professionals in the Student Support Services Division, and at that point in time they had 3,365 students referred for those support positions. The reason why all of this is important is because the students in the regular learning system have challenges with verbal and non-verbal communication and social interaction and so on, they need the help, and that help has not even come in the regular learning system, far less for the virtual learning system. A programme that has been worldwide acclaimed is one that exists actually in the New York public school system and it is called “The Nest Programme”, whereby within one classroom you do not divide the children with special needs and who have learning disabilities, but you create the enabling environment for them to learn within the regular classroom at a very young age so that they grow into students that could integrate fully into a regular larger class size, and into interacting with people without the need for assistance from an aide or a special education trained professional.

At the end of the day I know that this Motion was identified as an education issue, but what is really needed in our country is a holistic approach to assisting children with special needs. I sit on the Joint Select Committee for National Security, and one of the things that came up at a public hearing as well is that a lot of children who enter into the gang life, it is because in school they were simply not succeeding and they were dropping out of school. And one of the issues than an NGO identified during one of those hearings, is the fact that children with learning disabilities are simply cast aside and not given opportunities and are not given the care and concern that they deserve. An approach by the Ministry of Education together with social development and health is needed for us to help save these children and to save our society from the negative impact of these

persons simply falling by the wayside. Thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

The Minister of Public Administration (Sen. The Hon. Allyson West): Thank you, Mr. Vice-President. Mr. Vice-President, the Ministry of Education has provided and continues to provide the necessary resources for all our students which is in keeping with the Ministry's strategic development goals of effective governance and management of education and access to educational opportunities to all learners.

Mr. Vice-President, provision is made for students with special needs at 13 public special schools, 13 registered private special schools and across the general education system from early childhood care and education to the secondary school level. The Ministry of Education has provided funding of approximately \$12 million to private special schools for the academic year 2020 to 2021. Additionally, Mr. Vice-President, the Ministry provides services that include school-based student screening for learning development and behavioural challenges. Students with presenting issues are then referred to the Student Support Services Division for relevant intervention via a multi-disciplinary team, consisting of special education instructors, special—sorry, school social workers and guidance officers.

Furthermore, Mr. Vice-President, a detailed psycho-educational assessment is conducted for students as the need arises through the services of our clinical psychologist, school psychologist and behavioural intervention specialist. I recognized Sen. Lutchmedial's comment about the inadequate resources in the Student Support Services Division. The Ministry of Education acknowledges that, and is actively working to address that issue. Students who are diagnosed with a

disability continue to receive targeted intervention via the use of an individual education plan. The implementation of this plan, we include the assignment of a special education aide or interpreter assistant as is necessary.

Moreover, Mr. Vice-President, teachers in the general education system are provided with school based support and training in the identification of a range of special needs traits and the relevant classroom based intervention to treat with each specific challenge identified. Mr. Vice-President, the Ministry also provides alternative arrangements and enhanced learning resources such as braille, large print and sign language interpretation for students with diagnosed disabilities. These arrangements are also offered to students writing our local examination through the provision of special concessions. Approximately 600 special concession applications are processed each year for students eligible to write the Secondary Entrance Assessment, the National Certificate of Secondary Education and the Primary School Learning Examination.

Mr. Vice-President, apart from what is provided to students in the general education system and special schools, over 1,200 devices were provided specifically for students with special needs who are currently receiving targeted services from the special education unit. Mr. Vice-President, the Ministry of Education is supporting children with learning disabilities and will continue to support those students to ensure that they are not left behind. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

**T&TEC's Floating Tower Power Plant
(Ministerial Approval)**

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, the matter that I am about to raise deals with the need for the Government to indicate whether T&TEC had obtained ministerial approval to issue a request for expressions of interest for a floating tower power plant.

Mr. Vice-President, a request for expressions of interest has been put out by the Government of the Republic of Trinidad and Tobago through the Trinidad and Tobago Electricity Commission for the supply of electrical power to the Trinidad and Tobago electricity grid from a 50 megawatts or a 165 megawatts floating power plant, with primary fuel being natural gas, and secondary fuel being diesel oil. This advertisement was published in the *Express*—in the *Guardian* I should say, of Wednesday, January the 5th, 2022. The closing date for that expression of interest is Tuesday the 8th of February, 2022, at 1.30. The question that we would like to put to the hon. Minister of Public Utilities to clarify, is for him to indicate whether there is a need for such additional power to be placed on the nation's electricity grid in light of some very salient facts.

For example, Mr. Vice-President, the world is advancing green electricity as per the agreements established at the Conference of Parties 26 meeting in Glasgow, also known as COP 26, which the hon. Prime Minister and Minister of Energy and Energy Industries attended. The Government stated its goal of reaching 10 per cent of total power being generated from renewable energy by 2021, which is now unmet. Mr. Vice-President, in 2018 the Government requested proposals for the supply of 130 megawatts of electricity generation from renewable energy resources on a build/own/operate basis. Some three years later we have been told, at least five times publicly, that this is being negotiated with a joint venture comprising BP Lightsource and Shell.

Mr. Vice-President, the current power generation companies are operating below capacity. Some figures show less than 50 per cent, all of which are subject to power purchase agreements. Meaning, that the tax-paying citizens of Trinidad and Tobago have to pay regardless of the amount of power being used. We need clarification on this development, since our research shows that there is only one company globally at the present time that can deliver on this opportunity. The company is Karpowership out of Turkey. Is there a plan to engage this company for the supply of a floating barge power plant, and has that company already met with Members of the Government of Trinidad and Tobago?

Mr. Vice-President, we know that amidst the crisis now facing this country with major industrial plants being idled or shut down, like the Petrotrin refinery, ArcelorMittal steel plant, the Yara ammonia plant, Nutrient ammonia facility, just to name a few, thousands of jobs have been lost. And the country is fast losing revenue and critical foreign exchange. The Government is now inviting expressions of interest for the supply of electrical power to the Trinidad and Tobago electricity grid from a 50 megawatts or a 165 megawatts floating power plant in the form of a power purchase agreement, PPA, in the medium term; that is between five to 10 years.

Mr. Vice-President, we are bewildered in the United National Congress and amazed how a government could even contemplate at this time when our power plants are operating at less than 50 per cent capacity, to invite expressions of interest for the supply of electrical power to Trinidad and Tobago Electricity Grid from some outside agent or inside source. Mr. Vice-President, may I remind you, it was the PP government in 2014 that signed a new power purchase agreement with PowerGen covering a period of 15 years, ending in 2029, for the supply of 624

megawatts of power. TGU, Mr. Vice-President, located in La Brea, which was built to provide power to a failed aluminium complex has a power purchase agreement to sell 720 megawatts for a 30-year term agreement that began in 2011. Then there is something called Trinity Power with a 30-year power purchase agreement which was signed in 1998 to supply 225 megawatts.

Mr. Vice-President, when you add up all of these it comes up to 1,777 megawatts. Therefore, we have been advised that we in Trinidad and Tobago are using less than 1,000 megawatts currently. This is both due to the lost demand, but also due to the strained gas supply to these power plants. So we are asking, Mr. Vice-President, what is going on? Are there plans to shut down our existing power plants? Are there preferred—

Mr. Vice-President: Sen. Mark, you have two more minutes.

Sen. W. Mark: Are there preferred bidders that may have visited our shores and met with government officials in the past few weeks or months? Why a 5 to 10-year period when we have a power purchase agreement to cover these periods already? Why gas and diesel fuel power at a time when both the Prime Minister and the Minister participated in the COP 26 where we continue to commit to reducing carbon emissions and global warming?

Mr. Vice-President, we need to find out what is going on in this matter. Is this floating power plant another fishing expedition? Mr. Vice-President, my information is that there is only one company in the world that has the capacity at this time to build this power ship based in Turkey, it is called Karpowership, and I therefore would like the Government to clear the air on this matter, to determine if this is the company that has been earmarked to provide a floating power plant for Trinidad and Tobago? So I look forward, Mr. Vice-President, to the Government

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Sen. Mark (cont'd)

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providing answers to Trinidad and Tobago on this new development that has occurred and we are seeking clarification from the Government on this matter, because it appeared in the newspapers on the 5th of January, both the *Guardian*, the *Express* and the *Newsday*.

So we now await the Government's response so that the country, Trinidad and Tobago, could be—this situation could be cleared up once and for all as to where this thing is coming from and in whose interest is promoting this power floating plant on a barge. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Mr. Vice-President, and I waited patiently for Sen. Mark to actually get to the point of his Motion. He has said that the United National Congress is bewildered and amazed. And may I also add that clearly they are misinformed and misguided.

This Motion has nothing to do with the COP that recently concluded in Glasgow, Scotland. This Motion has nothing to do with green energy. This Motion has nothing to do with renewable energy resources. And in his presentation Sen. Mark failed to address his own Motion, so I am now forced to put forward his Motion and respond to it myself. And the Motion reads:

The need for the Government to indicate whether T&TEC obtained ministerial approval to issue a request for expressions of interest for a floating power plant.

In summary, the need for the Government indicate. In other words, I am just

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supposed to come here and say, T&TEC obtained or did not obtain approval from the Minister. So I waited patiently for Sen. Mark to indicate where exactly is T&TEC required to obtain ministerial approval before the issue of an expression of interest. I did not hear it, and it is because no such requirement exists. If you go on T&TEC's website, procurement section, you would see several requests for expressions of interest relating to the work of T&TEC. And that is what the commission, that is what the commissioners and the management of T&TEC are entitled to do under the law. T&TEC is governed by statute. Statute sets out clear what T&TEC is required to do, the approvals that are to be sought, obtained, and the work of the commission.

So, Mr. Vice-President, to put forward Sen. Mark's Motion, what approval did T&TEC obtain? The answer is simply, there was no approval required by T&TEC to issue a request for expressions of interest, and accordingly none was obtained from the Minister. Thank you very much.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.22 p.m.