

*Leave of Absence**Friday, March 16, 2001***HOUSE OF REPRESENTATIVES***Friday, March 16, 2001*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received correspondence from the Member for Port of Spain South (Mr. E. Williams) who will be absent during the period March 14—20, 2001, and the Member for Diego Martin East (Mr. C. Imbert) from today's sitting.

Leave has been granted.

**DEFINITE URGENT MATTER (LEAVE)****Health Crisis in the Nation**

**Mrs. Camille Robinson-Regis** (*Arouca South*): Mr. Speaker, in accordance with Standing Order 12, I hereby seek your leave to move the Adjournment of the House to discuss a definite matter of urgent public importance, to wit, the ongoing health crisis throughout the country and the spate of resignations by doctors, resulting in the hardship being endured by patients seeking emergency health care.

The matter is definite because it pertains to a specific situation, namely, the continuous industrial action by the doctors at all major health institutions, and the dispute regarding settlement of nurses' salaries remains unresolved.

It is urgent because the Minister of Health has admitted that the situation gets worse with each passing day. He has conceded that a solution is not imminent and has also publicly offered his resignation owing to the crisis.

The matter is of public importance because the Ministry of Health has informed the national community that this grave situation has already resulted in one death. Citizens have been advised to seek medical attention from private institutions. Advertisements for foreign doctors have begun and a solution to the situation seems far off, while citizens continue to suffer.

**Mr. Speaker:** Hon. Member for Arouca South, this matter does not qualify under Standing Order 12. I recommend that you consider bringing it before this House under Standing Order 11.

**PRIVATE SECURITY AGENCIES BILL**

[Third Day]

*Order read for resuming adjourned debate on question [February 9, 2001]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Attorney General, you have spoken for 20 minutes. You have 25 minutes left.

**Hon. R. L. Maharaj:** Mr. Speaker, one of the points raised by the Opposition about this Bill was that there was no proper consultation by the Government in respect of these measures.

During this debate, it emerged that governments have been looking at this matter for some time and the administration before the last had come before the Parliament with two measures, which had to be withdrawn.

Hon. Members will recall that the Member for Laventille East/Morvant spent much time relying upon a letter dated February 20, 2001, from one Mr. Thompson, which he said was written to the hon. Prime Minister, in which allegation was made that there was no proper consultation. He quoted Mr. Thompson as saying:

“We assert, that the consultation held by the Ministry with a certain self-appointed few Executives of The Security Managers Association of Trinidad and Tobago, (S.M.A.T.T.), The Association of Security Companies of Trinidad and Tobago, (A.S.C.O.T.T.) and The Estate Police Association, (E.P.A.), was unfortunate and we respectfully seek your kind assistance in redressing this situation for the good of the Industry and the country as a whole.”

Mr. Speaker, the hon. Member for Laventille East/Morvant adopted what the letter stated by saying that the Government did not have full consultation on the matter. He took that position, notwithstanding the fact that during my contribution in opening the debate I told him that there was proper consultation and the Government has consulted all the major stakeholders.

I have a letter dated March 7, 2001 from the Estate Police Association, which considered Mr. Thompson’s letter and I put on record the material parts of this letter. This letter is signed by Mr. Philip F. Ryan, the President.

“Mr. Thompson has raised serious questions about the bonafide of those persons representing the interests of Security Companies under the umbrella

of The Security Managers Association of Trinidad and Tobago...and The Association of Security Companies of Trinidad and Tobago... The fact of the matter is that in 1995 when the previous PNM Administration initiated action aimed at regulating the industry, the Estate Police Association spoke out publicly on both electronic and print media about the provisions of the then proposed Bill.

When the United National Congress formed the present government in 1995, the process continued. In 1997, work began at preparing new proposals for the development of legislation to regulate the Industry. At that time every effort was made to ensure participation from all stakeholders, Mr. Thompson included. For him to state at this time that neither he nor other security firms were consulted is a blatant lie.”

So, here we have the Estate Police Association saying that the Bill which the PNM government introduced in 1995 had to be withdrawn, obviously because there was no proper consultation. It did not have the consensus of the stakeholders. When the new administration came in 1995, that administration decided to have consultations with the industry. He is saying, as a representative of the Estate Police Association, that it is untrue to say that there was no consultation. This letter went on to say:

“Mr. Thompson purports to represent the concerns of other proprietary security as well as private security service agencies. However, we have not seen any proof of this. Before he goes about questioning other people’s bonafide, he should establish his...

Mr. Thompson’s assertion that passage of the Bill will result in loss of job is totally untrue. Mr. Thompson’s document refers to a small minority of propriety organizations.”

**1.40 p.m.**

“When one views the scenario, the interest of the majority of the individuals will be protected. The Bill in its present form seeks to prevent private security firms from becoming parts of other organizations, thus avoiding having to pay the licence fees.”

One of the objections of the Members on the other side has been that we should not have a Bill in which, if a company employs security personnel and they have precepted and non-precepted officers—they are saying—that should not be in the Bill, in that the Bill should not be limited to companies which are providing security as a service for a commercial fee.

The contention is, and it has been pointed out in consultation process and it is quite clear, that if it is that the aim of the Bill is to ensure that certain standards are kept to protect the public interest, then it would mean undermining the measure if you only apply these measures to security firms, which are providing the service for a fee and you do not cover the situation, where, for example, a bank can have a security unit within the bank but you can have the public at jeopardy if that security unit does not meet the standards which we have in the Bill. Mr. Speaker, that is why this Bill is not confined to security officers and agencies, which are providing services only for a commercial fee, but it also includes commercial enterprises which have units of security officers.

Mr. Speaker, that is why in the definition section of the Bill is says, and I quote:

“‘Private security agency’ or ‘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;”

Mr. Speaker, it shows that what the hon. Member for Laventille East/Morvant has stated, he was saying that we did not have our facts right; we did not have consultation; here it is we were coming here to pass this Bill because we have certain interests to protect. Is he saying that we have interests to protect when it has been shown, Mr. Speaker, that he relied on the letter written by someone who only seems to have the interest of some of the banks at heart in ensuring—because he wants to get out of the Bill, units at commercial enterprises, including banks and financial institutions in which you have security officers employed.

Another point which Mr. Thompson raised was that:

“The Supplemental Police Act which deals with Estate Constables employed by state and quasi-autonomous organizations. Mr. Thompson and Company must realize that the wanton pillage and exploitation must stop. If this means creating provision to enable precepted security officers to join Trade Unions, then the Estate Police Association does not have a problem. If those...individuals had accepted the Estate Police Association’s many offers to work together, perhaps, this scenario today would have been different.”

Mr. Speaker, I think that this is sufficient to put at rest the allegation—and the hon. Member for Laventille East/Morvant relied heavily on this letter and the memorandum sent by Mr. Thompson. As a matter of fact, it seems as though that

was the case for the Opposition, apart from some of the other points mentioned by the hon. Member for Diego Martin Central and in respect of the National Alliance for Reconstruction, the Hon. Member for Tobago East.

Mr. Speaker, to establish the point quite clearly so that there could be no doubt, I would also like to put on record a letter from the Trinidad and Tobago Chamber of Industry and Commerce, dated March, 2001, addressed to the hon. Prime Minister and signed by the Chairman of the Crime and Justice Committee, Mr. John Aboud. He said:

“I refer to the letter dated March 5th, 2000 from Stacey Parks, together with enclosures, as it relates to the proposed Security Agencies Bill 2001 and wish to draw your attention to the following.

As Ms. Parks and other officers in your Ministry may be aware, from as far back as 1994, the Ministry has held several meetings with interested groups in an effort to develop and formulate a Bill that would assist the Government and indeed the private security agencies themselves to become more organized, disciplined and regulated.

During that period the private sector organizations namely, the Security Managers Association (SMATT), the Association of Security Companies of Trinidad and Tobago (ASCOTT) and the Trinidad & Tobago Chamber of Industry and Commerce had decided that because of the commonality of the interest of their members, a small group would represent the views of the private sector in general, with the objective being that each organization would disseminate all information to its membership and look after its interest.

Records will show that numerous meetings were convened at both the Ministry of National Security at offices of the Law Commission, under the Chairmanship of Mr. Deo Bagowtie, S.C. Regrettably, I cannot therefore share the view of Mr. Eric Thompson that there was no consultation with the industry. In fact, if my memory serves me right, he himself partook in some of these discussions very early when his views were vastly different from those expressed in his letter dated February 20, 2001, a copy of which has been made available to me by your, Ms. Parks.”

Mr. Speaker, here it is, another organization, reputable organization, saying that there was consultation on this measure and, obviously, the allegation that Mr. Thompson made which the Opposition—

**Mr. Valley:** I wonder whether the hon. Attorney General would see the difference in views coming from firms in the private security industry as distinct

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from the view of an individual who really has an internal arrangement. It is not a security company; it is a bank that has a security company. I think that is the difference. Mr. Speaker, going back to the basic point, if you are treating state enterprises in a particular way, there is very little argument to treat firms, such as other banks, in a manner that is similar.

**Hon. R. L. Maharaj:** Mr. Speaker, I can understand the difficulties that the hon. Member has found himself in because he probably was not here when I stated that the Thompson letter showed that he wanted the Bill to exempt companies which had security units and were not offering their services for sale. If that is done it would mean that you will have two sets of standards and, therefore, on the last occasion I assured the hon. Member for Diego Martin Central, that the rules would not be different for the private firms which have security units and state enterprises which have security units.

**1.50 p.m.**

Mr. Speaker, I will continue to read the letter, because I think a lot of time has been spent, and I want to put it on the record:

“I have enclosed for your information, a copy of the attendance register of a meeting of the Association of Security Companies of Trinidad and Tobago (ASCOTT) which clearly shows that the organization is active and comprises the major players in the private security industry.”

So this talk about this organization being a dead organization and inactive does not seem to have any validity at all.

“The meeting was a briefing session with the general membership on what transpired at the discussions representatives had with officers of the Ministry of the Attorney General, your Ms. Parks and Ms. Camps. In addition, as I have pointed out before, the membership of both the Security Managers Association of Trinidad and Tobago (SMATT) and of the Chamber as well as the Estate Police Association (EPA) would have also been aware of the same information, and any suggestion by Mr. Thompson of a lack of consultation is incorrect, in my respectful view.

I have also enclosed a copy of his draft letter which he has recently faxed to the stakeholders in the industry asking them to sign same signifying support for the positions described therein.”

Attached to this letter, Mr. Speaker, there are several firms and individuals which have signed to that effect.

Mr. Speaker, the letter continues:

“Generally speaking, I consider the provision of the present Bill to be reasonable to all stakeholders in the industry taking into account the fact that very often not everyone will agree with every provision.”

Bearing in mind that this is the Trinidad and Tobago Chamber of Industry and Commerce, which also represents the commercial interest and the well-being of companies including banks and financial institutions, which the hon. Member for Diego Martin Central has just talked about.

“For example, many members of ASCOTT remain of the view that the fee structure is too high.

Different versions of the Bill have been circulated for well over five (5) years. Everyone who has had an interest in it, in my opinion, has had sufficient opportunity to make their views known. It appears as if Mr. Thompson, at this eleventh hour is now attempting to redraft the entire bill against the better interests of private security agencies sector.

In conclusion, I wish to recommend that whatever decision is taken by you and by the Attorney General and Minister of Legal Affairs with respect to the finality of the Bill, ought to capture both proprietary and commercial security organisations which must be governed by the same legislation, and that the Bill in its present form be taken forward in Parliament, without further delay.”

Mr. Speaker, it is very important for us to note that the Trinidad and Tobago Chamber of Industry and Commerce, a body which represents the interests of business in this country, the Estate Police Association and Security Managers Association of Trinidad and Tobago—these three major organizations, which, I am told, represent 90 per cent of the security business in Trinidad and Tobago are of the view that the Bill in its present form will capture both proprietary and commercial organizations; proprietary in the sense that a company which has a unit but is not offering the services for sale would have to meet the same rules with respect to the standard for security officers. [*Interruption*]

Mr. Speaker, just to make what I said at the commencement of this debate clear again, this Bill is dealing with private security firms and commercial firms that sell security services. It is also dealing with private firms that have security services for their companies or units, but do not sell their services. The next Bill on the agenda, the Supplemental Police (Amdt.) Bill, will deal with some of the same measures insofar as they relate to the State and state authorities.

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There has been a lot of criticism at times in this debate that this Government has been dictatorial, autocratic, undemocratic, wanting to pass legislation—looking at the clauses in the Bill saying that this is a trend which is going with this Government—that general tenor. I think I owe it to the record of this Parliament for future generations to read, at least, that the People's National Movement administration in 1995 brought the Security Agencies and Security Officers Bill. I am doing this also because the hon. Member for Laventille East/Morvant criticized the Bill and wanted to find out what was wrong with the Supplemental Police Act; what was wrong if they could not have a union, because, in any event, the Industrial Court could have looked at the matter.

Hon. Members would recall that in respect of this Bill I had mentioned that under the existing law these police officers could not have joined any union that they wanted to join; they had a fixed union, and section 35 of the existing law prohibited them from being members of any association. The hon. Member for Laventille East/Morvant said that notwithstanding this, “that is no big thing, because the Industrial Court could determine the matter.”

I do not understand that, because here it is you have workers being told that they cannot join a union of their choice; they must take a union that is entrenched and legislated for them. It was recognized that the Supplemental Police Act was passed in 1906 and, therefore, it must be considered archaic.

What was shocking was that when the PNM administration in 1995 introduced the Bill to deal with these same measures, they decided that the policy which they wanted to adopt—and they had put it in the Bill—was that they would create an agency which would determine whether security companies would be licensed or not. That agency, which was very political in nature, would monitor all the security companies. They went along with the idea that there would be prohibited unions.

Mr. Speaker, Part VIII clause 46 of this Bill, which the PNM administration introduced in 1995 says:

“(1) A precepted security officer shall not be a member of a prohibited association.”

The Bill entrenched prohibited associations.

“Where a precepted security officer becomes a member of a prohibited association, the precepted security officer and every officer of the association who is knowingly a party to the enrollment...[*Interruption*]

**Mr. Speaker:** You have three more minutes.



**Hon. R. L. Maharaj:** Is that the final time? [*Crosstalk*] Thank you, Mr. Speaker.

**Hon. Member:** You lost your train of thought.

**Hon. R. L. Maharaj:** Not so easily. Mr. Speaker, I was on clause 46(2). I was showing how the Bill attempted to prohibit security officers from becoming members of associations. That is the same party that talked about undemocratic tendencies in this debate.

In clause 47 of this Bill that they introduced in 1995—not in 1906, but in 1995—it states:

“(1) A prohibited association shall not permit—

- (a) a precepted officer to receive from the association a benefit, other than a benefit derived in respect of services performed by the precepted security officer;”

This Bill was, in effect, preventing security officers from belonging to trade unions of their choice. It may be that the Opposition is against workers. It may be that they did not want these measures to be put in place in order to promote the rights of workers. It may be that that is the reason why they did not support the Occupational Health and Safety Bill. These measures show that this Government took a very difficult issue, had the courage to come forward with it and to have it determined by the Parliament. A decision has been made by the Government for us to do this, and we have translated it into action.

Mr. Speaker, one of the points raised by the hon. Member for Tobago East was that the licence fee appears to be too high, and he wanted to know whether the Government would consider reducing the licence fee in both ranges, that is to say, those in the cases where there is no VAT exemption and in cases where the individuals have to pay VAT.

I am happy to tell him, through you, Mr. Speaker, that that is a matter which we have considered and there is an amendment which we will discuss at the committee stage in which we are proposing that we will accept the recommendation of the NAR and reduce the licence fee.

Another point raised, which has given us some concern also, deals with the question of individuals and companies that have within their organizations non-precepted officers, because the precepted officers are the persons who would be able to exercise the powers of a police officer, and they will have firearms. But there would be instances where a small operation, a company or a firm would have

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unprecepted officers. The question which would arise is—although they are security officers under the Bill—whether that company will have to pay the licence fee.

We would want to discuss that more at committee stage, because one of the suggestions which has been made is that maybe we should look at a figure, whether it is three, four, five or six, and if a firm or an individual has unprecepted officers, whether that company or individual would be exempted from some of the provisions of the Bill. That is a matter which we can discuss at the committee stage.

There are some amendments which I propose to move at the committee stage, and they would be circulated shortly, but I would explain, basically, what they are.

**2.05 p.m.**

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. M. Assam*]

*Question put and agreed to.*

**Hon. R. L. Maharaj:** Thank you. Mr. Speaker, the amendments which are being proposed deal first with the question of there being a proclamation clause because after the passage of the Bill, certain actions would have to be taken before it comes into force.

In respect of clause 4, it has been made quite clear that there would have to be a VAT clearance certificate where the lesser fee is going to be considered because there is a different range of fee if an applicant is not VAT registered. As we all know, the ceiling, his income annually, is at \$150,000—so companies and individuals under that would have a different licence fee from the ones above that.

There is also the question of the description of uniforms worn by officers of the agency. That would have to be supported by photographs or samples as the Minister may require, because we know the Minister would have to look at all these matters in order to ensure that there is no duplication of uniforms with the police service or the army.

Mr. Speaker, there is a time frame in relation to where the policy of insurance is cancelled for the insurance company to notify within seven days of such cancellation. What we have done in respect of clause 7 is proposed that the licence fee—of agencies that are VAT registered—be \$40,000 instead of paying a licence fee of \$50,000; and agencies that are not VAT registered shall pay a licence fee of \$18,000 instead of \$25,000, bearing in mind that these licence fees are for two years; they are not one-year fees.

Mr. Speaker, clause 11 of the Bill provides a punishment for a person who operates an agency without a licence or after a licence has been suspended. Such agency employing precepted officers is liable on summary conviction to a fine of \$250,000 and we have made a distinction between where they employ precepted officers and where non-precepted officers are employed.

“11(2) A person who operates an Agency without a licence or after a licence has been suspended where such agency employs no precepted officers is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.”

With respect to clause 12:

“12(2) A security officer who, at the commencement of this Act, is employed by an agency, shall have ninety days, from the commencement of the Act, to comply with the requirements of subsection (1).

(3) An Agency that employs a security officer who fails to fulfil the requirements of subsection (1) shall be liable on summary conviction to a fine of ten thousand dollars in respect of that security officer.”

Very important under clause 13, one sees:

“13(1) An application for a precept for a security officer shall be made to the Commissioner by an employer on the form prescribed and on payment by the employer, of the prescribed fee.

(2) The application shall be accompanied by evidence that the security officer has—

- (a) satisfied the requirements of section 12(1);
- (b) been employed by the agency for not less than six months;”

What we have done, we have said in subclause (2) to insert the words:

“unless the officer was previously employed by another agency for a period of at least six months” immediately before the semi-colon.

So it will now read as follows:

“...has been employed by the Agency for not less than six months unless the officer was previously employed by another agency for a period of at least six months.”

In clause 17 we have deleted the word “baton”.

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In clause 9(4) it will be recalled that there was some criticism of this clause. It would probably give the impression that that is the clause which deals with the obtaining of the warrant and Members felt that under clause 9(4) which says:

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

Mr. Speaker, the existing position in common law, is that when the warrant is executed that is the end of that warrant. But the argument was if we expressly state that it would continue, it can give the impression that it can continue after that. So we have decided to delete clause 9(4). The hon. Member for Laventille East/Morvant should be very happy about that because that was his contention.

Mr. Speaker, the other aspect of the Bill—as I said, there is the aspect which we would discuss more at committee stage and the point which has been raised by the hon. Member for Diego Martin Central and the hon. Member for Tobago East has to do with the question of an individual who would probably have one or two security persons employed. Would that person have to meet these provisions of the Bill?

As I said, after discussions which were held by the technical people who have been involved in this matter, both under the PNM administration and this administration, one of the suggestions which have come forward is that perhaps it can be considered that there can be probably three, four or five persons if they are unprecepted so they would not have to meet the provisions of the Bill if there is an individual or a company with three, four or five unprecepted. As long as there are precepted officers, the person would be performing the functions of the police officer and would have been able to carry firearms.

Mr. Speaker, I trust that I have answered the queries and responded to the major matters which have been raised, and in any event, during the committee stage I would be prepared to answer any further queries.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clause 1.*

*Question proposed, That clause 1 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 1 be amended as follows:

Delete and replace as follows:

Short title and  
Commencement

1(1) This Act may be cited as the Private Security Agencies Act, 2001

(2) This Act shall come into operation on a date to be fixed by the President by Proclamation.

*Question put and agreed to.*

*Clause 1, as amended, ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Mr. Valley:** On the definition of the “private security agency” and the definition of “security officer”; as I said in my contribution, “private security agency” is defined as one which employs security officers. “Security officer” is defined as a person who is employed by an agency, and that seems rather circular to me. I wonder whether somebody would help us get out of the loop?

**Mr. Maharaj:** I am not understanding. Is it the same point you are making?

**Mr. Valley:** I am saying first of all, if I ask what is a Private Security Agency and you tell me it is a firm that employs security officers, and then I ask what is the definition of a security officer and you tell me that a security officer is a person who is employed by a security firm, I am not getting anywhere.

**Mr. Maharaj:** I do not think you are reading it carefully.

“private security agency’ or ‘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...”

**Mr. Valley:** No problem.

**Mr. Maharaj:** “‘security officer’ or ‘officer’ means a person who is employed by an agency for the protection of persons and property or the installation and moitoring of electronic security systems.”

**Mr. Valley:** Mr. Attorney General, I am saying that all of this, the protection of persons and property, or the installation and monitoring of electronic security systems are common to both. For a security firm, the definition simply talks about one that employs security officers and all these other things and when I look at security officer, it means a person employed by the agency. The rest is common. I am not getting anywhere and that is where I use the concept of the watchman, but you can look at that.

The more significant point I want to make is that I do not understand why we are making a distinction between a state enterprise which is, in fact, incorporated under the Companies Act, 1995 so that in reading the definition, a state enterprise would fall within this definition. For example, the case of Point Lisas or First Citizens Bank (FCB) would fall under this definition but, as you know, when we look at the other Act, there is a carve-out for the state enterprise and the issue is why, and is it really right and just? Can it stand up in a court of law? Why are we giving special treatment to state enterprises? Because as I understand it, the argument by Mr. Thompson is that listen, I have an internal arrangement to take care of my estate and, therefore, I want to remain under the Supplemental Police Act just as you have provided for FCB which is my competitor. They are not saying that those are my words, and I do not know on what basis we can make a distinction so that they ought to be treated differently. That is my concern.

**2.20 p.m.**

**Mr. Maharaj:** Mr. Chairman, I will say it again. This Bill relates to private security agencies. It does not relate to state agencies, therefore, this Bill is dealing with private security agencies. If the Member wants us to consider saying that the companies under the Companies Act would be private, I would consider that, but this Bill deals with private security agencies.

The second point he is making is that there is discrimination in favour of state security companies; that is, state companies with security. That is not correct. As a matter of fact, I told the hon. Member that in respect of the next Bill, the same provisions will apply, with the exception that the State would not have to pay licence fees; but the state companies would have to pay licence fees. They would have to be insured.

**Mr. Valley:** The first point I want to make is that FCB which is incorporated in the Companies Act cannot be deemed, however, a state corporation—

**Mr. Maharaj:** It is majority state-owned.

**Mr. K. Valley:** That is the point I am making. Why do you feel there is a need to have this different treatment? Why do you not have the state companies under this legislation also?

**Mr. Maharaj:** What has happened is that one of the objections that came from the Bill that was brought in 1995—

**Mr. Valley:** I do not know about the measure. Let us talk about the measure before us.

**Mr. Maharaj:** I need to put it into perspective. It attempted to bring both under that Bill and there was the situation where if you have the state security firms under the same Bill with the private security firms, you can have complications and that is why it was thought that the Supplemental Police Act which is only going to deal with state security—there must be a difference between state security officers and private security officers.

**Mr. Valley:** The state security officers are the police and the army. You cannot deal with the estate constables with Caroni (1975) Limited.

**Mr. Maharaj:** No, there is a distinction.

**Mr. Valley:** What is the difference between the estate constables at Caroni (1975) Limited and the estate constables at Royal Bank?

**Mr. Maharaj:** Mr. Chairman, there are different configurations for security of the state; offices etc. There are different considerations.

**Mr. Valley:** But they are not officers of the State, they are private companies.

**Mr. Maharaj:** Mr. Chairman, the policy of the Government is to bring them under two bills. We are dealing with one Bill now, the Private Security Agencies Bill.

**Mr. Valley:** Go ahead with your Bill.

**Mr. Chairman:** Order please.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clause 3 ordered to stand part of the Bill.*

*Clause 4:*

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

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 4 be amended as follows:

- A. In subclause (1)(d) delete the word “and” occurring after the semi-colon.
- B. Delete subclause (1)(e) and substitute as follows:
  - “(e) a VAT Clearance Certificate, where the applicant is VAT-registered and where the applicant is not VAT registered, a VAT exemption certificate;
  - (f) a description of the uniforms worn by officers of the agency, supported by photographs or actual samples, as the Minister may require.
- C. Insert after the word “Minister” the words “pursuant to subsection (3) within seven days of such cancellation.”

Mr. Chairman, I explained it but if there are any questions I will answer.

*Question put and agreed to.*

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

*Clauses 5 and 6 ordered to stand part of the Bill.*

*Clause 7*

*Question proposed, That clause 7 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 7 be amended by deleting the word “fifty” and substituting the word “forty”; and by deleting the word “twenty five” and substituting the word “eighteen”.

**Mr. Hinds:** Mr. Chairman, if the reduction for the VAT-registered company is \$10,000 what is the logic in reducing the other one by a disproportionate amount, since the argument was an economic one, about the capacity for the smaller firms to pay? So you are reducing one by \$10,000 and the other by \$7,000.

**Mr. Maharaj:** We are reducing \$50,000 to \$40,000; and \$25,000 to \$18,000. I thought that explained it.

**Mrs. Robinson-Regis:** How does that explain it?

**Mr. Maharaj:** It is a higher amount being reduced, therefore there is a proportion.



**Mr. Rahael:** The reduction from \$50,000 to \$40,000 is not sufficient. In fact, a firm, although VAT-registered, has to pay the \$40,000 licence fee. Maybe, some consideration, especially for the Member for Tobago East, that in fact, although it may be VAT-registered, \$40,000 might still be high.

**Mr. Maharaj:** Mr. Chairman, when I have to hear a submission from the future Leader of the Opposition, I must treat it with some credibility. One has to understand that this is for two years, so it would be \$20,000 a year. I have been told that these security companies make very lucrative —

**Mr. Rahael:** I was really concerned with the small security firms.

**Mr. Maharaj:** Eighteen thousand is \$9,000 per year.

**Mr. Rahael:** I was just trying to assist the Tobago people.

**Mr. Maharaj:** Because of the stirring pleas of the hon. Member for Tobago East—we on this side remembered those stirring pleas. They echoed and re-echoed and we considered them and we decided we would accede.

**Mr. Panday:** What we have here is a creeping dictatorship.

**Hon. Member:** As pronounced by a judge.

**Mr. Moore:** Mr. Chairman, I too was considering the \$40,000 was too steep, although we are talking about VAT-registered companies. Some of them are still relatively small and I was thinking too that \$40,000 was still fairly high for the smaller ones.

**Mr. Rahael:** Security companies once their income is \$150,000; and they also may have other businesses, I do not know.

**Mr. Maharaj:** I would ask the hon. Member to consider that this is going to cost the taxpayer money to administer. To license and regulate an industry puts a cost on the taxpayer.

**Mr. Rahael:** Once you regulate it, that is it, an ongoing cost.

**Mr. Maharaj:** Yes. Therefore, you cannot have a situation in which by trying to protect the public, you end up with the business community making the money but the taxpayers are losing.

**Mr. Rahael:** My only interest here is in trying to give the small businessman as much of a break as possible.

**Mr. Maharaj:** As a matter of fact, we have given them \$9,000 a year.

**2.30 p.m.**

**Mr. Moore:** Mr. Chairman, I was agreeing that, in fact, we know that there are large and larger VAT registered companies and in discussing the matter with a small firm in Tobago, we were told that it might have been—and I think I suggested it here—that we classify large and small in terms of the number of officers each agency will have, and that might have been a better indication of the size and profitability of the company.

**Mr. Maharaj:** Apart from the tremendous abuse that would be involved, because people would be taken on and they would not be put on the record, you will have to have a monitoring system for that every time there is an increase in staff, and it will cost a lot to monitor that. What will happen is that the law would be avoided. After a lot of consideration—we have to understand that this went to and fro for over 10 years and people have been thinking of a model, a yardstick.

**Mr. Rahael:** But \$10,000 to assist the small businessman here; if we were to reduce the \$40,000 to \$30,000, that is \$5,000 a year for the State. How could that be so significant for the State; and for the small businessman, although VAT registered, that may be very significant for him.

**Mr. Maharaj:** I feel so happy that the hon. Member is putting a plug for the small businessman, but I think that he would understand and agree with me, deep down in his heart, that \$9,000 a year is not a big amount.

**Mr. Rahael:** I am not looking at the \$9,000; I am looking at the \$40,000 which makes it \$20,000. That is the one I am really focussing on.

**Mr. Maharaj:** And you find \$20,000 is too high?

**Mr. Rahael:** Yes, per annum. I am suggesting \$15,000 per annum.

**Mr. Maharaj:** The person has an income of \$150,000 a year, minimum—

**Mr. Rahael:** And you want to take \$20,000 from that? One hundred and fifty thousand dollars income does not mean \$150,000 profit.

**Mr. Maharaj:** Let us see how it works.

**Mr. Rahael:** You will understand that \$150,000 income does not mean that the company is going to make \$150,000. The company may end up making \$10,000 or \$20,000 for the most. It is possible. That is why I am pleading for that company, instead of paying \$20,000 per annum, which is \$40,000 every two years, that it pays \$15,000, reducing the \$40,000 further down to \$30,000.

**Mr. Maharaj:** Mr. Chairman, I think the Government has considered this matter and we have discussed the matter and in all the circumstances the Government has come up with what we consider to be reasonable. It is not cast in stone and, obviously, Parliament can, from time to time, review matters. [Interruption]

**Mr. Chairman:** Can we have order please? Can we have order please, so we can proceed with this Bill?

*Question put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8 ordered to stand part of the Bill.*

*Clause 9.*

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

**Mr. Maharaj:** Mr. Chairman, I propose that clause 9 be amended in terms of the circulated draft, as follows:

"Delete subclause (4)"

*Question put and agreed to.*

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

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 10 be amended in terms of the circulated draft, which reads as follows:

- A. In subclause (1) delete the words "written law" and substitute the words "Act listed in the Schedule".
- B. Add a new subclause as follows:

"(3) The Schedule referred to in subsection (1) may be amended by the Minister by Order, subject to negative resolution of Parliament."

What we are doing here is that when there is a search and there is evidence of the commission of offences, we are limiting those offences, and under clause 10 it says:

"(1) Where, an inspection conducted pursuant to the provisions of section 9, reveals evidence of a contravention of this Act...the Commissioner shall submit a written report to the Minister within fourteen days of charges being laid.

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(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 what we are doing here, we are specifically putting what are the offences, not leaving it wide; offences such as the Proceeds of Crime Act, Dangerous Drugs Act, the Customs Act, Companies Act, the Income Tax Act, the Value Added Tax Act and the Firearms Act.

**Mr. Hinds:** Mr. Chairman, after the word "opportunity" in clause 10(2), we should have the words "to be".

**Mr. Maharaj:** Okay, much obliged.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clause 11.*

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

**Mr. Maharaj:** Mr. Chairman I beg to move that clause 11 be amended in terms of the circulated draft. It reads as follows:

"Delete and substitute as follows:

11.(1) A person who operated an Agency without a licence or after a licence has been suspended where such agency employs precepted officers is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years.

(2) A person who operates an Agency without a licence or after a licence has been suspended where such agency employs no precepted officers is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years."

This has to do with the penalty for operating without a licence.

**Mr. Rahael:** A person who operates an agency without a licence, that is clear; but after a licence has been suspended, I am not seeing anything here where notice be given to the agency that its licence has been suspended. Because unless the agency actually receives notice that its licence has been suspended, it may not be aware. And to whom should it be directed?

**Mr. Maharaj:** Clause 10(2) says:

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

Your point is that you want to have it expressly stated that he should be informed?

**Mr. Rahael:** Yes.

*Clause 11 deferred.*

*Clause 10 recommitted.*

*Question again proposed, That clause 10 stand part of the Bill.*

**Mr. Maharaj:** Mr. Speaker, can we revisit clause 10(2)? I ask that after the word "agency" the words "shall be so informed in writing" be inserted. It would read:

"...suspend the licence and the agency shall be so informed in writing and shall cease operations forthwith".

**Mr. Chairman:** So it should now read:

"Upon such report being made, the Minister shall give the agency the opportunity to be heard and may, if he deems such action to be reasonable in the circumstances, suspend the licence and the agency shall be so informed in writing and shall cease operations forthwith."

**Mrs. Robinson-Regis:** Mr. Chairman, can I just ask a question, please? In relation to clause 10(1) and (2), in circumstances where in clause 10(1) there is a time limit stipulated with regard to the written report, should there be a time limit throughout that clause where the agency could be called in to be heard instead of the agency hanging in abeyance?

**Mr. Maharaj:** No, there will be regulations made.

**Mrs. Robinson-Regis:** The regulations will stipulate the time.

*Question again put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

**2.40 p.m.**

*Clause 11 reintroduced.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 11 be amended by deleting and substituting as follows:

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- “11.(1) A person who operates an Agency without a licence or after a licence has been suspended where such agency employs precepted officers is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years.
- (2) A person who operates an Agency without a licence or after a licence has been suspended where such agency employs no precepted officers is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.”

*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. Maharaj:** Mr. Chairman, I beg to move that clause 12 be amended by renumbering subclause (2) as subclause (4) and inserting the following subclauses:

- “(2) A security officer who, at the commencement of this Act, is employed by an agency, shall have ninety days, from the commencement of the Act, to comply with the requirements of subsection (1).
- (3) An agency that employs a security officer who fails to fulfil the requirements of subsection (1) shall be liable on summary conviction to a fine of ten thousand dollars in respect of that security officer.”

This amendment deals with security officers and agencies at the time when the Bill comes into force, and puts a period of time for security officers to comply with the requirements of the Act.

*Question put and agreed to.*

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

*Clause 13.*

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

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 13 be amended as follows:

“In subclause (2)(b) insert the words, ‘unless the officer was previously employed by another agency for a period of at least six months’ immediately before the semicolon.”

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clauses 14 to 16 ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed, That clause 17 stand part of the Bill.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that clause 17 be amended as follows:

- A. In subclause (1) delete the word, “baton”.
- B. In subclause (2) delete the words “position held by a security officer” and substitute the words “security officer’s employment with an agency and his rank”.

*Question put and agreed to.*

*Clause 17, as amended, ordered to stand part of the Bill.*

*Clauses 18 to 30 ordered to stand part of the Bill.*

*New Schedule.*

**Mr. Maharaj:** Mr. Chairman, I beg to move that a New Schedule be added to the Bill as follows:

Add a Schedule

Section 9(1)

Acts to which section 9(1) refers

The Proceeds of Crime Act, 2000

The Dangerous Drugs Act, 1991

The Customs Act, Chap. 78:01

The Companies Act, 1995

The Income Tax Act, Chap. 75:01

The Value Added Tax Act, 1989

The Firearms Act, Chap. 16:01”

*New Schedule read the first time.*

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

*Question put and agreed to.*

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

*Question put and agreed to.*

*New Schedule added to the Bill.*

**Mr. Maharaj:** Mr. Chairman, Hon. Members would recall that on the floor of the House I did indicate that we can discuss during the Committee Stage, the point which had been raised, dealing with the requirement under subsection (2). It was whether these requirements should be waived in respect of an agency that employed less than a certain number of officers who are not precepted. Under these measures, if they are passed, it would mean that an individual or a small company that employs unprecepted officers running their own business will come under the law.

Based on the technical advice we got after consultation with the Ministry of National Security and other agencies, an amendment to clause 4 has been suggested, that the requirement under subsection 2(a) shall be waived in respect of an agency that employs less than six security officers, where those officers are not precepted. This would mean that they would be exempted from paying the licence fee and the public liability.

**Mr. Hinds:** To my mind, the issue is not about whether they are precepted or not. Let me understand this. You can have a large security force with 120 men, none of whom is precepted. The argument was about the size of the firm.

**Mr. Maharaj:** You can have firms without precepted officers doing security service. The argument is: Do you put a measure of some relief for the small person who has unprecepted officers? Once they are precepted they perform the functions of a police officer. They can carry firearms and arrest people.

The concept is to protect the public from injury and negligence. The public liability insurance was a requirement to protect the public to ensure that the person would be compensated. We are trying to exempt a small person who is running a small business, but employs two unprecepted persons who do security, from the requirement of a licence and the public liability insurance.

**Mr. Assam:** You see the humane approach of this Government?

**Mr. Hinds:** Let me ask for clarity. As it stands now, when a firm applies for a precept on behalf of an officer, he falls under the Supplemental Police Act.



**Mr. Maharaj:** No. If one is a private security, it falls under this Act because it deals with precept.

**Mr. Hinds:** At the moment, if a man is granted a precept by the Commissioner of Police, that precept is now issued under the regime of the Supplemental Police Act. That is a fact. I want to know if after this legislation, when a man applies for a precept, it will no longer come under the Supplemental Police Act? That precept would be issued under this Bill.

**Mr. Maharaj:** If the person applies on a private security basis, it will fall under this Bill. Clauses 12 to 14 fall under this Bill. They refer to an application to the commissioner for a precept for a security officer, by an employer of the firm prescribed and on payments by the employer of the fee and the application and it continues. Upon receipt of the application in accordance with clause 13, the commissioner may issue a precept to the security officer subject to any condition stipulated and the precept can be taken away. The Act deals with that.

**Mr. Rahael:** I have one concern. A firm can have more than one precepted person. There is no limit to that number. If a firm wants to get away from falling under this Act and have non-precepted officers, they can have an unlimited number?

**Mr. Maharaj:** It says employs less than six security officers.

**2.50 p.m.**

**Mr. Rahael:** So six is the maximum—that is what I want to get clarified. You are saying that once it employs more than six security officers, it falls under this Bill.

**Mr. Maharaj:** Because you could have a business with many security officers who are not precepted and, therefore, it would be unfair for them to be exempted.

**Mr. Rahael:** I just wanted to clarify that.

**Mr. Chairman:** Mr. Attorney General, I just want some clarification here. You are further revisiting clause 4 and this is clause 7 in this second amendment, and I do not see how it follows.

**Mr. Maharaj:** I am asking you to revisit clause 4. Renumbering subclause (2) as subclause (3) and inserting a new subclause (2). There is a clause 7(2) so you are renumbering subclause (2) as subclause (3) and inserting this new clause as subclause (2). So they are exempted from paying the requirement to pay a licence fee, and the requirement under subsection (2) shall be waived. Clause 4(7) would

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be, in effect, waiving the public liability insurance and clause 7 would be waiving the licence fee.

**Mr. Chairman:** But there is no subclause (7) under clause 4.

**Mr. Maharaj:** There are two clauses.

*Clause 4 recommitted.*

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

**Mr. Maharaj:** I beg to move that clause 4 be amended as circulated:

Add the following subclause:

“(7) The requirement under subsection (2)(a) shall be waived in respect of an agency that employs less than six security officers, where those officers are not precepted.”

*Question again put and agreed to.*

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

*Clause 7 recommitted.*

*Question again proposed, That clause 7 stand part of the Bill.*

**Mr. Maharaj:** I beg to move that clause 7 be amended, as circulated:

Renumber subclause (2) as subclause (3) and insert a new subclause (2) as follows:

“(2) An agency that employs less than six security officers shall be exempt from requirement to pay a licence fee.”

*Question again put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Question put and agreed to, That the bill, as amended, be reported to the House.*

*House resumed.*

*Bill reported, with amendment.*

*Question put, That the bill be now read the third time.*

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*The House divided:*      Ayes 18      Noes 11

**AYES**

Maharaj, Hon. R. L.

Panday, Hon. B.

Assam, Hon. M.

Persad-Bissessar, Hon. K.

Sudama, Hon. T.

Rafeeq, Dr. The Hon. H.

Baskh, Hon. S.

Singh, Hon. G.

Peters, Hon. W.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Ramsaran, Hon. M.

Chaitan, Hon. W.

Sharma, Hon. C.

Khan, Dr. The Hon. F.

John, Hon. C.

Maraj, Hon. R.

Moore, N.

**NOES**

Valley, K.

Narine, J.

James, Mrs. E.

Joseph, M.

Boynes, R.

Hinds, F.

Robinson-Regis, Mrs. C.

Callender, S.

Rahael, J.

Beckles, P.

Achong, A.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**SUPPLEMENTAL POLICE (AMDT.) BILL**

*Order for second reading read.*

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

That the Police Supplemental (Amdt.) Bill be now read a second time.

Mr. Speaker, a proposal for the repeal and replacement of the Supplemental Police Act was made years ago, and this Bill is implementing the calls which have been made for changes to the Supplemental Police Act. Persons were demanding a more sophisticated approach to the services which are provided under the Supplemental Police Act, and it was decided that the Government would get the key ministries involved to look at the Supplemental Police Act in the context of the reforms which were happening in respect of the private security industry. It was decided to deal with the two matters under separate Bills. So the Supplemental Police (Amdt.) Bill 2001, is intended to remove private security industry forces from the purview of the Supplemental Police Act.

Additionally, the Supplemental Police Act made provisions for rural police and special constables, all of which are obsolete bodies of police forces, and which have long since been phased out. Our society has seen the mushrooming of a number of private security agencies and their high levels of sophistication ranging from man guards to alarm monitoring systems. The Government is of the view that separate legislation is needed to deal with the peculiar needs of that industry and the House has recently dealt with that aspect of the industry. That Bill was intended to deal with the regulation of the private security industry.

The Supplemental Police Act is considered to be woefully inadequate to deal with the phenomenon of these private security companies. Clause 3 of the Bill amends section 2 by amending the definitions of a number of terms used in the

Act. The term “constable” was amended to remove the term “special constable” which was no longer applicable. Additionally, the meaning of dispute was redefined to include “disputes” connected with the salaries and terms and conditions of employment and the word “employer” was tailored to mean the Government of Trinidad and Tobago, a statutory authority or a state enterprise. Clause 4 of the Bill amends sections of the Act by removing the reference to “rural police” which body of police no longer exists.

**3.00 p.m.**

Therefore, Mr. Speaker, all reference to the rural police is removed in the Act. Clause 5 of the Bill deletes section 4 of the Act entirely. Clause 6 purports to amend section 7 to state:

“7. Subject to the provisions contained above, the Estate Police employed on any estate shall consist of such number and ranks of constables as the employer may, subject to the approval of the Commissioner, require and shall have the power and authority of members of the Police Service in respect of all offences committed on the estate...”

Clause 7 of the Bill amends section 8 of the Act, which deals with the appointment of a person as constable.

“8(1) A person who is—

- (a) over eighteen years of age;
- (b) of sound health, as evidenced by a certificate issued by a registered medical practitioner; and
- (c) of good character, as evidenced by a valid Police Certificate of character,

shall be eligible for appointment as a constable.

- (2) A person’s appointment as a constable shall be conditional upon him successfully passing a drug test for any of the dangerous drugs listed in the Schedule to the Dangerous Drugs Act, 1991.
- (3) A constable shall undergo a programme of training approved by the Commissioner of Police.”

The appropriate amendment to the Bill will be done to ensure that the provision falls in line with the Private Security Agencies Bill.

Clause 10 repeals section 11 of the Act and in its place says:

“11(1) A constable shall be provided with a badge, baton and manual, describing the powers and duties of a constable, by his employer.

- (2) The badge shall be evidence of the office of constable and shall be displayed by him when exercising the duties of his office.
- (3) The employer shall, at his own expense, provide a constable with an annual issue of all clothing and equipment.”

Clause 11 amends the Act by inserting immediately after section 11, the following sections:

“11A. Where a constable 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.

11B. (1) An employer shall provide insurance coverage for each constable, whether individually or through a group insurance scheme, for any injury sustained by the constable in the performance of his duties.

- (2) In this section, ‘injury’ includes any injury, permanent disability or death.”

I dealt with the insurance benefit.

Mr. Speaker, the cost of medical attention will have to be borne by the employer and, as I stated when we were doing the other Bill, we would include in this Bill the question of state authorities paying the licence fee and having the public liability insurance.

**Mr. Valley:** Mr. Speaker, if the state authorities will now have to pay a licence fee, could the Minister inform us under what section of this legislation, first of all, would the licence be required? Under the Supplemental Police Act there is no licence requirement. Could the Minister please explain?

**Hon. R. L. Maharaj:** Mr. Speaker, that is exactly what I am saying. Based on what was discussed on the last occasion when we went back, we decided to put the amendments to the Supplemental Police Act on the same line and there will be amendments during the committee stage to bring them in line with this Bill with respect to the licence and so forth.

The policy in the Bill would mean that with respect to the licence that applies to state authorities, they would have to pay the licence fee and in respect of the insurance, there will be the appropriate amendments done to effect it.

Mr. Speaker, I was on clause 11. It says here that an employer shall provide insurance coverage for each constable, but there would also be public liability insurance in the event of injury to a third party.

“12. Section 12 of the Act is repealed and replaced as follows:

‘12. The Minister may make regulations generally for the carrying into effect the provisions of this Act.’

13. Section 13 of the Act is amended by deleting from the words ‘pay or allowance’ to the end of the sentence and substituting with ‘wages or salary paid to the constable by the deduction of not more than ten per cent of the gross wages...’

That has to deal with the computation.

Mr. Speaker, clause 13 of the Bill seeks to amend section 13 by reducing the percentage deductible from the constable’s salary at any one time from 50 per cent to 10 per cent for penalties recoverable under the Act.

Clauses 14—20 deal with the powers of the constable under the Supplemental Police Act and are repealed in an effort to be consistent with the spirit of the new legislation.

The amendment to section 25 by clause 18 of the Bill removes from the Act the provisions relating to special constables as that category of supplemental police no longer exists.

Clause 21 repeals section 29—34 of the Act, removing from the Act provisions relating to special constables for the reason given.

What we have done under the provisions of this Bill is also to protect the constables who fall under this Act. For example, under clause 23:

“(1) An employer shall not dismiss a constable, adversely affect his employment or alter his position to his prejudice by reason only of the circumstances that the constable—

- (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;”

**3.10 p.m.**

"The 'employer' means the Government of Trinidad and Tobago, a statutory authority or a state enterprise;"

Mr. Speaker, I continue to quote:

“(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.”

Mr. Speaker, the hon. Member for Laventille East/Morvant was very interested in that subclause, so I will read it for him.

"(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;"

Mr. Speaker, you must recall that under the present legislation these officers do not have these safeguards and protection. What we are doing, therefore, is putting the safeguards in this legislation.

- “(b) dismiss or otherwise prejudice a constable 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 constable from becoming such officer, delegate or member or from so appearing or giving evidence, threaten to dismiss the security officer or to affect adversely his employment or alter his position to his detriment by reason of the circumstances that the constable is, or proposes to become, an officer, delegate or member of a trade union or association or that the constable proposes to appear as a witness or to give evidence in any proceeding under the Industrial Relations Act.

- (3) An employer who contravenes subsection (1) or (2) is liable on summary conviction to a fine or ten thousand dollars and to imprisonment for one year and the magistrate making the order for conviction may also order that the constable be reimbursed any



wages lost by him and direct that, notwithstanding any rule of law to the contrary, the constable be reinstated in his former position or in a similar position.”

Mr. Speaker, this is a great development because under the existing 1906 law there is no such protection.

- “(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 constable for any time not spent in performance of the duties of his employer.”

Clause 24, as I said, deletes the words in respect of section 41.

Mr. Speaker, let me see if I could summarize what we have done. Under the Supplemental Police Act, as it exists now, which was not passed, at a time, to accommodate private security firms in the abundance that it had, or even security officers in the nature of which we have today. It was passed for a situation in 1906. Since 1906 to now, there has been a lot of growth in that industry, so what the Government has done—under the PNM there had been three attempts, previously, to bring this kind of legislation—is to bring this legislation in order to try and put some regulation in the industry.

We passed, a short while ago; the Private Security Agencies Bill, which deals with private security agencies and security officers employed by private security agencies. In the debate, I gave the undertaking that in respect of this measure the same rules would apply, that is to say, we would have the state enterprises to have the public liability insurance and pay the licence fee. I have given an undertaking that at the committee stage, the relevant amendments would be discussed, but that is the policy in this Bill. The State, obviously, would not have to pay a licence fee because it would be paying a licence fee to itself. The same protection and safeguards which are given to the workers by private security agencies would be given, under this Bill, to officers employed by the State; a statutory authority or a state enterprise.

Mr. Speaker, in many government offices it has been found that it is not in the public’s interest to have private security firms employed and, therefore, more

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government offices are considering having their own security units, consisting of constables employed under that unit. It is, therefore, thought that you should not have a set of persons under the security industry in which you have private security officers employed by private firms and security officers employed by the State, under one measure. We decided to keep the Supplemental Police Act for officers who are employed by the Government and statutory authority or a state enterprise or to have a new bill to deal with others. The rationale of both bills, Mr. Speaker, is, one, to effect the appropriate amendments to the Supplemental Police Act, in order to improve the conditions of the employees; to protect the safeguards; to regulate the industry, and the one in respect of the Private Security Agencies Bill is to provide the regulation and safeguard for the private security industry.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, we on this side continue to have a fundamental difficulty with a position that we see where there appears to be a distinction made. We cannot as yet determine what is the difference so therefore we seem to have a distinction without a difference.

We hear from the Attorney General that it is a question of policy to have a separate Bill for government offices, statutory authorities and the state enterprises. We are not told what informs that policy. At the end of the Attorney General's contribution he mentioned that, as a security measure, the Government deems it necessary to have its own security in government offices, perhaps, Ministry of Health, Ministry of Education and so on, rather than to use private security personnel. Mr. Speaker, that is understandable but what rationale can one give with respect to T&TEC, a statutory authority? If T&TEC wants to have its own security as a right it ought to be able to do that, but how can one make a distinction between T&TEC's, Royal Bank's or Republic Bank's own security? How can one make a distinction between Caroni (1975) Limited having its own internal arrangement with respect to security and one of these other private companies making its own arrangement?

**3.20 p.m.**

Why do we need two Bills to deal with these situations? We continue to ask the Attorney General either to give us a logical explanation or, in the absence of that, we would have to question the motive. That is what it is; because when one cannot explain one's position in a logical manner, then, obviously, the motive is suspect.

For me, that is a real situation, because the first thing that comes to my mind is that there is a distinction to assist the Government in the establishment of its private army. We know that in other Caribbean countries—one very close to us—there was this whole concept of a Mongoose Gang. Is that the Government's intention?

As a matter of fact, the information coming out is that the Regiment that is accustomed to going through its normal hiring procedure, went through that procedure, selected persons to join the army, sent that to the Minister of National Security—who as you know also happens to be the Prime Minister—the Prime Minister looked at the list and crossed it off. He said, “There are not sufficient East Indians on this list,” and has sent a new list down to the army, and said, “These are the people you must hire.” He has everybody down in the army mad, because they do not operate in that manner.

I want to caution this Government, because they are playing with dynamite. They are playing with dynamite! [*Desk thumping*] The people have gone through their procedure. They have informed persons, and these people have already made all their arrangements to enter the army, and here comes "Mr. Big Stuff", scrapped the whole list and say, “Hire these; not sufficient East Indians in the army!” That is what is happening in this country.

So when we see a Bill like this, a distinction without a difference, we have to question the motive of the Government. [*Desk thumping*] We want to know what is happening. When we voted against the other Bill, it was not against—[*Interruption*]*—sick mind. Let him get up and say that is not true “nuh”!* [*Crosstalk*] Sick mind! When we voted against that Bill, it was not an issue with respect to workers. We have no problem with protecting the workers. We want to know, fundamentally, why do we have a distinction between state enterprises and normal companies which are incorporated under the Companies Act? What is the reason? Why is there a different policy, for example, to security officers' internal arrangements made by TSTT and one made by a private organization to take care of its security? Why ought they not to be under the same legislation?

We would grant that, perhaps, if you need security for the hospitals and other government offices— First of all, there is the Maintenance Training and Security (MTS), another state company; I mean, that is the first choice, but that just reminds me—valid point—MTS is favourably treated. Why is MTS, which is a private security firm offering commercial services, treated differently to Amalgamated Securities Limited? Why is that? Can that stand up in court? What are we doing?

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All I am saying is that we come here to make laws, let us think about what we are doing. Secondly, watch that Prime Minister. There is something else I can say, but I had better leave that alone. He has some people close to him. He must hear what they say when they are not in earshot. A school had to call a particular Minister a week or two ago to tell him watch what you are saying at the dinner table. Do you understand? [*Crosstalk*] Watch what you are saying at the dinner table, because when you say your thing, and we are discussing Social Studies and talking about the Government, the Prime Minister and so on, little Johnny is saying a few things that I do not think your Prime Minister would like to hear. [*Laughter*] Do you understand? Watch what is happening.

Mr. Speaker, this is my little contribution. I still look for a logical explanation for that distinction.

I thank you.

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, I, too, propose to intervene just very briefly in this debate.

Before addressing the matter at hand, I want to say to hon. Members opposite that under the system of government which we operate there is a role for the Opposition. If they wish to scoff at whatever the Opposition says then they are free to do so. We here represent people. We have constituencies. We represent a point of view. We are a little more experienced in government than they are. [*Interruption*] Well, whether they wish to accept it or not, it makes no difference to us whatsoever. That is a fact. If they wish to ignore what the Opposition says as we make our contributions in this House, they are entirely free to do so; it is entirely up to them.

Today, we are discussing private security arrangements, and we are doing so because, no doubt, there is a concern about the levels of security in the country. [*Interruption*]

**Mr. Speaker:** I really do not want to stop you, but I think you missed that Bill which went through. What we are discussing is the Supplemental Police (Amdt.) Bill. It is not the same.

**Mr. P. Manning:** Mr. Speaker, my colleague from Diego Martin Central just made a point, and I was just following up on the point, yes supplemental police outside of the actual police service, private arrangement, effectively. [*Laughter*] Precisely what we say about listening. The point has just been made by my colleague, the Member for Diego Martin Central.

We are discussing that matter because there is concern about the levels of security in Trinidad and Tobago. If it was felt that the police service, as it is constituted, was in a position to provide the acceptable levels of comfort and security to all sections of the national community, then we would not now be discussing a Supplemental Police (Amdt.) Bill, or, in fact, we would not have discussed at all the Bill that has just been the subject of deliberations by this honourable House.

I would just like to place on the record that the state of the police service has been a matter of concern to successive governments in this country. I remember the year 1987, when the then government took a decision to remove the cost of living allowance from the public servants, and two years later took a decision, unilaterally, and then backed it up by legislation retroactively, to improperly, illegally and unconstitutionally remove 10 per cent from the salaries of the public sector, some concern was expressed at those times about the effects that this would have with specific reference to the police service.

I want to say straight away that we on this side believe there are many honest, dedicated and sincere police officers. Nothing that we say this afternoon is meant to cast any aspersions on those who are seeking to do their job well, in accordance with the mandate that they have. But I think we would be less than honest if we said here today that the levels of security to which the country is exposed at this time, are levels that meet with the national aspiration.

Between 1991 and 1995 we took a close look at the police service, and when we saw need for investigations we made an attempt—unsuccessfully, as it turned out to be—to have certain investigations take place in the police service utilizing resources from outside: Scotland Yard. It need not detain us now, but that effort did not succeed. Not only did it have some negative effects, but we also ran afoul of the then Commissioner of Police, but we do not want to rehash all of this.

It was precisely because of that experience that a year and a half ago when a commission of inquiry was being held into the escape of a particular drug lord, and certain revelations became public and we began to see what emerged as the state of the police service, at that time, on the basis of that commission of inquiry, we, in the People's National Movement, took the view that had we succeeded in what we were doing six years earlier, perhaps, we would have been in a much better state today.

Arising out of that—I remember the morning well, the *Guardian* had a story to tell on that Sunday morning—the General Council of the People's National

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Movement met in San Fernando. I put a proposal to them. The proposal was a most unusual one: that having regard to the revelations of the Ramdhanie Commission of Inquiry, I am seeking the authority of the general council of the PNM, in my capacity as Leader of the Opposition, to make an approach to the Prime Minister and the Government of Trinidad and Tobago.

What I, in fact, proposed was that we do something very unusual: that the Government and the Opposition get together to deal with some aspects of the police service. [*Desk thumping*] That is what the proposal was. I remember when we made the announcement—and I am sure the hon. Prime Minister could not believe what he heard—the next thing I knew was that I received a letter saying that he had heard in the public domain so and so and he was available for discussions at any time; no doubt, an attempt to ensure that I did not seek to extricate myself from the public commitment that had been made. But he did not understand us well. We make commitments like that because we intend to carry them out—[*Desk thumping*—]—therefore, the approach was made.

I remember the hon. Attorney General and the Prime Minister were both skeptical, initially, about the intention of all of it, but the approach was made. I am very pleased to indicate that subsequent to that we agreed that a team of politicians would be set up to examine certain aspects of the police service. The team comprised the Prime Minister, as Chairman, the Attorney General, and the then Minister of National Security, who was at that time Brig. Joseph Theodore, and two persons from the Opposition, the very distinguished representative for Arouca South and the Leader of the Opposition; a five-person team.

We agreed that we would seek to find solutions to three basic problems of the police service: one, the question of management of the police service; two, the question of recruitment in the police service and three, the question of promotion and discipline in the police service itself. It has turned out that that was one of the more satisfying exercises in which I have ever been involved. Discussions took place, and, perhaps, now is not the time to go into details of it, but the time would come when certain matters would come before the Parliament. But suffice it to say that the exercise went on and we selected a technical team headed by Mr. Ellis Clarke, a former President, an author of the Constitution of Trinidad and Tobago, to do some technical work associated with the policy decisions that he would make. It has gone on for a year and a half.

Just prior to the elections of last year, when it was clear that we would not meet the deadlines we had set, and that we would not be able to bring these matters to the Parliament in time, our agreement was this: that the Government

had the assurance that whatever we agreed to around this table, we would support in the Parliament. The mandate was to find appropriate solutions. The thing had gone on long enough; the time had come to find solutions, whatever they were, in the national interest. That was how we approached it.

**3.35 p.m.**

Mr. Speaker, when the report comes we would talk more about it, but the exercise has been conducted, and my understanding is that we are now nearing completion. Just before the election when it was clear that we would not complete the exercise, both sides, the Government and the Opposition, gave the undertaking that whoever should win the election, that the other side would support whatever the Government does in relation to the work of this committee on which we had embarked, and in respect of which we had had a prior agreement. So it did not matter who won the election as it relates to the police service. So important did we consider these matters, we told the Government up front that whatever majority it required, it was assured of it and the PNM would support it. Let us sit and talk, this matter is going on too long, let us find solutions to this in the national interest.

Mr. Speaker, I had intervened today only to place on record my disgust at the recent announcement by the Prime Minister of Trinidad and Tobago on this matter, because the announcement was made in such a way as to give an impression that is entirely different from the series of events as I have just outlined them to you. The Government made an announcement recently announcing that it had been taking action, and while that is correct, as far as it goes, it is not the truth, it is not the whole truth, and so I say that it is regrettable that the hon. Prime Minister has chosen to go into the public domain in the way he has.

In fact, in the past when public statements were made they were done on the basis of agreement between the Prime Minister and the Leader of the Opposition. We talked, we agreed, the team agreed, the Member for Arouca South, we all agreed when public pronouncements have been made, there is nothing to fear; we have no hidden agenda and we know they were sceptical about it from the start, but since we knew that, we said, okay, with the effluxion of time, they will realize the sincerity of our cause. We came with clean hands and a pure heart and so we are extremely disappointed and I could only hope that the announcement of the Prime Minister on this matter recently, has not prejudiced the outcome of the exercise on which we had agreed and on which we had embarked. I can only hope that that has not taken place.

Thank you.

**Miss Penelope Beckles** (*Arima*): Mr. Speaker, let me, first of all, take the opportunity to thank all hon. Members of this House for the opportunity to contribute to this debate on the Supplemental Police (Amdt.) Bill, and, more importantly, to thank all the constituents of Arima, the 10,942 of them who voted for me to ensure that I am here in this honourable Chamber to represent their voices.

**Mr. Valley:** Good representation.

**Miss P. Beckles:** Having said that, and knowing that I have been in another place, in the Senate, where the level of contribution—[*Interruption*]

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

**Miss P. Beckles:** Yes, Mr. Speaker, where the level and quality of contribution is very high, and Mr. Speaker—[*Interruption*]

**Mr. Speaker:** Members, please, I am trying to follow what the Member for Arima is saying, and also the *Hansard* reporter is having difficulty. So please, let us have some order. Continue Member for Arima.

**Miss P. Beckles:** Thank you very much, Mr. Speaker. I was saying that having regard to the fact that the Attorney General, in responding to some A'level students very recently, expressed his concern about the quality and standard of debate in the lower House, I will myself ensure that I contribute to the highest standard of debate in this honourable Chamber. [*Desk thumping*]

Mr. Speaker, I refer to the Explanatory Note that says basically that:

“...the amendment seeks to modernise the legislation by guaranteeing this group of workers certain rights common to all workers, in keeping with modern industrial relations practices.”

Mr. Speaker, I do not intend to be very long, but I would like the Attorney General to simply clarify exactly how this is possible, having regard to what is stated in the legislation, and having regard to the fact that section 40 of the Industrial Relations Act is not incorporated into the Supplemental Police Act.

You see, even though they speak about modernizing industrial relations, the estate police officer under this Act is not a worker and, therefore, if he is not a worker, for all intents and purposes, he will not have the benefit of joining a trade union. Under the Supplemental Police Act, they refer in sections 22 and 23 to certain protections as they relate to avoiding victimization for trade union activities, but if they have not incorporated the right of the officers under this Supplemental Police (Amdt.) Bill, to be workers and for them to be able to join a



trade union, I would like the Attorney General to clarify exactly how that will be possible, and whether or not it is a question where it is an implication that they can now apply for certification to become members of a trade union. That is definitely not clear and I would like that to be cleared up; in addition to which they cannot really report an industrial relations offence, so that I cannot really understand, even though he refers to these trade union activities, how these estate constables would be able to have the benefit of the Industrial Relations Act.

Mr. Speaker, under section 84(1) of the Industrial Relations Act, there is a special procedure that needs to be followed as it relates to industrial relations offences, and save and except they can properly qualify as trade unions, I cannot see how they will benefit from the Industrial Relations Act. Further to that, section 16(2) of the said Industrial Relations Act which deals with the interpretation of orders and collective agreements, this section as well is not incorporated in the Supplemental Police (Amdt.) Act.

Mr. Speaker, it is very clear from the definition under the Industrial Relations Act that the intention was that persons falling under the Supplemental Police (Amdt.) Act would not be classified as workers, and they would not have the general benefits of workers for the purposes of applying under the Industrial Relations Act. So that whilst the Attorney General may have said that this is a question of modernizing industrial relations and increasing the rights of these constables, in my view, it is not clear from the Act that these constables, since they are not workers, can join a union and have this benefit of certain rights common to all workers in keeping with modern industrial relation practices. As I said, I would like him to indicate whether or not those sections to which I have just referred—sections 22 and 23—are implicit there and that those persons now have the benefit to be able to join unions.

If it is that these estate constables do not qualify as workers, then the fact is, that the issue arises about the minimum wage, and notwithstanding the fact that I know this Government has been boasting about the passage of the Minimum Wage Bill, we know that insofar as the security industry is concerned that many employers there continue to pay their employees below the minimum wage. It is not just in the security industry, but in many other organizations and companies, persons are being paid below the minimum wage.

Mr. Speaker, if it is that the Attorney General is going to clarify and say to this honourable House that these estate constables are now workers, then the only way that this situation can be cleared up is for him to properly incorporate those

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sections from the Industrial Relations Act into the Supplemental Police Act to make this situation very clear.

The clause that says that the liability only exists when they are doing police work, the issue arises, as is normally the case, as to when exactly will those persons be on duty. Again, it specifies in clause 10 that these constables would be provided with a badge, baton and manual, describing the powers and duties of a constable, by his employer. Again, I go back to the point that even in our existing police service, a lot of the equipment needed by the police officers for their proper functioning is absent, and I know that the Attorney General is well aware that even simple things like their notebooks, summons pads, baton and other things do not exist, and, therefore, the issue arises as to how there would be proper supervision to ensure that clause 10 of the Supplemental Police (Amdt.) Bill ensures that the various government agencies are not going to be the ones that are going to be breaching the law.

Section 36 says that the estate constable shall not be a member of a prohibited association, and again, this falls squarely along the lines that I had discussed earlier as to this right to join or not to join a union, and we know that particularly in times of crisis, the issue of whether or not these special type of workers would have that liberty to strike. Whilst they would be employed by the Government, I imagine that the whole intention of these types of legislation originally was to look very closely at the issue of the workers of the Government protecting the Government. Whilst the Attorney General refers to modernizing industrial relations practices, I imagine that that issue would have been very closely examined to ensure that when you need these particular constables in times of crises, that you have put it in such a way that you do not find yourself in a situation where some of your government ministries are left unprotected.

**3.50 p.m.**

I only draw these critical issues to the Attorney General's attention to ensure the constables understand very clearly, exactly what their functions are and why it is that there may have been an intention to have certain restrictions relating to their trade union and industrial relations activities. So I ask the Attorney General to clear that up so that there will not be any doubt in people's minds as to exactly whether estate constables can or cannot join a trade union. I am sure that he is aware that the Industrial Court has been hearing matters relating to the Estate Police Association. That has been a bone of contention and I hope, in his winding up, he will clear up that issue.

So that my main concerns are: What is meant by “modern industrial relations”? What does he mean when he says under clause 23(2)(a) as it relates to the employer not being able to dismiss the constables for their activities as they relate to trade union association? Do these persons have the right of workers as outlined in the Explanatory Note of the Bill? Do they have the rights that are common to all workers on the issue of damages or personal injuries? That has always been a bone of contention. Many of the constables when they are injured, that is the time they are dismissed. I think that the incorporation into the legislation of that clause is commendable. As I said, the critical issue, under clause 13, in terms of wages and allowances, is how to ensure that persons are paid the minimum wage. The argument might be that in most instances it is the Government who is the employer. I think that we are aware that there are several government and state departments that have breached the law.

I thank hon. Members and I hope that the Attorney General would deal with those issues that I raised in my contribution.

**Mr. Speaker:** May I compliment the Member for Arima, as a new Member of this House, on her first speech. I know the Member for San Fernando East expected me to say, as I said of the Member for Port of Spain North/St. Anns, “a virgin speech”, but for today, I take his advice and say “her first speech”. Congratulations.

**Mr. Jarrette Narine** (*Arouca North*): Thank you very much, Mr. Speaker, for giving me the opportunity to make a short contribution on this Supplemental Police (Amdt.) Bill.

If I may make the comment and congratulate the Member for Arima on her maiden speech in the Lower House. I must say she should have been here since 1995 but you would understand, quite clearly, that we had to beg for the former Member of Parliament for Arima—

**Mr. Speaker:** Let me caution you. Any matters pertaining to this Speaker and his history should be left out of the debate. This is the second time I am saying this in this honourable House. It will not be tolerated. I am cautioning the Member to proceed on the Bill to amend the Supplemental Police Act. You may carry on.

**Mr. J. Narine:** I was just making a comment on comments that were made. I am certain that I was not out of order or anything like that.

**Mr. Speaker:** Are you debating my ruling? If that is what you are doing, you are out of order. Refrain from doing it.

**Mr. J. Narine:** I am going to press on with the debate. This Supplemental Police (Amdt) Bill has been a contentious issue for a number of years. You will know that I once worked with the National Union of Government and Federated Workers. As a matter of fact, we in the Union have been pressing for years to get the precepted watchmen in the Ministry, who we controlled in those days, to fall under the aegis of daily paid workers. Although there were daily-paid workers in the Ministry of Agriculture and other ministries at the time, who benefited from our Collective Agreement, I am certain that the Attorney General must have been pressed by his colleagues in the NUGFW to bring this matter here so that the Union would have the opportunity to get bargaining status for persons working in private enterprises, those security firms outside of the Ministry.

I say this because I have in my possession the Collective Agreement on Wages and Conditions of Service for Government hourly, daily and weekly rated employees, 1990–1992. This is the last agreement. So you would understand that over the last nine years, they have not had a collective agreement signed. This is what we did when we came into office, because from 1983—1992 there were no agreements. We have this Agreement because we have sat with the Chief Personnel Officer (CPO) and negotiated this under the PNM. The Attorney General is trying to say today that those watchmen have suffered over the years. I am saying, no, because there were members of NUGFW as watchmen in all the ministries, under this Collective Agreement. I would just read certain relevant parts from page 1: “employee” or worker shall mean anyone employed by the said Employer mentioned at 1 above, and who is paid a weekly, daily or hourly rate”.

**4.00 p.m.**

It meant that those watchmen who were not precepted—as a matter of fact, when I worked at the Botanical Gardens, we had 12 watchmen and only two of those were precepted. So we represented 10 other watchmen who were not precepted. Even the precepted watchmen who were daily-paid employees of the Ministry, were covered under this Collective Agreement.

I go on to page 6 where there are special arrangements for watchmen under “Conditions of Service”. Under that heading there are: “Hours of Work”, “Normal Work Day”, “Livestock Workers” who were specially treated shift workers under the Agreement. Some of them had to work with livestock during the night and so on, so they were shift workers; likewise watchmen who were shift workers. Under that Article II, (vi) states:

“Watchmen

- (a) Watchmen, due to the nature of their work shall be shift workers for whom Saturdays and Sundays shall be normal work days at normal rates of pay, where a Saturday or a Sunday falls within the shift cycle, provided that each Watchman shall be given at least two (2) Sundays off each month.”

It meant that you had to put their cycle so that they can get two Sundays off each month. It continues:

- (b) Where a watchman is required to work in excess of two (2) Sundays per month, he shall be paid in accordance with the provisions relating to overtime work for Sundays.”

This agreement was based on having watchmen in all the ministries under daily-paid control that had benefits under this Agreement. May I say at this point in time, the only reason precepted watchmen were supervised by the ministry’s officers who did not fall under the full control of the employment in any particular area, was because they had some part to play with the police service, in that they had the powers of arrest, and so on, and they had to liaise with the St. Clair police, in the case of the watchmen at the Ministry of Agriculture at the head office and at the Botanical Gardens station.

When the Attorney General spoke, he gave the impression that watchmen and other officers like them, suffered over the years because of the PNM. This is not so. The PNM made collective agreements that enhanced every single worker in this country and this collective agreement should have been ratified years ago. Since they assumed office there had been no updated agreement for collective bargaining within the daily-paid service. Recently I have heard about some pension plan that was proposed for daily-paid workers. We may deal with that at another time, because that pension plan has become a contributory pension plan. I continue:

- “(c) A watchman who is required to work on any rest day not being a Public Holiday shall be guaranteed eight (8) hours pay at double time and treble time thereafter.”

Even in this Agreement, if you have a Wednesday off during the week and during that period they call you out to work; you are guaranteed eight hours pay at double time and after that eight hours you are entitled to treble time pay. I continue:

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“(d) On any rest day being a Public Holiday where he is required to work he shall be paid treble time for the first eight (8) hours; for all hours worked thereafter he shall be paid four (4) times the basic rate. This is in addition to one day’s pay at straight time for the Public Holiday.”

So when you look at the agreement, watchmen had been treated in a special way for collective bargaining purposes between the CPO and the NUGFW that has recognition to represent daily-paid workers throughout the public service. It continues:

“(e) When a watchman’s rest day falls on a Public Holiday he shall be paid eight hours (8) at straight time for such a day.”

Because there is already provision for the other overtime rates:

“(f) Any work performed in excess of his normal work day, shall be paid for at the appropriate overtime rates.”

A watchman also receives under this Collective Agreement, a shift premium of \$3.60 per day on every shift that he works. If he works for a 10-day period, it meant that he got 10 days by \$3.60 per day. Remember, this is up to 1992. So that you would understand that since then that has not been upgraded. While some people walk up and down the country talking about trade unionism, it simply means that the daily-paid agreement needs to be upgraded so that people will have enhanced payment. I continue:

“(h) In rural and remote areas the work day and shift cycle of the watchman may vary in accordance with the principle of the forty-hour work week, subject to a maximum of twelve (12) hours after agreement with the Union.”

So that what the Attorney General was saying here, that they have suffered all these years because they were not allowed to join a daily-paid workers trade union or any other trade union, is not a fact. It goes on in (vii):

“(vii) There shall be granted a rest period per normal work day of ten (10) minutes in the morning and ten (10) minutes in the afternoon. The time shall be determined by the employer and shall be spent by the employee at his work site.

(viii) The normal number of hours of work as stated represents the maximum time an employee may be required to work each day or each week within the hours specified at Article II (i) and (ii), i.e., 7.00 a.m. to 4.00 p.m. at straight time pay.

- (ix) The normal work hours are subject to change only by agreement between the Employer and the Union.”

Which means, in this case, the CPO and the trade union movement.

“Cost of Living Allowance” which was then in the agreement and was being paid, was also included for watchmen. Then there is “Overtime”; and you go on to “Public Holiday”, “Vacation”. They all fell under this Agreement. “Sick Leave was also entrenched in this Agreement—14 days sick leave per year and they could have accumulated their sick leave over a four-year period and get a bonus for it.

Where there were female watchmen, as classified in the Agreement, we argued a number of years ago, that women should not be called watchmen, but it remained in the Agreement that both male and female were referred to as watchmen.

Then you had, “Maternity Leave”, “Bereavement Leave”; you had “Leave for Workers other than Permanent Workers”, and that is when you have 200 days within a period of two years for vacation leave; 100 days within one year for sick leave.

Then there are: “Other Leaves of Absence”, “Study Leave”. They were entitled to those. So putting this into this Bill does not mean anything. They are already entitled to these allowances. The point was made by the Member for Diego Martin Central that the public service has all these persons employed and they are covered by all the other agreements; they are covered by the Industrial Relations Act; by the Memorandum of Agreement.

#### **4.10 p.m.**

They are entitled to meal allowances if they work in excess of the hours they are supposed to. If they have to move from their worksite, they are entitled to a travelling allowance. If they used a bicycle to perform their duties as some of the watchmen who patrolled around the Queen’s Park Savannah, they were entitled to a bicycle allowance. If they had to be transferred from one part of the ministry to another, they were entitled to a transfer allowance.

Under this Agreement, watchmen were entitled to uniforms. Every year, they had to make sure they went to the persons who received the contract to sew uniforms for watchmen. They were entitled to get boots, leather belts and all the other paraphernalia for watchmen. The buttons they wore on their uniforms were given at the police barracks. They had to get an invoice to collect the other things that went with the uniform.

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All premiums were allowed to them and at the end of it, severance pay. The Attorney General said that over the years, we suppressed watchmen. That is not true. He is doing that for a friend in the trade union movement to get membership. After all this work that was done by the legal advisors, this is to give preference to a certain union to get membership. Retirement benefits are also there for them. Shelter and housing loan, protective rates, re-employment, medical checks are in the Agreement.

They were paying for union duties and union cooperative subscriptions through the cheque system from their wages. Today we are hearing that they have been victimized over the years by the People's National Movement. That is totally untrue. Based on this Agreement, you would realize we have made provisions for watchmen and all government monthly and daily paid workers, according to collective bargaining. It is not like the doctors, nurses and workers at Caroni (1975) Limited. Tell them to demonstrate and we would pay them, and they released money from the Treasury to pay them. There were also medical checks for watchmen.

There are normal workdays on which their absence for different causes counts for periods of work. According to the Workmen's Compensation Act, Chap. 85:05, there are absence and paid sick leave and vacation leave; absence and paid casual leave; absence for jury service; absence and study pay leave; absence for approved union business; other approved leave of absence; absence and paid maternity leave; absence and paid bereavement leave. The Attorney General probably never thought that watchmen in the daily-paid service fell under the union. If they were precepted, they had to be represented by the Estate Police Association (EPA).

I would continue with promotion policy and grievance procedures. It is in the Agreement procedures. If they have problems what steps can be taken. Under the Collective Agreement for daily-paid workers, watchmen were taken care of. I felt peeved to hear the Attorney General say watchmen were people who were victimized over the years. That is probably in private enterprise where the union could not go in to make representation on the workers' behalf. During the PNM's time that union represented 45,000 workers, there are now 20,000. Watchmen and rural police as they were known at that time came under this same Collective Agreement.

The police constables and inspectors who supervised the watchmen at the workplace also took them on training. Within the service there was training for watchmen and rural constables because they fell under the Agreement. Even the watchmen who were not precepted had to go for training. They were not allowed to use firearms. This means they had to use the baton as indicated in this Bill.



Under this Agreement, you would realize that even employing watchmen was done through the employer. When they came in they got representation by the union that had the recognition and certification bargaining status. The disciplinary code for watchmen is superior to what is stated here.

There is also a pension plan for those workers if and when agreed. Article 22 deals with that. It mentions that the employer and the union agree to continue discussions for the implementation of a pension plan. You would understand this was since 1992. This Agreement was signed with effect from December 31, 1992. This means we would have been in government at that time.

**4.20 p.m.**

Even the wages will show. I will draw your attention to Class 42 of the Agreement regate-keeper, gauge readers and watchmen under the same classification. It is stated that the rates of pay during that period and up to 1992 for a watchman was \$92.41 a day, long before we ever heard about seven dollars an hour. Presently they are receiving salaries above \$125 a day and they are part of this agreement, so to say that the People's National Movement had ill-treated this section of workers over the years is not telling the truth. [*Desk thumping*] It is just that in certain departments in Government there was a situation where there was no expertise to take care of watchmen who were precepted and who had to carry a firearm. So you had to look carefully in dealing with this legislation, at whether you would leave precepted watchmen who had to use a firearm under the control of an agricultural officer, or an engineer in the Ministry of Works who never had any training for that.

I am pleased that I was able to make this short intervention and to say that every time we come here the Government finds some way to say that the People's National Movement has ill-treated workers in this country. The People's National Movement has always treated workers in this country with dignity. [*Desk thumping*] Workers have been treated in a way that they were free to parade in the streets and march up and down. When that happens now, insults are being hurled at workers in Trinidad and Tobago for their democratic rights. It is very instructive that because a certain trade union movement could not get certain workers to join their movement, we are asked to have this legislation repealed so that the union can go out there and organize workers in the private sector, and that is to collect money at \$16 a night to put into their coffers to use as they wish. This legislation is because of that. All that is taking place today is what the People's National Movement put in place since 1956. They have changed nothing. You come here with small amendments but to have collective bargaining is because

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the People's National Movement sent representatives from the labour movement to Geneva year after year, paid by the government run by the PNM to bring collective agreements like these. [*Desk thumping*]

Today you have a Minister of Labour for a whole five-year term and he did nothing and continues to sit here. I understand he is now the Parliamentary Secretary. I do not know. I understand he now has a Minister above him—a doctor. When it comes to collective bargaining and you are asked about the Convention from Geneva and introduce it here—this Supplemental Police legislation—for the Attorney General to come and say that the PNM did nothing and that since so and so years it victimized workers is telling an untruth. The Member is playing to the gallery, he is looking for a press report tomorrow to say the PNM did not treat its category of workers in a right manner. I am saying that I was part of that union. We sat and negotiated. I was a grievance officer. I represented watchmen in the Ministry of Agriculture. When there were grievances we had to take their grievances. [*Interruption*] I did many jobs, unlike yourself. You are tunnel-minded. When you have workers in this country [*Interruption*]

**Mr. Speaker:** The Member is asking for some assistance, please allow him to proceed.

**Mr. J. Narine:** Thank you very much, Mr. Speaker. I understand that he is the great father now and that he has to make his voice heard that he won an election. The first election he lost, and he had to come in through the back door to the St. George East County Council, while I was an elected Member and always elected—five times elected. So that once workers in this country decide, like the doctors did, to fight for their rights, the Prime Minister threatens these workers—up to yesterday—they are looking for doctors all over the world and the Commonwealth to come to Trinidad when there are workers here. I saw a doctor this week on television asking for his appointment letter. They do not even know how to bring back Dr. Chatargoon into the service after victimizing him. They did not even send a proper letter to him because he speaks against the system, because he is caring for the people of this country.

Mr. Speaker, do you know what a doctor told me last week? You have the angels on wheels and they are flashing lights all over the place, but when they take the patients to the hospital they have to remain there for hours because there is no medication, and there are no doctors. Even before this industrial conflict there were no doctors to take care of people. The doctor was telling me they rush them to the hospital for the public to see and when they get there they have to suffer on the benches in the hospital. I am sorry for the Minister because he really

offered his resignation if anyone could do better. I do not know if his other Minister can do better.

**Mr. Speaker:** This House is suspended for 30 minutes for the tea break.

**4.30 p.m.:** *Sitting suspended.*

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

**Mr. J. Narine:** Mr. Speaker, when we took the break, I was making the point that this Bill gives privilege to a particular trade union movement to gain membership and to collect union dues. It is somewhat like wanting to put a Commissioner of Police for an extended period and spending an entire night in this Parliament so that his term would be extended by two years.

I thank you for giving me the opportunity to make this small contribution.

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, my colleague, the Member for Arouca North, in his brief and useful contribution to this debate, dealt in part with the concept of the worker, and so did the representative for Arima. She, too, touched on the question and made the important point that we probably need to look at the amendments we are putting in place to ensure that the protection we say we are extending to the estate constables are achieved.

I noted that during the course of an earlier debate today, when we voted against the measures as they applied to the private security services, the Prime Minister wrung his hands together as though enjoying it. I heard him say to the Member for Couva South: "They voting against workers." No doubt rehearsing the lines that they propose to take out of this Chamber over the next few days perhaps, when they will mislead people in this country by telling that the PNM voted against workers.

As the Member for Arouca North pointed out, it was under the PNM that the Industrial Relations Act came into existence, and all the things that were done to ensure the rights of workers from 1956 to 1995 were done, of course, by parties other than the UNC. This is a small and apparently unimportant point, but unfortunately, there are many, many people in our society who are easily misled. When the Prime Minister and the Attorney General summon their troops and tell them that the PNM voted against workers, many of them will say yes without even thinking that they are being misled by a wily pair—Ebony and Ivory.

I am putting this on record. While he lusciously took in the line to tell the people that the PNM is against the workers, that is not the case. We did not vote against improving the lot of estate constables. As we debate this amendment to

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the Supplemental Police Act, it is not that we have anything against supplemental police officers. We will work with the Government. They heard the Member for San Fernando East say that we had offered to talk with the UNC about the issues of the police service out of which certain initiatives are to come. We have always acted in a responsible manner.

We voted against it because we had indicated that there ought to be a certain dichotomy between in-house and commercial and the Government was saying no. Their view was those of the Government service and the statutory authorities on the one hand and the private and in-house on the other. That was the fundamental difference. We were not arguing that either or both should not be regulated and their circumstances improved. I felt it necessary to put that on record and if anyone chooses to go out of here and mislead people, they do it not on the basis of ignorance but, as usual, driven by malice and seeking political mileage while misleading the country.

I remember once I stood in this Chamber and the Prime Minister, the Member for Couva North, when he had just returned from India, was sitting there and I told him, that he could not have seen Sai Baba the noble and the religious man, but he must have seen, on the other hand, Ali Baba.

**Mr. Speaker:** Hon. Member, I think you have lost me some place. You are straying from the Bill and unless you can show me where you are and how relevant this is, I suggest that you come back to the Bill, which is, "An Act to amend the Supplemental Police Act, Chap. 15:02". Be cautioned.

**Mr. F. Hinds:** Mr. Speaker, I was simply attempting—and I will proceed—to reinforce an important point. This Parliament is an important institution—

**Mr. Speaker:** Take your seat. Clearly, the Member is trying to debate my ruling. To me you have strayed and I have asked you, except you can bring me to where you are in this Bill, you may not proceed. Either do that, or proceed with the Bill.

**Mr. F. Hinds:** That is what I was attempting to do. I may not be as fluent as you, Mr. Speaker. I may not be as quick-witted as you, but I was attempting to do that. I assure you that I was not arguing against the ruling of the Chair. If I were doing that I would say so, but I was not.

I was attempting to reinforce a point. I was saying that when we, as representatives of the people, speak here the nation, through the various media forms, listen and they are sometimes misled. This is a point the former Member

for Tobago East always made. Now, he is on Radio Sangeet making the same point, but nobody listens to him. I will proceed with the Bill.

Now, in respect of estate constables, the traditional concept was that the constable was employed by his master to look after his property. The property, naturally, would be located somewhere inside of the 1,921 square miles that are Trinidad and Tobago. When he assumed his responsibility, from 1906—the Attorney General said so—he was precepted and he had a responsibility to his master's estate in one of the police divisions. The country is divided into six or seven police divisions, and Tobago division is one of them. He would have a precept to operate in one particular division—Port of Spain—or, if his employer, as is more common today, had businesses and property all across Trinidad and Tobago, as a matter of convenience, the Commissioner of Police issued a precept which gave him authority to operate in all police divisions.

**5.10 p.m.**

Mr. Speaker, that was the original concept. The point was made by, indeed, the Member for Couva South, when he piloted this Bill. The hon. Attorney General spoke about this new-found authority or ability on the part of estate constables to join trade unions of their choice. The reason people join trade unions is to have a single voice to represent their interest with their employers for the purpose of proving their circumstances and terms and conditions.

The Member for Arouca North demonstrated that right in the public service, at least, as it applies to watchmen, all of these protections were in place. The Member for Arima quite properly demonstrated, as well, that even where you had estate constables in some of the statutory authorities, state-owned companies and so on, they too—and I told the Attorney General on camera and off camera, that I was personally involved in a matter when an estate constable was wrongly dismissed from his job and he got redress in the Industrial Court and that the Industrial Court is replete with cases and examples of estate constables who got redress there. That does not take away from what the Attorney General has said, that is to say, that the law debarred them from joining other associations.

I read an article a few days ago, and I am not going far from the point, where someone was calling on the Attorney General—some one of the editors in a beautiful editorial, one that gave great joy to read and to imbibe. One of the editors was saying to the Attorney General—and I say to him and it would assist us in this legislation, I guarantee you. I want to quote, Mr. Speaker. It is an editorial in the *Trinidad Guardian*—it will be of great assistance to the Member—

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of March 14, 2001. It deals with the issue that is before the nation now; the possibility, or rather the probability of the Attorney General being—

**Mr. Bereaux:** Charged.

**Mr. F. Hinds:** I would not say charged, I would rather say proceeded against for contempt, but that is not the important issue. The important issue here—and I see he is listening. What the editorial says in the penultimate and the last paragraphs—and thank you for your leeway, Mr. Speaker. I quote:

“Mr. Maharaj must accept he was wrong. He should at least be a man and apologise for his ill-advised, the word used by the Assembly of Southern Lawyers, assault on the judge’s integrity...”

I am not dealing with that, Mr. Speaker, I am dealing with the fact that the editorial saw it fit to call on the Attorney General to be a man.

**Mr. Valley:** That is difficult.

**Mr. F. Hinds:** A three-letter word, but a potent word, a strong word. God created man! Be a man! Be God-filled! Admit; tell the country, tell the estate constables that while you are permitting them in this legislation to be free to join a trade union of their choice, it really is a superficial change. It really changes nothing. I had made the point in another debate, the one related to this, that being in an association does not necessarily mean an improvement in your terms and conditions. There is the Police Service Welfare Association but police officers complain about promotion, penal transfers, terms and conditions, salary. Mr. Speaker, being in an association or being in a union does not necessarily mean—so when you present the legislation as if being able to join a trade union is a panacea for all of their ills, if they listen to you they will be absolutely misled; they would be misguided; they would become frustrated and the good thing about it is, they would have seen the light five years later and the next time they go to the polls they would vote for the PNM.

**Mr. Valley:** [*Inaudible*] padding.

**Mr. F. Hinds:** Bar padding. The padding is another factor that could interfere with the due process. Mr. Speaker, I want to go on record as saying that this country would pay the price for voting the UNC into government. [*Desk thumping*] In fact, this country is paying a price because—[*Interruption*] I am speaking about the supplemental police.

I was asked by one of my friends on the other side—[*Interruption*] Well not really but—

**Mr. Manning:** You are just using a parliamentary term.

**Mr. F. Hinds:** Yes, it is a parliamentary term, I am being parliamentary. He says when he sees me on the floor here and I speak, I speak with a measure of— How did he describe it? He described it as hate and I told him it is not hate, it is more contempt; not contempt in the sense of the Member for Couva South, but contempt, nonetheless. You know, I told him, if one estate constable has \$10 million and another has a \$10.00 bill and they sit to pursue the illegal act, God forbid, of gambling and the one with the \$10.00 won the \$10 million, he, just like the PNM will accept his losses, but “doh tief meh”. When he hears me speak from here—and he thinks it is hate, it is not that, it is contempt because we know we have been cheated! [*Desk thumping*]

Mr. Speaker, we are, however, talking about estate constables. I read in yesterday’s newspaper—because there must be security at the EBC’s office in San Fernando. I have not had the benefit of reading the official reports, but what I read there was that a Molotov cocktail was set or thrown at the EBC’s office in San Fernando. I do not know the details; I am only relying on an article written in the *Express* newspaper of March 15, 2001. Mr. Speaker, immediately it occurred to me that somebody must have been trying to hide something, we do not know! We are talking, however, about security and I do not know whether there were estate constables there. What I do know and I can submit is that it will take some really efficient officers to keep my friends on the other side out of the EBC’s office for the next few years. [*Desk thumping*] That is what we are trying to do. [*Interruption*] My friend, the pseudo Member of Parliament from Tunapuna, not entirely an MP because he got here by pseudo means, he has been provoking me, Mr. Speaker. [*Interruption*] I know, I know, as I would say, “Jah doh sleep, Jah never fail I yet” and I have seen the wicked spread like a green bay tree and then wither like a herb under the UNC’s sun at noonday. [*Desk thumping*] I am not afraid! Time is on my side! You talk a lot about 5 years; I talk as a Godly man about eternity. [*Desk thumping*] Time is on my side! I deal with eternity! Time “doh” trouble me.

**5.20 p.m.**

Mr. Speaker, we are talking about security. I read in the newspapers as well that Sen. Montano may have to employ one of the security officers that we are talking about. That is why terms and conditions, as the Member for Arouca North said, are important, because I do not know if Sen. Montano has an estate constable or a supplemental police officer outside his door. What I read here in the *Express* of March 15, 2001 is that from the time he spoke about a \$12 million

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bank account held by a Minister of Government, his home has been tampered with, entered into and burglarized on several occasions. [Interruption] Well, reports have been made to the police. Mr. Speaker, maybe they have no regard for the police, but we do; supplemental police, too.

**Mr. Bereaux:** Dhanraj does too.

**Mr. F. Hinds:** It is a frightening situation. When I read of it I thought about a sister called Juliet Davies; one day she spoke out against the UNC, and the very night her home was shot at in the Beetham. I thought about Selwyn Cudjoe; he spoke against the Government and his house was shot up in the night.

**Mr. Assam:** How come your house was not shot?

**Mr. F. Hinds:** Well, as you know, I am like a tree planted by the rivers of water. My life is worth precious little in the scheme of things. I am not afraid, as I told you, but Sen. Montano—[Interruption]

**Mr. Ramsaran:** He is afraid. [Laughter]

**Mr. F. Hinds:**—according to the newspapers, because he told this country that a Minister of Government, a high-ranking Government Minister, has \$12 million, he has to put security outside his house. [Interruption]

**Hon. Member:** Call names!

**Mr. F. Hinds:** Call names? I could call names.

**Mr. Bereaux:** Panday!

**Mr. F. Hinds:** I did not see the account; I would be speaking unfairly. His son saw it and told his father. His father has spoken to the Integrity Commission; so enough said about that.

What I would want—and what I have not heard—is for the Prime Minister to come in this Parliament or outside, put up his hand, hold the Bhagvad Gita, the Bible, the Qur'an, the Torah or hold all four, and tell this country—[Crosstalk] [Interruption]

**Mr. Speaker:** I have cautioned the Member about straying from the Bill, and he continues to stray from the Bill. I am calling the attention of the House that if the Member continues with the irrelevance and does not come back to the Bill, I will invoke Standing Order 43(1). You are being cautioned. You may proceed. [Crosstalk]

**Hon. Member:** And he trembles!



**Mr. F. Hinds:** I do not know if the *Hansard* could record the fact that I am trembling.

**Mr. Speaker:** Order please!

**Mr. F. Hinds:** As I said, Mr. Speaker, I am not afraid. I have no fear whatsoever, none; and the truth will be spoken.

We are talking about supplemental police officers. I have found it particularly interesting that the Attorney General in his deliberations on this matter, while he speaks about the fact that they were not able to join trade unions or trade associations, he never sought to tell this Parliament, and, by extension, the country, why that was so. It took the Member for Arima to tell us. What did she tell us today?

When you are a supplemental police officer, you are working as a police officer supplementing the regular police force. Even today in modern Trinidad and Tobago, not 1906, you have a recognition of the fact that some services are considered essential services; the police service is one of them. The police service, by virtue of being an essential service, is not permitted under law to strike. If the police were permitted to strike, what would happen to Trinidad and Tobago?

As the Member for Arouca North pointed out, if there are supplemental police officers in the Ministry of Health, the Ministry of Infrastructure Development and Local Government or the Ministry of Food Production and Marine Resources, and the workers, for whatever reason—most typically today because of the provocation by the Government of the day—decided to go on strike or take some other form of industrial action, the supplemental police officers, who function like police officers in that environment, are debarred from going on strike. That was the rationale, was it not?

There is nothing sinister about the fact that estate constables were not, in those years, permitted to join associations or trade unions. There is no prohibited trade union in Trinidad and Tobago. There is no union in this country that is not permitted under law to represent workers in any particular workplace or industry. So when we talk about prohibited trade unions it is in the context of, or, *vis-à-vis*, the estate constables being prohibited from joining those unions. They could have only joined the Estate Police Association, which had limited responsibility to accept. That was so partly for the reasons I have just explained, and partly for historical reasons, because of the master/servant relationship that subsisted

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between the master and servant—the estate owner and the worker on his estate. So there was nothing sinister about it.

The Attorney General must be a man and tell us, notwithstanding that law— It is much like, I am using this as an example hon. Members—the Shouter Baptists Liberation Day issue. When that was made law and they got a holiday, that was a superficial and good psychological boon and benefit to them. No one in this country could show a single occasion from 1956 to year 2001 where any Baptist meeting, bells or drums were stopped for religious reasons by any police, especially since the PNM came to office in 1956; nobody. So the improvement was merely superficial and ceremonial. I subscribe to it; I have no trouble with it, but we must let the people know that it is nothing really new. [*Crosstalk*]

**Mr. Assam:** Why did you not do it?

**Mr. F. Hinds:** I am dealing with the supplemental police, so I do not really want to deal with that, because if I really had my way I would send a platoon of supplemental police to investigate what happened with the Elections and Boundaries Commission and you in Tunapuna. [*Desk thumping*]

**Mr. Assam:** You all were against the Baptists, that is why they threw you out when you came that day. They pelt him out for being out of order. [*Laughter*]

**Mr. F. Hinds:** I will not worry about the court jester from St. James. I would not be distracted by him.

**Mr. Bereaux:** I am really concerned about the behaviour in this House. The Member for Tunapuna is allowed to do anything he wants and nobody tells him anything.

**Mr. F. Hinds:** Maybe because he has that phony English accent that he got somewhere across the river. That does not surprise me; he is the only ambassador for Trinidad and Tobago to St. James Court who found himself wearing this long English hat, tails and gloves looking like Bugs Bunny—[*Laughter*]—on a cold British morning. He made a mockery of us and embarrassed us in London—[*Laughter*]—but I do not want to be distracted with that court jester, he has his role to play. This is a serious matter. Let me come back to the Bill. [*Crosstalk*]

I wish I could have used the words of my friend from Naparima “a manifestation of Beelzebub”. I want to deal specifically, if you will permit me hon. Members, with clause 23 of this Bill. I took great note. I had to prod the hon. Attorney General, I had to urge him to read clause 23 in its entirety, because that clause speaks about—and this is where he is trying to legislate and to entrench, if

I may use the word rather loosely—the protection that the estate and supplemental police officers ought to enjoy under this legislation.

Mr. Speaker, clause 23(1) says:

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

(a) is an officer, delegate or member of a trade union or association;”

That cannot happen today, bar this legislation. Without this legislation it cannot happen. If any worker wants to join a trade union—in fact, I would deal with that later.

“(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 evidence in a proceeding under the Industrial Relations Act; or”

He stopped there, but what does (d) say? We are talking about the grounds upon which he cannot be dismissed from his employer. Where he:

“(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.”

This is a very dangerous provision; this is what the Government is actually legislating.

In the real world a worker might be a member of a trade union or association, and his employer may not be happy about it. So he asked his employer for time off to go to a meeting, and the employer says no. The employer does not want a trade union in his place; he feels whatever he feels—unjustifiably sometimes. I think, quite honestly, that kind of situation is one that has to be negotiated between the employee and the employer.

If the other employees, who that employee is attempting to represent, stand together, and stand sufficiently strong, the employer will understand that these workers—who he must depend on to produce his goods or to deliver the services out of which he earns his income—have an important role to play, they are standing solidly together and they want to be represented. It is the disunity that causes the trouble in the workplace.

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In this Bill, the Government, bar negotiations, notwithstanding all the troubles, is now legislating that if the employee goes to his employer and says, "I want to go to an association meeting," and the employer says, "No, I have some extra work to be done here today," and the employee is not given the time off, the employee is now free to walk off the job, go to the meeting and stay the whole day, or if it was a conference in Geneva, the employee could stay three weeks. When he comes back, the employer is not able to take any action.

I am only asking the Attorney General: Is that something that we need to legislate? There are some things that are beyond legislation. Morality is a concept that is beyond legislation. This is why Sir Ellis Clarke a few weeks ago, after he emerged from an important meeting dealing with the constitutional crisis involving the Government, said, "It is clear to me that the Westminster model does not hold and work here anymore."

It was said of Margaret Thatcher in Britain that she had the same powers under the same unwritten, partly written, partly unwritten Constitution, the same convention, all of that in England, that she pushed the seams further than anyone else. She did things that no other Prime Minister has done. Therefore, in England Britain today there is a strong call for a written constitution to rein in what they consider to be a runaway or rogue Prime Minister.

It was quite clear when Sir Ellis Clarke spoke. I looked on the other side and I saw the problem replicating itself in Trinidad and Tobago, except of course, it is significantly more serious and more dangerous. But do we want to legislate this? Do we want to tell a worker he could leave Trinidad and go to Columbia or Geneva for three weeks, because his employer has unreasonably refused? Concerning the concept of unreasonableness, one could write a legal textbook on that one word alone.

The courts of the country, the courts of England or courts anywhere in the world, would have had trouble grappling with that word from time immemorial. What is unreasonable? Authors have written long articles on that, and the Attorney General knows that reasonably well. That is a tautology, I used the word "reasonably" again. So the employer may think that his action was quite reasonable, because, today, I have a deadline for my supplier in a contract to produce 1,500 pieces of the item he ordered, or 50,000 jeans. I need to deliver that by 6.00 p.m. according to contract.

These three workers on the plant have to leave to go to a union meeting. I need them here. It is quite reasonable for me to say, "No, stay here." But the

Attorney General is telling them that they could form the impression beforehand that it was unreasonable. They could walk off the plant, go and do their business and come back when it pleases them.

**5.35 p.m.**

Do you know what? The matter goes to court and then the court, in hindsight looking at the facts, concludes that the employer was quite reasonable in debarring them from going and the workers are out in the rain, but the Attorney General is still sitting here. He sets up the people, they lose their work, their families are in trouble now, and he sits here continuing to obtain significant amounts of public moneys at our expense.

**Mr. Bereaux:** He pays a man to lose a case. When he wins, he is vexed.

**Mr. F. Hinds:** Talking about public moneys, I got an important piece of correspondence in my mailbox. At the top of it, Charles Russel Solicitors—  
[*Interruption*]

**Mr. Maharaj:** How does that relate to security?

**Mr. F. Hinds:** I will tell you how it relates to security now. Dated 23<sup>rd</sup> January 2001, addressed to one Miss Christine Sookram, Office of the Attorney General and signed by John Ameida, A-M-E-I-D-A, a very important piece of correspondence, which I found in my mailbox, but I will deal with this at the appropriate time.

**Mr. Maharaj:** Read it.

**Mr. F. Hinds:** No, I would not read it now, we will talk about public moneys at that time. Take your time, don't be impatient. In any case, that is irrelevant, that has nothing to do with the Supplemental Police (Amdt.) Bill. You want me to stray from the Bill? We will come to that under another head. As I was saying, as I make my very short contribution to this important piece of legislation, I think, rather seriously, that the Attorney General ought to think over legislating a situation like that and I ask him kindly if he could find it in his otherwise cold and stony heart—By the way, Members, I thought we needed security here last week, I saw smoke emanating from that side and I paid particular attention to it, and then I realized what the problem was. Should I tell the hon. Members? Something good is happening you know, the Attorney General ordered the holy Bible from the Clerk, and he had it in his hand, and I am sure he would have read a few words. I urge him to continue. It can only do good for him.

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I ask him kindly not to behave in the fashion as he did in the other debate we had today, because earlier today—and I am making an important point concerning this legislation: we want it passed in its most prudent and best form. But earlier today, we saw the spectacle where the Member for Diego Martin Central raised a certain, not so challenging, pseudo intellectual question about the policy of the Government and when he tested the Attorney General intellectually, and the Attorney General's argument fell flat, he behaved like a strange man. It is like a person who just shut their eyes and runs across the highway hoping for the best. When his argument broke down, he simply resorted to the typical bully-boy behaviour, UNC style. He said, in any case forget the argument, that is our policy, and we are going down the road with that. Forget the reasoned argument, and I am telling him on this occasion, he has an opportunity to address that behaviour. Take into account what we have said, amend that section 23(1)(d), and do not legislate for what can yield chaos in the workplace.

As I approach my conclusion on this matter, we are, in this Bill amending the Supplemental Police Act and saying effectively, by removing other private security firm operators out of this, we are saying that the amended version will apply only to persons who are employed in the government service, statutory bodies, State-owned corporations and that sort of thing.

The Supplemental Police (Amdt.) Act as it now stands does not permit persons to join associations of their choice. I have argued fairly forcibly and I am sure you will now accept, that it is only a superficial change. These persons were represented by the Estate Police Association (EPA) and, if anything, the EPA needs to improve its conduct and its operation. The EPA should probably be much more lively, energetic and proactive, it may get more out of the same wicket, but to sit and wait for the Attorney General to change it all, I trust they will be waiting for a long time and will be as disappointed in him as this country is disappointed in the UNC that some of them made a great mistake to put in office.

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, may I first congratulate the hon. Member for Arima for making her maiden contribution to this House. My only hope is that other Members of the Opposition PNM would try to emulate her and recognize the quality that she has to be a very good legislator in Trinidad and Tobago.

Mr. Speaker, it shows that notwithstanding all the evil which the Member for San Fernando East tried to do, this hon. Member for Arima has displayed that with determination she has risen above him and I congratulate her. [*Desk thumping*]

Mr. Speaker, it is quite clear that the Opposition is seeing shadows. We had today the hon. Member for Diego Martin Central who said that this Bill is to facilitate a mongoose gang. So here, the Supplemental Police Act which has been in existence since 1906 and which deals with the supplemental police officers, and because the Government introduced a Bill known as the Private Security Agencies Bill which dealt with private security officers and it is amending this Bill in order to put supplemental police officers employed under this Bill on par virtually in principle with the Private Securities Bill, it means that there is a mongoose gang being created in Trinidad and Tobago.

Mr. Speaker, I am very surprised that they will attack all these officers in that way. They obviously have no respect for these police officers who fall under the Supplemental Police (Amdt.) Bill. They obviously think that these police officers have no devotion to duty or country and that they can be manipulated easily. It is an attack on the integrity of these officers. [*Interruption*]

**Mr. Bereaux:** Always twisting around things.

**Hon. R. L. Maharaj:** Mr. Speaker, it is an attack on these police officers. It is contempt to these police officers. [*Interruption*] Here it is that the Opposition has got up today and in effect, said that these police officers can be easily manipulated, they can be converted into a mongoose gang, and they have been in the police service for all these years.

Mr. Speaker, it just goes to show shadows. I know what is happening in the Opposition. There are major problems there and that is no excuse for them to come here and be able to use these debates to try to instil public emotion against the police service and the Government. It is not fair.

Then we heard another one. We heard that the hon. Prime Minister got a document and they now introduce a bit of race into the thing. The hon. Prime Minister got a document from the army and sent it back and made certain endorsements on it which related to East Indians in Trinidad and Tobago. Nobody produced anything, and I want to put on record that that is totally untrue, there is no basis, but this again, is an attack on the army. Here it is, Mr. Speaker, they have come—

**Mr. Manning:** Mr. Speaker, I thank the hon. Attorney General for giving way, and I would like him to state categorically that it is not correct that the Prime Minister and Minister of National Security vetoed the recommendations of the army for recruitment and instead submitted his own list to them for implementation.

**Hon. R. L. Maharaj:** Mr. Speaker, that was not what the hon. Member said. He said that there were matters relating to race. That is what he said and he would not get away from it now and I am saying what he said is untrue and they came here today to attack the police service, the army and the Government.

Mr. Speaker, they are desperate. Here it is you have a Leader of the Opposition going about the country and saying he knows what the judgment of a court would be.

**Mr. Hinds:** He never said so.

**Hon. R. L. Maharaj:** He knows that he is going to be Prime Minister and he knows what the judgment would be, and they talk about disrespect.

**Mr. Hinds:** Mr. Speaker, on a point of order, if I may? The point of order is to be found under 37(1) of the Standing Orders. I am arguing on that point of order that the Attorney General, the Member for Couva South is imputing a horrible and improper motive on the Member for San Fernando East and saying, with the protection of this parliamentary privilege, that the Member expressly said that he knew the contents of a judge's decision and that is not correct, and unless the Attorney General can prove that substantially, he should be asked to withdraw it, or alternatively, Mr. Speaker, you should insist that that improper statement be immediately expunged from this parliamentary record.

**Mr. Speaker:** The hon. Member said, Standing Order 37(1). Standing Order 37(1) says:

“When an amendment...”

And we are talking about the scope of debate.

“...proposes to leave out words and to add or insert other words in their place, debate upon the question ‘That the words proposed to be left out, be left out of the question’ may relate to both the words proposed to be left out and those proposed to be added or inserted.”

Obviously, that is not in order and that is overruled. The Member may continue.

**Mr. Hinds:** Mr. Speaker, if I may, Mr. Speaker, with your leave.

**Mr. Speaker:** I have ruled!

**Mr. Hinds:** Mr. Speaker, with your leave.

**Mr. Speaker:** Would you take your seat please?

**Mr. Hinds:** Mr. Speaker, with your kind leave.



**Mr. Speaker:** Would you take your seat? I have ruled on your point of order on Standing Order 37(1). Member for Couva South, would you proceed?

**Hon. R. L. Maharaj:** Mr. Speaker, the whole country knows that the hon. Member for San Fernando East was picking a Cabinet of 24 members. He has not denied that he was picking a Cabinet of 24 members; he has not denied that he was going to be Prime Minister on February 19; he has not denied that and here it is, the only way he could hope to be the Prime Minister out of an election on February 19<sup>th</sup> is by a court action and, therefore, he was saying he knew what the judgment of the court would be, but nobody said that he is in contempt, that he disgraced anybody. Nobody said that, but they are coming today to accuse us of acting improperly.

**Mr. Manning:** You are totally a lost cause.

**Hon. R. L. Maharaj:** Mr. Speaker, the hon. Member for San Fernando East gets up and says that the Members on that side must know that they must not scoff at the Opposition because they must know the system under which they operate.

**5.50 p.m.**

I want to say to the hon. Member for San Fernando East and for the parliamentary record, the Government of Trinidad and Tobago is fully conscious of its role as Government and is fully conscious of the important principles of parliamentary democracy. It therefore, understands that the Opposition performs a very important role in the parliamentary democracy of Trinidad and Tobago. That is why when we come here we listen to what the Opposition says. We may disagree—and the record will reflect that we have listened to submissions that they have made; we consider them. The record will also show that we have accepted amendments made by them, yet they have the brass-face to come here and say that we disregard what the Opposition has said. As a matter of fact, I do not think it is fair for the hon. Member for San Fernando East to come here and make those remarks. If he did not prepare his contribution because he had nothing to say, he should not speak; but for him to get up and say nothing and introduce matters which he cannot support is unfortunate.

I can now understand why the hon. Member for Port of Spain North/St. Anns West had 11 Members supporting him and I can now understand how he was held hostage in the Parliament during the tea break. He cannot go and have tea in the tearoom; he went to have his tea afterwards. We will offer him some help.  
*[Interruption]*

**Mr. Manning:** I thank the hon. Attorney General for giving way. We are in the period of Lent and during Lent, I normally fast on Friday. That is for the benefit of my hon. Friend, opposite.

**Hon. R.L. Maharaj:** Mr. Speaker, I am so indebted to the hon. Member for San Fernando East for giving us the explanation; but I have been in this Parliament for eight years and it is the first time, during Lent, that I have noticed that the Member for San Fernando East is not having tea. I am sure the hon. Member for San Fernando East would not mind because he is my Member of Parliament. I read he said—and he can tell me if this one is untrue—when he becomes Prime Minister he will also ask the President to be the Minister of National Security. May I say that if he really wants to be a Minister of National Security at this time, I will undertake to speak to the hon. Prime Minister to see if he would consider it.

**Mr. Manning:** Speak to Carlos.

**Hon. R. L. Maharaj:** Mr. Speaker, I will not complete my contribution today but I want to just deal with a few matters. The aim of the legislation, obviously, is to remove some of the inequities that existed in respect of police officers under this piece of legislation. I do not understand how the Member for Laventille East can say these are superficial changes. I would have thought with what we heard this afternoon in respect of some of these reforms that one will consider that the right to belong to a trade union is a very important right, even if persons can go to the Industrial Court to get matters adjudicated upon.

The point is that the changes which have occurred here today are very important, they are not superficial; and the changes which are taking place in this Bill, they also are not superficial. I would ask hon. Members on the other side to understand that these are changes that should have occurred a long time ago. I would have thought that they would come and try to assist us by saying, "this is very good; this is a major change which is occurring, but we would have expected these kinds of amendments", instead of coming and making it appear as if the Government is not doing anything. As a matter of fact, these are changes that I thought the Opposition would have apologized to the workers of the country for not effecting over the years. When the hon. Member for Arouca North stood up, I thought, alas! I am going to hear this hon. Member make an apology to the workers of Trinidad and Tobago, especially to all of the workers who fall under these two pieces of legislation, who suffered injustices. Instead of that I heard nothing.

Mr. Speaker, in the light of the fact that the hon. Member for Laventille East/Morvant and other Members have raised some matters, I would ask that I do

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not complete my contribution on this matter, as I do not want to get into irrelevant matters that were raised. The Member for Laventille East/Morvant dealt with some matters relating to an editorial on a present issue and he dealt with matters of contempt. I do not think it is right for me to deal with those matters in this debate but in respect of matters that are relevant, I would certainly like to continue my contribution on the next day we sit. Mr. Speaker, Friday would be Private Members' Day.

*Motion made and question proposed, That the House do now adjourn to Friday, March 23, 2001 at 1.30 p.m.[Hon. R. L. Maharaj]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.58 p.m.*