

*Leave of Absence**Friday, February 09, 2001***HOUSE OF REPRESENTATIVES***Friday, February 09, 2001*

The House met at 1.30 p.m.

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

**Mr. Speaker:** I have received correspondence from the Member for Arouca South (Mrs. C. Robinson-Regis) who has asked to be absent from today's sitting and on Friday, February 16, 2001, and from the Member for Point Fortin (Mr. L. Achong) for today's sitting.

**PAPERS LAID**

1. Audited Financial Statements of Trinidad and Tobago Mortgage Finance Company Limited for the year ended December 31, 1999. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
2. Report of the Auditor General on the accounts of the Institute of Marine Affairs for the nine-month period ended September 30, 1999. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Government Employees' Provident Fund for the financial year ended September 30, 1999. [*Hon. R. L. Maharaj*]  
*Papers 2 and 3 to be referred to the Public Accounts Committee.*
4. Annual audited financial statements of Petroleum Company of Trinidad and Tobago Limited for the financial year ended September 30, 1999. [*Hon. R. L. Maharaj*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
5. The Education (Local School Board) Regulations, 2000. [*The Minister of Education (Hon. Kamla Persad-Bissessar)*]

**DEFINITE URGENT MATTER****Lady Young Road**

**Mr. Speaker:** The Member for Laventille East/Morvant.

*Definite Urgent Matter*

*Friday, February 09, 2001*

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, in accordance with the provisions of Standing Order 12(1) and (2), I hereby seek your leave to move a motion on the adjournment of the House for the purpose of discussing the grave danger posed to the health, safety and life of the residents of the Morvant community and the general public, caused by the newly paved but yet unmarked road namely, the Lady Young Road, Morvant.

The matter is definite because it refers to a specific and identifiable failure of the Government, through the Minister of Infrastructure Development and Local Government to take such steps as are necessary to ensure the safety and well-being of our citizens, who use the particular roadway. This failure has already led to the death of one resident of the area.

The matter is urgent because residents and the general public continue to be at grave risk of serious injury and death, given that the death I referred to a moment ago, that of a 65 year-old man, one Ulric Mc Kenzie transpired on Wednesday, February 7, 2001. Further, this is the first opportunity that this Member has had to raise this matter since the problem has only recently arisen with paving being completed on Saturday, February 3, 2001.

The matter is of public importance because the roadway is a main public thoroughfare. If this problem is not corrected urgently, it could cause more deaths and physical injury. In addition, the situation affects the general motoring and pedestrian public and is exacerbated by the vast number of children who use the said roadway, given the close proximity of a number of schools at the site of this danger.

For the above reasons, I crave your leave to move the adjournment of the House in accordance with the Standing Order, herein mentioned.

**Mr. Speaker:** I have no doubt that this matter is of importance to the Member, but clearly it does not qualify under Standing Order 12(1). I so rule.

**OCCUPATIONAL SAFETY AND HEALTH BILL  
(WITHDRAWAL)**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, before the moving of the second reading of the first Bill, I wish to seek leave of the House in accordance with Standing Order 61 to withdraw Bill No. 4, the Occupational Safety and Health Bill. As you would have seen and known, we have introduced another one in its place. That Bill had a few typing errors.

*Agreed to.*

**OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL**

Bill respecting the safety, health and welfare of persons at work, [*The Minister of Labour, Manpower Development and Industrial Relations*]; read the first time.

**AIRPORTS AUTHORITY (AMDT.) BILL**

Bill to amend the Airports Authority Act, Chap 49:02 and for matters incidental thereto, [*The Minister of Transport*]; read the first time.

**ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) BILL**

Bill to repeal section 14A of the Evidence Act, Chap. 7:02; to amend the Larceny Act, Chap. 11:12; to amend the Legal Aid and Advice Act, Chap. 7:07, to allow a Magistrate to appoint an attorney at law to give legal aid to an accused; to amend the Bail Act, 1994; to amend the Negotiable Instruments (Dishonoured Cheques) Act, 1998; and for other related matters, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**PLANT PROTECTION (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Food Production and Marine Resources (Hon. Trevor Sudama):** Mr. Speaker, it is an honour for me to move the second reading of the Plant Protection (Amdt.) Bill. The purpose of this Bill which I trust will not detain us very much in this House today, is clearly spelt out in the Explanatory Note which is attached to it.

**1.40 p.m.**

We are trying to introduce provision for the prevention and control of plant pests and control of diseases, and to modernize the 1975 Act to reflect the advances and changes involved in the plant protection regime. Before I go a little further into this matter, I want to give a brief history for the benefit of the Members of this honourable House.

The Plant Protection Ordinance No. 8 of 1940 was enacted to provide for the prevention, eradication and control of diseases and pests affecting plants. This Ordinance provided for a plant protection service to carry out the necessary functions required for the fulfilment of the objectives of the Ordinance. Subsequently, Trinidad and Tobago became a signatory to the International Plant Protection Convention of 1951. That body had established international standards, guidelines, recommendations and principles in the area of plant quarantine as related to international trade.

*Plant Protection (Amdt.) Bill*  
[HON. T. SUDAMA]

*Friday, February 09, 2001*

While there were regulations made under the Plant Protection Ordinance by Government Notice of 1953, there were no major changes in amendment to the legislation until 1975—by Act No. 13 of 1975, the Plant Protection Act. That Act repealed the Plant Protection Ordinance in 1940 and sought to establish a plant quarantine service and a board of management for that service. It further introduced provisions referring to the International Plant Protection Convention of 1951 and generally reflected advances in changes in plant protection that occurred over the 35-year period since 1940. This 1975 Act although assented to in July of 1975, was not proclaimed until 1997. Mr. Speaker, I would not emphasize the point as to which Government was in office between 1975—1997. [*Interruption*]

My understanding was that you would have walked after the last election. I did not intend to go at any length in this introduction, but if I am provoked by the Member for San Fernando East, I will, of necessity, have to respond to him, a man who said that he will take up whatever it is and walk. You lost the election and you are still here. What are you doing here?

Mr. Speaker, this meant that up to 1997 we were still operating under a 1940 Ordinance. That indicates how lax the PNM regime has been over these years in trying to update the regulations on plant protection. Furthermore, from 1997 to the present time plant protection had been regulated by the 1975 Act. Therefore, there has been effectively a period of almost 26 years with no changes being made in the legislation to reflect advances in these areas. Today, we have come to speak about the Plant Quarantine Service and the legislative framework in which that service operates—for the benefit of Members on the other side, since they did not find it necessary to proclaim a 1975 Act. It is this Government when it got into office in 1995 that thought it necessary to proclaim that Act. Therefore, they did not think that the Plant Quarantine Service was a service that required their attention or a service that is beneficial and that is useful to the country. I just want to indicate to the other side what this Plant Quarantine Service is all about.

It is an inspection service authorized under the Plant Protection Act of 1975 to inspect all raw unprocessed plant material being imported into Trinidad and Tobago in an effort to prevent the introduction of new plant pests and diseases. At present it is part of the ministry's Plant Protection Unit from which it derives support in the areas of risk assessment, pest identification and other laboratory services. The staff of the services are posted at the five ports designated for entry of agricultural items, and of course, Mr. Speaker, you are aware that these ports are the wharves of Port of Spain and Scarborough, the airports of Port of Spain and Crown Point and the port of Point Lisas. These are the five ports designated for the entry of agricultural items among other things. Importation of plant

material is subject to the issue of an import permit by the Plant Quarantine Service. The permit is issued only after pest-risk assessment is done to arrive at strategies for managing the pest risk involved. So, it is quite an undertaking from the basis of the conditions for entry of items to be imported.

Upon arrival of agricultural items the Plant Quarantine Service would check for documentary compliance—whether there is an import permit and a plant phyto-sanitary certificate—before proceeding to inspect a randomly chosen sample. Obviously, it is not feasible to inspect the whole shipment and the Plant Quarantine Service proceeds by inspecting randomly chosen samples. The plant quarantine officer works closely with the Customs and Excise personnel in carrying out this function which determines whether the items would be allowed entry. Sometimes treatment may be necessary or a sample of material may be tested or grown before a decision can be made as to whether that item would be allowed entry into the country. So that what is done by the Plant Quarantine Service is an effort to minimize the risk involved in the spread of plant diseases and plant pests through importation of unprocessed plant materials.

**1.50 p.m.**

Mr. Speaker, just to give you an indication of the workload of the Plant Quarantine Service from January 1—December 31, 2000, the record indicates that there were 21,305 entry inspections, including 1,147 seizures of items. There were 2,011 export inspections, for which phyto-sanitary certificates were issued because plant material going from Trinidad to another country requires that same safeguard—that we issue a certificate stating that that plant material is diseased. At the same time last year, the Plant Quarantine Service issued 862 import permits.

This division of the Ministry of Food Production and Marine Resources is extremely active. However, over the last 26 years—since 1975, which is the date of the last Act—several factors have arisen which make it imperative to update the existing Plant Protection Act. The chief among these is the liberalization of trade, which we have experienced over the last decade. This is global trade in all items of raw and unprocessed plant material, with which we are dealing today. This means that the work of the Plant Quarantine Service has increased dramatically. I will just provide some figures to indicate the extent of importation, which will attract the attention of the Plant Quarantine Service. In 1998, when we look at imports of fresh agricultural produce, we see 40,683,000 kilogrammes of fresh agricultural produce were imported to the value of \$164,131,000. I merely wanted to indicate the extent of the coverage of this service.

*Plant Protection (Amdt.) Bill*  
[HON. T. SUDAMA]

*Friday, February 09, 2001*

Mr. Speaker, new technology has changed the operational requirements with respect to the Plant Quarantine Service. Then there were new importation rules required to consider non-traditional plant imports, for example, ornamentals and genetically-modified organisms.

The definition of key terms needed to be amended to reflect scientific advances in the field. In order to have an effective plant protection service, the penalties, which were so minimal under the previous legislation, have been increased to bring them in line with current realities and to make them more effective as deterrents.

There is another change of which we have taken notice. The protection of plants in Trinidad and Tobago from pests and diseases cannot just be done at ports of entry. We need to provide for identification of such pests that are already present in the country and for the management of the pests and disease to which they give rise.

In light of the above, this amendment seeks to broaden the scope of the Plant Quarantine Service and make the Act more explicit and effective. The Explanatory Note is quite clear, but I will refer to a few features of this amended legislation.

Certain definitions have been added to section 2 of the Act and appear as clause 3 of the Bill. In particular, the definitions of “pest” and “plant pest” have been modified and streamlined.

Further amendments to this clause are outlined in the accompanying list of amendments and seek to broaden the definition of “owner” in order to capture a wider population. Clause 4 amends section 3 of the Act by increasing the penalty for contravening the import permit requirements. Clause 5 amends section 4 of the Act by directing import permit applications to the Chief Technical Officer through the Plant Quarantine Service and also allows the flexibility of varying the requirements for the import permit, for example, in response to pest outbreaks. Clause 5 also seeks to ensure timely treatment or destruction of import material, where necessary, to reduce the risk of pest escape and their proliferation.

Clause 6 inserts a new section 4B, which allows the Minister to declare a pest notifiable. Depending on the definition of “pest”, much can be made of that. That clause gives the Minister the power to make the orders necessary to prevent or control the spread of plant pests in Trinidad and Tobago. Where a pest is deemed by the Minister to be notifiable, certain requirements become mandatory upon the occupiers of land where any notifiable disease or pest occurs. The new section 4B also provides penalty for failure to give notice of such occurrence to a plant quarantine officer or to an officer authorized by him.

Clause 7 amends section 5 by inserting a new subsection which implicitly makes the importer responsible for all expenses relating to the processing of an imported article including its treatment and destruction. Section 7 is amended by clause 9 to take advantage of the expertise of the Chief Technical Officer in selecting suitable individuals to inform the provisions of the Act.

Clause 11 inserts new sections as follows: section 8A prescribes the procedure for the eradication of diseases and pests found upon any land; section 8B provides for the placing of land under quarantine where pests or diseases have been confirmed; and section 8C provides for the service of notices of quarantine, in the absence of an occupier, and for the procedure that will be adopted.

Clause 12, which amends section 9, should be amended in accordance with the list of amendments. Clause 17 repeals the old section 17 and substitutes a new section which provides for new offences with stiffer fines and penalties. Clause 19 as outlined in the list of amendments is included to introduce a schedule already in the amended bill. This is merely a tidying-up measure.

There are other amendments to this legislation which are self-explanatory. Sometimes there is a change of name, a savings clause and such other minor amendments, which have been included to make the legislation more complete.

**2.00 p.m.**

Mr. Speaker, this Bill, as I indicated, is a necessary piece of legislation. It is required to deal with the current situation in trying to protect Trinidad and Tobago from the importation of plants, pests and diseases and, indeed, for the spread of plant, pests and diseases. I am sure, therefore, that Members on the other side would agree that they need to support this piece of legislation.

I beg to move.

*Question proposed.*

**Mr. Jarrette Narine** (*Arouca North*): Mr. Speaker, I read recently where the Minister of Food Production and Marine Resources said that they have taken away most of his portfolios and he is now left with “bhagi” and pumpkin, so that hearing that today, I realize that he is now saddled with a plant quarantine division. While the Bill is very important for the welfare of people of Trinidad and Tobago, there are certain clauses that I need to point out to the Minister for him to look at a second time.

*Plant Protection (Amdt.) Bill*  
[MR. NARINE]

*Friday, February 09, 2001*

I am certain that, in preparing the amendments for this Bill, the farmers and other interested persons in Trinidad and Tobago were not consulted. As a matter of fact, clause 4 of this Bill says—and I will read from the Explanatory Note:

“Clause 4 of the Bill would amend section 3 of the Act to increase the punishment for importing any plant or fruit etc. without a permit, from a fine of one thousand dollars to a fine of five thousand dollars and imprisonment from six months to two years and from five hundred to one thousand dollars for every contravention thereafter.”

What this Bill is saying is that if you are a first time offender, you are liable to pay five thousand dollars or to be imprisoned for two years. If you are a second time offender, you will be liable from five hundred dollars to one thousand dollars for every contravention thereafter. It is the first time—I am in Parliament, since 1991—that I am seeing that if you are a second time offender, that you are to pay less, and that the jail term is less. I always felt that if you are a second or third time offender that you should have known that you have contravened certain laws in Trinidad and Tobago and the penalties would be stiffer.

In this clause 4, it is saying when you import plants and plant materials into Trinidad and Tobago, and you are continually doing this, that you will pay a lesser fine or that imprisonment would be less than your first time offence. I am asking the Minister to look at this clause again and see if he could bring some amendment or delete that part and leave the part that states, "...five thousand dollars and imprisonment for two years."

Clause 6, section 4(B):

“...would impose an obligation on the occupier of any land to give notice of any notifiable disease or pest. Failure to give such notice would constitute an offence liable on conviction to a fine of five thousand dollars.”

Mr. Speaker, this is very clear. In clause 6 the Act is amended to indicate that once you are an occupier of land and there are pests or diseases on your property and you fail to report this to the Ministry, you are liable to a conviction and fine.

What I am asking the Minister to take into consideration is that there is a situation in Trinidad where people, even farmers, do not identify pests. All they care about is production because they have to survive. There was a situation recently where the mealybug entered Trinidad and it was taken for the common blight that is found on plants. It was after they found they could not get rid of it by the normal means of getting rid of the common blight that it was realized that the mealybug came to Trinidad, through the Port, on fruits and so forth and we had to introduce biological methods to get rid of that pest.



Mr. Speaker, it is very important that farmers and landowners are trained to identify these pests. There is another situation where, if there are diseases in the soil it would be very difficult for any farmer to identify these diseases. As a matter of fact, it is incumbent upon the farmers to take that soil to Centeno and have it tested where the results would be given as to the situation.

I am also saying that there are hundreds of abandoned estates in Trinidad where people have migrated. I am certain that there are Members in this House who have lands and who do not go to these lands very often. I, myself, inherited lands from my great grandparents and I am not able, because of time constraints, to be on the property as I would wish, or on a regular basis. As a matter of fact, the Minister said some time ago that he had agricultural lands which he turned into building lots. He said that here, when he was Minister of Agriculture, Land and Marine Resources, when he gave an explanation as to how he bought his Mercedes Benz. Those lands were agricultural lands that were not cultivated. It was, therefore, easy to turn those lands into residential plots but they might have contained pests, fungus and so on. Mr. Speaker, the point I was making is that the Minister would not have been able to visit there regularly, and if anything was found on that property he could have been charged.

Mr. Speaker, we are in a situation where we must take into consideration persons who have abandoned their estates; who have migrated and are not living in Trinidad. The responsibility is upon the Government that pests, diseases and fungus must not enter Trinidad and Tobago.

**2.10 p.m.**

You are transferring some of that responsibility now to the occupiers and the owners so you are taking away part of your responsibility as the Minister. Recently you would have seen on the news that, because of the mad cow disease that spread into Germany, the Minister resigned. However, we have situations here in Trinidad where a whole cane crop in Caroni was destroyed by the frog hopper infestation and the Minister sat here for five years—nothing was done.

You cannot take your responsibility and transfer it to the owners and occupiers. When you say occupiers, I am certain that you mean people who rent lands to do agricultural production. So if you are going to pass on that responsibility then you must have some leniency on some of these people. You cannot just bring, like you did before, the Sawmills Act, the Forests Act and the

*Plant Protection (Amdt.) Bill*  
[MR. NARINE]

*Friday, February 09, 2001*

Praedial Larceny Prevention Act. Vehicles were bought. All these Acts were passed in Parliament and assented to but that does not change the price of cocoa. Things are the same. They are still stealing produce. We do not see anybody doing surveillance. I have been to Cumuto on many occasions. I do not know if there are any vehicles that do surveillance on these estates because it is difficult to identify fruits. When people steal fruits it is difficult to identify the produce, so it means that you have to catch those persons in the act, and making laws would not change that, obviously. I am certain that the Minister is quite aware of that.

In clause 7 there is another problem. If I go through all the guidelines given by the Plant Quarantine Division in Trinidad and Tobago and the person who exports for me to Trinidad sends plants here with diseases, I am to pay for the disposal, according to clause 7. That expense will be on the importer. Before now, we had a situation, Mr. Speaker, where these plants, seeds or cuttings, or whatsoever they might have been, were confiscated; and there is an incinerator—and we will come to that question.

I am certain that the Minister is not aware that Piarco at this present time does not have an incinerator and that they are trying to refurbish an old one, which is on the docks, to transfer it to Piarco. I still want to find out whether, at the new terminal building being built in Piarco, there are proper arrangements and equipment ordered for the plant quarantine officers to perform properly. We are passing legislation here but the fact of the matter is that your officers must have arrangements in place in a way that they can perform properly. When diseases are allowed to pass through those various points in Trinidad, then some of the people who work in these departments cannot be blamed because they are not given the tools to work with, and in clause 7 the importer will pay.

I would like to know how these charges would be made for plants arriving from the United States of America, and then it is found that these plants are diseased. I must pay to get rid of that. I feel that, before now, the Government had a responsibility that when plants entered the country, or anything for that matter, and they were not healthy, the onus was on the Plant Quarantine Division to get rid of them. However, you are going to make charges now to get rid of them and the importer must pay for that.

I would also like to indicate to the Minister that clause 15—and clause 15 is very easy to understand. I am no legal person but clause 15 in this Bill would protect the Government from payment of compensation for any damage or loss incurred as a result of quarantine action.

Mr. Speaker, the Government has a responsibility to the people of Trinidad and Tobago. They are the people who have to manage the Plant Quarantine Division. We had debated a Supplementary Appropriation Bill earlier this year, and while in 1998 they were paying farmers \$499.9 million, and in the year 1999, \$1.035 million for crops, you are now saying in this clause that if you destroy whatever pests there are, you are not going to compensate the farmers. You are not going to compensate the owners of these lands and in the first place you have allowed the pests to come into this country because it is your responsibility.

There are plant quarantine regulations that have been there all the time and the Minister alluded to some of these things. He probably did not go into it in detail but I have some information here of import and export of plant materials and it is clearly spelt out in these handouts what someone should do whether they want to import or export plant material into or out of Trinidad and Tobago. It is clear that, because of the increase in population, the need to introduce new varieties to Trinidad and Tobago and the need to export food from Trinidad and Tobago for our economic well-being, there must be regulations, and this was there longer than the Minister could remember.

The plant quarantine department plays an important part in this and I just want to read into the record that it is:

“to ensure that such material is free of dangerous pest and disease organisms

to ensure that infected or infested material is safely treated where possible where such treatment is not possible, to ensure that infected or infested material is burnt or returned to its country of origin.”

That is written here in the guidelines from the Plant Quarantine Division. In short:

“Infected or infested material is not allowed to enter Trinidad and Tobago”

It goes on to tell you that in this modern age of science and technology, Mr. Speaker, we must have information at our fingertips as to what is taking place in the other countries from which we import plant materials and that we should be updated on a regular basis, because from time to time there are diseases that occur in other countries.

This handout clearly stated that the coffee berry borer beetle spread through infested coffee beans was reported from Jamaica in the late 1970s but has not spread to any other West Indian island because of vigilance. What I am saying here is that in 1978 it was discovered that there was disease in the coffee

*Plant Protection (Amdt.) Bill*  
[MR. NARINE]

*Friday, February 09, 2001*

plantations in Jamaica but it never reached here because we were vigilant. The government at the time took care that these pests or bacteria and diseases did not enter this country.

In one case you will find that the coffee leaf rust disease was first found in Venezuela and then it went to Cuba and Jamaica but never entered Trinidad and Tobago. They also had listed here the mango seed weevil which was found in a couple of Caribbean countries—Barbados, Dominica, Martinique, Guadeloupe and French Guyana—and we know mangoes are very important to Trinidad and Tobago because we do many things with mangoes. Even our schoolchildren now, every day they would ask to get the red mangoes and so on. It is something that recently came up, and mangoes are being used on a daily basis. There was also the Oriental fruit fly, which was discovered in Suriname in 1986 and which has now been identified as the Malaysian fruit fly, so that we have these things around the Caribbean, and now that we are importing plants from various areas there is need to be vigilant.

Now, I just want to read into the record, Mr. Speaker, the procedures that you need to follow to import plants into this country. It is advisable to request permission or information from the plant quarantine service if one wishes to import any type of plant material. When we are talking about plant material we forget that there is seed material, there is plant tissue material that enters Trinidad and Tobago, and there are also cuttings. In some cases the Plant Quarantine Division will tell you that you are to strip the leaves of those particular plants that you are going to bring into the country; that you cannot bring those plants but you can bring seeds; or that you cannot bring seeds but you can bring cuttings. So that the Plant Quarantine Division needs to be updated, the staff needs to be upgraded and I would come to that in a while.

The second part of this says that the application forms are available and orders should be placed before an import permit is obtained. It is saying here that you must do it, but how many persons in Trinidad and Tobago are educated about these facts; and how much money will be placed in any budget to educate the people of Trinidad and Tobago about plants entering and leaving the country? It is for our well-being and it is not only for plants.

When you look at the environment you would realize that we are damaging the environment by not only importing plants into the country but we ourselves, when we mine the Blanchisseuse road near the Arima River and pollute the river, then who suffers? The entire place is a dust bowl. This week we heard about construction at a school in El Dorado where the children had to go home. So one must take into consideration these factors and orders should be placed before an

import permit is obtained. The shipper's copy of the import permit should be forwarded to him so that he could comply with the plant quarantine requirements before shipping. So that if I want to bring plants into Trinidad and Tobago, I must inform the person who is sending them what they need to do before sending them here to the Plant Quarantine Division. Upon arrival, and that is before delivery, all plant materials should be presented to the plant quarantine officer for inspection.

I will now indicate to you the export procedures that take place in Trinidad and Tobago. Persons wishing to export materials should make arrangements to have the items examined by the plant quarantine officer so that a plant health certificate can be issued. Materials to be shipped must be free from soil and pest disease or organisms. Plant roots should be washed free of all soil—which means that all the soil must be washed out—and material must conform to the plant health requirements of the receiving country. So if you have to export plants from Trinidad and Tobago, you must know in Barbados what you have to conform to because you may well have the plants getting there and not reaching anybody, so that you need to follow these guidelines. People need to talk to the plant quarantine officers, although the Attorney General is saying that, because of freedom of information, that information must be made available to us.

### **2.25 p.m.**

I tried to call the docks in Port of Spain, and once they heard that Jarrette Narine called, they refused to speak to me, and I was hearing on the other end, "Do not tell Jarrette Narine anything". I know the conditions down at the docks. If they would visit, and I have no doubt that the Minister will visit—the conditions the employees have to work under are deplorable, Mr. Speaker.

We need to find some funding to upgrade the system, to upgrade the offices, and I would ask that we look at other areas in Trinidad and Tobago because when one has "port of entry", Port of Spain only—we also have Piarco and Point Lisas, and in Tobago there is the Crown Point Airport and the wharf at Scarborough—one would realize how serious matters are in Trinidad and Tobago with plant material entering the country.

I am saying that to export—*[Interruption]* I will come to that, and Orange Valley. If they are coming through Orange Valley with everything, then plants will start coming through just now, and I know what type of plants will start coming through: coca plants. If there was the biggest drug haul in that area where the cocaine came in, along with ammunition and so forth, what prevents plants from coming in there? Or even the importation of grain from Venezuela, and it comes through there and nobody gets to see it.

**Mr. Valley:** Who is the drug lord bringing it in?

**Mr. J. Narine:** The financial supporters. Mr. Speaker, the Plant Quarantine Division has handouts that will tell one how one should perform when one is looking at ornamental plants for trade. We know that the export market for ornamental plants and flowers is a very lucrative one and we have indigenous plants to Trinidad and Tobago and there are certain regulations that one needs to follow in getting some plants out of Trinidad.

If they are an endangered species, one is not allowed to send those plants out of Trinidad. We are talking about heliconia—we know that the balisier is the symbol of the People's National Movement—which is a beautiful plant, ginger lilies and other ornamentals. The application for import permits is also here and it gives all the quarantine offices and numbers to call, although it is difficult to get information if one has to speak in Parliament, but I am certain that the officers will give information if one wants to import or export any plants.

What I am saying, Mr. Speaker, is that the Plant Quarantine Division has good officers there who can advise people who want to export or import plants. Again, it is the Government's responsibility and they should be upgrading facilities in Port of Spain. We should have proper facilities with the terminal building coming on stream in Piarco.

I have not had the opportunity to visit Point Lisas, but what is happening there is that a lot of foreign grain comes through that area, and I was asking around and I got some documentation. This is a special report, Mr. Speaker, *Summary of Fungal Diseases in Exporting Grain*. This is about plant disease in Kansas, America. It is a special report which is done by John A. Appel, a plant pathologist at the Kansas Department of Agriculture. In this he said that between the years 1999—2000, in exporting corn and other grain, they found diseases and fungi in some of these materials. If the Plant Quarantine Division does not inspect grain coming into the country and the National Flour Mills (NFM) says bring in materials in Trinidad and Tobago that will affect our environment, we need to look at that area.

As a matter of fact, I was in America and they even check persons coming through, according to where they came from, because they can come with the diseases and the fungi on their clothing. It can come on the suitcases. Flies from a certain area can lay their eggs and then enter the country. The Plant Quarantine Division is very important to Trinidad and Tobago. I am not saying no. The fines should probably be larger fines, but they should not be less when one continues doing it. I am saying, Mr. Speaker, that in certain countries people's clothing is checked when they come through the airport. It is according to where they came from.

What I am saying is that funding must be made available to the Plant Quarantine Division. It must be upgraded. The staff must now be increased because we have a situation where there are areas in Trinidad where plant materials and other things come in. We are talking about Chaguaramas where there are a lot of yachts coming and docking in Trinidad. For Carnival we will see how that place will be filled. What prevents them from bringing in diseases that would not be recognized by the Plant Quarantine Division?

Then there is Cedros, a very popular area where there are birds, animals, plants, you name it, coming in from Venezuela. We need to have officers down there who will check these areas. As a matter of fact, in Charlotteville, Tobago where there is now a port of entry—recently, I think probably two years ago it was made a port of entry—we need people there, plant quarantine officers, to inspect materials coming into Charlotteville. There are areas up at Mayaro. Do not talk about Orange Valley. It is now a main port of importation in Trinidad and Tobago. We must recognize these things.

Training, Mr. Speaker, is very important so that people can identify plant disease, and so forth. The common person outside there will not be able to identify plant or soil disease, so we need training to educate the public as to how one goes about getting plant material in and out of the country. While we would like to support this Bill, it is a difficult proposition to go with some of these clauses which I have identified here.

I would like to say that before the Minister winds up the debate, he must look at these areas that I have spoken about, and we must try to educate our people in Trinidad and Tobago and prevent plant diseases from entering the country. There must be vigilance. This takes, as a matter of fact, a lot of vigilance. With regard to the officers in the Plant Quarantine Division, I noticed in the Bill that on recommendation to the Minister, these vacancies will be filled. I know that there are many vacancies, that people must be trained properly and that there must be additional persons to make sure that plant material does not come through the back door. Because of the type of country we are in where we are surrounded by water, ports of entry may be at any point around Trinidad and Tobago, and there must be vigilance.

I thank you, Mr. Speaker, for giving me this opportunity to make this small contribution in this debate.

**Mr. Martin Joseph** (*St. Ann's East*): Mr. Speaker, I will make a brief intervention on this Bill, the Plant Protection (Amdt.) Bill, 2001 and try not to restate some of the points made by my colleague from Arouca North. It is well-known that plant quarantine is considered the first line of agricultural defence in every country, and as a result, any efforts made to ensure that we keep diseases and pests from coming into the country to ravish our agricultural sector, or even our non-agricultural sector, is welcome. So, the question of ensuring that we have adequate legislation to treat with that is always welcome.

As my colleague indicated, the concern is more with the question of the execution of the provisions of the Act, and he made the point about the question of entries. The Member for Oropouche, the hon. Minister, in piloting this legislation, talked about the five ports of entry. I think now, and he also indicated, that given the current reality, some amendments are being made.

I think in looking at the current realities, we need to also be aware that there are other areas of entry and that those areas of entry need to be identified and manned so that we can prevent diseases and pests from entering the country. He gave some classic examples. We have to look at Chaguaramas, Cedros, Charlotteville. The point is that we need to be constantly examining the areas of entry other than the five that we now have in place, to ensure that we keep the pests and diseases out.

The Minister raised the point also about if we have sufficient personnel assigned to do the job. I understand that many a time, even in these five locations, there are people who are bringing stuff, or people trying to export things, and there is no quarantine officer. The question of adequate personnel is also an issue that needs to be addressed. Some people are even suggesting that in those areas where there are some shifts, there ought to be three shifts in Piarco and two shifts in Port of Spain. I do not know at this point in time how many shifts currently exist, but clearly, these people recognize that because of some of the inefficiencies they have to deal with in terms of entry and exit, there is need to boost the personnel who are assigned to these locations to expedite the ability to import and export.

Like I said, I understand that there are times when there are no quarantine officers at all. As we talk about quarantine officers, I understand that even with the existing quarantine officers, in some instances morale is very low. I understand sometimes customs officers say "Tarzan come to look at this bush coming in" and other things which they might consider to be occupational jokes. I understand that it demoralizes some of these quarantine officers because their position is looked at as something that is not important.



My colleague also indicated the extent of training. I am curious, Mr. Minister, because we are talking about quarantine officers. I understand that in the agricultural ministry there is the Agricultural Officer I, Agricultural Officer II and Agricultural Assistant. I know that they must have had some courses in quarantine. I am wondering whether or not, because again, as he indicated, with specialization, and as my colleague from Arouca North indicated the new developments, it is quite clear that they are going to need some additional competencies. The question is, are these competencies going to be provided, or are we just going to continue to use the current arrangement with the Agricultural Officer I, Agricultural Officer II and Agricultural Assistants to carry out these more complex and more demanding responsibilities? That is something of which we need to be aware.

**2.40 p.m.**

I also understand that in discharging the responsibility, because there are so few of them and because of the nature of the work, many a time they are “superficial”. I am putting “superficial” in inverted commas. I understand that especially in the Port of Spain docks they would just look at the goods that are on top and, as a result, the thoroughness of the examination cannot be properly done. As a result of this there is opportunity for diseased goods to enter the country. Again, the relationship between the number of officers and training is important to ensure that what we want them to accomplish they can accomplish.

Mr. Speaker, I have asked about the position of quarantine officers, *vis-à-vis*, the existing arrangement as it relates to Agricultural Officers I and II and Agricultural Assistants. Mr. Minister, clauses 10 and 11 talk about “designated employee”. Clause 10 of the Bill states:

“Section 8 of the Act is amended by deleting the words ‘designated employee’ in the marginal note and in line one and by substituting the words ‘Plant Quarantine Officer’.”

Again, I am asking whether or not it means that they are going to be provided with a greater amount of competencies in discharging that job.

Mention is also made, Mr. Minister, in clause 11.8A.

“A Plant Quarantine Officer or an officer authorized by him...”

Who is “an officer authorized by him” in terms of this Bill? Does that mean that the officer authorized by him will be somebody who is also provided with the competencies and capabilities of discharging the responsibility of the Quarantine Officer in his absence? We need to understand that.

*Plant Protection (Amdt.) Bill*  
[MR. JOSEPH]

*Friday, February 09, 2001*

Let me just say something else about the question of competencies: I understand that Quarantine Officers in interviewing customers would sometimes have to use the naked eye, sometimes smell, or sometimes ask questions as to: “What yuh spray this thing with?” and so forth, and many times people are not aware of the chemicals used in terms of the preparation of their plant material. That, again, poses problems with respect to the ability to adequately police our entry points. I understand that sometimes the MSDS, which are the material safety data sheets, are not available, so that even when they obtain the material from some of the plant producers, they, themselves, do not have the information that would allow the owners to adequately respond to some of the issues and questions raised.

I want to underscore the point made by my colleague from Arouca North: farmers have to be provided with the equipment and the knowledge in order for them to be in a position to do what this Bill is now asking of them. A lot of responsibility is now being placed on the farmers, and I think it is important that they be provided with the information so that they can know exactly what they are doing. So the burden is now being placed on the farmers, and we assume that they know about the diseases and that they know about the various pests and so forth. As my colleague indicated, their concern is really with production. They spray and use whatever it is in order to enhance their production. We need to provide the farmers with additional information. Extension services and some of these other areas need to “kick in” to provide the farmers with what they need to have. So adequate extension services are needed.

I notice, Mr. Minister, that section 13 of the Act is amended. It states in clause 14(b):

“in subsection 2(a), by inserting after the words ‘Technical Officer (Crop Research)’ and by substituting the words ‘Director in Charge of Plant Quarantine Service’;”

Is this a new structural adjustment? Is this just a nomenclatural change or is this now a new position and as a result is it an elevated position? As a result, is the occupier of this position provided with the means, the wherewithal, in order for him or her to now become Director in Charge of Plant Quarantine Service and is this not just a name change?

I also notice that we have said that the words “entomologist and pathologist” are now to be replaced by “senior pathologist”. Is that also a promotion? Would there be new requirements as a result of those changes? Are those changes designed, again, to enhance the ability to ensure that the legislation is properly enacted?

Finally, Mr. Minister, I want to suggest that clause 6 be amended. In clause 6, if you notice, it gives the Minister the power to make orders for inspection, disinfection or treatment or detention of any plants. I humbly suggest that that responsibility be given to the Chief Technical Officer, similar to that responsibility given to him or her in clause 5. If you notice, clause 5 of the Bill will amend section 4 of the Act to provide for applications for import permits to be made to the Chief Technical Officer and not to the Minister, as provided for under the Act. It is just a suggestion.

Perhaps you can explain why in this part of the Bill you are making the adjustment: removing the Minister from having that responsibility and giving it to the Chief Technical Officer, and then lower down, where I believe that the responsibility really ought to lie with the Chief Technical Officer, that is being taken on by the Minister.

Thank you, Mr. Speaker.

**The Minister of Food Production and Marine Resources (Hon. Trevor Sudama):** Mr. Speaker, I thank the Members on the other side for their contributions to the debate. Let me attempt to respond to some of the issues which they have raised, and to make the first point with respect to the severity of the fines and the penalties, that what we are doing here is trying to use this legislation as a form of deterrent.

If you do not have a sufficiency of a penalty, you would not have a sufficiency of a deterrent, because this matter of pests and pest proliferation is important. You could have pest that come in, wipe out a whole industry and create enormous havoc to that industry and, indeed, to the agricultural sector. While the Government will do all in its power to minimize the entry of such pests, there must also be responsibility on the part of the farmers and the producers.

What we are saying here, really, is that where you have not gone through the procedures and you have not got the required permits for proper inspection and so on, and it is found that you have a pest which damages crops, I think that you should have a significant liability in the matter. The Member for Arouca North complained of the provisions in clauses 4 and 5; that means, where you violated a provision by not having an import permit is a violation of the law.

When we had put the fine of \$1,000, that was in 1975. What was considered a deterrent in 1975, 26 years ago, obviously, has to be increased to be considered a deterrent in the year 2001. Also in that legislation, which was under the People's National Movement regime, there was no differentiation between first time and subsequent offenders. It was a blanket fine. The important thing is that we have increased the fine in order to deal with the economic realities of the year 2001.

*Plant Protection (Amdt.) Bill*  
[HON. T. SUDAMA]

*Friday, February 09, 2001*

I trust that you understand that if you violate the law—ignorance of the law, as you know, is no excuse. Therefore, if you did not know that you had to have an import permit in order to import plants and plant material into this country, and you attempt to do so, then, of course, you have to face the penalties. Then there is also the issue of the question of notifiable disease. *[Interruption]*

**Mr. Narine:** Thank you, Mr. Minister. The point I was making, through you, Mr. Speaker, is that the fines in clause 4 were raised from \$1,000 to \$5,000. I did not disagree with the fines being raised, because that was 1975, and today is 2001. I agree with that. I agree with imprisonment from six months to two years. What I disagree with is from a fine of \$500 to \$1,000 for every contravention thereafter. What I am in disagreement with is that, I have paid my fine for my first conviction, but when I do it another time I would pay less. That is not a deterrent.

**Hon. T. Sudama:** Mr. Speaker, it is on the first entry into the country that you might have the worst devastation, as a consequence of that. It does not have to be repeated a second time. If you come here and say—*[Interruption]*

**Mr. Manning:** Say that you will look at it again.

**Hon. T. Sudama:** There is no need to look at it again.

**Mr. Manning:** Well, then pass it!

**Hon. T. Sudama:** We will pass it.

**Mr. Narine:** Second time offenders are paying less; you are not addressing that.

**Hon. T. Sudama:** If you come here without an import permit and you bring in a pest, on the very first occasion that transgression of the law could cause enormous damage in the country to the agricultural sector. *[Crosstalk]* We are trying to deter people from doing it again—*[Interruption]*—that is why the deterrent is put there in the first instance.

Mr. Speaker, regarding the question of notifying where there is a pest that exists on your property, notification only draws a penalty where you have not taken reasonable steps to find out if a pest exists and also reasonable steps to notify the authorities. If it is seen that, perhaps, you have taken reasonable steps to identify the pest and, indeed, to notify, then the penalty does not come into play. The penalty comes into play if you have not taken the reasonable steps to do so. *[Interruption]*

I am prepared to listen to reasonable points being made. I will listen, but if I feel that the points do not justify any adjustment to this legislation, then I will say so. I do not feel that those points justify any adjustments. Again, if you are exporting, the regulation says that you must get a permit.

**2.55 p.m.**

Let me put the record straight. When you are importing, and the quarantine service has to give you an import permit, they are obliged to find out about the conditions of that plant in the country from which it is coming. If that investigation is made and it is found that it is too much of a risk, they would not permit the import. If they feel that there is a minimal risk, they might permit you to import it with conditions attached to the importation which, of course, you will have to observe. Ignorance of the law is no excuse.

With respect to an exporter's permit, then the quarantine service is obliged to contact the service in the importing country to find out what are their regulations and to certify that the plant that is exported does not suffer from any diseases et cetera, but also to find out from the importing country what are their requirements. That is the duty placed on the plant quarantine service and I would hope that they do their duty in this regard.

The Member spoke about accommodation and so on, but his main point was the question of the upgrading of the skills and expertise of these officers and, I must say that upgrading is a continuous thing. Continuously, we try to provide training and opportunities for people to improve their knowledge and become better officers and that is an on-going part of the training within the Ministry of Food Production and Marine Resources. A point that is not understood is that the quarantine officer does not work in isolation, he works as part of a division of the research department of the Ministry. So all the technical information that they have if there may be any doubt, they refer it to the research division where we have highly technical and qualified persons to do the research and come back with a response on which the officer will act. Any quarantine officer who makes a *vaille-que-vaille* decision, or who is in doubt, then should he make reference to the research division and their experts there—and anyone who makes a *vaille-que-vaille* decision, of course, is not acting responsibly. The technical back-up comes from the research division which is a highly competent division of the Ministry of Food Production and Marine Resources which is involved in research into all sorts of areas. I assure you that I myself checked to see that there are provisions for plant quarantine accommodation in the new airport.

**Mr. Narine:** The new terminal building.

**Hon. T. Sudama:** The new terminal building, if that would satisfy you. Accommodation has been provided and, of course, as you know, when the new terminal building becomes functional then you will see the vast increase in trade and traffic, people coming and going from Trinidad and Tobago, the great boost of the economy of Trinidad and Tobago and, of course, it is a terminal building which the previous government tried to construct for four years and could not even put down a post, as the Member for Couva North has said, despite the expenditure of \$100 million under Project Pride.

Mr. Speaker, I think mention was made of clause 15(b) in the Bill which says:

“any damage or loss incurred as a result of any treatment or quarantine action which was deemed necessary in the opinion of the officers of Plant Quarantine Service;”

That is what has to be compensated by the importer. Any treatment that is deemed necessary has to be compensated and that, in my view, is only fair.

The other issue is Cedros and importation of agricultural products, particularly unprocessed plant material coming into Cedros or Charlotteville. Let me tell you that Cedros and Charlotteville are not official points of entry for unprocessed agricultural items. We have made that known to all and sundry, and we have published notices, so if you are bringing in those items through those ports of entry, that is an illegal act which is supposed to be revisited by the force of the law. We have advised people not to come through Cedros and Point Lisas, but come through one of the official ports of entry. The Government will do all in its power to maintain vigilance over illegal ports of entry in Trinidad and Tobago, that is the responsibility of the Ministry of National Security and I cannot stand here and guarantee that it may not be possible for goods, agricultural items and unprocessed food to be brought in through any of these various illegal unofficial ports of entry but, as I said, we need to be vigilant and I am sure the Ministry of National Security is up to the task.

As you know, the Ministry of National Security has been upgrading the fleets and patrols. We have additional planes and helicopters, we have assigned additional personnel and increased the police service over the last five years. I think it was increased by over 1,000 personnel all in order to increase security throughout Trinidad and Tobago, including the illegal ports. We have been able to catch more persons involved in the drug trade over the last five years than was done before. So I disagree with the Member about the notion that either Cedros or Charlotteville are ports which are legally defined for the purposes of import.

The Member for St. Ann's East raised a point on clause 14. He was enquiring why we were replacing the words "Technical Officer (Crop Research)" and substituting the words "Director in charge of Plant Quarantine Service". When this Act was passed, there was the Technical Officer (Crop Research), today there is no longer that position and we are putting the responsibility on the Director of Plant Quarantine Service which has been established. On the question of the entomologist and pathologist, we want to ensure that the people who are involved here and to whom reference would be made are senior persons and more competent persons in order to discharge their responsibility.

The final point raised was why the Minister and not the chief technical officer. The reason we have put the chief technical officer as the person to whom an application for an import permit will be addressed and who will approve it, is to decentralize the operations to make it more speedy for the issue of permits because, as you know, that is a technical function.

In clause 6, this is a very difficult matter, in other words, here you are dealing with the property, but the Minister is not going to make an order without being given the proper technical advice. If you are going to deal with property, they are going to declare a disease to be notifiable and which has consequences and prohibit, control or restrict the transportation of plant that is affecting the rights of the person and the property and if you are going to direct, authorize or control the quarantine of affected areas, then of course, you cannot leave that as a responsibility of a technical person in the Ministry, that has to be the responsibility of the Minister acting on advice.

**Mr. Callendar:** Mr. Speaker, I want the Minister to clarify something for me. While the Agriculture and Plant Quarantine section is under Schedule 5 of the Tobago House of Assembly, the senior plant quarantine officer is under his Ministry. The information as it relates to Charlotteville is not the information we have. Charlotteville is being used as a port of entry and, therefore, you need to investigate this and provide the necessary wherewithal and facilities to ensure that the coast of Tobago is protected. Before I sit, I would hope that you would have treated with the question of the incinerator because it is something that needs to be looked at in Tobago given the influx of tourists and the request for the disposal of international garbage. Incineration is necessary in Tobago if we have to be protected.

**Hon. T. Sudama:** I agree that the incinerator has to be dealt with and we are looking at that issue right now, but let me make it absolutely clear that Charlotteville is not a port of entry for unprocessed plant items. It may be a port of entry for other things, not for unprocessed plant items, so if anything comes through there, it is illegal. If it is found necessary at some later point, given the volume, and it is anticipated that we should put officers there at Charlotteville, of course, we will look into that, and we will do our best with respect to the incinerator and greater collaboration between the senior quarantine officer in Tobago and in Trinidad.

Mr. Speaker, these decisions that we make with respect to the importation of plant pests and diseases must be made without looking at the politics of the situation, it must be made free from politics. My information is that the mealy bug infestation which came from Grenada was discovered here by plant quarantine officers in Trinidad and Tobago and persons doing research, and this was reported to the then Minister of Agriculture, Land and Marine Resources under the PNM regime.

**3.10 p.m.**

It was reported to him and it was advised that we should take precautionary action and stop the importation of agricultural items from Grenada. The advice the Minister gave to the technical officers was that we cannot stop trade between Grenada and Trinidad and Tobago because that will affect the relationship between Trinidad and Tobago and Grenada. As a result, the mealy bug infestation devastated large sectors of agricultural production in Trinidad and Tobago; on the basis of a decision made by a Minister not to affect the trading and political relationship between two member Caricom states. One should not make decisions of this nature on that basis.

Finally, I just want to make a point: they asked how will farmers know about pests and pest control and diseases? The Ministry continuously runs courses that are available to all farmers. Courses on integrated pest management; courses on pest control; on pesticides; on pest management. There are continuous courses being run on diseases and farmers are advised to participate in these courses, to update their knowledge so that they can properly manage their production. Maybe, we need to do more of it but this is not to suggest that it is not being done and that farmers are left in ignorance. If the farmer is left in ignorance, the farmer chooses to remain in ignorance, not that the opportunities are not there for him to be educated on these matters.

I beg to move.



*Plant Protection (Amdt.) Bill*

*Friday, February 09, 2001*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed, That clause 3 stand part of the Bill.*

**Mr. Sudama:** Mr. Chairman, I beg to move that clause 3 be amended as follows:

In the definition of the word "owner" insert after the word "building" the words "or the person who is in possession of or who is for the time being in possession of any land or building".

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

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

*Clause 6.*

*Question proposed, That clause 6 stand part of the Bill.*

**Mr. Sudama:** Mr. Chairman, there is an amendment to clause 6 as follows:

In the proposed section 4B(1) delete the words "a designated employee" and substitute the words "or an officer authorized by him".

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clauses 7 and 8 ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed, That clause 9 stand part of the Bill.*

**Mr. Sudama:** Mr. Chairman, I beg to move that clause 9 be amended as follows:

Delete clause 9 and substitute the following clause:

“Section 7 of the Act is amended—

- (a) by inserting after the words “The Minister” the words, “on the recommendation of the Chief Technical Officer;” and
- (b) by deleting the words “(hereinafter referred to as a designated employee)”.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Mr. Sudama:** Mr. Chairman, there is a typographical error in clause 11. 8B. (1). Instead of reading “Were a Plant Quarantine Officer”—it should be “Where a Plant Quarantine Officer”—

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12.*

*Question proposed, That clause 12 stand part of the Bill.*

**Mr. Sudama:** Mr. Chairman, I beg to move that clause 12 be amended as follows:

- A. In paragraph (a) insert immediately before the word "plant" the words "an officer of the", and in paragraph
- B. (i) insert immediately before the word "Minister" the word "the"; and
- (ii) insert immediately before the word "plant" the words "an Officer of the".

*Question put and agreed to.*

*Clause 12, as amended, ordered to stand part of the Bill.*

**3.20 p.m.***Clause 13.*

*Question proposed,* That clause 13 stand part of the Bill.

**Mr. Moore:** Mr. Chairman, may I suggest an amendment to that same clause 13; that we add after subclause (e) a subclause (f): a nominee of the Tobago House of Assembly, as one of the members on the board?

**Mr. Assam:** There is no subclause (e) in clause 13.

**Mr. Moore:** I am sorry; it is clause 14, Sir. It is to be dealt with under the substantive 13, but it is clause 14 in this Bill.

*Question put and agreed to.*

*Clause 13 ordered to stand part of the Bill.*

*Clause 14.*

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

**Mr. Moore:** Mr. Chairman, I am suggesting that after subclause (e), we add a subclause (f): a nominee of the Tobago House of Assembly as a member of the board.

**Mr. Sudama:** Mr. Chairman, what is happening at this time—because this issue has to be further amplified and clarified in light of the new arrangements in Tobago—is that Tobago really does not have a separate quarantine service and the quarantine service we have in place is applicable both to Trinidad and Tobago. What we could endeavour to do is make an administrative arrangement whereby the representation of the Tobago House of Assembly could be recorded in the decisions of this board of management. At this time the quarantine service is a board primarily based on the expertise, not necessarily based on a geographical institution or other types of institutions.

**Mr. Moore:** Mr. Chairman, can we not stipulate that this nominee have certain qualifications? What I am thinking about is that you have a quarantine service which should be rendered, to some extent, in Tobago as well, because you mentioned both Crown Point and Scarborough as ports of entry for this kind of plant material. Would it not facilitate the whole process of quarantine service if we have somebody from the House of Assembly on this board to participate in all discussions having to do with quarantine service in the country? Would this not facilitate the process in Tobago? That is what I am thinking about. We could always state what qualifications a nominee must have.

**Mr. Sudama:** Well then, we will have to go into some sort of definition of the type of person who would represent the Tobago House of Assembly and we have to assure ourselves that such a representative is technically an expert in the area. But I think we could look at that issue and, if necessary, come back with another amendment to incorporate that. In the meantime, it would not prevent administrative arrangements being made to incorporate the input of Tobago at this point.

*Question put and agreed to.*

*Clause 14 ordered to stand part of the Bill.*

*Clauses 15 to 18 ordered to stand part of the Bill.*

*New Clause 19 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New Clause 19 added to the Bill*

*Schedule ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### **PRIVATE SECURITY AGENCIES BILL**

*Order for second reading read.*

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That a bill to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto, be now read a second time.

The private security industry is a growing industry in Trinidad and Tobago and over the years it has operated a range of services, from manned guarding to alarm systems. The industry has grown tremendously over the last decade. With this growth of the private security industry, it has been shown that the legislation which has governed this industry has not been reformed in order to meet this growth. Some efforts were made by the administration of 1991—1995 to reform this situation, but the Bill did not get off the ground when it went in the other place. Over the last five years the Government has been engaged in trying to put an appropriate piece of legislation in place with the necessary consultation that occurred.

Mr. Speaker, the legislation which governs private security firms was introduced in 1906 and the hon. Member for Diego Martin Central said that it has taken us five years, but from 1906 and the length of time that the PNM had, it could not get the piece of legislation through. One sees the difficulty we had with that and, it may be, having regard to the utterances of the Member for San Fernando East, within recent times, that he might need a lot of private security. He did say that he would be the prime minister in a few days' time so I do not know whether he would want to cause persons to be precepted. He did also say that the President had the power to lock up the Prime Minister. [*Laughter*].

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

Mr. Speaker, getting back to the Bill, the Supplemental Police Act, Chap. 15:02, is the piece of legislation that is used, up to this time, to govern the private security industry. In the over 200 security firms operating in Trinidad and Tobago—where over 20,000 persons are employed as security guards, patrolmen, night watchmen, gatekeepers and other relevant types of guard related work—there is a situation where the estate constables, employed by both private security firms and government agencies, have been denied, and continue to be denied, their basic fundamental rights to representation. In the Act of 1906, provision was made for a statutory trade union to which these estate constables had to belong if they wanted representation and the powers and functions of that union had been restricted. Bear in mind that this ordinance was passed in the colonial era of 1906 before the 1937 riots in which there was the situation of the right of workers being highlighted. This law remained in force on the statute books and still governs the relationship between the estate constables, who are employed by both private security firms and government agencies, and their employers.

Mr. Speaker, just to give an example of the kind of denial of rights that these estate constables have suffered—I am mentioning this in order to show why it is needed to have legislation to correct the situation—under section 38 of the Supplemental Police Act, Chap. 15:02:

“(1) For the purpose of enabling constables of the Estate Police to consider, and, subject to subsection (2), bring to the notice of their employers matters which trade unions are competent to bring to the notice of employers of members of the unions, there shall be established an organization to be called the Estate Police Association which shall act through Branch Boards, and a Central Committee as provided by rules made under this Act. The Estate Police Association shall have the sole right to make representations as in this subsection mentioned.

(2) No representations shall be made by the Estate Police Association in relation to any question of discipline, promotion or transfer affecting individuals.”

A trade union was created by the statute to represent the estate constables, but their powers of representations were restricted and they could not make representation. They cannot make representations in relation to the employers disciplining them or on questions of promotion or transfers. The law at the present time, is that if the employer dismisses them without giving them notice, or without using the normal procedures, and they go to court, the courts are likely to hold that these estate constables are not entitled to protection as ordinary workers are. As a matter of fact, the courts have held that they could be instantly dismissed and that there is no protection for them.

Mr. Speaker, may I put case No. 518 of 1970 of *Lalchan Rampersad vs Caroni Limited* on the record of the Parliament. This is a San Fernando case, but there are several cases subsequent to this and even before this—Justice Hassanali, at the time, said that as far as the law was concerned the worker did not have the protection. At page 9 of the judgment he said:

“In my judgment Section 19(2) does not alter the ‘master and servant’ position at common law (on the right of summary dismissal) as between the company and the plaintiff. Perhaps the subsection serves to clarify the position for the (employer) company, for, in the scheme of the ordinance, the estate constable seems to have, as it were, two masters and two loyalties. At all events, there is no presumption that a statute is intended to override the common law.

In the result...the company was entitled to dismiss the plaintiff summarily—no question arises as to what was adequate notice in the circumstances.”

This worker was saying that because of his position he was entitled to notice and consideration by the company but the law, as drafted, was that the company was entitled to summarily dismiss the worker.

Mr. Speaker, at section 35 of the Supplemental Police Act, which governs estate constables' employment relationship with private firms and the State, it says:

“PROHIBITED ASSOCIATIONS

For the purposes of this Act a ‘prohibited association’ means—

- (a) any Trade Union as defined by the Trade Unions Act, whether the Union is registered or incorporated or not;”

An estate constable, under this colonial law, cannot belong to an association or trade union movement of his choice. He must have this estate police association to represent him and it cannot make representations in relation to matters of discipline, promotion or transfer.

Mr. Speaker, as a matter of fact, it has gone further in that there were situations even before the Minimum Wages Act when this amount was increased over the years. There were private security firms that would have been able to employ estate constables and pay them less than minimum wage. There was a crying need to have this changed and, for some reason, we have not been able to. It is a difficult piece of legislation because it needed very extensive consultation and it had certain implications.

Mr. Speaker, this Bill will deal with the relationship of estate constables as far as private employers are concerned. May I mention that the other bill, to amend the Supplemental Police Act, Chap. 15:02, which we will debate after, will deal with the relationship and regulation of estate constables insofar as they are employed by the government agencies. I think it is well known that estate constables have been employed to protect the property of government, statutory bodies and state enterprises, therefore, we have decided to have two separate legal frameworks in order to deal with these two separate matters.

Mr. Speaker, the intention of this Bill, therefore, is to regulate the private security industry. Through this piece of legislation, this new approach which we are seeking is to provide a simple and effective method of better regulating the private security industry in protecting the citizens and workers of the industry.

**3.40 p.m.**

It should be made clear that the police service is and would remain at the forefront of the fight against crime and the Government is committed to support it. There are limits to what the police service can do with regard to its resources and numbers. This has been recognized over the years and, as I said, there has been growth in the private security industry.

Over the years the private security industry has complemented the police service in its functions and duties. There have been increasing calls for the proper regulation of the industry, not just from the police but also the public.

I should mention that in the drafting of this Bill, the Ministry of National Security was involved in extensive consultation with the Ministry of the Attorney General and Legal Affairs and all the major stakeholders. We have had the benefit of much discussion with the Estate Police Association, the Association of the Security Companies of Trinidad and Tobago, the Ministry of Labour and the Chamber of Industry and Commerce.

The Government believes that it is necessary to license individuals and corporations that want to provide security services to the public of Trinidad and Tobago and to ensure that better checks and balances are put in place for persons to be monitored and those who are to be employed in the industry.

Clause 2 is the definition part of the Bill. One would see it deals with the definition of the relevant officers and institutions: A “precept” means a certificate issued under the hand of the Commissioner of Police authorising the security officer named therein to act as a constable.

“ ‘Precepted security officer’ means a security officer to whom a precept has been issued;

‘Private security agency’...means a sole trader, firm, partnership, or body corporate registered or continued under the Companies Act, 1995, which employs security officers for the protection of persons and property, including its employees and property or the installation of electronic security systems and monitoring services and is approved for that purpose by the Minister;

‘Security officer’...means a person who is employed by an agency for the protection of persons and property or the installation and monitoring of electronic security systems.”



Clause 3(1) of the Bill proposes that all those who provide security agencies shall be licensed to operate in Trinidad and Tobago:

“...no person shall, after the commencement of this Act, operate a private security agency without first obtaining a licence from the Minister so to do.

The owner of an agency, operating immediately before the commencement of this Act, shall within ninety days from the...commencement of this Act, apply for a licence. The agency may continue subject to subsection (2) to operate until the application is determined.

We would see what the application for a licence must be accompanied by.

“An application for the issue of a licence to operate a private security agency shall be made to the Minister on the prescribed form and shall be accompanied by—

- (a) a valid Police Certificate of Character, and where the applicant is a body corporate, a valid Police Certificate of Character in respect of each Director;
- (b) a certified copy of the Certificate of Incorporation where the applicant is a body corporate and certified copies of other documents issued by the Companies' Registry in respect of the applicant's incorporation;
- (c) a certificate from the Board of Inland Revenue that there are no outstanding taxes, interest or penalties payable by the applicant;
- (d) a certificate from the National Insurance Board that the applicant is registered as an employer under the National Insurance Act and that there are no outstanding amounts payable under that Act by the applicant; and
- (e) a VAT Clearance Certificate, where the applicant is VAT registered.”

The aim of these requirements is to ensure accountability on the part of individuals seeking to operate in the industry and the setting of certain criteria in which there would be standards in the operation of the industry.

Subsection 2 says:

“The Minister may grant conditional approval to the applicant for a period not exceeding sixty days pending the applicant’s submission of the following.

- (a) certificate from an insurance company that the applicant has a valid public liability insurance policy issued by that insurance company, with coverage for an amount of not less than five hundred thousand dollars, such insurance coverage to include liability for damages caused by or arising out of a security officer’s execution of his duty or any act of negligence on his part in the execution of his duty;
- (b) certificate from an insurance company that there is in force in relation to every security officer employed by the applicant, a policy of insurance issued by that insurance company insuring or indemnifying the applicant against the maximum amount of its potential liability in accordance with any written law, in respect of any injury sustained by, or death of, a security officer in the discharge of his duties.”

The private security agency must ensure that it submits a certificate of insurance from an insurance company stating that it has valid public liability insurance with coverage of not less than \$500,000.

Clause 4(3) of this Bill also provides that where the insurance policy is cancelled or withdrawn, the insurance company has an obligation to notify the Minister in writing.

In clause 4(4) there is a penalty in case that is not done.

The licence shall be renewable every two years from the date of its issue:

- 5.(2) “An application for the renewal of a licence to operate a private security agency shall be made to the Minister in the manner prescribed by section 4(3). Where an application for renewal is made more than two months prior to the expiry date of the existing licence, the validity of the licence shall continue until the application is determined.
- (4) Where an application for renewal of a licence is not made in accordance with the provisions of subsection (2), the licence shall lapse on the expiry date and until such licence is renewed, the Agency shall cease all operations.

6. Where the Minister refuses to issue or renew a licence, he shall inform the applicant giving his reasons therefor, in writing.
- 7.(1) On approval of an application for a licence or renewal...the applicant shall pay a licence fee to the Revenue Officer of the county in which the registered office of the agency is located, in accordance with the following criteria:
- (a) agencies that are VAT registered shall pay a licence fee of fifty thousand dollars;
  - (b) agencies that are not VAT registered shall pay a licence fee of twenty-five thousand dollars;
- (2) The Minister may, by Order, subject to negative resolution of Parliament, amend the fee prescribed in sub section (1).”

**3.50 p.m.**

8(1) Upon receiving proof of payment of the licence fee, the Minister shall issue a licence to the applicant.”

In clause 9 of the Bill there is the power of the “Inspection of premises” in order to ensure that there is compliance with the law.

“9(1) Subject to subsection (3), the Minister may authorise, in writing, a police officer of the rank of Inspector or above (hereinafter referred to as “the authorised officer”), to enter an agency at any time, with the consent of the employer, and inspect or search the agency and vehicles, examine books, records and other documents and interview the owner of the agency, security officers and other members of staff for the purpose of determining whether there has been a violation of this Act or any other written law.”

One sees that it is with the consent of the employer.

“(2) Where, during the course of the inspection or search it appears to the authorised officer that there has been a violation of the Act or any other written law, he may seize and take away any of the books, records, documents, papers or things and retain them until they are produced in any proceedings, but where such books, records, documents, papers, or things are necessary for the continued operation of the agency, the authorised officer shall be required to make copies of any books, records, documents, papers or things and return the originals to the agency.”

We also see in the next clause the power given if there is no consent by the employer and there is reasonable information.

“(3) Where it is shown to the magistrate, on sworn information, in writing, that—

- (a) admission to any agency has been refused or refusal is apprehended or that an application for admission would defeat the object of entry; and
- (b) there is reasonable grounds for entry into the premises for the purpose of an inspection or search,

the magistrate may, by warrant under his hand, authorise entry.

(4) Every warrant issued under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) The authorised officer may inspect or search, if necessary with the assistance of a police officer, any building, vehicle, receptacle, or place for books, records, documents, papers or things which may afford evidence of a violation of any provision of this Act or any other written law.”

It also says:

“(6) A person who—

- (a) hinders, molests or interferes with an authorised officer in doing anything that he is authorised by this section to do or attempts to hinder, molest or interfere with an authorised officer in doing any such thing; and
- (b) any person who, unless he is reasonably unable to do so, fails or refuses to do anything he is required under this section to do,

is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for three years.”

Clause 10 deals with the suspension of licences.

“10(1) Where an inspection conducted pursuant to the provisions of section 9, reveals evidence of a contravention of this Act or any other written law whereby charges are laid against the employer, a security officer, or other member of staff, the Commissioner shall submit a written report to the Minister within fourteen days of charges being laid.

(2) Upon such report being made, the Minister shall give the agency the opportunity of being heard and may, if he deems such action to be reasonable in the circumstances, suspend the licence and the agency shall cease operations forthwith.”

Mr. Speaker, may I say in this Bill that it does not take away the powers of the court and it does not create any immunity against any action. Therefore, if it is felt that the Minister did not act in accordance with law, under the law, the Minister’s decision can be judicially reviewed or any case that the law permits can be filed. If there is any doubt about that, I am sure the hon. Member for San Fernando East would be able to give advice on litigation, but it does not take away the power of the court in reviewing any decision of the Minister.

Mr. Speaker, under clause 11, it states:

“11 A person who operates an Agency without a licence or after a licence has been suspended commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.”

Mr. Speaker, I have taken the trouble to read those sections to show that safeguards were put in place even if the premises have to be searched, that they can only be searched with the consent of the person or if it is felt that the consent would be refused or that there are other reasons as specified, there has to be an application to a magistrate to get a warrant for these purposes.

Mr. Speaker, over the period of time the police, the public and the Government have been concerned about the type of individuals from time to time who may be employed in the industry, and this Bill seeks to establish a satisfactory standard on the basis of some criteria for employment taking into consideration the important role which these security officers play in protecting lives and property in Trinidad and Tobago.

Under Part III, of the Act it specifies in clause 12(1) the “Qualifications for employment of security officers”. It says:

“A person who—

- (a) is a citizen or resident of Trinidad and Tobago;
- (b) is over eighteen years of age;
- (c) is of sound health, as evidenced by a certificate issued by a registered medical practitioner;

- (d) passes a drug test for any of the dangerous drugs listed in the schedule to the Dangerous Drugs Act;
- (e) is of good character, as evidenced by a valid Police Certificate of Character; and
- (f) successfully completes the programme of training approved by the Commissioner,

shall be eligible for employment as a security officer.”

One will see that it is very important to note that there will be a training programme approved by the Commissioner of Police for an applicant to complete in order to be eligible for employment.

“(2) The eligibility requirements for employment as a security officer may be amended from time to time, by the Minister.

An application for a precept for a security officer shall be made to the Commissioner...”who is under the definition of the Act, the Commissioner of Police,

“by an employer on the form prescribed and payment by the employer, of the prescribed fee.”

It is important to note that the power to grant a precept is not being taken away from the Commissioner of Police and that power is not being given to the private security firms. The precept can only be granted by the Commissioner of Police.

One sees in clause 13(2):

“The application shall be accompanied by evidence that the security officer has—

- (a) satisfied the requirements of section 12(1);”

That is, the “Qualifications for employment of security officers” which I have just read.

“(b) has been employed by the agency for not less than six months and;

- (c) successfully completed the precept examination as administered by the Commissioner.”

Issue of precept:

- “14(1) Upon receipt of the application in accordance with section 13, the Commissioner may issue a precept to the security officer subject to any conditions stipulated therein.
- (2) A precept shall be issued in relation to the agency employing the security officer and is not transferable.
- (3) The grant and revocation of a precept shall be at the sole discretion of the Commissioner.
- 15(1) Where a precept has been issued to a security officer, the employer may apply to the Commissioner for a Firearm User’s Employee’s Certificate in the name of the security officer on payment, by the employer, of the prescribed fee.”

**4.00 p.m.**

- “(3) Where an application for renewal of a Firearms User’s Employee’s Certificate is received more than two months prior to the expiry date of the existing certificate, the validity of that certificate shall continue until the application is determined.”

So, Mr. Speaker, one sees that there is a different certificate for the application for the use of the firearm from that which is obviously needed to ensure that the issue of firearms to security officers is well regulated.

Clause 16 of the Bill deals with the “Powers of precepted security officers”. It says:

- “(1) A precepted security officer, while engaged in the performance of his duties and in respect only of those persons and property for which he is responsible, shall have such power, authority, privilege and immunity and be liable for his actions in the same manner, as a constable in the Police Service.”

So, this Bill attempts to give to a precepted security officer, while he is engaged in the performance of his duties—and it is important to stress, the importance of his official duties as an estate constable—the same powers, authority and immunity that are given under law to a constable in the police service.

- “(2) Subject to the general order and direction of the Minister, the Commissioner shall have the supreme command and superintendence over a precepted security officer.

- 17(1) A security officer shall be provided with a badge, baton and manual describing the powers and duties of a security officer.
- (2) The badge shall be evidence of the position held by a security officer and shall be displayed by him when exercising the duties of his office.”

I think we will all agree that it is very important for people to know the identity of the persons with these coercive powers; to know that they are security officers and to have some indication of their standing. One can anticipate that if there is nothing to identify security officers, then not only may they not be able to carry out their duties properly, but there may be situations of impersonation. *[Interruption]* I am subject to correction.

Part IV of this Bill deals with the “Termination of Employment”. This part is important because, as I had indicated before, estate constables who are employed at both the level of the private sector and the government agency do not really enjoy protection. Obviously, what has happened over the years is that employers in both sectors have tried, in many instances, to adhere to the principles of good industrial relations but, as far as the security of the workers is concerned, they did not have legal protection.

Under clause 18:

“A security officer may resign his appointment on giving his employer one month’s prior notice in writing of his intention to resign.”

I suppose we can say at least one month’s notice in writing.

- “19(1) Where the employment of a security officer is terminated, whether by resignation, dismissal or otherwise, the employer shall, within one month of such termination, so inform the Commissioner and the reason therefor.
- (2) Any employer who fails to report the termination of employment of a security officer and the reason therefor is liable on summary conviction to a fine of five thousand dollars.
- 20(1) Where the employment of a security officer is terminated, whether by resignation, dismissal or otherwise, all powers and duties vested in him as a security officer shall immediately cease, and he shall, within fourteen days thereafter, deliver to his employer any articles of appointment which may have been supplied to him for the execution of his duties.



- (2) The precept and Firearm User's Employee's Certificate in the name of the security officer shall be delivered up by the officer's former employer to the Superintendent of the Division in which the agency is located.
- (3) Any person who contravenes this section is liable on summary conviction to a fine of five thousand dollars.
- 21(1) When a security officer dies, any person in possession of any articles of appointment issued to the deceased for the execution of his duties shall, within twenty-one days after the officer's death, deliver such items to the deceased's employer or to the Superintendent of the Division in which the agency is located.
- (2) Any person who contravenes this section is liable on summary conviction to a fine of two thousand five hundred dollars."

One sees, under that section, that there are no restrictions with respect to the rights of the workers.

Part V expressly deals with "Trade Union Matters".

"22. Security officers may form an association which may be registered as a trade union or join an existing association or trade union."

Mr. Speaker, this is very important because, for the first time, these estate constables would be enjoying the right to freely form an association of their choice for these purposes. That association may be registered as a trade union, or they may join an existing association or trade union.

It may sound as though nothing much is happening, but we should consider how an estate constable feels when he or she has to belong to an association and that association, which is a statutory trade union, has restricted powers and cannot bargain for him as other persons are entitled to have in other sectors.

So, there was a situation where these persons were discriminated against. They have been treated unequally and have had to endure this. I have a file in which there are newspaper cuttings. I will not read from some of them, but there can be no doubt that this issue cried out for action. I think that the country owes an apology to these estate constables that this has been allowed to happen for so long—from 1906 until 2001.

We are here with legislation which still governs the relationship with estate constables. I think we owe them an apology, but the light in the tunnel is that we should feel privileged and honoured to be here, to be part and parcel of this

historic piece of legislation which will redress the injustice that has been perpetrated against these persons for so long. [*Interruption*] He will have to be careful how he suggests amendments to me.

**4.10 p.m.**

Mr. Speaker, clause 23 of the Bill deals with the victimization for trade union activities and we have decided to spell out in this Bill, very expressly, that these people cannot be victimized for trade union activities. I quote:

"An employer shall not dismiss a security officer, adversely affect his employment or alter his position to his prejudice by reason only of the circumstances that the security officer—

- (a) is an officer, delegate or member of a trade union or association;
  - (b) is entitled to the benefit of an order or award under the Industrial Relations Act;
  - (c) has appeared as a witness or has given any evidence in a proceeding under the Industrial Relations Act; or
  - (d) has absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties as an officer or delegate of a trade union or association and the leave has been unreasonably refused or withheld.
- (2) An employer shall not—
- (a) make the employment of a person subject to the condition that he shall not join a union or association or that he shall relinquish trade union or association membership;
  - (b) dismiss or otherwise prejudice a security officer by reason of union membership or because of participation in union or association activities outside working hours;
  - (c) with intent to dissuade or prevent the security officer from becoming such officer, delegate a member from so appearing or giving evidence, threaten to dismiss the security officer or to affect adversely his employment or to alter his position to his prejudice by reason of the circumstance that the security officer is, or proposes to become, an officer, delegate or member of a trade union or association or that the security officer proposes to appear as a witness or to give evidence in any proceeding under the Industrial Relations Act."

Mr. Speaker, here it is, we are putting in legislation, safeguards, in order to ensure that estate constables do not suffer the oppression that they have suffered over the years, in that, they could have been victimized for any activity which bordered on trade union activities. Under the present system they could be summarily dismissed and reasons do not have to be given. Therefore, if the employer gets up one morning and does not like them, or if the employees support some matter in the statutory trade union or the Estate Police Association which they do not like, they can be dismissed. What this law is doing is preventing them from being victimized and it is including in the legislation itself the safeguards against victimization.

Mr. Speaker, subclause (3) states:

“An employer who contravenes subsection (1) or (2) is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year and the magistrate making the order for conviction may also order that the security officer be reimbursed any wages lost by him and direct that, notwithstanding any rule of law to the contrary, the security officer be reinstated in his former position or in a similar position.”

Mr. Speaker, we see the protection which is being given to the worker; the estate constable. It continues:

- “(4) In any proceedings for an offence under subsection (3), if all the facts and circumstances constituting the offence, other than any specific intent, are proved the defendant may be convicted unless he proves that he did not have the specific intent in question.
- (5) Subject to subsection (3), nothing in this section shall be construed so as to compel any employer, in the absence of agreement to the contrary, to pay or compensate any security officer for any time not spent in the performance of the duties of his employer.”

Mr. Speaker, then we have “Collective agreements”:

- “24. A trade union or association and an employer may enter into agreements in respect of salary and terms and conditions of service subject to the provisions of Parts IV and V of the Industrial Relations Act.”

Then there is a “Dispute procedure”:

- “25 Where a dispute arises between a security officer and an employer, the employer, security officer, trade union or association may report the dispute to the Ministry of Labour and, on the report being made, the dispute shall be treated as a trade dispute subject to the provisions of Parts IV and V of the Industrial Relations Act.”

In respect of penalties under the Act, Mr. Speaker, it states:

“26. The Minister may, by Order, subject to negative resolution of Parliament, increase the penalties contained in this Act.”

Mr. Speaker, we really see here, the major reforms which are happening with the security industry, recognizing the roles and functions of the police service and recognizing that the police service performs an important role in the society and their functions and duties must not be undermined or subverted, and also recognizing that there is a need for private security firms to operate, to supplement, to assist the police in the performance of some of these duties. The private security firms would be able to provide constables who are employed by the private enterprise. There is also a situation in which the estate constables who are employed by the government agencies would be protected in the same way but under a separate piece of legislation.

I just want to pause a minute to put on the record some of the problems to give hon. Members some idea of what occurred. Hon. Members would recall that I referred to a Bill which was introduced by the administration in Government from 1991—1995 and that Bill was known as the Security Agencies and Security Officers Bill. When the Bill was debated in the other place, Mr. Speaker, although the intention of the then Government would have been noble and good, it was found that the Bill did not—although the Government said it took some time in order to bring the Bill—address the needs and problems of the situation. There was severe criticism of the Bill in the other place, but one of the criticisms was that the Bill would have prevented small security firms from operating and would have created a virtual monopoly of security firms. The Government of the day did the right thing in that it did not pursue the Bill.

I am saying this, Mr. Speaker, in order to try to emphasize, as much as I can, that this Bill is not a simple measure and we would want to have—as we always welcome—the views of the Opposition, even at the committee stage, in helping us, if they think that there are suggestions in which the Bill could be improved.

**4.20 p.m.**

May I mention, Mr. Speaker, when that Bill was introduced in 1995 there were strong objections from the trade union movement about it. What we have been able to do in this Bill is get the consensus before coming to Parliament with

these measures. In the *Newsday* of April 26, 2000 and the *Express* of December 1, 1999, the newspapers reported, this is as said by Mr. Phillip Ryan who is the President of the Estate Police Association, that the majority of the exploited workers in Trinidad and Tobago are employed in the security industry.

“Under existing legislation...security officers cannot be represented by the National Trade Union Centre (NATUC) and are denied a voice on the Minimum Wage Board.”

He said that:

“...little had been done over the...years to address the concerns of security officers.”

He believed that there should be a special regime to deal with security officers and that cry, Mr. Speaker, has gone back several years. As a matter of fact, from the time I became a Member of Parliament in 1991, and I am seeing here even before 1991, there have been cries by this association to have these injustices addressed.

In the *Trinidad Express* of December 1, 1999 under the headline, “Poor practices by security firms, says estate police boss” it says:

“The demand for security services is growing. We are now entering the festive season and there is a real possibility of incidents (like the one on Monday night) taking place again,”

He was referring to the shooting death of Royal Bank security officer Michael Marshall.

Ryan, who is president of the Estate Police Association, expressed concern about the business dealings of some security companies.

One practice he condemned was allowing clients to determine how much money is spent on security. He said this could leave the security firm with only minimal or even inadequate resources for its officers’ equipment and wages.

Instead, the firms should demand enough to cover their costs and ensure their officers’ safety.

He said his association had submitted proposals to the Ministry of National Security and the Labour Ministry to establish a minimum wage of \$12...”

Well, I think the minimum wage matter has, to some extent, been resolved.

“Ryan said that there also should be standard fees throughout the industry so that clients would not hire firms based on their prices. ‘Competition will be based on the ability of the company to provide...service.’”

So that, Mr. Speaker, it is not all of the concerns that the Estate Police Association talked about we have been able to address in this legislation. Therefore, I want to make it quite clear—we have been able to address what we consider we could address in this legislation and there may be other matters that would need further time and other matters that need redress. However, if some of the matters can be redressed and we could not do it in this legislation but it can be shown how we can do it, we would be very happy to deal with them.

The Estate Police Association feels, for example, that there are poor quality bulletproof vests which are given to security officers and that is also a concern of theirs. They are saying, for example, in this article, that while these vests are available and they are being used, they would not stop a bullet and some may not prevent injuries so that what they are also talking about is some mechanism to ensure that the security officers are provided with—[*Interruption*]

**Mr. Beraux:** Let them know about the one that manufactures yours. I am sure that is a good one.

**Hon. R. L. Maharaj:**—bulletproof vests and to ensure that—[*Interruption*]  
Mr. Speaker, I do not have any bulletproof vest. They have also talked about the minimum wage over the years and the Minister of Labour and Co-operatives has redressed some of those matters. However, I think I owe them the duty to mention that the Estate Police Association has been very, very concerned with the standards of security firms and with the kind of equipment they can be given to do their jobs. I suppose that that may be of some concern not only for private security firms but I would think that we have to recognize that where there are problems one cannot solve all at the same time.

I am not saying that this legislation is going to solve all the problems of the Estate Police Association. What I am saying is that some of the problems have been there for some time and one of the major problems, obviously, is that of the denial of rights of the estate police officers—the fact that the industry was not properly regulated. What we are trying to do with this piece of legislation is to provide a more effective regulatory mechanism for the industry and also to remove all the restrictions which prevented estate police officers from enjoying their constitutional right to the freedom of association and the freedom to join unions, and to provide in the Bill some other benefits which we could have given in the legislation.

Mr. Speaker, if I can deal with the final clauses of the Bill, clause 27 in particular deals with bodily injury to security officers. It says:

“Where a security officer sustains injury while in the discharge of his duty, the employer shall meet all the costs of medical attention, medical comfort and medicines, as required by law.”

So we have put in the Bill the statutory responsibility of employers of these security officers, where, if these people are injured while in the discharge of their duties, quite apart from what other compensation they may be entitled to, the employer must meet the cost of medical attention, medical comfort and medicine.

The insurance benefits, Mr. Speaker:

“Any insurance benefits payable to an employer for or on behalf of a security officer shall be paid to the security officer, his beneficiary or estate, as the case may be.”

Then clause 29 says:

“(1) No private security agency shall describe any of its officers by reference to any of the titles set out in the First and Second Schedules to the Police Service Act.”

It also says that no security officer shall describe himself by reference to any of these titles because these were the titles for the police service and they should not be used for private security officers.

Mr. Speaker, clause 30 says:

“The Minister may make regulations for giving effect to the Provisions of this Act, subject to negative resolution...”

This Bill, therefore, if I may say so, should receive the support of all Members of this House and the Bill is one which I think all hon. Members would be interested in seeing that it gets through in the best form possible because it would provide a great relief to estate constables who have been a great asset to the nation because the police service, obviously, as organized and with the numbers, could not have provided all the services that were required. Some of these constables, Mr. Speaker, are used by Government to protect property and to provide security and others are also used in the private sector industry.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

*Adjournment*

*Friday, February 09, 2001*

**ADJOURNMENT**

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, following discussions I had with the Opposition Chief Whip, I beg to move the adjournment of the House to Friday, March 2, 2001 at 1.30 p.m. I am indebted to Minister Assam for reminding me that we are in 2001.

Mr. Speaker, on that day, apart from continuing with this—*[Interruption]*  
Mr. Speaker, I do not want to get involved in all these utterances because I do not want to affect the hon. Member for San Fernando East in his dream that by the 19th he will be the Prime Minister with a 24-member Cabinet. *[Interruption]*  
Mr. Speaker—*[Interruption]*

**Mr. Speaker:** Order, order please.

**Hon. R. L. Maharaj:** Mr. Speaker, I am sure the hon. Member would give me a chance to—*[Interruption]* Mr. Speaker, may I mention that apart from continuation of this debate on the next day, we will do the Motions under “Government Business”, Motion No. 1, Motion No. 2 and the Motion on the Supplemental Order Paper dealing with the Education (Local School Board) Regulations and, if time permits, we will do the Bill which deals with the amendment to the Supplemental Police Act. *[Interruption]*

Mr. Speaker, I do not know whether you will want to remind Members of the seminar tomorrow.

**Mr. Speaker:** Before I put the Motion for the adjournment, I just want to remind Members that tomorrow we will be having a seminar right here in this Chamber and, while the correspondence did not say what the dress code would be, the dress code would be elegantly casual. I look forward to seeing all of you tomorrow.

Before I put the question on the adjournment, we have two Motions on the Adjournment. We could decide, I think, whether we should take them now or we suspend for tea and come back and then take the Motions. What do Members wish? *[Interruption]* I can suspend for tea or—*[Interruption]*

**Hon. R. L. Maharaj:** Mr. Speaker, I must confess, Mr. Valley did not discuss that with me so I cannot say there was any agreement on that aspect, so it depends on what Members want.



*Adjournment*

*Friday, February 09, 2001*

**Mr. Speaker:** Could I hear from the Opposition side on this? [*Interruption*]  
[*Crosstalk*] Let me suggest that you go behind the Chair and confer, then come back and—[*Interruption*]

**Mr. Hinds:** No, no, we have concluded. [*Interruption*]

**Mr. Speaker:** In that case, the two Motions will be adjourned for the next sitting.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.34 p.m.*