

SENATE

Tuesday, November 15, 2022

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**JOINT SELECT COMMITTEES
(APPOINTMENT OF)**

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

“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 November 11, 2022, the House of Representatives agreed to the following resolutions:

1) Resolved:

That the following six (6) Members be appointed to serve on the Joint Select Committee established to consider and report on the Fisheries Management (No. 2) Bill, 2020:

Mr. Stephen Mc Clashie, MP

Mr. Kennedy Richards, MP

Ms. Shamfa Cudjoe, MP

Mr. Brian Manning, MP

Mr. Ravi Ratiram, MP

Mr. Rushton Paray, MP

2) Resolved:

That the following six (6) Members be appointed to serve on the Joint Select Committee established to consider and report on the

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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

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

Thank you.

Respectfully,

Mr. Esmond Forde, MP

Deputy Speaker of the House”

CIVIL AVIATION (AMDT.) BILL, 2022

Bill to amend the Civil Aviation Act, Chap. 49:03 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Sen. The Hon. R. Armour SC*]

Question put and agreed to.

PAPERS LAID

1. Ministerial Response of the Ministry of Digital Transformation to the Third Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the impact of Work-from-Home and Alternative Work Arrangements, Policies and Initiatives on Public Sector Productivity and Service Delivery. [*The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus)*]

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2. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the Third Report of the Public Administration and Appropriations 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 Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]
3. Ministerial Response of the Ministry of Finance to the Third Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the impact of COVID-19 on the Micro and Small Enterprises Sector. [*The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne)*]
4. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended June 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]

**PUBLIC ADMINISTRATION AND APPROPRIATIONS COMMITTEE
REPORTS**

(Presentation)

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Madam President. I have the honour to present the following reports as listed on the Supplemental Order Paper in my name:

Public Health Institutions

Sixth Report of the Public Administration and Appropriations Committee on an examination into the internal controls, expenditure, and the accessibility and availability of diagnostic imaging services at Public Health Institutions

with specific reference to the Tobago Regional Health Authority.

Public Sector Investment Programme

Seventh Report of the Public Administration and Appropriations Committee on an examination into the implementation of the Public Sector Investment Programme (PSIP) for fiscal year 2021

Recurrent Expenditure and Development Programme Consolidated Fund and Infrastructure Development Fund

Eighth Report of the Public Administration and Appropriations Committee on an examination into the Statements of Expenditure for the First, Second and Third Quarters of the financial year 2022, with respect to Recurrent Expenditure and Development Programme - Consolidated Fund and Infrastructure Development Fund.

URGENT QUESTIONS

Madam President: Leader of Government Business.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Madam President, we have requested that the urgent questions be deferred to a later stage in the proceedings.

ORAL ANSWERS TO QUESTIONS

Madam President: Leader of Government Business.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Madam President, there are three questions for oral answer on the Order Paper and the Government is in a position to respond to all three of those questions. Thank you.

**Mr. Fyard Hosein
(Money paid by the State)**

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10. Sen. Wade Mark asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General state the total amount of money paid by the State to Attorney-at-law, Mr. Fyard Hosein, SC for the period June 19, 2021 to March 31, 2022?

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam President. Madam President, the response to Question No. 10 as filed by my colleague, Sen. Wade Mark, is as follows: the total amount fees paid to Mr. Fyard Hosein, Senior Counsel for the period June 19, 2021 to March 31, 2021, is \$4,306,500, VAT inclusive. Those payments were made in relation to 20 legal matters. These matters include legally and factually complex cases, landmark public law cases, immigration matters inclusive of habeas corpus and judicial review matters, as well as legal opinions on matters of law.

Madam President: Sen. Mark.

Sen. Mark: Yes, Madam President, through you, can I ask the Attorney General if he could outline the various legal opinions and the associated cost to those legal opinions as outlined by the hon. Attorney General?

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: The Attorney General talked about some 20 legal matters. Would the Attorney General be willing to provide us with a summary of those matters quickly?

Sen. The Hon. R. Armour SC: Madam President, thank you very much. Sen. Mark, I would wish to decline in providing the summary of those matters. Many of those matters are still currently engaging the attention of the courts and in almost all respects are still sub judice.

Sen. Mark: Through you, Madam President, would the Attorney General be

willing to provide us in writing just the bare outline of those cases without going into details, having regard to what he has said about the sub judice nature of some of these cases?

Madam President: Sen. Mark, I will not allow that question. You have one more question you can ask.

Sen. Mark: I will go on to question—[*Inaudible*]

Madam President: Sure.

Overseas Travel for the Attorney General (Details of)

11. Sen. Wade Mark asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General provide a detailed breakdown of the amount of money spent by the State on overseas travel for the Attorney General and any individuals accompanying him, inclusive of accommodation and living expenses, for the period May 01, 2019 to September 15, 2022

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam President. For the period May 01, 2019 to March 15, 2022, the former Attorney General, hon. Faris Al-Rawi, travelled overseas five times in respect of the purposes and with the officials as I set out below. Since assuming office as Attorney General on March 16, 2022 I travelled overseas on official business once in respect of the purpose as set out below.

With respect to the hon. Faris Al-Rawi, former Attorney General, travel dates, June 16, 2019 to June 21, 2019, Florida, United States of America. He was accompanied by the Deputy Director of Public Prosecutions, Mrs. Joan Honore-Paul; the Head of the Anti-Terrorism Unit and Deputy Chair of the National Anti-Money Laundering Committee of the Office of the Attorney General, Mrs. Vyana

Sharma. And the purpose of the trip was to attend Financial Action Task Force's, commonly known as FATF, plenary mandatory face-to-face meetings by which Trinidad and Tobago's delegation addressed the FATF Joint Groups' interrogation of Trinidad and Tobago's action plan to treat with the deficiencies identified in its Fourth Round Mutual Evaluation Report and follow-up reports. And the cost of that trip was TT \$117,051.19.

Secondly, on the 2nd of September, 2019 to the 4th of September, 2019, the hon. Al-Rawi travelled to Florida, United States of America. He was accompanied by Mrs. Joan Honore-Paul, Deputy Director of Public Prosecutions; Mrs. Ida Eversley, Deputy Chief Parliamentary Counsel; and the aforesaid, Mrs. Vyana Sharma in her aforesaid capacities. The purpose of the trip was to attend FATF's International Co-operation Review Joint Group of the Americas' mandatory face-to-face meetings by which Trinidad and Tobago's delegations addressed the FATF Joint Groups' interrogations of Trinidad and Tobago's action plan to treat with the deficiencies identified in its Fourth Round Mutual Evaluation Report and follow-up reports and in preparation for Trinidad and Tobago's Fifth Mutual Round Mutual Evaluation. The cost of that trip was \$78,509.38.

Thirdly, the hon. Al-Rawi, on the 13th of October, 2019 to the 22nd of October 2019, travelled to Paris, France, in the company of Mrs. Ida Eversley, Deputy Chief Parliamentary Counsel as aforesaid and Mrs. Vyana Sharma in her aforesaid capacities. The purpose of that trip was to attend FATF's plenary mandatory face-to-face meetings by which Trinidad and Tobago was required to subject itself to interrogation of the ICRG group and full FATF plenary with respect to the Joint Group's report which were above mentioned. The cost of that trip was TT \$265,723.14.

Fourthly, on the 16th of February, 2020 to the 21st of February, 2020, hon.

Al-Rawi travelled again to Paris, France, accompanied by Mrs. Joan Honore-Paul in her aforesaid capacity, Mrs. Vyana Sharma in her aforesaid capacity. The purpose of that trip was to attend FATF plenary mandatory face-to-face meetings by which Trinidad and Tobago was required to subject itself to interrogation of the ICRG and full FATF plenary. The Attorney General, Mr. Al-Rawi, delivered Trinidad and Tobago's position on systemic reform arising out of the Fifth Round Mutual Evaluation held in Trinidad and Tobago in January 2020. Trinidad and Tobago was consequently removed from the FATF grey list and therefore is no longer subject to active monitoring by FATF. The cost of that trip was \$214,926.20.

On the 13th of November, 2021 to the 25th of November, 2021, hon. Al-Rawi travelled to the Netherlands, Belgium—the United Kingdom of Belgium, and was there in his capacity as Attorney General to conduct—

Madam President: Attorney General, your time has expired.

Sen. The Hon. R. Armour SC: Thank you, Madam.

Madam President: Sen. Mark.

Sen. Mark: Madam President, through you, can I ask the Attorney General if he can circulate in writing the remaining parts, seeing that time would not have permitted him to complete his statement?

Sen. The Hon. R. Armour SC: I have no objection to doing that. There were just two items left, one for Mr. Al-Rawi and one for myself. I have no difficulty in doing that.

Vide end of sitting for written answer.

Sen. Mark: Madam President, may I ask the Attorney General whether it is the normal practice when we are going to FATF meetings to have the Deputy Director of Public Prosecutions accompany the Attorney General? Is that a normal practice

or was that extraordinary circumstances—

Madam President: Well, let us just leave it to the first part of the question.

Sen. Mark: Okay, thanks, Ma'am.

Madam President: Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Madam President. The attendance of the Deputy Director of Public Prosecutions or any other officer who travels with the Attorney General is determined by the necessity and circumstances of the consultation to be undertaken, so there is no invariable practice with respect to any one individual or office.

Sen. Mark: Is the Attorney General in a position to inform this honourable Senate what were the specific circumstances that would have warranted the intervention of the Director of Public Prosecutions on these trips?

Sen. The Hon. R. Armour SC: Thank you, Madam President. I did not say that any circumstance warranted an intervention by the Deputy Director of Public Prosecutions. I said that she accompanied the hon. Attorney General as the circumstances warranted, in the circumstances which I outlined.

Sen. Mark: Can the Attorney General—yes, Madam President, can the Attorney General indicate whether, during these meetings in Paris, the Attorney General took the opportunity to have meetings on the sidelines?

Sen. The Hon. R. Armour SC: Thank you very much, Madam President. On the question which was asked, Sen. Wade Mark, I was able to speak to the purpose of the meetings which occurred face to face. I am not aware of any sideline meetings that occurred.

Madam President: Next question, Sen. Mark.

**Attorneys-at-Law Representing the State
(Government's Policy on Travelling)**

12. Sen. Wade Mark asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General outline the Government's policy for Attorneys at Law representing the State and traveling to London to attend matters at the Privy Council as opposed to attending to those same matters via virtual hearings?

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam President. Madam President, the Government relies upon a number of factors in determining whether attorneys representing the State of Trinidad and Tobago, a sovereign Republic, should attend court matters at the Privy Council in person as opposed to attending to those matters virtually. These factors include the complexity and novelty of matters before the Judicial Committee of the Privy Council, the urgency of the matters, the implications that the matter/matters will have on the public interest, whether a full or extended panel of the Judicial Committee scheduled to hear the matter/matters, whether local Trinidad and Tobago counsels are involved and/or required pretrial and trial arrangements involved, and the advice of Trinidad and Tobago's United Kingdom solicitors in all of the circumstances.

Every matter is approached on a case-by-case basis and their arguments for and against virtual appeals. There is no doubt that a major benefit of virtual hearings is the time and money saved. Virtual trials can be conducted anywhere in the world as long as there is good Internet access. The human element associated with an in-person hearing should not however be discounted, including the ability of attorneys easily to consult with each other and their clients during the hearings on points raised during the hearings, and to easily have access to files, authorities and documents. Unreliable technology is also a factor that must be considered.

Virtual hearings can sometimes be adversely affected by unstable access to Wi-Fi and less than acceptable quality of the Internet connection, audio and video.

Sen. Mark: Can I ask the Attorney General, through you, whether he can provide us, from his own knowledge, as to the number of possible virtual meetings that might have been attended by attorneys representing the State virtually?

Madam President: Sen. Mark, I will not allow that question based on the question that was posed and the answer that was given.

Sen. Mark: Thank you very much, Madam President.

Madam President: That is it? Okay.

CIVIL AVIATION (AMDT.) BILL, 2022

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam President. Madam President, I have the honour to lay on the table the following paper as listed—I beg your pardon. Madam President, thank you. I beg to move:

That a Bill to amend the Civil Aviation Act, Chap. 49:03 be now read a second time.

Madam President, as I said in the other place, the privilege falls to me, for which I am grateful, to pilot this Bill having been asked by my colleague, the Minister of Works and Transport, to pilot the Bill in the other House as he was attending to urgent business of the State. I am privileged today to stand in his stead to pilot—to continue to pilot this Bill. The Bill, Madam President, provides for an amendment to the Civil Aviation Act, Chap. 49:03. By clause 3 of that Bill, it seeks to delete subclause (2) of clause 2 of the First Schedule, thereby removing the limit of two consecutive terms for members of the board of that authority. Clause 2 subclause (2) of the First Schedule states:

“No member of the Board, other than the Director-General, shall hold office

for more than two consecutive terms.”

The aim of clause 3 of the Bill, Madam President, is to amend clause 2 of the First Schedule by deleting subclause (2). The aim of that deletion is to ensure in the board of the authority the continued availability to this country, and the aviation regulatory industry, of suitably qualified, experienced and competent persons. Very importantly, Madam President, the need for this amendment is to be considered in the context of section 14A of the Act, and I take the trouble, with your leave, to read that section as it presently obtains as part of the law of the Civil Aviation Act. Quote:

“No member or former member, shall accept employment or enter into a contract of service with an entity regulated by the Authority, until the expiry of two years from the termination of his appointment whether by signature, revocation, effluxion of time or otherwise.”

The significance of that section therefore being that at the end of the two consecutive terms of office of the board, that is to say by effluxion of time, the country is not able to have the benefit, and indeed the members of the board are not able to benefit from continued employment in the country as members of a highly specialized industry. They are actually debarred from being employed after their term has expired by effluxion of time.

What that has meant, Madam President, is that in particular, having regard to the small society that we have the privilege to be part of, Trinidad and Tobago, with its limited population, and the highly specialized nature of the particular skill that comes to the board, the skill of avionics, avionic risk management and others, it means that persons are loathe to take up employment as members of a board which will result in them not being able to return into the public and to continue to be employed for a period of as long as two years given that they have already

served two years on the board of the Civil Aviation Authority. So that that is a significant consideration that has to be taken into account as we look at the need for the amendment, which I move today for this honourable House.

And may I say, Madam President, to address a concern that was uttered in the other place, there has been no dereliction of duty on the part of this Government to be bringing this Bill before this House at the stage. The point there being, that the term of office of the members of the board expired in September of this year. We are in November. But the attention of the Government has been engaged since January of this year in attempting to find and place in office members of a board to replace those members whose term expired in September 2022.

In point of fact, there has been an attempt by the Government to seek for further amendments, more holistic amendments of the Act. And the issue that is before us today, that is to say, deleting clause 2 of the First Schedule is one of a number of issues that actually was referred by the Government through the Office of the Attorney General and Ministry of Legal Affairs to the Law Reform Commission, and that Law Reform Commission has produced a policy document which is going to inform subsequent approaches to this House, once approved by Cabinet, for more holistic amendments to the Civil Aviation Act, which I dare say, in due course, will be asking this court to address section 14A.

Madam President, the Civil Aviation Authority is a body that is incorporated by statute, it is established under the Civil Aviation Act and it is charged with responsibility for regulating all civil aviation activities within Trinidad and Tobago. The authority acts as the main liaison between Trinidad and Tobago, the International Civil Aviation Authority Organization, and national civil aviation authorities of other countries.

Pursuant to section 11(1) of the Act, the business of the authority is managed by a board of directors:

“...comprising eight persons appointed by the President in accordance with the provisions of the First Schedule and the Director-General, appointed in accordance with section 13, who shall be an ex-officio member.”

It is important to appreciate, Madam President, that of the eight members of the board, two are mandatory. One is to be nominated from the Tobago House of Assembly, the other is to be nominated from the Environmental Management Authority. Significantly of the remaining six, the section of the schedule prescribes that the President is required to appoint, and I quote here:

“...six suitably qualified persons with proven experience in the fields of civil aviation, law, financial management, economics or human resource management.”

I emphasize by repetition:

“...suitably qualified persons with proven experience in the field of civil aviation...”

Madam President, the reality is that the board of the Civil Aviation Authority would be significantly handicapped to the point of being non-functional if that board was not able to recruit to its resources the skills and proven competence and experience of persons who are qualified in and have had experience in the field of civil aviation.

That informs the rationale, Madam President, for the amendment which we seek of this House today. The civil aviation industry is a highly technical and specialized field. The board is charged with responsibility, critical responsibilities, for regulatory and air navigation services in its management of the authority. Among the responsibilities with which the board is charged is the preparation of a

corporate plan with respect to corporate management programmes and goals of authority to include, among other things, the analysis of risk factors likely to affect aviation safety in the aviation industry.

Not only over the skies of Trinidad and Tobago, but in the skies through which the planes which depart and return to Trinidad and Tobago are to be regulated.

2.00 p.m.

And that board is to keep the Minister apprised throughout the term of the board with respect to the realization of its corporate plan. So that, one has to have an ongoing attention and detail to the specialized skill of civil aviation in the composition and capacity of the board, properly to serve its statutory mandate.

The Authority, Madam President, is responsible as a national entity for a number of critical matters. When one looks at section 5 of the Act one sees that it is charged with the responsibility to maintain a standard of safety and efficiency in the civil aviation system. That is, at least equal to the standard of safety prescribed by the international convention on civil aviation, the Chicago convention with 193 state parties which includes all member states of the United Nations. The board has an onerous and grave responsibility.

The Chicago Convention defines the minimum accepted prescribed standards and recommended practices that a large section of the international community has acceded to. The Authority is also required to keep in sight all other aviation conventions, international agreements or understandings to which the Republic of Trinidad and Tobago is a party in order to ensure this country's continued compliance with such agreements and to review these treaties in agreements to which the State has yet to accede and to recommend which ones should be ratified.

Indeed, Madam President, pursuant to section 8(2) of the Act the authorities

is to provide advice and to develop sustainable aviation practices for the national sector:

“...in a manner that ensures, as far as is practicable, that the environment is protected from...detrimental effects associated with the operation and use of aerodrome and aircraft...”

Among the items which the board is charged to pay particular attention to, Madam President, are the licensing inspection and regulation of navigation, aerodromes, the issuing of certificates of airworthiness, the certification of air operators, the certification of airmen. One only has to reflect within the last couple years to some of those most tragic circumstances of airworthiness or lack thereof which—

Sen. Richards: AG if I could—

Sen. The Hon. R. Armour SC: Yes.

Sen. Richards: Thank you, thank you AG, through you, Madam President, just three quick questions for clarity. Is it that the rationale for these amendments are prompted by a lack of options to sit on the board moving forward given that we would have known the terms of the present members of the board were coming up under the regime of this present Act of two years? And if that is so, what is the main reason? Is the reason that the prohibition of the two-year term that a sitting member cannot work in the industry or sector related to the industry? And also, finally, what are the implications for that in the context of the removal of this? Does it mean that the members can sit indefinitely if we remove this and what are the transparency and accountability mechanisms or related issues where that is concerned?

Sen. The Hon. R. Armour SC: Thank you Sen. Richards. I will try to address the questions as I attempted to take a note of them. In terms of—if I may deal with the last first in terms of transparency related to indefinite terms. I do not think that

the amendment, should we vote for it today and affirm it into law, is going to mean that the members of the board will sit until they expire.

Sen. Richards: AG sorry, thank you, Madam President. Just one interjection. I meant that at some point the board will need new people, people pass on, people resigned, so if we cannot get new people now, apparently, what is going to fix that in the long term? This measure seems a short-term measure.

Sen. The Hon. R. Armour SC: Well, not necessarily Sen. Richards, because one of the things that I was going to come to and I will come to it immediately is that the mandatory qualifications and proven experience component that is required by the legislation will allow a board that is extended beyond its two terms consisting of persons who are already proven experienced to mentor a younger person who may have come onto the board, because it is not as if all the members of the board are automatically replaced. So that one can bring younger persons who are in the civil aviation industry and get the mentoring on board from those who are already part of the civil aviation industry so that in due course the younger persons can remain and the older ones can move on. So I do not know if that addresses your question.

But going back to the very first question, that is to say the lack of options, it is not that there was a lack of options in the years that the Government appreciated that the board needed to be replaced. Attempts were made to find persons and I know that the Minister of Works and Transport will speak to that and the bottom line is that the cadre was so small and remains so small that it was not possible at this point to be able to have a board of suitably proven persons of experience and competence to continue beyond the September deadline. Thank you. If I may continue, Madam President.

So as I was saying, Madam President, the board must continuously be

competent in areas that touch and concern aviation including aviation risk management in order to effectively discharge its governance options. In a population as small as Trinidad and Tobago, this means that the cadre of qualified persons, appropriately qualified and competent, ready and available to serve on the board can be challenging and that is the experience that the Government has had. That cadre is made even smaller from the highly specialized aviation field by the limitation imposed by section 14(a), not allowing persons to return to employment in their specialized area of expertise after their term on the board has expired.

So that persons are reluctant to step forward to offer themselves given the guillotine effect of their term of office having expired and not being able to return to their highly experienced area chosen as their profession. It is in this context therefore that it is recommended that the limit of the two terms be deleted to allow the board to continue to draw on and to benefit from the experience and competence of serving members specialized and experienced in the field of civil aviation in particular.

The suggested amended, Madam President, allows the board to operate with the required expertise while paving the way, and this is what I just addressed in my answer to Sen. Richards, while paving the way for new talent to be sourced through a mixture of both old and newer members, allowing the transfer of knowledge on the board in its evolving competence without limiting the board unduly. The amendment of the term of office to delete the two terms therefore allows the business of the board to continue while new members can continue to be sourced and mentored during the currency of the board as it evolves.

Urgency, Madam President, is therefore a watch word that I urge on my colleagues in this Chamber today, given the fact that the term of office of the last board expired in September of this year that cannot be understated having regard to

the responsibilities that the board is statutorily charged with to maintain risk avoidance in its discharge of its civil aviation responsibilities. It is of the utmost importance that the board comprises suitably qualified experienced and competent persons. It is therefore evident in my respectful submission, Madam President, that the proposed amendment is necessary to ensure the continued safe operations and I stress the word, “safe operations” of the Authority over the airspace of this Republic consistent with its statutory mandate and in the public interest, and I beg to move.

Question proposed.

Sen. Jearlean John: Madam President, I thank you for the opportunity to contribute, as the proposer said, the Bill has three clauses with the substantive one being the clause—the First Schedule, the appointment of the board and what is being suggested there. Madam President, for the purpose of this debate the parent Civil Aviation Act, Chap: 49:03 Act 11 of 2001, in its preamble stated that it is:

“...Act to make provision for the establishment of the Trinidad and Tobago Civil Aviation Authority, for the regulation of all civil aviation activities, for the implementation of certain international conventions and for the institution of safety requirements.”

And basically that is the mandate of the Trinidad and Tobago Civil Aviation Authority board.

Madam President, I am happy to hear the hon. Attorney General has indicated the Minister who has the Civil Aviation Authority on his schedule will address this Senate because I think it is important that we understand what is so special about the recently passed board. Because less he forgets in the Part II of the Act, the administration, the functions of the Minister:

“(1) The Minister shall be responsible for the general administration of this

Act, and for the development of policy on air navigation for Trinidad and Tobago.

- (2) In furtherance of subsection (1), the Minister may give to the Board any general or special policy directions in relation to this Act, with which the Board shall comply.”

It means therefore that I think the Minister would have been, will be, of great assistance to this Senate in helping us to understand why this board, because the Civil Aviation Act was proclaimed in 2001. It means that there has been three administrations before this one who would have safely, who would have had boards according to this Act and they would have safely administered the 750,000 square miles of airspace above our heads and thereafter. So this is nothing new, when they came, this existing Government came in up to 2016, there would have been several administrations with boards that had to perform the same function.

So, Madam President, the Schedule says, well of course, there must be six suitable qualified persons in the field of civil aviation, law, financial management, et cetera. And the tenure of the board shall not exceed, well three years, and of course they can be reappointed. So it means, Madam President, that since this board, the board had been appointed in 2016 or thereabout, the Government had six years to think about where they have reached today that there is no board really overseeing the business of the Civil Aviation Authority, yes, they tell us it is, you know, about safety and so on, that is true, that is true, but they had six years to think about that and yet they did nothing. So much so that the term of the board expired in September. So, Madam, that is the process based on the law which is currently in effect and that of course which had been followed prior to as the rule of law which we understand in this system.

Madam President, the proposal of the Bill and in the Explanatory Notes it

claimed that the reason for bringing this amendment is that they can find no one in the field of civil aviation, in the field of law, in the field of financial management, in the field of economics, human resource management, not persons from Tobago, et cetera. The former board had said before, they had more than enough time to treat with this issue and really I want the honourable Minister in his winding up to indicate where did he look in Trinidad and Tobago. I mean, maybe this debate should serve as an advertisement. Because I think it is a great disservice to the many career professionals in this country waiting in the wings to serve their country. This is a country that is known to box above its weight, and not only that we have exceptional, exceptional professionals in this aviation industry—

Hon. Senators: [*Desk thumping*]

Sen. J. John:—exceptional, way above ground in this profession. So much so that you can find a captain, on Qantas, on Emirates. Singapore has the best airlines in the world; you will find our people there. So I think it is a great disservice that maybe some partner that they want to put in and basically they are just disparaging everybody else.

Madam President, I believe we probably have more accountants and professionals in finance per capita than any other country in the world and when the hon. Attorney General then will say, he said people with experience in civil aviation, that is not so for the accountant. The accountant is not there to look after civil aviation, there is a director general and within the structures of the organization you will have the specific professionals to treat with the civil aviation matters, lawyers. I mean, why is the Government looking for lawyers, good lawyers? I mean, I recommend if they want good lawyers they could always go south of the Caroni as they say, of course.

Hon. Senators: [*Desk thumping*]

Sen. J. John: There are quite a few good men and women south of the Caroni, right, and if you cannot find HR professional go to HRMATT and ask. There is nothing special about that. We have a lot of good professionals waiting to serve and in the field of aviation as I said before we have been in this business, we have had BWIA, “BeeWee” as we used to call it.

As a matter of fact there was a time when BWIA was “But Will It Arrive” as a joke, was an inside joke for Trinidadians and Tobagonians because somehow they say you bound to wait at the airport. But we waited patriotically for our beautiful airline to come in or to leave. So that is since 1940, decades of experience. Ask that on planes, Madam President, and you would hear pilots coming in where at that time we had before the PNM Government sold out our slot in London, when pilot coming in and say I have been—this is my 30th year I have been flying. Sometimes they are coming in for Carnival and 30 minutes outside they will start singing Calypso, singing Lord Nelson, singing Sparrow. That is the nature, we are different, we are diverse, we are beautiful and we have so many very good people and that is why we always brag that BWIA, and now CAL, is the safest airline in the world.

Hon. Senators: [*Desk thumping*]

Sen. J. John: We always bragged about that. So we have no—Minister of—we have no shortage of civil aviation practitioners, no shortage of that. As a matter of fact I think in 2021 you all were sending home 115 pilots, sending them home. That is to tell you how many pilots we had there and that had nothing to do with the Retired Pilots Association. We have so many excellent, they are not just good, excellent pilots who can sit on this board and they are waiting to be called. So, I do not think I have to give the Minister a history in our aviation, in that kind of career span or experience. Because I am hoping as the Minister of Works and

Transport for the last seven years he would have taken the time to do some reading or just associate himself with what we have been doing and to understand what we have done as Trinidad and Tobago in developing this cadre of professionals of whom we must be very, very proud. And they have also kept us safe.

So, Madam President, in the Cayman Island, because what is being said is that we are so small so we have no body, they wringing our hands, we have nobody. The Cayman Islands, they are have a population of about 67,000 people, so they are about, we are about 1,500 per cent times bigger than they are, and the Office of the Attorney General of the Cayman Islands did an audit on the governance in aviation bodies in 2017. So it is not so long, it was during the period of, the board who just left, the period of their tenure. And just briefly, Madam President, a summary of key findings it was two authority so they had three of them, sorry, in civil aviation. Civil Aviation Authority of the Cayman Islands, Cayman Islands Airport Authority and Cayman Islands Airways Limited. And what they said here, well of course they acknowledge everybody was different and basically—so the audit covered different periods and they went to on to say in the key findings, in this population of 67,543 citizens, we are about 1.3 million or thereabout with a deep history of aviation. The key findings:

“Cabinet needs to ensure proper rotation of board members—Each body is governed by separate legislation that sets out the requirement for boards of directors, how they should be appointed and governance arrangements that should be in place. None of the legislation makes specific reference to the need for rotation of board members. Proper and planned rotation of board members is important as it allows for fresh perspective and challenge. It needs to be planned well as changing too many members at the same time could result in a significant loss of expertise...”

So they have said basically some of the same things. But you are planning, we did not just now come into this. The Government knew in 2016 that they were going to have a problem in 2022 but they did nothing about it because they had a plan, they did not have to plan because they had a plan to bring back this same board that had sat there for the last six years and now want to tell us that they are so special that this Senate needs to approve them to stay there until the 12th of never.

Madam President, the principal function of the Trinidad and Tobago Civil Aviation Authority is to regulate and administer safe civil system to ensure that Trinidad and Tobago properly discharges its obligations under the international civil aviation agreement and treaty, in particular the Chicago Convention, and the Attorney General did make reference to that because that is very important. Because we are not only bounded by this piece of legislation but also by these treaties, et cetera. So therefore the mid-air collision on October 9th, it is not only a matter for the Civil Aviation Authority of Trinidad and Tobago, but some of these treaties would have meant that other bodies, international bodies would have come into play, such as, in this same the Chicago Convention of 1994 they established a body called the National Civil Aviation Organization and that is meant to oversee and to harmonize the civil aviation regulations all over the world.

So when you have this near miss it is not only a matter of Civil Aviation Authority of Trinidad and Tobago, the Federal, the FAA of America, Federal Aviation Administration they come into play. Because, Madam President, in 2001 Trinidad and Tobago lost its category one status and in losing that it was not a matter of the airport it is about the system, the civil aviation system had to do with the regulations, the regulations were not in place. So we lost it, because there are eight critical elements that primarily, whether it is the ICAO, the International

Civil Aviation Organization; the Trinidad and Tobago Civil Aviation Authority or FAA, the Federal Aviation Administration, there are eight critical elements. The primary aviation legislation which is what we have before us, the Civil Aviation Authority legislation, the specific operating regulation, state civil aviation system and safety oversight functions, technical personnel qualification and training, technical guidance tools and the provision of safety critical information, licensing, certification, authorization approval obligations, surveillance obligations, resolution of safety. So this is not about Trinidad and Tobago only, this is also about the international obligations. So, yes, there is safety and there is a heavy weight on the board, notwithstanding that, it is all guided by the international organizations.

So, Madam President, in 2016 when the board showed up Trinidad and Tobago Civil Aviation system was a category one and to their credit we are still at a category one. So I do not know—we are not 1A plus, 1A plus, plus, they are not involved with Elon Musk who wants to go on Mars or Bezos who want to make a road to space. What are they doing that is so special that we need this particular six to remain fixed in place? I did not hear that explanation from the hon. Attorney General and I think that it is important, particularly in light of this near mid-air collision that we had because it cannot only be the TTCAA who is investigating, most likely the FAA is also involved because when you have these kinds of issues they immediately become involved because they have to come and audit your civil aviation system. So one would have referred to have heard something about that, Madam President.

So when the status we have was hard won and not the work of this board or the succeeding board, it is the work of all the boards that had come before them, they stood on the shoulders of those boards from 2001 going forward. Because,

Madam President, any incident which impacts on air safety is not a matter only for, as I said, our jurisdiction, and therefore those who are entrusted with the oversight of the civil aviation system must be able to stand the highest scrutiny and cannot shelter in place because they are favoured by the Government. The Government has a duty to ensure our civil aviation system and by extension the lives of citizens and visitors whose safety is entrusted in the hands of the TTCAA is not in any way compromised.

The Opposition agrees with the former chairman's message because I looked at their annual report and the annual report they have 2016, 2017, 2017/2018, 2018/2019, maybe up to 2019, but there are three missing. So one could not even have looked at those annual reports 2019 to 2020, 2020 to 2021, 2021 to 2022, one could not even have looked, maybe I missed it, but I did look for it because I saw it with the little Cayman, the ones with the 67,000 citizens they were up-to-date. I did not see it on the website of the local TTCAA. So one could not have make an assessment as to what they were doing that was of paramount importance, that was so beautiful, that was really so specific and special and specialized that they needed to be there.

So, Madam President, it is untenable to have a board in a Statutory Authority that will go on into perpetuity. This really is untenable and the Opposition recommends that a new board comprising a fresh pair of hands be entrusted with this particular mission which is the safety—

Hon. Senators: [*Desk thumping*]

Sen. J. John:—of our citizens and safety of visitors. Madam President, I thank you.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira: Thank you, Madam President. As Chairman of the

Standing Negotiating Committee on Air Service Agreements since 2018, I have had occasion to work very closely with the Civil Aviation Authority and I have visited their headquarters in Piarco on a number of occasions, and I must say it is a beautiful building, very well appointed.

The Civil Aviation Authority is the regulator with oversight of all Civil Aviation, commercial air operations, locally registered aircraft, airmen, aerodromes, airstrips and airspaces, in and under the jurisdiction of Trinidad and Tobago. Aviation is widely considered to be the most regulated industry in the world. And it is easy to take for granted when you go on a flight to go to the States or England, so much so that you could hardly imagine a world today without the aviation sector, without planes taking passengers and cargo abroad. But that is only possible because of the law that regulates the aviation industry. And for that law to operate, whether it is locally or internationally three elements are critical.

First, the regulatory framework and supporting legislation must be up-to-date and effective. Secondly, all operators within the aviation sector must be complicit. And thirdly, there must be a competent and effective regulatory authority staffed by properly trained, resourced and committed professionals who are given the administrative tools by which they can affect the statutory objectives within which they have been entrusted.

Now, those are not my words. I am paraphrasing the paragraph on the fundamentals of regulation at page 52 of the text *International Aviation Law: A Practical Guide*.

2.30 p.m.

Now, the record will show that Trinidad and Tobago is blessed with a very efficient, highly respected, even admired Civil Aviation Authority, not just regionally but globally. Indeed, in 2019 the International Civil Aviation

Organization, ICAO, at a special ceremony of the 40th Session of the Assembly awarded Trinidad and Tobago with a Council President's Certificate in aviation security. We have had world-class recognition. And in June this year, our Director General of Civil Aviation, Mr. Francis Regis, he was recognized by that august body for his continuing leadership efforts and support for aviation in this region.

Now, I have been at ICOA and other international aviation meetings and I have seen first-hand the deference shown by other civil aviation authorities, airlines, and government officials abroad for our Civil Aviation Authority, its Director General, its staff, for their leadership and support for air navigation and other services throughout this region, and in particular the Eastern Caribbean states. Our Civil Aviation Authority has been training members and personnel of airports and other aviation authorities throughout this region very quietly and very well for years without any praise or making much ado about it. For years our Civil Aviation Authority has been providing seamless services to our aviation publics doing what is necessary to meet stringent international requirements. So that is the background and that is why it is important to have a board that can meet the challenges and demands posed by international aviation as it applies to commercial and recreational aviation, and the broader aviation environment.

Members of the Civil Aviation Authority board are called upon to consider pressing and often very complex issues ranging from air traffic control, airline personnel, aircraft engineering, and even matters of national security. Board members, therefore, need to understand the jargon of international aviation law and the underlying purpose of aviation regulation. They need to be proficient in a very specialized industry. Now, I know we do not use props, but I am just going to look at the laws. In this red book— [*Senator displays book*] —apart from the Airports

Authority Act, the entire book is taken up by the Civil Aviation Act and its regulations—the entire book. I do not think you could find a single other law in Trinidad and Tobago that carries that amount of weight.

Unfortunately, the law as it stands requires members to demit office just at the time when they are starting to really get proficient and a good grasp and understanding of the application, and the influence of the international aviation legal framework and the underlying purpose for particular rules and regulations. Section 2(2) of the First Schedule, as we have heard, prohibits them for serving for more than two consecutive terms just when they are getting familiar with the applicable treaties and conventions, laws and regulations. So that cannot be good for the Civil Aviation Authority, and if it is not good for our Civil Aviation Authority, it is not Trinidad and Tobago.

This amendment removes the ban on further service should a member be willing to stay on. So the real question is whether the proposed amendment will improve or impair the situation. Now, when I first looked at the proposed amendment I wondered whether it might not have been better to modify the onerous restricted covenant at section 14A that the hon. Attorney General spoke about, for example to allow for the board members or ex-board members to work after consideration perhaps of an appropriate application, or to set out appropriate criteria that could modify or soften that very absolute restriction.

My cynical side also wondered whether this might have been an attempt to embed board members so that if there were to be a change in government they could not be removed. But when one considers the effect of the proposed amendment rationally, calmly and objectively, one realizes that if the amendment passes there will be two possibilities after a board member's term has expired. The appointment can be renewed or the appointment is not renewed. A member can

also resign at any time, and should a member run afoul of any of the provisions at section 2(8), his or her appointment can be terminated by the President. So the bottom line here for me is that there is a difference between eligible and bound. If this law passes after a member's term of office has expired, he or she is eligible to serve for another term, but that is not a right, it is not an entitlement. The member is not bound to be reappointed. All this amendment does is to allow for options. So in answer to my—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: So in answer to my earlier question, the amendment will improve, not impair the situation.

Now, having said that, I would like to take this opportunity to plug for further amendments to the Civil Aviation Act and the Regulations which are urgently in need of addressing. There are a number of conventions and protocols in need of ratification. I am not going to give you the whole litany, but some of the ones that leap out: the amendments to the Chicago Convention; the Convention on the International Recognition of Rights in Aircraft; the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft; the Convention for the Suppression of Unlawful Seizure of Aircraft; the Convention on Compensation for Damage to Third Parties. There is a list. We need to bring ourselves up to speed with these international laws, and protocols, and conventions.

Last but not least, notwithstanding all the important, all the good work being done by the Civil Aviation Authority, it pains me to report that staff morale at the authority is very, very low at this point. In fact, my understanding is that several employees are thinking of leaving, not because they do not like their jobs; they do. But because their last salary increases were in 2010. Even though these workers

have built a globally recognized and admired institution, even though the board has written to the powers that be, asking for salaries to be increased, even though funding is available for those salary increases, hapless employees have been waiting in vain for over a decade for their well-deserved proportionate and justifiable increases. Now, this is shameful and must be addressed. Other than that, I thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Madam President: Minister in the Ministry of Agriculture, Land and Fisheries.

The Minister in the Ministry of Agriculture, Land and Fisheries (Sen. The Hon. Nigel de Freitas): Thank you, Madam President, for the opportunity to join this debate on the Bill that is currently engaging the attention of Senators in this Chamber, that is the Civil Aviation (Amdt.) Bill, 2022. As most of my colleagues that have gone before me have stated, it is only three clauses in the Bill, but so far there has been quite a bit of conversation around those three clauses which ideally, the clause that brings effect to what we are talking about is the one that deletes a particular line in the Act that allows for board members to continue onwards, and the Attorney General has spoken to in great detail and giving justifications for exactly why that is needed at this time.

But, Madam President, as I usually do, I think it is best for me to summarize some of the arguments on both sides that have gone thus far, and the major arguments against coming from Opposition Members have been—particularly Sen. John—centred around two main points. One, is that the specializations required, and as espoused by the Attorney General, are not prohibitive enough that we cannot find people to replace the board, and I think it is along those lines and that type of argument that she was putting forward. And even though slightly contradictory, the second argument that she put forward was simply to say that

even if it is not prohibitive enough, that the Government should have been able to find people within the six-year period that this current board has been in place, and I think it is those two major points that she was making. On the Government side, as put forward by the Attorney General, the arguments, and as supported by, I think Sen. Vieira in his argument that he has put forward, is that everybody understands that this particular industry is highly, highly, highly regulated and for good reason.

The major reason for that level of regulation is due to the fact that the slightest error has dire consequences, and for anybody who does not understand that, throw your mind back to, I think it was just before COVID—so this would have been either 2018 or 2019—where in the civil aviation industry globally, there was an issue that arose that had even the strongest flyer just a tad bit scared. And, of course, it went on to understand that certain players in the industry, by certain companies that had a very good track record, there was a minor error, be it communication-wise, that led to certain consequences which I do not want to repeat right now, but that put the civil aviation industry, the entire industry globally, in question. Shut down the purchase of new planes coming from that supplier where people had to relook at their contracts, just because of what would be deemed at the point in time a minor error, decisions taken by leaders in the industry that led to those dire consequences. And I understood for the first time exactly why that industry is regulated to such a high degree, and why you must meet the highest of standards if you are to operate in that industry.

Madam President, the Attorney General has made it absolutely clear that there is a stipulation in the current Act which I think he was trying to explain that has led to the problem that we are facing now. It is not a problem that would have started yesterday and manifested itself tomorrow. It is something that I am going

to assume most governments may have ran into but were able to solve the problem because they were able to find people, but the thing is, is that particular stricture as placed in the Act would have continued and gotten us to the point at some point in time for as long as there is a civil aviation board that needed to operate. What am I talking about? I am talking about that line that states that as long as you are a member of the board or a former member, that you are not allowed to work in the civil aviation industry for anyone that is regulated by the civil authority.

So let me go a little deeper to explain how that could affect the ability to get people on the board. It immediately brings into question, age. The civil aviation industry, similar to the medical industry or medical practice, is one that you do not just go to school and then enter in the industry. It requires that you have a certain level of experience, which is why in the parent Act is literally states that you need to have experience in order to be a member of this board. That also means that after you have put in the time—let us say that you are in mid-career and I am not going to call an age, you could take that to mean whatever you mean by way of age but you are in mid-career. Do you think that you are then going to take up an appointment on the civil aviation board knowing fully well that whether by your own signature, whether by revocation or whether by effluxion, if it is you come off the board and you do not make the full three years, that you cannot even work in the very industry which you have studied so hard, which you have paid so much money for to enter for two years, what do you think that means to that individual to be out of that industry for two years?

So right off the bat it tells me that what the Attorney General is saying is absolutely correct. The pool of experience that you need to pull from to serve on the board is going to be small. It means that what you have is most likely individuals who would be near retirement or already retired because it is the only

way you are going to get the experience. And given the highly specialized nature of the industry, it is not to say that you can walk outside, pick somebody from the street and say, "Come and serve on this board". Sen. John spoke to some of the job titles that are required as laid out in the parent Act that are needed on the board, lawyers, financial managers, et cetera. And I get where she was trying to go, but I do not think you hit the nail on the head. Let me explain why. Yes, you have lawyers. You have lawyers that are corporate in nature, you have lawyers that are criminal. Let us look at the corporate lawyers.

When you are talking about corporate lawyers who treat with business, there are corporate lawyers who would end up in a very specialized field. Think of lawyers that work in oil companies. When you deal with those types of lawyers you know fully well that they are dealing with the kinds of transactions that require a certain level of experience and knowledge as it relates to treating with oil companies. And so when I saw the requirement in this Act for lawyers, to me it meant that you need the kind of lawyer that is experienced enough in the highly specialized area of civil aviation. So it does not mean Sen. John, that you can just go out there and pick a lawyer off the street and slip them in. And even if that is what you end up doing, the Attorney General is absolutely right when he says that it is a steep learning curve for that said that lawyer to understand the machinations that would be occurring in that highly specialized industry.

And if it is that you have this stricture within the parent Act, meaning that after you have served for a certain stipulated amount of time, you cannot go back, then what you are doing is limiting yourself. Because to get that experience is not something that you can just find. That is why he has stated over and over again that what is being proposed in terms of removing that stricture to allow individuals to remain on the board and pass off that institutional knowledge, and that

experience to younger ones that may be coming in, so that you get the longevity that you require to ensure that you maintain the highest standards that are required for this industry. That is all we are doing. This is the Civil Aviation Authority that we are talking about. This is not political.

Yes, Sen. John, yes there may have been other governments that may have been able to find people. It does not mean that it was easy to do so. And as you had that particular stricture stopping anybody who comes off that board from working for two years, it means that that would have kept shrinking the pool over, and over, and over again. So I believe the Attorney General when he says it is not easy. I believe him when he says that this measure will allow us to train individuals within the system, allowing the board to have a certain level of longevity as you move forward. It means that when the older heads on the board come off and they cannot work in the industry and they may not want to because they have already retired or they have already passed retirement age, it means that the younger ones on there would have gotten the experience from them, the knowledge from them to be able to continue onwards. That was the whole sentiment of what we are talking about here today. Nothing untoward, nothing political.

And this idea, Sen. John, because I do not know any institution that does this, and if that is the case then we could apply this to the entire public service, but I do not know any entity as soon as somebody comes on board you immediately start looking for the next person. So I really do not understand the statement that in 2016 the board is appointed and you had six years to find somebody else. I do not know it to work like that. I really do not know it to work like that. The way I know it to work is that as the time approaches, you begin your search, but as the Attorney General indicated, if it is difficult to find people to come on to the board,

then you are going to end up in the situation that we are in.

And therefore, Madam President, I support the amendment put forward by the Attorney General, Minister of Works and Transport and the Government, in relation to ensuring that this particular entity continues to maintain its highest standards as it relates to what is required from a regulatory standpoint internationally and here locally, and I think that once this is done it can probably solve a longstanding issue to the betterment of all that utilize the service. Madam President, with those few words I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Wade Mark: Thank you, Madam President. Madam President, the Bill before us seeks to amend the Civil Aviation Act of 2001, and, of course, the main objective, the main goal, the main aim, is to extend almost on a permanent basis, not even a sunset clause, but on a permanent basis the life of the current board so that they can be there along with other boards that may be appointed in the future without any term limitation.

I find the speakers thus far from the Government Bench have been pathetic. Madam President, no one should take lawmakers for granted, and the Government has brought legislation to this Parliament to achieve certain political ends, Sen. Nigel de Freitas, to achieve certain political ends.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So I do not know who Sen. Nigel—my good friend—de Freitas—Minister de Freitas, my good friend, I miss you as Vice-President. Come back. I do not know who the Minister is attempting to mamaguy. Not to talk about the Attorney General, he struggled, he struggled.

Madam President, we know from the legislation that is before us that you

have six individuals who are appointed by the Cabinet. Let us be frank, it is the President, who is a Cabinet, appointing six members, and then the THA appoints one, and the EMA the other. So in all you have eight persons. But I heard my good friend, Minister Nigel de Freitas, Sen. The Hon. Nigel de Freitas, talking about the lawyers and expertise. I do not know—the lawyer that they have on the board right now, what expertise does he have? Is he a WASA expert?

Madam President: Sen. Mark—Sen. Lutchmedial, I am hearing you, please. Sen. Mark, I will not allow the debate to go down a certain path. So far, Members have made their contributions, and I will ask you to also confine yourself to the Bill itself—okay?—and not personalize—

Sen. W. Mark: I am not personalizing anything.

Madam President:—anything. Okay.

Sen. W. Mark: I am not personalizing anything.

Madam President: You were about to and I will ask you—

Sen. W. Mark: You—Madam—

Madam President: Sen. Mark, Sen. Mark, you started on that path and I am actually cautioning you now to not go down the path. Okay?

Sen. W. Mark: Madam President, I understand your situation and I understand your guidance. Madam President, what are we dealing with here? We are seeking to extend—we are seeking to amend the Civil Aviation Authority legislation in an effort to ensure that there is no term limit, and we are being told that the reason for that is because of a limitation in the availability of expertise to sit on this board because of its technical, critical areas of importance. And that is essential, Madam President, to ensure safety of the persons who are passengers on that airline that might be involved.

3.00 p.m.

Madam President, if you go to the Act itself, you will see, for instance, in section 8(1) of the Act, the importance of civil aviation. And the Government has not brought any information to this Parliament to convince us or to justify why they wish to reappoint these same members of the board or why they wish to extend, on a permanent basis, term limits or the life of the aviation board.

So if you go to 8(1) of the Civil Aviation Act, it states, Madam President, that:

“In performing its functions and exercising its powers, the Authority shall have as its paramount consideration the safety of aviation.”

Madam President, I want stress:

“In performing its functions and exercising its powers, the Authority shall have as its paramount consideration the safety of aviation.”

So, Madam President, in making any amendment to this very important piece of legislation, we must ensure, we must maintain and we must strengthen the safeguards if we are to avoid any possible breaches of safety standards, Madam President.

Madam President, you would recall, and I want to emphasize, an aircraft is not a maxi-taxi. When you are up in the sky, Madam President, you need safety standards being observed scrupulously. You need trained people, Madam President. So, when a commercial Boeing 737 MAX aircraft flies 7 miles up in the sky, Madam President, if we do not have the relevant operational safety standards at work, Madam President, you can be in trouble. And therefore, the whole issue that we have to address, in dealing with this matter that is before us, Madam President, is to understand that safety, safety and safety must feature prominently in any decision that we take in this Parliament.

Madam President, we know that there was an old Act called CANSO that

this Act that we are amending replaced in 2001, because there were very serious weaknesses in that 1961 law, colonial in nature. And the weaknesses were discerned, and we were able to bring the Civil Aviation Authority legislation to plug those loopholes and weaknesses to ensure safety standards, Madam President.

Madam President, in preparing my contribution, I, as a former trade unionist, did my research. I looked at a judgment that was handed down by the Industrial Court back in 1991, Madam President. And when you look at this judgment, Madam President, you realize that the safety standards that were required on an aircraft, BWIA, according to that judgment of the Industrial Court, those standards were severely compromised. So the question here, Madam President, is that when you look—when you are talking about safety standards and you are talking about doing away with terms of office, we cannot escape from the reality that when we come to safety standards, we have to look at some of the realities that compromised, seriously compromised the safety of passengers, Madam President.

Madam President: Sen. Mark, I have allowed you a little time to build up your—and to present your argument, the context of it, but I am going to have to ask you now to narrow the—be specific in your contribution. This is—let us face it, it is a very short Bill, three clauses. The Bill cannot be—I am just hearing about safety, safety, safety, and we are moving away from what this Bill is about. I need you, please, to come to the point of the Bill.

Sen. W. Mark: Madam President, the reality that I am addressing is that the Government has come with an amendment to this civil aviation law, and what is this amendment about? This amendment is to extend, to do away, Madam President, with term limits for boards of the aviation authority and we are being told by the Government that it is their intention to reappoint these same members of the board. So, Madam President, if we are talking about the board and we are

saying we want to do away with limits, and the Government is saying, “Listen, the same people who occupy the boards today, if this Bill is passed, if this amendment is passed, these same individuals are going to occupy office for a third consecutive term.”

I am not dealing with personalities here, I am dealing with reality. And, Madam President, what I am bringing to your attention is simply—it is not proper for the Government to bring an amendment to this honourable House, to seek our endorsement and approval, without the Government coming and giving all the facts to the Parliament.

Madam President, what I am advising and advancing is that some of the players who are on the board as we speak were involved in this court judgment of 1991. And these same players we are being asked to allow for an extension of their time, when these players, according to this Industrial Court judgment, were reckless in overloading a flight, BW419, coming out of Jamaica to Puerto Rico to Trinidad.

So we cannot, Madam President, in all honesty, come to this podium to speak on a matter that involves life and death, where some of the very players, who the Government has admitted today, they are going to reappoint if we pass this amendment today and some of these very players, Madam President, were involved in serious breaches. How can I come here and not tell you the truth, Madam President? How can I come to this honourable Senate and not tell Trinidad and Tobago we are playing with fire? That is why I thought the Attorney General would have been more straightforward with us today—

Madam President: Sen. Mark—

Sen. W. Mark:—and tell us, Madam President, what is the real purpose for this amendment.

Madam President: Sen. Mark, you need to rephrase that. Okay? Please, I would like you to rephrase that last sentence.

Sen. W. Mark: Which one is that, Ma'am? Remind me.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: No, you know, I am getting younger, so sometimes I do miss things. So if you can guide me, Madam President.

Madam President: Sen. Mark.

Sen. W. Mark: Yes, Madam.

Madam President: I will just—all right. As you move forward when you are speaking about the presentation—the Attorney General, can you just rephrase how you just said what you said, okay?

Sen. W. Mark: Madam President, I want to let you know, it is dangerous to have the same group of people and its chairman—the Chairman of the Civil Aviation Authority was fired by BWIA for engaging in excess overloading of passengers on a BWIA flight 419, in 1989, and this is the same gentleman who is now in charge of the Civil Aviation Authority that the Government is seeking to reappoint, a man who overloaded a plane.

Madam President: Sen. Mark, you have now made that point three times. Safety—I have heard about safety, I heard about the judgment, I heard about what the judgment was about, I am now hearing about the chairman. Okay. But you have to, at this stage, move on to another point.

Sen. W. Mark: Okay, Madam President, I move on to another point. Madam President, you ever heard about regulatory capture? That is another point. I want to explain to this Senate the concept of regulatory capture, and this is what we have to deal with here. Madam President, I know this is a sensitive matter, but I fly in the sky and I do not want, Madam President—

Madam President: And therefore, you are back to safety. I was waiting to hear about regulatory capture. I am very interested in that. You know why, Sen. Mark? Because it is a new point.

Sen. W. Mark: Madam President—*[Inaudible]*

Madam President: Hold on. Let us hear about regulatory capture, please.

Sen. W. Mark: Yes, Madam President, I want to give you that.

Hon. Senators: *[Desk thumping]*

Sen. W. Mark: What is regulatory capture, Madam President? It is when regulators—and that is what the Civil Aviation Authority is all about, they are regulators—become victims of undue influence by the industry they regulate. That is what regulatory capture means.

And, Madam President, may I inform you that in 2020, a US congressional report on Boeing 737 MAX airline—Madam President, are you aware that two airlines, Boeing 737 MAX, crashed? Lion gate and Ethiopia?

Madam President: Senator—

Sen. W. Mark: And you know why, Madam President?

Madam President: Senator, no, no, just—

Hon. Senators: *[Crosstalk]*

Sen. W. Mark: *[Inaudible]*—regulatory capture—*[Inaudible]*

Madam President: “Ah ah” that is not regulatory capture, Sen. Mark, you have gone back.

Sen. W. Mark: *[Inaudible]*—from a report.

Madam President: No, Senator. Sen. Mark, listen. Sen. Mark, can I just say that I must tell you, I really must, I admire your tenacity. This is a three-clause Bill. You have spoken quite a bit. You have spoken longer than anybody else at this stage on the Bill.

Sen. W. Mark: Some of my time is being taken up.

Madam President: No, I know. I have to take it up.

Hon. Senator: Madam President is speaking.

Madam President: Security, regulatory capture, I am not going to—I am going to please ask you—I do not want to hear about the two Boeings, whatever happened. I want to hear about this Bill. And at this stage, Sen. Mark, I really think, speed through the notes and get to another point, please, or I am going to have to ask you to bring your contribution to an end.

Sen. W. Mark: Madam President, I do not know why everybody is itchy to talk about this Bill. Why it is that this Bill is causing so much problems? Why am I not given the opportunity and so on to develop my points? I am speaking about a matter that concerns a board that we are being asked to extend its time, move away with term limits and appoint the same people. I am bringing to your attention, as the President, that is a dangerous development. And I am saying, the person who they want to reappoint as chairman was fired from BWIA.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And how—

Madam President: Sen. Mark, please, please. All jokes aside, you are repeating yourself.

Sen. W. Mark: No, I am saying—

Madam President: No, no, no, no, no, Sen. Mark, please. And, you know, all levity aside, you are repeating yourself. So I am going to ask you, at this stage—at this stage, I am going to ask you, please, to either make a new point or wrap up your contribution.

Sen. W. Mark: Well, I will make a new point because I “eh” wrapping up.

Hon. Senators: [*Desk thumping and laughter*]

Sen. W. Mark: I am making a new point. Madam President, let me indicate to this hon. Senate, through you, and I want to support Sen. Vieira. I do not often support him, but I support him on this one. He made the point, Madam President, that morale at Civil Aviation is extremely low. Why is morale low, Madam President? Right? Why is it low? Why is there a breakdown at that level, Madam President? Because the authorities have not been treating with the challenges and problems of the workers. And the board, the members of the board, along with the director, they have a big role to play in that. And you are going to reappoint a board where the morale of the staff is extremely low. So, Madam President, where are we going? You want to crash civil aviation?

Madam President, let me bring to your attention, if you are not aware. Madam President, you know, we know each other long, because I know when you were on that Bench, you used to be like me.

Madam President: Sen. Mark, you know, you really do know you and I can have conversations about that off the floor. Okay? But please do not bring the presiding officer into your contribution, okay.

Sen. W. Mark: Madam President, I was teasing you because I know you are a lady who is very jovial. Madam President, let me indicate to you, right, how can we be asked to extend and to remove the limit, when you read in the newspapers some time ago, two aircrafts that almost went up in flames. Why?

Madam President, I raise this point to raise a particular issue with you and, through you, to the hon. Senators, is there not something called “spare parts”, Madam President? Why it is that, for instance, after four to five weeks we do not have the instrument to allow the air traffic controllers to be in direct contact by seeing those flights on their radar? Everything is now being done manually but they have experience and training in that regard. Madam President, the blame

must be put where it is supposed to be put. I am saying that the board, led by the chairman, is responsible for what has happened.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Why did the board and its chairman not ensure that there were spare parts available? And, Madam President, even if spare parts are not available—look at five weeks now, Madam President, five weeks and no instrument has been bought from Italy to replace that instrument that has gone down. Who is responsible? The workers? And the Government of this country comes to this Parliament with a straight face and is asking us to support this extension, this abolition, this removal, to put who? Put back the same fella, Madam President.

I heard Sen. Nigel de Freitas talk about retirees, but the fella who is in charge is a retiree. He is 70 years and growing. So that is young, I say yes, that is young. But, Madam President, you cannot tell me we do not have people in this country with the relevant experience and training to take over.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: I have been advised, I have been informed, that the gentleman who we are seeking to reappoint has been boasting all over Trinidad and Tobago in the last three to five months that they, “Coming to the Parliament with an amendment to extended my life so I will remain as Chairman.” So I ask the question, Madam President, through you, is this ad hominem legislation? Is this legislation designed for one individual?

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And, Madam President, that is dangerous. I do not want to be party to any legislation that is designed to fit the bill and objective of one individual because the Government decided they want that man to continue. I

think his name is Mr. Thomas Lawrence. He is the Chairman of the Civil Aviation Authority. And that is the same man, Madam President—

Madam President: So, you see—

Sen. W. Mark: I am sorry that you were—

Madam President: No, no, no. You identified the person by name. I will ask you to move on at this stage. You have said enough in your contribution already.

Sen. W. Mark: How much time do I have? Another hour or 40 minutes? Tell me how much time I have, Madam President. Madam President, may I rephrase it, because I saw your looks and, you know, I have the greatest respect for your good self. Madam President, can you advise your honourable friend how much time do I have?

Madam President: If you were to avail yourself of the full time—

Sen. W. Mark: I will, Ma'am.

Madam President: And for that, I may have to give you a gold medal.

Hon. Senator: [*Laughter*]

Madam President: Because, once again, for this three-clause Bill, if you avail yourself of the full time you are going to finish in 10 minutes.

Sen. W. Mark: Madam President, I want to ask you, Madam President—

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Right. Madam President, when we look at what is before us, right, as I said, we would like to identify with good law. But, Madam President, if something has been working for the last 22 years, why change it? The Government has not brought any rationale, no convincing arguments to persuade us, Madam President, why we must do away with the current system. And, Madam President, I think that people should not use us. I am not prepared to allow the PNM to use us in this Senate on the Opposition Bench.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So, Madam President, the reality is that, you and I agree, that we need a strong oversight body. That is what this thing is about. Madam President, I want to ask the gentleman—Madam President, you know, in a serious country, this same gentleman who they want to reappoint would have been hauled before a joint select committee to answer questions.

Madam President: Sen. Mark, at this stage, I have no choice but to ask you, please, please, this is your last—please wind up your contribution at this stage. You are repeating yourself and you are engaging in more personalization that I cautioned you about before. I have allowed you to make your contribution but I will ask you now to wind up, please.

Sen. W. Mark: Madam President, I am not personalizing nothing. All I am saying, Madam President, is that we would like—the Government would like us to reappoint a board that has been a monumental failure. We cannot support that.

Sen. Dr. Browne: Madam President, I bring to your attention Standing Order 53(1)(b).

Madam President: Sen. Mark, I have already cautioned you on the fact that you are repeating yourself.

Sen. W. Mark: Madam President, let me just ask—[*Inaudible*—this and tell me if it is repetition. You know why the Government is jittery? The truth, they cannot deal with the truth, that is why they are jittery. But I have a platform outside, that when I am on it, you “cyah come and geh up”.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Mark—

Sen. W. Mark: Yes, Ma’am.

Madam President: I am going to have to ask you at this stage to bring your

contribution to an end. All right?

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Deyalsingh.

Hon. Senators: [*Desk thumping*]

Sen. Mark: [*Inaudible*]

Hon. Senators: [*Desk thumping*]

Sen. Mark: [*Inaudible*]

Hon. Senator: Have some behaviour.

Sen. Mark: [*Inaudible*]

Madam President: Sen. Mark, Sen. Mark.

Sen. Mark: Yes, Ma'am.

Madam President: You know that what you are doing is really not—

Sen. Mark: And I apologize to you. To you. To you.

Madam President: And I accept it on behalf of the Senate.

Sen. Mark: Thank you.

3.30 p.m.

Sen. Dr. Varma Deyalsingh: Thank you, Madam President, for allowing me to partake in this Bill, which seeks to amend the Civil Aviation Act, Chap. 49:03. And, as mentioned previously, this Bill has only three clauses, and the whole idea of this Bill is to be able to allow the Cabinet to actually extend the life of the current board, which could serve actually two three-year terms. So, presently, we are asked now to give consideration to this, and the Attorney General did make some quite convincing arguments why this should be done so. So I try to look at it in a way to say, you know, do I agree with it or not?

I heard Sen. Wade Mark and I heard the other speakers and, you know, I am

trying to now give my little two cents worth in this. So, actually, what it serves to do is do take away the term limits that presently exist in this current board, and we know the board has been functioning well. We have heard the Director General has gotten accolades. So they must be praised for the work that they are doing. So, they had six-year terms. So, what are the advantages and disadvantages of term limits? And I think this is where we have to consider when we are looking at this Bill actually.

And allow me to quote Charity Lawyer. It is an article that was given, where it looked at the advantages and disadvantages of term limits. And, in this article, mention was made that there are certain advantages and disadvantages of term limits and it was—I would like to quote, actually, some of the disadvantages of term limits. And they looked at it, Madam, in a non-profit organization, but I hope to bring it across to this organization that we are discussing today. They say the disadvantages, it could be:

- “Counterproductive due to lack of staff”
- And we have heard that same argument. They may not have the staff. We have heard—it also made mention of the: “Difficulty in finding qualified directors for”

—their organization. And, again, we have heard there is a limitation in the pool of persons that are able to be chosen on this Aviation Board. It made mention of:

- “More time and resources”—have to be—“spent on recruiting/educating new directors”

And we know that once there is a new cadre of persons coming in, they have to get accustomed to the dialogue there. They have to get accustomed to the runnings of the organization. They have to get accustomed to what they are facing. And also it mentioned:

- “Losing”—“supporters of the organization and mission”

So, those are the disadvantages. Now, some of the advantages of term limits would be the:

- “Ability to attract more involved members
- Fresh new ideas brought in”—by new members—
- Getting “More effective members
- Easier recruiting of new members and removal of passive ones
- Balancing of continuity and turnover”

So, they basically try to say that, you know, they give both advantages and disadvantages. And I heard the Attorney General did give some of the disadvantages, but I just want to elaborate, the advantages of term limits in an organization.

So, if we maintain the current individuals, we will not be attracting more individuals to come on board. Fresh ideas would not be coming on board also, because you may not have those individuals coming in—a different direction how to run things after six years. And they mentioned that:

“This is something that”—new members—“may not...able to share”

If they had ideas and if they are not required to come on board, then you may get more effective members. So they said that a:

“BroadSource’s Nonprofit Governance Index 2007 reveals that boards with term limits are rated by chief executives as more effective than those without term limits.”

It also made mention that there is:

“...no perpetual concentration of power within a small group. The group dynamic is constantly changing and new people and ideas are constantly

being introduced. This prevents stagnation resulting from a lack of board turnover.”

And then it make mention:

“Easier recruiting of new members and removal of passive ones”

They said:

“Also, recruiting new members may become easier with a board that is fresh and new. New members will feel less threatened by long-standing members who may be less open to new people and ideas. Moreover, it will be easier to remove passive, ineffective, or troublesome board members. This enables the organization to replace them with active and motivated new members.”

So, I look at some of these advantages, and they made mention also:

“Balancing...and turnover”—where they said:

“Finally, term limits allow for an enlargement of the circle of followers. Old directors will be replaced by new ones but will still be able to stay active in the organization. As a result, it creates a balance of continuity and turnover.”

Because I heard the argument made that if we had the old directors with their knowledge, we will be losing that—we will be losing the institutional memory, and I agree with that. But, you see, there are other ways to encourage that disbursement of information from the old members to the new members. Simply, you could hire them out as consultants. When you are caught up in a situation, hire them. And the actual aviation board could hire out members to serve under them. And why I say that is, you may have an expert, who could have gone through the law and now you have a new lawyer on board and he may need some guidance. Bring a consultant in, bring this old consultant in, pay him, you

know, remunerate well, but he will now be giving that information. It is handing the baton over to the new people.

So whilst I am hearing, on one hand, that it may not be a good idea to do this, I just want to explore some of the issues raised by the Attorney General. Now, when I looked at the Act itself, the old Act, it stated that:

- “(a) six suitably qualified persons with proven experience in the fields of civil aviation, law, financial management, economics or human resource management;
- (b) a nominee of the Tobago House of Assembly;
- (c) a nominee of the Environmental Management Authority”

So, whilst I heard the learned Attorney General say that the civil aviation industry is a highly technical and specialized field, which I agree, and the board is charged with very critical responsibilities for the regulatory and air navigation services and the impression I am getting is, it is difficult to get highly specialized persons to act, but it is not really persons, Madam. What you really need is one person, one individual, because the rest are persons in law, financial management, economics and Tobago House of Assembly and the EMA. So, it is really one technical person that you may need with that knowledge of the civil aviation. So, I ask my question: Is it so hard to get those persons? Is it that Trinidad has a lack of these individuals?

So, I did a little calling and I actually, you know, try to figure: Are there persons out there who, you know, are not available? And, lo and behold, I found out there persons out there who are retired—retired traffic air controllers, retired, you know, pilots. They are there and they are all willing to serve. And so, the fact is, it is not really a set of these individuals you need, but just one to serve. And I try to figure out now, the rationale that it takes too long for persons to learn, new

members, not having institutional knowledge, et cetera. So, my humble view is, again, persons could be given contracts, so we could solve that—provide services after they have demitted offices to come back in and act as a consultant.

Another rationale given by the Attorney General is that in a population as Trinidad, we do not have these persons around, the amount. But, Madam, I actually called around, and I am trying to tell you there is no shortage of talent, there is talent. But are they reached? I do not think so. I took it on myself to call Ramesh Lutchmedial, a former director, who served as general director, and also he was decorated by Her Excellency. He got a Hummingbird Medal. So, he is a man held in high esteem. He was the Chair of CASSOS, the aviation organization of Caricom and he told me, if called, he is willing to serve. I called Neil Mohammed, who served on the past board in 2015—up until 2015—a pilot and did extremely good service. He was not called. He is willing to serve. Samuel Lampkin, retired air traffic controller. And I think he served as President of the International Federation of Air Traffic Controllers. So, there are persons out there. I reached out to persons.

Now, the Minister may have reasons, he may have other information where I am not privy to where certain persons could not be asked. And so, we have to respect his decision. But the idea is there are persons out there. And if we do not give them a chance or if we give the impression that no one is willing to come on board, then this piece of legislation gives us a sort of false idea that, hey, we cannot get these people. And, you see, the thing is, we would have been hearing talk from the Opposition that you may have only persons who may be, you know, in fact, beneficiaries of probably political patronage when they are given jobs, and we have been hearing talks like that.

And sometimes, you know, I wonder if some people may not put themselves

forward because they may now be under that criticism that, you know, it is a sort of remuneration for some party favours or whatnot. So, some people may not want to come forward for that. Some persons may not want to come forward, because you have to fill out all these, you know—you have to give all your tax to, you know—our whole idea of having to give our information to the Integrity Commission, some people may not want all of that. And so, we have to now find out: How could we attract those persons?

Because, really, the whole idea here now is we are not getting persons, and if the Ministry says we are not getting persons, we want to know why. Were those persons who I mentioned considered? You know, we have to figure, because when this present director general post was advertised in 2021, eight persons applied, two were shortlisted. Those persons are still around, still have aviation experience. So, among that, one of them could, at least, be considered. So, therefore, now we have to realize: Is there something in place where those individuals could now be given a fair consideration to be sitting on this board?

So, therefore, my humble suggestion is, a safer way to prevent persons from being left out is to have a sort of public platform, a social media platform, where individuals who are willing to serve, the Ministry could put this out and say: Who is willing to serve? Because the Ministry would not know if somebody served as a pilot in whatever country, and is down here or served in another jurisdiction and is now living in Trinidad and able to serve. The Ministry may not have that knowledge. So, therefore, for transparency for persons not to feel left out, you have a public platform in the Ministry to say, we are looking for individuals in civil aviation who may be willing to serve, and let us see those names there, publicly, so then the Ministry could do their own investigations and decide who they can choose. And if that is so, then the public could decide that there is no need

to come in and change this legislation.

Because, you see, this Bill, I think, was changed really just mainly for one person, which is the civil aviation person, which we were told is a technical area, but we have now—I have now tried to explain there are other persons there. You see, another suggestion I have, Madam, is that, you know, our aviation area, we are looking for people with experience. But remember we control airspace in Barbados, Martinique, Guadeloupe, Grenada, St. Vincent and Antigua. We also go out into those areas, and those areas also have staff who man their airport—air traffic controllers and all these other engineers, et cetera.

If you are talking about Caribbean integration, if we are talking about having Caricom nationals come here: Is there anything to prevent those individuals from coming and serving on these boards, seeing that they also fall under our catchment? So this is something that we need to consider, because I would support legislation, which will give that Caricom freedom of movement, where an individual could now serve in Trinidad under our board, because we are already going to their countries.

So, therefore, what I am looking at, the fact that the suggestion that the board members, you know, the appointment of board members—you know, as I am saying, it is always open for persons to say political involvement, but I just want to draw reference to what happened in the UK. In the UK, there is a press release given by the Civil Aviation Authority, when they chose David Grey and Michael Medlicott, who were reappointed to the civil aviation board and, Madam, what they said and I read:

“...an open competition regulated by the Office of the Commissioner for Public Appointments. The appointments were made on merit and political activity plays no part in the selection process. They have both declared that

they have undertaken no relevant political activity during the past 5 years and that they hold no other current public appointments.”

So, what I may suggest, Mr. AG and even the Minister of Works and Transport is, this entity, the Commissioner of Public Appointments that exists in the UK, may be something we may have to say, let us develop here, so in future, when other boards are chosen, no one can point fingers. It is a separate entity, and this is something I think that we may have to look at.

Another thing I want to explore, Madam, is the fact that the Attorney General suggested that the individuals, if we continue not having this term limits, if we do away with it, that you would have the mixture of the old and the new members, but I still cannot come to grips with this because, you see, if we maintain the board with the old members, it means an old member will still be sitting in the aviation slot, so how could you get new members to be on board to train, because they would not be part on it? The other persons will be a lawyer, it will be an accountant, it will be a financial person and a person in EMA. So I do not see that happening.

A better idea to get this objective which is, you know, a very good objective to let the new people be trained, is to appoint new persons. And, as I mentioned before, you now hire out the older ones as consultants so they can now learn from them. They can garner that information. So, I think, I would have approached it that way, getting the new ones up.

Now, the problem I think we had mentioned is that we also need to move with urgency. I heard the fact that the urgency in appointing this body because, you know—I think it is in September their term came to an end—and the Attorney General tried to make an idea that, you know, it was all—you know, it lapsed, but it was really a willing lapse where they were still studying this Bill. And I think

that—I had been in on the medical board for years, and very often sometimes persons' terms lapsed. And we in the medical board were sitting for the Ministry of Health to send replacements and sometimes months and months. So, I am accustomed to lapse.

And, you know, even though you are saying that Attorney General, from my practise on another board, I have a different experience that things lapse. But the idea is—and this is what I want to gather—it is not an urgency, because the director general has the knowledge, and the legislation did put him in as an individual who would not have that limit. So while he is there, he would be able to, at least, carry on the functioning for a while. So people would say, but will it happen? But it happened in 2015. Because in 2015, when this new administration came in power, it took about a year for the Civil Aviation Board to actually be appointed, and in that year, it really did not fall down. What happened in that year was the director general was able to manoeuvre, was able to ensure that there was the proper running.

So, even though there may be an urgency, I am hearing, to appoint it, I am saying, we can do something different. We can send out some notifications—who is willing to serve—and get that list, see if we get somebody in the civil aviation and let us start and go back and start a fresh, instead of stopping the term limits. You see, Madam, I look at this Bill and I realize, it is not just, you know—all the other professions there, so let us even use the argument that we do not have civil aviation personnel with the experience, which I do not buy, you could get an attorney.

The Attorney General was head of the Law Association. You know attorneys could be recommended to come on board, the EMA could recommend their new person, the Tobago House of Assembly would recommend their person

and then the others in terms of the economics and persons in human resource, I mean, the universities would be full of persons like that, persons qualified—the School of Business and Accounting—they would have had a list of persons who did MBAs and degrees who could be suggested. So, I am humbly suggesting that if we had looked far enough, if we had looked wide enough, if you had set your antennas out there and if you had put something on social media to say: “Hey, are you willing to serve?” We would have gotten this and not probably have to come here today.

But, as it is, as we are here, I want to make mention that another concern I have, you remember these—I heard Sen. Wade Mark spoke about that new—I do not know how he put it—looking at these boards and they are there for a while and their reaction—and, I am thinking, if you have these boards, could they somehow in office cause—you know, they are there for a while. Yes, they get expertise, but could they somehow, as I made mention in my opening, talk where I actually mentioned the disadvantages and the advantages, sometimes if you are in office too long, you may not be able to adapt also. And even, remember this industry is a billion-dollar industry. Remember they get fees from anyone flying over our airspace. They actually have a lot of influence in the purchasing of the aircraft, maintenance of the aircraft, dealing with transnational corporations and they have a great fiscal responsibility.

So even though it was mentioned that they have nothing pointed at them to say that there was any financial impropriety, I always think Madam, that if you have two terms, another board coming in will be able to look at the past board and, to me, it is a check and balance not to let someone go into continuation. So, it comes like a term’s scrutiny.

So, I know I am in office, but if I have to go out of office, I make sure my

books are in order, because the other team coming in may want to now show up, not want to take blame for anything that X board did. And they may now go in and scrutinize and say: “Hey that board did nonsense.” So, I think it makes better sense that you would have a new board who could act as an overseer body to the old board, because they would not want to drag. You know, they would want to get out of it too to say, well, that was their decision, let us change it. So, I think—and this is why I am also not in too much of an agreement with what is mentioned here today.

Again, the Attorney General mentioned section 14A where he said:

“No member or former member, shall accept employment or enter into a contract of service with an entity regulated by the Authority, until the expiry of two years from the termination of his appointment whether by signature, revocation...”

So, this section 14A would hardly affect the other members. The other members would be an attorney who could go outside, the EMA member and the economic member. They would hardly want—they can get jobs outside the authority. So, this will only affect, really, the civil aviation personnel who is serving. So, looking at 14A, I do not see it as a problem in terms of, you know, someone may say, it is really draconian in the sense, you are telling me, I cannot work two years after I have worked with you, and this may prevent someone? But if I know I am going into this—and it is only one member out of the six, because that one member is the civil aviation one, the others can get jobs elsewhere—I do not think it is too great a problem. Because remember, Madam, even judges, when they retire, they have to wait a period—I think it is five or 10 years—before they can go into private practise. So, it is something that is already there.

So, when I look at the fact that the whole idea we are here for today is to

say: Should we keep this board or not? Is this board doing a good job such a technical job that no other persons could do? Well, technical a job, I have already said consultants could come on board. Good job: How do I judge the performance of this board? You see, Madam President, if you remember years ago, we sold the landing rights in Heathrow, years ago. So—

Madam President: Sen. Deyalsingh, I just want to ask you to treat with the Bill. You have spoken for quite some time and you made a lot of points, and I ask you please to just remember not to go off of the Bill, please. Okay?

Sen. Dr. V. Deyalsingh: So, thank you, Madam President. So, Madam President, this Bill seeks to tell me that I should give the Government permission to leave members on that board and not to leave them with that two-term limits. So I want to know, has that board—how do I judge that? Because if I am going to give my support to this Bill, I have to give my support for the board to remain, meaning, that I am sure that this board is probably doing a good job. But if I have to look, Madam, I just want to mention three things. I mean, I am making a judgment based on the safety that occurred—based on the security and also based on how a board would treat its workers, and those are the three things I would want to say this is my reasoning that where I would think, well, I may not want to give the board my support. Okay? So, let us look at treatment of workers. Madam, right now, I think it was Sen. Vieira did mention that—

Madam President: And you hit the nail on the head. Sen. Vieira spoke about this issue, Sen. Mark dealt with it. So I think at this stage, Sen. Deyalsingh, we are reaching the stage of tedious repetition. I am going to ask you please to—you know, those points have been raised and dealt with by previous speakers. Okay?

Sen. Dr. V. Deyalsingh: The point I want to make, Madam, is that how a board treats its workers is how I would look and see that board knows what is going on.

So, just on Thursday, the Industrial Court, the PSA had filed an industrial relations offence against the Civil Aviation Authority for failing to meet and treat with them, and the court actually dismissed it. So, right now, there are workers there without any representation, and this is what I am looking at and this is the caution I am having that, what will happen to those workers who have a grouse and they now do not have the PSA to represent them?

Madam President: But Sen. Deyalsingh that really is not an issue covered by this Bill. So, you have raised it and I really think, at that this stage, you know, you need to move on to new points, if anything.

Sen. Dr. V. Deyalsingh: So, Madam, I am giving a point why I may not have the confidence in this board that this new Bill once to keep on—and I mentioned workers' rights is one and I now want to mention safety. And the various speakers did make reference to the fact about the near crash that occurred on Saturday the 08th of October, and I do say if that crash had occurred, we would have had to ask that same board that we are asking to be in place, did they have backup equipment? And, you see, and this is the problem, Madam, that I have. Because you know you have radar surveillance tool for air traffic controllers and you have something call ADS tools.

Madam President: Sen. Deyalsingh, no. I really have to ask you, please, at this stage, I really have to ask you to wrap your contribution, because you are moving into things that have already been articulated and, you know, so tedious repetition is really.

Sen. Dr. V. Deyalsingh.: I just wanted to make the point Madam, that if I do not have confidence in the board to put safety measures in place, it is difficult for me to actually want this board, this present board, to continue. And I also want to give another example, Madam, if you would allow me. Remember, it was the Prime

Minister who said that someone had cut cables in the aircraft some time ago. And all these are concerns that I would have to raise. And, even recently, the Barbadian Government had concerns where Venezuelans passed through the Trinidad airport, went to Barbados and committed a crime against an attorney there. We need to see if this authority—if this board, Madam—

Madam President: Senator? Sen. Deyalsingh, how can I put it? The Bill deals with a particular scenario and you are sort of stretching that a lil bit. So, I would ask you, please. Yeah?

Sen. Dr. V. Deyalsingh.: So, Madam, I was just trying to elaborate that I may have some reservations how the board functions. I have tried to quote some examples and, I am saying, if I had some examples, I would rather a new board in place, because I mean, the idea is we would need to be confident, and I would get more confidence with an old board, linking up with members of the old board to get that institutional knowledge, and the new ones will be able to take us forward.

4.00 p.m.

So I must say, Madam, I would like to mention that I respectfully submit from the narrative the Government put forward, I really did not see the need for these amendments because I really think it could have been advertised properly and persons were out there willing to serve, which I did check. I also think the other arguments put forward by the fact that you could not work outside; it is only one person it would be affecting. It is already—the judges have a similar thing, and I am thinking for the safety of the nation to continue the good name of our aviation industry. I think it is time that we hand out the baton to new persons, new persons who may have new ideas and be able to at least continue the good work that the other boards in the past had done and build on this.

So I thank you, Madam, but most respectfully, I say, I do not think I want to

support this amendment. I did not think it needed to become.

Madam President: Minister of Works and Transport.

Hon. Senators: [*Desk thumping*]

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Thank you, Madam President, and I am very thankful for the opportunity to contribute to this Bill, the proposed amendment to the Civil Aviation Act, specifically the removal of paragraph 2(2) of the First Schedule of the Civil Aviation Act, Chap. 49:03.

[Mr. Vice-President *in the Chair*]

The matter under consideration is the proposed amendment of the Civil Aviation Act, to delete paragraph 2(2) of the First Schedule of the Act for the removal of the two consecutive term limit for members of the board. Mr. Vice-President, the Trinidad and Tobago Civil Aviation Authority is a body established under the Act and charged with the responsibility of regulating all civil aviation activities within Trinidad and Tobago. The TTCAA acts as a main liaison between this country and the International Civil Aviation Organization (ICAO) and the national civil aviation authority of other countries. Pursuant to section 11(1) of the Act, the business of the TTCAA is managed by a board of directors:

“...comprising eight persons appointed by the President in accordance with the provisions of the First Schedule and the Director-General,”—of civil aviation—“appointed in accordance with section 13...”—as—“...an *ex officio*...”—in his *ex officio* capacity.

Further, paragraph 2(2) of the First Schedule of this Act limits members:

“...other than the Director-General...”—from holding—“...office for more than two...”—terms consecutively.

Mr. Vice-President, the Authority has benefited from past history of having

boards, successive boards resign, retire, expire, and for years no board has been in place. Mr. Vice-President, before I go into my contribution, I would first like to apologize to the Chairman of the Civil Aviation—the former Chairman of the Civil Aviation Authority and the board for that outburst by Sen. Mark a while ago. I think it is very disingenuous for people who would have put their name up for national service to be treated like that—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—in the national Parliament of Trinidad and Tobago. And today, as Minister of Works and Transport, as a Member of this Government and as a citizen of Trinidad and Tobago, I apologize for the behaviour of Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: Mr. Vice-President, just to go into some of the contributions, and I would not go into the detail of the Bill because I think the Attorney General did a fantastic job of—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—actually presenting the amendments, the reason for the amendments and the importance of the Civil Aviation Authority. I think the hon. Sen. Anthony Vieira also did a fantastic job—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—on the importance of continuity in the Civil Aviation Authority. I know the hon. Senator had one concern which was the outstanding negotiations, I think it was, and I can safely say that the remit of that is actually at the CPO at this point in time, and the Ministry and the board await the direction from the CPO. So if that was your concern, I give you the assurance that that is in front of the CPO at this point in time.

We also had the contribution by Ms. John and—I mean, Ms. John did not behave like Sen. Mark and her contribution was a little different, however I just want to remind Sen. John, who claimed that there were a lot of people out there and we should not be renewing any board; this amendment allows the Government and the Minister the opportunity to keep board members if required, to replace the board and to ensure that there is continuity in the board. There is no *carte blanche* saying that the Minister or the Government is going to keep the board. I want to remind the goodly Senator that it was under her government's term, coming into office in 2010, it took 15 months to appoint a board, 15 months. For that time the civil aviation operated without a board. So, clearly, putting together a board with expertise does not happen overnight. It was in 2015, and let me get the exact date as well. It was in May—August—May, 2014, when that board expired; 14th, yes, May 14, 2015, you did not reappoint a board.

The next board was appointed in 2016, so again the country ran almost a year without a civil aviation board and that is the reason for coming here today so that at least we can operate in case a board cannot be assembled in time, at least you can appoint the existing board or some members from the existing board. For too long we keep running the Authority by the Director General and that has to fix. This is one way to fix it. Sen. Vieira spoke about several amendments, and I think it was Sen. Mark who said that this was just getting up and coming to change—no, I could give you the assurance as Minister of Works and Transport, since March 2022, we have been working on several amendments to the Act. Unfortunately, that is before the LRC at this point in time, and because of the time that it is taking we decided to take this clause out to have this clause amended at this point in time. But all the concerns raised by Sen. Vieira have been considered and are now before the LRC, very soon to come before the Parliament.

I can stay here and make a case for this board but at the end of the day the Cabinet is the one who determines the boards going forward. I can tell you my experience, I have not known the Chairman, some of the members before, but working with the board over the last six years, I can tell you, I have utmost respect for that board.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: And there are definitely members on that board who I would want to continue in office with, however that decision redounds in the Cabinet of Trinidad and Tobago. But I see no reason why experts on that board cannot continue in office at this time if that is the wish of the Cabinet, and we must be able to give ourselves that opportunity.

I have heard Sen. Mark say certain things about the Chairman; I can tell you, he is one of the finest gentlemen I have ever met—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan:—and I have utmost respect for that gentleman. And from what I have heard in the aviation circles, the gentleman is worth.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: And it is unfortunate when a country like Trinidad we can, you know, say things like that in our Parliament about a gentleman like that. So I just want to show in 2019—I mean, I cannot show the picture but I have a picture here where the world—the International Civil Aviation Organization, you know, commending the Trinidad and Tobago Aviation Authority with the Chairman, the Permanent Secretary and the DG, receiving one of the most coveted prizes, and there are several instances like that that we can refer to. So why come to the Parliament and try to belittle somebody like that who has been flying our flags at the Civil Aviation Authority?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sinanan: There are several things continuing now at the Airport Authority going forward. In 2022, there were several milestones achieved. In 2023, my information is that the development of the Trinidad and Tobago Civil Aviation corporate plan for the period 2023 to 2025; implementation of the Automatic Dependent Surveillance-Broadcast system, and there are several initiatives being undertaken at this point in time. And for continuity, there might be members of this board who the Government will like to continue with in order to achieve this.

Sen. John, I think one of her only problems with the board is that she did not see financial statements. I can tell you that when this board came in the financial statements was, I think up to 2012, this board was able to bring it all the way up to 2021. So, yes, they have been doing their financial requirements and so. I have no objections as Minister of Works and Transport for this amendment. This amendment does not say that the Government is going to continue with the entire board or this is going to be the new norm. The Ministry of Works and Transport and the Civil Aviation Authority have been plagued in the past where boards have not been appointed for years. I think under the previous regime, probably the board operated for way less than 48 months. Close to two years there was no board over a period of time. When this Government took over, almost one year it took before that civil aviation board went in. What this simple amendment does, it allows the board to continue until the Government feels confident that, “Look, we can bring in new people, we can train”.

Mr. Deyalsingh spoke about allowing the experts to move on and then hire them back on contract; Sen. Deyalsingh, the law does not allow that. Once they demit office they cannot do anything at all pertaining to civil aviation. As a matter

of fact, we may simply say it is lawyers and this—if your lawyer now gets a brief with a civil aviation company, they cannot do that.

Sen. Deyalsingh: According to what I read here is that:

“No member or former member, shall accept employment or enter into a contract of service with an entity regulated by the Authority...”

But I am not speaking about an entity regulator, I am talking about the Authority itself hiring those persons on the board, not another outside—

Sen. The Hon. R. Sinanan: Okay. So it is all covered there, the entity cannot hire them. And that is why sometimes you allow them to stay on and you bring in new members to grow; this allows us for that. So there is no sinister plot in passing this amendment. It is simply to help the Authority and to remove that challenge that they would have had going back, as way back as 2010 and coming forward. If you go back to the history of the board you would recognize that for several periods during that time, the Civil Aviation Authority operated without a board. And I can tell you that in 2010, it took almost 15 months to have a board in place and that, in my opinion, is not tenable; this is why from February of this year, the Ministry of Works and Transport took steps to have this problem corrected. Unfortunately, because of the time it took at the LRC, the entire amendment has not been, at this point in time, able to be tabled at the Parliament, but I give you the assurance we will be bringing that shortly. What we have done here is to take out this part so that at least we can have some continuity of some members of the board who have that experience.

So, Mr. Vice-President, I think I would have said a lot; I know the Attorney General would have said a lot, and I thank all the Members who have contributed, and I urge you all to please support this amendment. Thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Nakhid, Sen. Ahye stood up first. Sen. Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President. I was beginning to wonder if my term had expired. This is perhaps the shortest Bill that has ever been brought to the Parliament. Ironically, it is to amend what is perhaps the longest Act of Parliament. I thought it would be useful to assess the usefulness of this present amendment that was being sought by examining the context and therefore I should look at the original Act from whence it came. I thought I needed some background to put things in perspective, when I saw that the Act had 1,999 pages, I said to myself, “This Bill is being piloted by the hon. Attorney General whose name is Armour, if he removed the first “r” you would get “Amour”, which means love”, but I decided I am not reading this Act for love or money. I did not walk with it because I did not want to build muscle like Sen. Vieira. Love is not blind or even myopic as the much beloved Armour learnt recently in another place. So if you put back the “r” you will get “Armour”, which in Hindi means a protective covering, so I thought I needed to protect myself, in particular my fading eyesight from all that reading, 1,999 pages. As the Bajans used to say on Cave Hill campus, “You mekin sport”. The Act of itself though, is not that long; it has a mere 71 sections. It is the schedules that are lengthy. Indeed, one can say, “The petticoat much longer than the dress”. It is a bad analogy; people do not wear petticoats anymore.

The long title to the Act, Chap. 49:03, is:

“An Act to make provision for the establishment of the Trinidad and Tobago Civil Aviation Authority, for the regulation of all civil aviation activities, for the implementation of certain international conventions and for the institution of safety requirements.”

The board of the Civil Aviation Authority is established by section 11(1) of the Civil Aviation Act which reads:

“There shall be a Board to manage the business of the Authority comprising eight persons appointed by the President in accordance with the provisions of the First Schedule and the Director-General, appointed in accordance with section 13, who shall be an *ex officio* member.”

Now, the Bill before us today seeks to amend the Civil Aviation Act to delete subclause (2) of clause 2 of the First Schedule to the Act. This subclause states, as we have heard time and time again, and I am guilty of tedious repetition:

“No member of the Board, other than the Director-General, shall hold office for more than two consecutive terms.”

What is the length of the term of a Director? An examination of subclause 2(1) of the First Schedule answers that question as follows:

“A member of the Board, other than the Director-General, shall hold office for such a term not exceeding three years, as shall be specified in the instrument of appointment and shall be eligible for reappointment.”

So what the present law envisages is that someone appointed to the board may serve in the first instance for three years and may be reappointed for another term of three years; after that is “ayo pancho”. At the end of that second three-year period you must go home. It reminds me of when Karl Hudson-Phillips said in Woodford Square, “PNM must go, must go, must go”. Poor thing, my dearly departed friend went.

Now, who are these people that can be board members?

“The President...”

—it says in the First Schedule, clause 1(1):

“...shall appoint the members of the Board other than the Director-General,

as follows:

- (a) six suitably qualified persons with proven experience in the fields of civil aviation, law, financial management, economics or human resource management;
- (b) a nominee of the Tobago House of Assembly;
- (c) a nominee of the Environmental Management Authority;...

And it says:

“The President may appoint any two members excluding the *ex officio* member to be Chairman and Deputy Chairman of the Board.”

Now, when you look at the six qualified persons, it does not say that they are all civil aviation people. You have a lawyer, you have financial management, you could have economics or human resource management and they are board members. They are not full-time members of the Authority, so they have lives of their own outside of sitting on the board and that is important when we look to see the provision that one is looking at later on.

The hon. Attorney General wants to delete in its entirety, clause 2(2) of the Schedule, that is to remove the limitation of service of a director which is now two consecutive terms so that there is no limitation at all. And a director, having been appointed may serve at ad infinitum, forever and ever, amen. Now, I imagine some of you may have your imaginations running riot and you may be visualizing ancient men—hardly ever women—you know, dribbling on themselves and worthy of being called, “ah beh-beh”, sitting around the board table of the Civil Aviation Authority, but, hold up, tarry a while, an important provision in the Act is the section which provides for termination. He or, in this case, she who appoints can disappoint, discharge or dismiss. It is not at the end of the matter. It is not a case of, “til death do us part”, which we hear pronounced in entirely different and

happier circumstances, and even there it does not work very well.

Section 2(8) provides that:

“The President may terminate the appointment of a member appointed under section 11(1) where the member—

- (a) becomes of unsound mind or incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence which brings the Authority into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, from all meetings of the Board held during two consecutive months or during...three months in any period of twelve months; or
- (f) fails to carry out any of the duties or functions conferred or imposed on him under this Act.”

Subsection (9) now speaks to, inter alia:

“...termination of office...by death, resignation...effluxion of time or otherwise...”

So there are other ways in which members can leave the board. As mentioned before, the Minister is seeking the deletion of clause 2(2). The reason he advances for his proposed amendment is to ensure in the board of the Authority the continued availability to this country of, in the aviation regulatory industry, of suitably qualified, experienced and competent persons.

Section 14A of the Act which reads:

“No member or former member, shall accept employment or enter into a contract of service with an entity regulated by the Authority, until the expiry of two years from the termination of his appointment whether by signature,

revocation, effluxion of time or otherwise.”

Now, I am not as persuaded by this second rationale as I am by the first. The board of directors manages the Civil Aviation Authority which is responsible for regulating civil aviation. It is important to regulate civil aviation. I would have liked to, you know, perhaps have the benefit of some real, you know, life-like scenarios where people were found to be at a disadvantage because of this particular provision. Now, is it important to regulate civil aviation? Does it require special competence? Is that competence in short supply? These sound like no-brainer questions.

Mr. Vice-President, when one considers the functions of the Authority, as set out in section 5 of the Act, and that the board has to manage the business of the Authority, one quickly realizes or ought to realize that to manage an entity such as this, requires a great deal of specialized training and competence that is not run-of-the-mill or easily acquired or readily available. So it is no wonder that the hon. Minister has adopted Polonius’ advice to Laertes. If I am allowed to take poetic licence and paraphrase, “those board members, thou hast and the adoption tried, grapple them to thy bosom with hoops of steel”, and that is what the Minister is trying to do. What he is saying, “I have a board of competent men managing the Civil Aviation Authority”—well, he must let me know if there are any women on the board. They have been tried and tested and true. The civil aviation industry is highly specialized, a highly specialized one with disastrous consequences if we do not get it right. So what the Minister is saying, “I want to get it right.”

“Aviation and Plan Crash Statistics”, an article written by Panish Boyle and Shea Ravipudi states:

“Statistics show that up to 80 percent of all aviation accidents can be attributed to human error.”

They state that:

“The most dangerous times include takeoff and landing and the time periods before and after these events. Pilot error is thought to account for 53% of aircraft accidents, with mechanical failure (21%) and weather conditions (11%) following behind.”

Now, when we sit in the plane and we see the people outside signalling, you know, with their sticks and so on, you know, we take it for granted that we know what is going on. But ultimately we want to be safe and we know that they are not just playing around, like our children or grandchildren might do with these sticks, they are actually doing something that arises out of their competence and their actions mean something to the people who are viewing what is happening.

Now, the particular article I just stated further states:

“It is accurate to say that plane travel is among the safest modes of transportation. However, when aviation accidents do happen, the results are often catastrophic. There are no such things as minor airplane collisions or crash landings, these occurrences are devastating, life-altering events.”

The University of Trinidad and Tobago, in launching the Caribbean Centre of Expertise in Aviation Safety, stated in its newsletter, dated April 20, 2018, that:

“The importance of aviation safety is paramount to the sustainability of the international aviation industry. With every air traffic accident, persons become more hesitant to fly, which can result in financial losses for the airline industry.

Air transportation, and more importantly safety in the skies, is everyone’s business.”

So, Mr. Vice-President, we have an airline to sustain, we need a Civil Aviation Authority that performs well. We need a competent board to oversee the

operations of that authority or else consequences can be dire.

There is always suspicion that people appointed to boards are political appointees by the Government in power at the time. When the NAR won the elections, they went about busily and unceremoniously firing people from boards. Some of my friends were traumatized when they were told to go; one was almost in tears. I was shocked when I received a board appointment to the same board from which two of my friends and my boss had been removed. One of them said, “So you are NAR, yuh dog, yuh coulda tell meh”. I was reappointed to that board by every successive government, PNM and all those that followed, and only left when I was leaving the country to reside abroad, and I had to resign from three boards. I have never joined a political party in my life. So there is really no snake under every balisier. Not every stone has a lurking snake waiting to bite you. This Bill is not about partisan politics. This Bill is not, as far as I can see, about jobs for the boys but safety in the skies.

4.30 p.m.

When you sit on a board, you acquire a number of competencies from listening to other members, from sharing the experiences, and I have heard here today that there are many people out there who are waiting anxiously to serve on boards. It is because of that collective engagement and the experience that is gathered from other members of the board, and from the research that board members do, that you have this collective expertise residing in a particular board. So it is not very easy, you know, it is not, to me, very logical to say, you know, “People just waiting.”

There are many instances where governments, the President, cannot get people to serve on boards. So the problem is not to be solved by saying, “We have plenty lawyers, we have plenty accountants out there waiting to be called to serve.”

Many people are not willing to serve because they have problems with the Integrity in Public Life Act. They find the requirements are too onerous and they seem torturous, until you actually sit with the Integrity Commission members, the Commission, and you see that they are really willing to assist you and they are extremely helpful.

So, Mr. Vice-President, I support this amendment, but I trust that the amendments recommended by the Law Reform Commission will shortly make its way into this Parliament. There are things that need to be fixed. I understand that they are being fixed, but we have had many promises before and we really hope that they are not empty promises but, in fact, that the Government will move with some alacrity to get things right because what we are dealing with here is a very serious matter that can be life threatening.

So I thank you, Mr. Vice-President, for the opportunity. I did have some anxious moments, and I thank you most sincerely, Sir.

Mr. Vice-President: Sen. Nakhid.

Sen. David Nakhid: In the name of God, the most gracious, the most merciful. Mr. Vice-President, I thank you for the opportunity for a brief intervention, mostly to rebut and to try maybe to elucidate on some positions that have been made in this honourable Chamber.

Mr. Vice-President, when we hear the concern from this Government about the importance of longevity, institutionally, and people having acquired the expertise in their positions, and how detrimental it would be to the society when people are not given that opportunity for longevity, and to remain in their roles, we as an Opposition, we wonder where is that concern when it comes to the nurses in the healthcare sector who have been operating on temporary contracts under this Government? Where is that concern and compassion for them when they are

unable to have a secure and established life under this Government, where we hear their complaints? And yet, we wait, Mr. Vice-President, for that much promised and touted bonus. We are already in November 15th, I remind this Government, a bonus that was promised this month.

So this is a government that has disrespected workers in the healthcare sector, having them work in an atmosphere of insecurity. If temporary contracts for our nurses are the order of the day with this Government, then we have to admit, when it comes to a position of a board member of the Civil Aviation Authority, no trifling position of course, then where is the equity in judgment? I ask that this Government consider what an organization like Transparency International, when they speak about longer term limits—and I quote that:

“It can increase corruption, nepotism and the possibility of autocratic inclinations.”

That, in short, describes PNM governance to a “T”.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And given if that is the position of Transparency International, this AG should be working post-haste to bring an amendment to limit any PNM Government to one-term limit.

As we heard the Minister of Works and Transport respond by basically suggesting that the Opposition, through Sen. Mark, somehow seems to be unpatriotic because we have questions about some of the appointments, and one appointment in particular, I would like to remind the hon. Minister that they came into government in May 2015, and that 15 months where there was no board comprised was the failure of your government. But what did Sen. Mark say that was so unpatriotic?

He did not base his submission on an opinion. An opinion can be biased and

slanted, and that is precisely what you offered. This is a judgment of a court. It was the judgment of a court that he should be dismissed. Whether or not he was reinstated—and I know that would be probably your response—it was determined, and I quote:

The good gentleman agreed that overloading was a serious breach of the corporation's own safety rules and that it was a reportable offence. He admitted to failing to report the incident, but sought to excuse this fact by citing the pressure of work generated by the very course that he was conducting at the time.

When you read the judgment and the evidence, and you wonder when you hear how fine this gentleman is and what he has contributed, then it goes, again, to this PNM Government seeking to always have an alternative reality by trying to direct a narrative that goes against the grain and goes against what is established documentary evidence.

And we have to wonder why they would go to such lengths when—and this is where it comes to the contradictory submission by Sen. de Freitas. If you admit that the boards have run basically smoothly, by your own account, if they operated under these two-term limits and things have gone splendidly well, then what reason, what is your *raison d'être* to alter that? It has to be something—I would not say—it might be a bit unparliamentary—nefarious, but it has to be something that does not speak for the logic of any of your arguments. Obviously, this is something, not we the Opposition has personalized, but it is something you have personalized.

You cannot tell me, and this is not to belabour the point, that if it has gone so well with two-term limits and if your government has decimated the economy in all sectors, then we have a willing labour pool ready to participate in this sector as

well. Why not give them the chance? Why your—someone mentioned tenacity—why your tenacity? Why your adamance in trying to retain someone that has serious questions against him? That is not an opinion, that is documentary evidence.

So, Mr. Vice-President, which significant accomplishment of this board that this Government can point to, whereby an amendment is sought to change how this board operates? Mr. Vice-President, if judging by their submissions that they favour one man who, by all accounts, seems to have a close relationship with political directives, then, again, I refer to what Transparency International says. When you have longer terms limits it leads to autocratic inclinations.

So if you, for example—and my evidence shows that we have members who are on different boards—someone who is a chairman of WASA, someone at the same time on the board of the TTCAA, and also collecting over 5 million in legal fees, what can you say to someone who has experienced such largess? What can you tell this person when a time comes for him to make an independent decision, independent of a government that has afforded him such largess? How is that going to be met with?

I mean, come on, let us be realistic. People are watching. People are watching how you operate as a government. When you distribute such exclusionary largess upon any person and then ask that person to make a political decision, a decision independent of political interference, how many people, Mr. Vice-President, would be able to resist? How many people?

And then, Mr. Vice-President, here is the crux of the matter. To legislate that possibility of corruption, nepotism and undue influence, this is what this Government wants to do, and they do not even realize that or maybe they do. You are legislating the possibility or increasing the possibility of not having a truly

independent board.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Now, why would a government do that? What is the ulterior motive? If, as they say, there is none—because they like to say that we are conspiracy theorists, and so forth and so on—then why go through the hard laborious work of coming here in front of the country, not only in front of the Senate, and legislating something that could possibly lead to what I just mentioned, more nepotism, more corruption, more undue influence?

What is so important, what is so special about this person, about this board? You have not brought anything. You have not brought anything to us to say that this board is so special, they have constructed something. As a matter of fact, I would like it to be known that it was under the UNC, in 2001, that this same entity that we are speaking about came into fruition under Mr. Basdeo Panday in 2001. I would have you know also, Mr. Vice-President, that it was under Kamla Persad-Bissessar that most of the work was done to get this same—all these acclaims that this board is getting was done under her.

Hon. Senators: [*Desk thumping*]

Mr. D. Nakhid: Someone who worked there—I will not call any names—for 40 years, it was so recognized—his work was so recognized that his name was put up on a building. As soon as this Government came into office, they moved his name. I will not say why I think so. As I said, this is not about opinion.

Mr. Vice-President: Sen. Nakhid, you have been speaking for almost 14 minutes but yet, you are not coming to the three clauses of the Bill.

Sen. D. Nakhid: [*Inaudible*]

Mr. Vice-President: I have given you a very long run up, and you have not done that. Can you come back to the three clauses of the Bill and your arguments for

the matter at hand?

Sen. D. Nakhid: I am guided, Mr. Vice-President.

Well, I have basically said what needed to be said. I think it is important that part of the Bill, as it is probably the most important, the most salient part of the Bill, was concerning the term limits, which we are all concerned about, which we on this side are concerned about because we recognize how, if not nefarious, but how—the possible detriment that this can cause to any institution. And I think that it would be unwise of this Government who—they have demonstrated their proclivity and their inclination to interfere with independent institutions. I think it is not necessary to now come and legislate that as well.

So I would like to say to the Government that the good work that was done under the UNC, as far as this entity is concerned, I think there is a reason why with all that work those boards did, we never sought at any time to extend their term limit. I think this Government would be wise, for once in their term of seven years, to be so reminded and to proceed in a way that is transparent to the people of this country, to proceed in a way that eliminates any doubts about any ulterior motive that this Government may have or any undue political influence they might want to wield. So we remind them, again, that we the Opposition are not in tune with this amendment. We do not agree with it. We will not support it, and we hope that they can consider their position in the interest of the people of Trinidad and Tobago, and prove that they are not just about wielding undue political influence on any entity.

I thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: The Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President. I will attempt in my wind up to answer—

Sen. Nakhid: Not to lie.

Sen. The Hon. R. Armour SC:—just a few points.

Hon. Senators: [*Crosstalk*]

Sen. Dr. Browne: He is supposed to remain in the Chamber.

Mr. Vice-President: Sen. Nakhid. Sen. Lyder, before you engage Sen. Nakhid in conversation, there is a Standing Order that leans towards staying within the Chamber after your contribution for the purpose of being able to refute. I am just saying, I am just saying. Another one is that you had your time to speak but that outburst demands an apology before you seem to want to demit the Chamber.

Hon. Senators: [*Desk thumping*]

Sen. Nakhid: And—[*Inaudible*]

Mr. Vice-President: You need to direct it through me and say the AG in it.

Sen. Nakhid: Through you, I apologize, Mr. Vice-President.

Mr. Vice-President: Okay. Proceed.

Sen. The Hon. R. Armour SC: Thank you very much, Mr. Vice-President. A couple of terms have been used in the response from the other side that I would like to address briefly. One term which has been used by Sen. Mark is the term “regulatory capture”. It is a misapplication of that term and I would like to put it into context.

Hon. Senators: [*Desk thumping*]

[MADAM PRESIDENT *in the Chair*]

Sen. The Hon. R. Armour SC: What we are about here today is an amendment to the Civil Aviation Act to enable the term of a board not to be limited, as it

presently is by the Schedule, 2, subclause (2) and therefore, to enable the members, any one or more, not all, the members of the board to be eligible for reappointment.

There is nothing in that concept nor in that present context that is at all relevant to the misapplied term “regulatory capture”. In fact, and on the contrary, there is ample precedent in our legislative instruments passed by this Parliament in the Republic of Trinidad and Tobago which speaks to the normalcy of boards being eligible for reappointment. I will give only a few examples.

The Occupational Safety and Health Act, Second Schedule, paragraph 3:

“The appointment of a person, other than the Executive Director, as a member of the Authority shall be for a term of three years, but outgoing members are eligible for reappointment.”

The Regional Health Authorities Act, Chap. 29:05, Second Schedule, paragraph 2, subsection (1), subparagraph (1), speaks to the appointment of members being for a period not exceeding five years. So the limit is placed:

“...not exceeding five years as the President may specify at the time of the appointment and those members are eligible for reappointment.”

The Securities Act, Chap. 83:02, section 12:

“Subject to this section, a Commissioner other than a temporary Commissioner, shall hold office for a period not exceeding three years and shall be eligible for reappointment.”

The Children’s Authority Act, 46:10:

“A member...shall hold office for such period as stated in his instrument...and shall be eligible for reappointment.”

The Trinidad and Tobago Electricity Commission Act, section 4:

“A member shall...hold office for such period not exceeding five years, as

the President may direct, but a member of the Commission is eligible for reappointment.”

The Environmental Management Act, Chap. 35:05, section 82(4):

“All members of the Commission shall hold office...for such term, not less than three years,...and shall be eligible for reappointment.”

The Town and Country Planning Act, First Schedule:

The—“...member...shall...hold office for a period not exceeding two years but such member shall be eligible for reappointment.”

The Port Authority Act, Chap. 51:01, members holding office for a:

“...period, being not less than two nor more than five years...but any Commissioner shall be eligible for reappointment.”

So the precedent is ample, Madam President, for the reappointment of members of a board. What we ask this House to do is, by the amendment which we asked that this House should pass, to enable one or more members of the Board of the Civil Aviation Authority to be eligible for reappointment, having regard to all of the reasons to which I have earlier spoken, none of which I shall repeat, but only to emphasize the continuity of accessibility to proven experience, competence and in the interest of the safety of the civil aviation industry.

Sen. John, if I may pass on to one other point, spoke to the fact that the Minister is responsible for the administration of the Act, and it seemed to me that she was suggesting that that is to exist independently of the board. But the short point is that by section 15 of the Act, it is the board which must manage and advise the Minister throughout their tenure, so that he can perform his functions under the Act with the competence of the proven skilled and specialized experience which the board brings to the functioning of the Civil Aviation Authority.

I believe it was hon. Sen. Dr. Deyalsingh who spoke to the fact that there

was availability of the hiring of old board members as consultants, in a suggestion that the bringing on board of new members could not speak to the competence of reappointing present members of the board. I hope I did not get him wrong, but the short point is really that the members of the board are not available after the expiry of their term to function as consultants, in relation to other persons acting under the regulatory authority of the Civil Aviation Act and that therefore imposes its own limitation on the availability of members of the expired board.

And very interestingly, Madam President, a term was used in this honourable Chamber to suggest an intention of this Bill which we bring for purposes of deleting, by amendment, the limit on the term of the members of the board. And as is his wont, it was used by way of misapplication and inappropriately, but it reminds us of a very poignant period of public outcry in this country and it is perhaps relevant, as I close, for us to remind ourselves.

The term was used by Sen. Mark to describe this amendment as being *ad hominem*. This House would record the Law Reports 2016 UKPC 2, in the matter of Steve Ferguson, Maritime Life (Caribbean) Limited, and Ameer Edo, judgment of 25 January, 2016, which is the *locus classicus* in this jurisdiction for the real meaning of *ad hominem* legislation, the infamous section 34 passed by the Members of the other side.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Against that background, Madam President, it really is for me to say very little more. I think I have spoken enough. I compliment the commendations and the contributions of the Members on the Government side. I am indebted to Sen. Vieira for a term that he used, and I will end by invoking, with his permission, the term that he used to describe the Bill which we bring to this House, and the term was, “the amendment will improve not

impair”.

And with those words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

5.00 p.m.

Senate in committee.

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

Question put and agreed to: That the Bill be reported to the House.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

Madam President: Hon. Senators, we will now revert to an earlier item of business on the Order Paper.

URGENT QUESTIONS

Woodbrook Refurbishment Project (Steps taken to Safeguard Affected Residents)

Madam President: Sen. Mark.

Sen. Wade Mark: Yes. Thank you, Madam President. To the hon. Minister of Rural Development and Local Government: Given the dust and noise affecting residents of Woodbrook as a result of an ongoing sidewalk refurbishment project, can the Minister indicate what immediate steps will be taken to safeguard the health and welfare of the affected residents?

Hon. Senators: [*Desk thumping*]

Madam President: Leader of Government Business.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery

Browne): Thank you, Madam President. In discharge of its continuous maintenance and upgrade works across the capital city of Port of Spain, the Port of Spain City Corporation is in the process of upgrading sidewalks, footpaths and open spaces in Woodbrook. Whilst the corporation reports that the ongoing works are being executed to standard operating codes with relevant apparatus and on-site supervision, the completion of these works have delayed due to recent adverse weather patterns which resulted in the urgent need to redeploy resources in areas affected by landslips and flash flooding.

This notwithstanding, the Port of Spain City Corporation and the councillor for the area, June Durham, have informed that the works being done on the sidewalk are almost completed and that the hacking and the grinding which has occasioned some dust should be completed by the end of this month, the end of November.

The Port of Spain City Corporation shall ensure that safety measures are taken by the contractor to ensure that any excessive dust is cleaned and that the area of works is frequently washed and cleansed so as to minimize dust generated during construction works.

The Port of Spain City Corporation, Madam President, apologizes for any inconvenience caused by the upgrade works and thanks the burgesses for their patience and understanding.

Madam President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Madam President, may I?

Madam President: Yes.

Sen. Mark: Yeah. Through you, Madam President, may I ask the hon. Minister, whether the burgesses were consulted prior to the commencement of the

refurbishment project?

Madam President: Leader of Government Business.

Sen. The Hon. Dr. A. Browne: Madam President, the question asked, what steps are being taken to safeguard their health and welfare, which I have responded to. With respect to consultation before the works have begun, what I can inform the Senator of is that there is ongoing contact, communication and consultation between the Port of Spain City Corporation, the councillor for the area and the Mayor of Port of Spain with burgesses both within Woodbrook and across the City of Port of Spain.

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate whether the burgesses are aware that the project will come to an end by the end of November? And that during the period prior to that, steps will be taken to reduce the level of dust and noise that they have been complaining about? Can the Minister clarify that for us?

Madam President: Minister.

Sen. The Hon. Dr. A. Browne: Madam President, I am pleased to inform the Senator that the burgesses of Woodbrook are highly attuned to the parliamentary channel.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: And therefore I can answer definitively that those who may not have been informed previously are now fully aware that the works will be completed by the end of November. And I again thank the Senator for the question he has placed to the Senate.

Madam President: Next question. Sen. Mark.

**Raw Sewerage re Embacadere Apartment Buildings
(Measures to Address)**

UNREVISED

Sen. Wade Mark: Thanks, Madam President. To the hon. Minister of Housing and Urban Development: Given reports of the flow of raw sewerage in the HDC Embacadere apartment buildings, can the Minister indicate the immediate measures being implemented to address this situation?

Madam President: Leader of Government Business.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Amery Browne): Thank you, Madam President. Madam President, the HDC is aware of this situation and is engaged in works to remedy the sewer issue at its Embacadere housing development. This development and the sewer system are approximately 50 years old and I understand and I am informed that the direct cause of the sewer issue is a ruptured sewer line in the area.

The HDC's estate management team is performing corrective works, which include the excavation of the floor slack to access the sewer lines in question, the repair and securing of a four-inch and two-inch sewer wastewater connection and the backfilling and restoration of the entire area. The housing units have not been physically compromised by this incident and the HDC is also in the process of conducting a thorough investigation into the incident with a view to mitigating risks of any recurrence. Thank you, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, through you to the hon. Minister. Hon. Minister, could you indicate to this honourable Senate the number of residents that are affected by this development?

Madam President: Sen. Mark, that question is not allowed.

Sen. Mark: Can I ask through you, Madam President, when this project or exercise addressing this particular seepage will be completed, Madam President?

Madam President: Minister.

Sen. The Hon. Dr. A. Browne: Thank you, Madam President. The HDC has advised that this work is ongoing and should be completed in the immediate future in a matter of days. That is the anticipation.

Sen. Mark: Madam President, before—I know we have completed but I just want to raise something with you, if you will allow me? Madam President, you know I always seek to cooperate with this honourable Senate through you. Now, I was told that the Ministers who had to answer these questions were engaged in some activity in south Trinidad and I was asked that these matters be deferred for these Ministers to arrive. I did not expect the hon. Leader and Minister of Foreign and Caricom Affairs to substitute for these Ministers. So, Madam President, I would like you to guide this honourable Senate when coming to urgent questions, Ministers have to be present to answer these questions. I just wanted to get your guidance on this matter.

Madam President: Well, Sen. Mark, I do not think there is any need for my guidance. I will ask though, in matters where the items of business are set out on the Order Paper and if there is so be an adjustment to that, there should be cooperation between the parties. And, Minister, perhaps if this should arise again, perhaps discussions can be had in more detail with the Leader of Opposition Business. Minister.

Sen. The Hon. Dr. A. Browne: Madam President, acknowledged, received loud and clear. Just to clarify one comment that was made by Sen. Mark, the two Ministers in question were—what I told Sen. Mark earlier is that the Minister responsible for housing is attending a funeral in south Trinidad. I did not indicate to him that she would be on her way to the Senate but that the response would have been deferred, we requested a deferral to a later point in the proceedings to allow the Minister to complete her funeral duties and to provide a response. And the

response has been delivered and comprehensively so which was the point of the question.

Madam President: I have—

Sen. The Hon. Dr. A. Browne: Your guidance has been noted, Madam President, and I will pass along this guidance to all Members concerned.

Madam President: I have allowed a little discussion on this which is not something that I would normally do but I think it is clear that this, the work of this chamber is premised on the cooperation amongst the Members. So I just appeal for that cooperation. Okay? Leader of Government Business.

ADJOURNMENT

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Madam President. Madam President, I beg to move that this Senate to now adjourn to Tuesday, November 29th, 2022 at 1.30 p.m. at which point we propose to have Private Members' Day and Sen. Mark may wish to indicate the matter that the Opposition would raise.

Sen. Mark: Yes. Madam President, we will be debating the last Motion under Private Members' Motion that deals with the whole issue of COVID. Right? So that is the matter that we will be addressing when we meet on the appointed date.

Madam President: That is the one by Sen. Nakhid?

Sen. Mark: Yes. By Sen. Nakhid. Okay, hon. Minister, so that is the—

Madam President: So, hon. Senators, before I put the question on the Adjournment, leave has been granted for two matters to be raised. Sen. Mark.

Hon. Senators: [*Desk thumping*]

Negative Impacts of Rising Cost of Living (Government's Failure to Address)

Sen. Wade Mark: Thank you very much, Madam President. Madam President, it gives me no pleasure to return to this subject matter of the rising cost of living and the negative impact this is having on middle and working class families in our country.

Madam President, the situation involving the rising cost of living is having a very negative impact on our citizens and because of the fact that we have close 150,000 persons unemployed in our country, as well as, Madam President, a fall or decline in the purchasing power of the citizens in terms of when they go to spend their dollar to purchase goods and services, what they get in return falls far short of what they would have gotten a few years ago. So there is need for the Government to take some unprecedented action because we live in unprecedented times. Too many citizens in our country, Madam President, are unable to have three square meals a day. Too many citizens are going hungry. Citizens are undernourished. Children are malnourished in many communities in our society today.

I brought to the attention of this honourable Senate some time ago, the huge increase in not only food inflation which stands at over 10 per cent as we speak but over the last seven years, Madam President, food prices have risen by close to 40 per cent. And this has happened at a time when wages have frozen or have been frozen, where workers are working on 2010 salaries, some 2013 salaries and have to purchase goods, food and services for their family but working on, as I said, 2013 salaries, Madam President, and wages.

In my budget statement I made reference to the Ministry of Trade and Industry, their consumer affairs division. They issued a statement on the escalating cost of the food items in the country. And I quote from this statement.

“The price of a basket of 118 basic food items increased by 9.7 per cent

between February 2020 and February 2022...”

Madam President, when we look at what is happening to food, basic food items, we see, Madam President, where food items which never had VAT on them under the PP Government rose in price by 12.5 per cent. Not to mention, Madam President, there were several hikes in fuel prices which caused increases or increased prices in almost every good and/or service.

Madam President, we have just only have to look at what is taking place in our supermarkets today and we have an understanding of the massive increase. Food items in some instances have increased by as much as 90 per cent over the last seven years. Madam President, a pack of chicken increased from \$33.98 in 2015 to \$44.56 today, an increase by 31 per cent. Baby infant formula milk was priced at \$165.41 for a 900 gm package. This jumped to \$223.21, an overall price hike of 34 per cent. The price of a two-kilogramme package of rice increased by 48 per cent from \$18.21 to \$27, Madam President. The price of a 2 kg pack of flour increased by 50 per cent over the last seven years from \$13.44 to \$20.16. Smoked herring, Madam President, with bone raised by 57 per cent, table margarine by 90 per cent, bread, biscuits, soap, salt, onion, garlic, macaroni, all of these things have increased, Madam President. The price of fresh fruit and vegetables, Madam President, fish and meat have also skyrocketed.

And therefore, Madam President, even though inflation, we are told, is just under 5 per cent or thereabout 5.4 per cent, the reality is that people, ordinary citizens, the marginalized, the vulnerable, they are under severe stress. And, Madam President, one of the things that I have asked the Government to consider is to go back to the pre-budget or the pre-COVID shipping costs, it is as a result of a lot of increases in shipping costs that the escalation has taken place. And like Guyana, they have sought to control the rise in the cost of living because they have

gone back to the pre-COVID shipping costs, so importers “doh” have to pay the new rates, Madam President.

Madam President, a shipment coming out of Malaysia or China that used to cost US \$4,000 per container is now close to about \$12, 000—15,000. Those costs will be passed on by the businessmen to the consumer in the form of higher prices. We have called on the Government to remove this 60 per cent duty on macaroni products so that ordinary people can get macaroni products at a cheaper price. Why are we having macaroni products so high in this country? Who is the Government protecting?

So, Madam President, I think the Government has to understand that when we are in unprecedented times they have to take unprecedented measures. I was about to ask the Government if they are going to consider price controls. Is the Government going to import food and distribute food so that prices could be at a lower price so that those goods can compete with the private sector so you can get to the ordinary people who need food, Madam President? These are issues I think that we ought to discuss and arrive at some consensus on because, Madam President, food is life and if you do not have proper meals—

Madam President, in closing, just recently the diabetic association was talking about the crisis faced by diabetics. They cannot afford healthy foods, it is too costly. So, I am asking the Government on behalf of the working people, on behalf of the vulnerable and marginalized to do something to help the poor access cheaper prices for foods, goods and services, Madam President. I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Minister of Trade and Industry.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you very much, Madam President. And I am always pleased to have an opportunity to contribute to debates in the House in whatever form. And let me say, I am a little concerned because when—and this is certainly not a Motion, a type of Motion to be trivialized or politicized and so I am going to answer. But to me Sen. Mark has raised this before in another form and then I have also responded to a similar or I heard a similar thing being raised in other place. But I will respond because, of course, this concerns the welfare of the population and that is our Government's aim, always to look after, first and foremost, the welfare of the citizens of this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: But again, what I cannot take is the mismatch in terms of the placement of the matter on the adjournment and the discourse that Sen. Mark brings because he talks about the rising cost of living and then he goes directly to food. So I thought he may have been talking about headline inflation and so on, whereas he zeroed in only on food and so on. But again another thing, he just does not seem to get it and to appreciate that what is taking place is a global issue. This is a global matter. This is not the Government of Trinidad and Tobago that is causing or bringing about this kind of—these kinds of difficulties on the population. You do not seem to have an appreciation of what is going on globally. I can only come to that decision. Right? He is probably not taking the time to read and to digest what is taking place in the rest of the world.

But there is no secret, Madam President, that there has been an increase in inflation across the globe and that is largely attributed of the exogenous shocks arising from the legacy impacts of the COVID-19 pandemic and all of the geopolitical tensions out of the ongoing conflict between Russia and Ukraine. And those issues have contributed to rising inflationary pressures from the sharp

increase in oil and natural gas and an ongoing global supply-chain disruptions which have led to the pressures for shipping cost which, Sen. Mark, if you were up to date, that is no longer relevant. And then, of course, there is the whole cost of, in more recently, transportation freight and the cost of fertilizers and so on; but unfavourable weather patterns. There were so many other issues that contributed to the situation that the globe is facing, and climate-related phenomena as well. All of these things would have exacerbated the kinds of challenges that are before us.

And while there are spill-over effects on the Trinidad and Tobago economy, domestically I want to say that inflation has been probably the lowest globally and we are among the lowest globally. And, of course, that is anchored by a very stable exchange rate and stable monetary policy stance which causes us to be in the position where we are aware things are not as bad as it is in some countries.

And so I can tell you, when you were looking at things like—and I will compare, the United States Labor Department Core Consumer Price Index which excludes food and energy, increased by 6.6 per cent in the US in September 2022 which is the highest level ever since 1982. And, of course, that caused the Federal Reserve to act and to respond with the most aggressive tightening campaign since the 1980s.

Again, in Canada you had inflation in September alone. There was inflation of some 6.9 per cent and in Europe you had double-digit inflation as well causing the Bank of England in the UK in particular to raise interest rates by three quarters of a percentage point which is the biggest hike in 33 years and so on.

5.30 p.m.

So, things have been difficult the world over. In India retail inflation accelerated to a high of 7.4 per cent, in Australia highest level 7.3 per cent, in the

Caribbean in Barbados at the end of August it was 7.8 per cent, and in September in Jamaica it was 9.3 per cent. But domestically, despite the increasing inflation rates globally, Trinidad and Tobago's inflation rate remained one of the lowest in the world, and as at July 2022, headline inflation was recorded at 5.9 per cent, much lower than all of the headline inflation rates of other countries I was referring to. But however, with food inflation at 10.3 per cent in July and core inflation at 4.9 per cent.

But again, I listened to also and read about what the Central Statistical Office had to say on the price of food and non-alcoholic beverages much earlier in the month of August where they gave a detailed account whilst alcoholic beverages increased from 135.8 points in July to 139.2 in August, a 2.5 per cent increase, you know, looking at it month to month. But the CSO was quick to say that also contributing significantly to the decrease was the updated cost, the increase in the cost of chicken, and flour and potatoes and cheese. But at the same time said, the full impact of these price increases were offset by the general decreases in the price of bodi, cucumber, whole chickens, frozen carite, fresh carite, fresh salmon, powdered milk, full cream, eddoes, garlic and other edible, and oils and fresh goat and so on. So you had some increases, you had some decreases as well, and we have been monitoring and looking at the FAO food price index which averaged about 135.9 points in October 2022. But the price of all the indices and all of the cupboard commodity groups except cereal, down month on month.

So some prices have been coming down, not cereal as I have said but the vegetable oil price index averaged 150.1 points in October, which is down 2.4 points from the previous month. Again, with regard to dairy, dairy also was down. Meat price index also averaged 1.8 points in October but down again 1.6 points, sugar price index down as well. So generally the global food index has dropped

23.8 points from its peak in March of this year, still higher than the usual prices. But what I want to put into the equation, you may raise the point about why do we not do what Guyana is doing with regard to freight rates and freeze it at the pre-COVID price. And what I am saying to you is, if you were doing your homework you would note that freight rates for containers and dry bulkers or vessels carrying raw materials and bulk goods have begun to soften over the last three months. You must do your research Sen. Mark. And the S&P Global Market Intelligence Freight Rate forecast models have also predicted their Baltic dry index is expected to fall between 20 per cent to 30 per cent for the year before, recovering slightly in 2024.

So freight rates are coming down. But what we have to understand that in Trinidad and Tobago in our neck of the woods is that unavoidable lag in between developments in the international economy and the fact that if you look at the FAO price indices, some prices are coming down and freight rates are coming down. There would be a lag, and so we will not see the impact on the local market conditions because of our purchasers or distributors have bought in advance, they buy in advance, they have been buying goods when they can get, where they can get it and that kind of thing, and commercial contracts, et cetera will need to be honoured. So there is a time lag, there is a transportation time lag as well. But we are hoping for the best that when we are able to realize these kinds of savings that they would in fact be passed on to the local consumers, and so we continue to monitor.

But I want to say that the Government, the Central Bank, the Government has been working and we, of course, you would know about the VAT removal in 2021. We would have expanded the list of basic food items that are exempt from VAT, and I do not need to call out all of them; coconut, oil, mayonnaise, ketchup,

roti skin, soup, soya minced and that kind of thing, biscuits and crackers, fresh juice and so on. But what it is, you are talking about zero rating of thousands of stock keeping unit items. Again, the personal income tax allowance was also reduced. All social assistance programmes, I can tell you, all social support programmes have increased over the COVID period and so on. So that our measures, our support measures have been something like \$4 billion. Again, and added with Government's other fiscal support measures, you are talking about as at August, there would have been fiscal support measures to the extent of \$5 billion by our Government.

Madam President: Minister, your time has expired.

Sen. The Hon. P. Gopee-Scoon: Thank you.

Madam President: Sen. Mark.

**Methanol Holdings International Limited
(Re: Clico)**

Sen. Wade Mark: Thank you very much, Madam President. Madam President, the second matter I would like to bring to your attention and through you, the Parliament, is the need for the Government to explain the failure of Clico, which is under the control of the Central Bank, to provide a current valuation of its Methanol Holdings International Limited shares as highlighted in the December 31st, 2020 and 2021 audit reports by KPMG International Limited.

Madam President, I have in my possession these two reports, 2020 and 2021. Both have been qualified by KPMG. And the reason why both have been qualified is because Clico, which is under the direct control of the Central Bank have not—Clico has not been able, Madam President, to conduct and produce a current valuation report of the assets of Methanol Holdings International Limited. And because of that not being realized in 2020 and 2021, KPMG has had to qualify

their reports so much so, Madam President, that they said in their report that the total carrying value of this particular asset is \$2.58 billion. That is at the end of 2019. So there is no valuation for 2021 and 2022, and therefore what we understand according to Mrs. Claire Gomez-Miller, in an article by Asha Javeed, in the *Trinidad Express* dated October the 1st, 2022, headlined, “CLICO can repay Govt by year end”. The chairman of Clico is quoted as saying that:

“...CLICO...can clear”—according to this statement—“its \$1.1 billion debt to the Government...by the end of”—December—“2022.”

That is what we are being told.

Now, the question here is this, we understand only recently that that number, that figure has increased from \$1.1 billion to \$1.2 billion. That is to clear the final debt to Government so Clico can be returned to its original owners.

Now, Madam President, what we are understand and we need clarification, is simply this. Government, Clico owns, according to our research, 56 per cent of the MHIL shares, and the Government is seeking to sell these shares in an effort for Clico to meet its final payments to the Government, which we are told amounts to \$1.1 billion or \$1.24 billion. We know under the Companies Act that there is a provision that says if the company is not listed, then you can only own 20 per cent of the shares, anything above that will have to be owned by someone else, some other party, but not Clico or MHIL in this instance.

So, Madam President, we are seeking to understand why the Central Bank has allowed two years to pass, and there is a third year cropping up shortly without a proper valuation report being done so that KPMG can have a proper valuation of the assets of the Methanol Holdings International Limited. If it is that the Government is seeking to sell those shares so it can recoup on behalf of the citizens who I am rooting for, we have to get those moneys into the coffers so that people

can get services. So if they are owed \$1.1/\$1.2 billion, why is the Government not allow—why is the Central Bank, I beg your pardon, Madam President. Why is the Central Bank not carrying out its duties to get Clico to do a proper valuation report and have same submitted so that the books, the audited accounts of Clico would be properly reflected, so when this report comes to us from KPMG it will reflect the current reality, and not qualified opinion in 2020, qualified opinion in 2021. And the Government under the Central Bank Act, through the Minister, gives special and general directions to the Central Bank. So, what is going on? Why is the Government not intervening to give direction to Clico, through the Central Bank, to have a proper valuation of the assets of MHIL properly conducted?

So, Madam President, this is the issue that we have, because there are implications. If the Government does not provide a proper up-to-date valuation report, what it will mean is that they are going to undervalue the shares of MHIL. And I do not think that is the intention of the Government to undervalue the shares of the MHIL. So for two consecutive years no valuation reports were done, and we are going into the third year and there is no valuation reports. So, Madam President, I am calling on the Government to tell us what is going on. If Claire Gomez is saying that by the end of December 31, 2022, Clico will return to its original owners, then it can only happen if you conduct, in accordance with the Central Bank Act, an independent valuation of the assets of Methanol Holdings International Limited, which Clico owns 56 per cent of. And under the Insurance Act, Madam President, they can only hold 20 per cent because it is not listed on any Stock Exchange. That is in accordance with the Insurance Act that was passed recently.

So I have brought this matter to the attention of this honourable House, because we believe, Madam President, that Government, through the Central Bank,

needs to exit Clico. They need to return Clico to their original owners.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And if it is that they need \$1.24 billion, do to valuation, get the proper share value, take the \$1.24 billion and return Clico to Clico shareholders and their proper owners. Thank you very much, Madam President.

Hon. Senators: [*Desk thumping*]

Madam President: Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you, Madam President, for an opportunity to edify Sen. Mark and to dispel some of his misinformation. Colonial Life Insurance Company, Clico, did not provide the current valuations of its Methanol Holdings International Limited, or MHIL shares as highlighted in the December 31, 2020 and 2021 audit reports by KPMG International Limited due to the following reasons:

1. COVID-19 was officially deemed a pandemic by the World Health Organization on March 11, 2020. And due to the impact on the operations of the Oman Methanol Plant, the 2020 valuation was deferred to 2021.
2. Clico subsequently arranged for an independent valuation of its shares in MHIL as at December 31, 2021.
3. And finally, this valuation was completed in 2022 and shall be reported in Clico's 2022 financial statements.

Thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Eleventh Commonwealth Youth Parliament

Madam President: Hon. Senators, before I put the question on the adjournment,

if I can just take a lil minute of your time to remind Members that next week the Parliament of Trinidad and Tobago is hosting the 11th Commonwealth Youth Parliament. I think by now everyone will have gotten their notices about it. The opening ceremony is on Monday the 21st of November, 2022 at 10.30 a.m. We are hosting 66 citizens from various commonwealth member countries. They are from—the participants range from the ages 18 to 29. Now, that means Sen. Mark can no longer be considered a youth.

Hon. Senators: [*Laughter*]

Madam President: That means some others as well, but you know, it will be nice if we can see the presence of our parliamentarians to meet with these young commonwealth parliamentarians. I think it will be a wonderful experience for them to meet with you all, and just remember we are all representing the Parliament of Trinidad and Tobago which is hosting this very important event. So I will ask Members to please make an effort to attend. Okay? Not just the opening, but the days of the debate. All right?

Question put and agreed.

Senate adjourned accordingly.

Adjourned at 5.47 p.m.