

HOUSE OF REPRESENTATIVES*Friday, February 29, 2008*

The House met at 1.30 p.m.

Madam Clerk: According to Standing Order 5(5), I have to announce that the Speaker is unavoidably absent and the Deputy Speaker will preside.

[MADAM DEPUTY SPEAKER *in the Chair*]

PRAYERS**LEAVE OF ABSENCE**

Madam Deputy Speaker: Hon. Members, I have received communication from the Member for St. Joseph (Hon. Kennedy Swaratsingh) requesting leave of absence from today's sitting of the House. The leave the Member seeks is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Heritage and Stabilization Fund for the period ended September 30, 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]

To be referred to the Public Accounts Committee.

2. Annual audited financial statements of the Tourism and Industrial Development Company of Trinidad and Tobago for the year ended September 30, 2000. [*Hon. K. Nunez-Tesheira*]

To be referred to the Public Accounts (Enterprises) Committee.

QUESTION TO MINISTER**Gingerbread House****(Sale of)**

Mr. Ramesh Lawrence Maharaj SC (Tabaquite): Madam Deputy Speaker, I have sought and obtained your leave, pursuant to Standing Order 17(1), to ask of the hon. Minister of Community Development, Culture and Gender Affairs as the Minister responsible, whether the Government intends to intervene to protect the Gingerbread House as a building of historical interest and thereby prevent its sale to the private sector.

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, speaking on behalf of the Government, Standing Order 17(1) is little used and speaks to matters of urgent character. The Government has made

Question to Minister
[HON. C. IMBERT]

Friday, February 29, 2008

no decision on this matter. The matter is under consideration, but I am unable to give definitive information at this time.

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, the Government is in a position to answer questions Nos. 39 and 40 and I respectfully ask for a deferral of two weeks for the other questions on the Order Paper.

Mr. Maharaj SC: Madam Deputy Speaker, I know the difficulty which a government, especially a new government, can encounter, but there have been several warnings from the Speaker for the Government to try to comply with the Standing Order to answer the questions.

I am sure, Madam Deputy Speaker, that you and all Members would recognize that the accountability of the Government is one of the most important aspects of the Parliament. I would like to say that the Government should, on the next occasion, have all the outstanding questions answered because some have been postponed for over too long. [*Desk thumping*]

Madam Deputy Speaker: In relation to the comments made by the hon. Member for Tabaquite, hon. Member for Diego Martin North East, I am sure every effort will be made to answer the questions.

Hon. C. Imbert: We will try our best.

The following questions stood on the Order Paper:

Office of Disaster Preparedness Management

(Details of)

12. With regard to the Office of Disaster Preparedness Management, can the hon. Minister of National Security inform the House what is the recurrent cost in 2007 in relation to the operations of this office and what has the office achieved thus far? [*Mr. J. Warner*]

Professor Mastrofski

(Details of Services)

20. With regard to the services of Professor Mastrofski and his team, could the hon. Minister of National Security state:
- (a) the amount of money paid to date to obtain his services and those of his team;

- (b) how many recommendations did he propose for the solving of serious crimes;
- (c) briefly, the recommendations;
- (d) whether the Government implemented all of his recommendations;
- (e) if the answer to (d) is in the negative, can the Minister list the recommendations which were not implemented; and
- (f) the reasons why the recommendations listed in (e) were not implemented? [*Mr. S. Panday*]

**Brian Lara Sporting Complex
(Cost and Completion of)**

- 48.** With regard to the Brian Lara Sporting Complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
- (a) the projected cost;
 - (b) how much money has been expended on the project so far; and
 - (c) the expected date of completion of the entire project? [*Dr. H. Rafeeq*]

**Housing Development Corporation
(Details of Housing Units)**

- 49.** With respect to the Housing Development Corporation, could the hon. Minister of Planning, Housing and Environment state:
- (a) how many housing units were constructed in the Mayaro constituency during the period January 01, 2006—December 31, 2007;
 - (b) the geographical location of these units;
 - (c) the total expenditure on construction of those units to date and
 - (d) how many of these units are still unoccupied? [*Mr. W. Peters*]

**Mayaro Constituency
(Construction of Housing Units)**

- 50.** Could the hon. Minister of Planning, Housing and the Environment state what new housing units are earmarked for construction in the Mayaro constituency? [*Mr. W. Peters*]

**Housing Development Corporation
(Relief from Flooding by Homeowners)**

- 51.** Could the hon. Minister of Planning, Housing and the Environment state:
- (a) whether she is aware of the plight of families in Plaisance Park, Mayaro who have been severely affected by regular flooding of their Housing Development Corporation Units (recent advertisement December, 2007); and
 - (b) what the Housing Development Corporation is doing to bring relief and comfort to these homeowners in the short and long term? [*Mr. W. Peters*]

Questions, by leave, deferred.

**National Insurance Board
(Details of)**

- 39. Mr. Nizam Baksh** (*Naparima*) asked the hon. Minister of Finance:

Could the Minister indicate:

- (a) why after 36 years of functioning, the National Insurance Board continues to rely on a part-time medical advisor for payment assessment and advice; and
- (b) how many claims are outstanding and awaiting such assessment advice?

The Minister of Finance (Hon. Karen Nunez-Tesheira): Madam Deputy Speaker, from September 2005, the National Insurance Board of Trinidad and Tobago had a complement of two experienced medical advisors and not one as implied by the question. The complement of medical advisors was increased to three from September 2007, but reduced to two in January 2008, as a result of the retirement of one of them.

The board is in the process of sourcing the services of another medical practitioner in order to maintain the complement of doctors providing part-time services at three.

Medical advisors perform the following services:

- in respect of sickness, invalidity and employment injury, they render advice on the reasonableness of the leave period recommended and benefits to be paid;

- may also be consulted on whether surgical procedures become necessary as a result of an employment injury; and
- represent the board at the Medical Appeals Tribunal.

The number of medical advisors is determined by the National Insurance Board based on a needs analysis and the Board has determined that three part-time medical advisors are adequate.

In 2007, a total of 16,430 claims, of which 5,664 claims, representing 3 per cent of total claims received were referred to the medical advisors. This compares to an average of 33 per cent over the three-year period 2005—2007. On this basis, the Board has determined that three part-time medical advisors are adequate. In addition, the Board is free to increase the number of part-time practitioners in response to demand.

As at November 30, 2007, a total of 412 claims were in the process of being assessed. These claims were distributed as follows:

● Invalidity claims	275
● Sickness	14
● Disablement claims	80
● Employment injury	43
Total	412 claims.

National Insurance Board
(Cynthia Dillon)

40. Mr. Nizam Baksh asked the hon. Minister of Finance:

Could the Minister indicate:

- (a) why Cynthia Dillon, a former member of staff of the National Insurance Board was requested to resign suddenly; and
- (b) what severance package was offered to her upon separation?

The Minister of Finance (Hon. Karen Nunez-Tesheira): Madam Deputy Speaker, under the collective agreement between the National Insurance Board of Trinidad and Tobago and the Public Service Association, provision is made for employees to retire at any age between the ages of 50 and 60. Such an option is to be exercised by the employee.

The National Insurance Board also operates a contributory Staff Pension Plan, which provides for the payment of a retirement pension upon retirement at age 60 or between 50 and 60, at which age the employee exercises an early retirement option.

Miss Cynthia Dillon was employed by the National Insurance Board with effect from April 16, 1973 and served in several positions for 34 years, one month and 15 days. She held the position of Clerical Officer II at the time of her retirement.

In a letter dated May 22, 2007, Miss Dillon applied for and was granted early retirement effective June 01, 2007. At the time, Miss Dillon, whose date of birth is March 04, 1951, was 56 years old. In keeping with the rules of the Staff Pension Plan, Miss Dillon is entitled to and has received a lump sum payment and is in receipt of a monthly pension.

There is no provision for paying or requirement to offer a severance package to an employee who retires from employment, nor has any such payment ever been made to any employee of the National Insurance Board. Therefore, no severance package was offered to Miss Dillon, nor is she entitled to any such consideration.

WRITTEN ANSWER TO QUESTION

Mayaro Constituency

(Projects being Undertaken)

55. Mr. Winston Peters (*Mayaro*) asked the Minister of Local Government:

With respect to the Rural Development Company Limited, could the hon. Minister state:

- (a) the number and type of projects undertaken in the Mayaro Constituency between January 01, 2006 and December 31, 2007;
- (b) the total expenditure on these said projects;
- (c) the names of all contractors employed to undertake these said projects in the Mayaro Constituency;
- (d) the status of these projects; and
- (e) what new projects are being proposed in the Mayaro Constituency and when are they scheduled to commence?

Vide end of sitting for written answer.

STATEMENT BY MINISTER
Economic Partnership Agreement
(Caribbean Forum and European Union)

The Minister of Trade and Industry (Hon. Dr. Keith Rowley): Madam Deputy Speaker, I am authorized by the Cabinet to make this statement on behalf of the Government of Trinidad and Tobago on the negotiation of an economic partnership agreement between the Caribbean Forum of ACP States, commonly called Cariforum, of which Trinidad and Tobago is an integral part, and the European Union, referred to as the EU.

This information is being provided against the backdrop of a challenging and demanding international trade environment and the need for small island groupings to manage the challenges associated as we take advantage of the opportunities available to us. This understanding is vital to our survival as we seek to grow our economy by expanding our manufacturing and services sectors to supply, not only local, but regional and extra-regional markets.

By way of background, the genesis of the Economic Partnership Agreement can be traced to the historical economic relationship between European countries and African Caribbean and Pacific States, commonly called ACP. These agreements were previously guided by the LOME Agreement which covered the 1970s into the 1990s and essentially gave preferential access to goods emanating from former European colonies, into the markets of the European Union.

LOME IV was replaced by the Cotonou Partnership Agreement on June 23, 2000 in Benin, between the 15 EU members and the ACP. This Cotonou Partnership Agreement, the CPA, which establishes a comprehensive framework for ACP/EU relations calls for fundamental changes in their long-standing relationship to reflect the changing times.

LOME and its successor, Cotonou, provided one-way, non-reciprocal, preferential access to EU markets for most ACP exports as well as aid to financial development projects in ACP countries. The international rule-making body for global trade, the World Trade Organization (WTO), of which Trinidad and Tobago is a member, has provided the EU with a waiver for special dispensation to continue granting preferential access to the ACP countries until December 31, 2007. However, globalization and increased trade liberalization within the international economic environment resulted in a paradigm shift and the WTO membership expressed increasing opposition to the waiver. The case of Latin American countries disputing preferences regarding banana and sugar

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

demonstrated the growing dissatisfaction and signalled that it is unlikely that an extension to the waiver would be granted.

Madam Deputy Speaker, in anticipation of these developments, Article 36 of the Cotonou Agreement stated that ACP countries and the EU agreed to conclude new WTO compatible trading agreements removing progressively barriers to trade between them and enhancing cooperation in all areas relevant to trade.

1.45 p.m.

These new agreements would be termed Economic Partnership Agreements (EPAs) and would be negotiated between the EU and the six ACP regional groupings. EPA negotiations within the ACP region were formally launched on September 27, 2002 and within Cariforum, they were launched on April 16, 2004 in Kingston, Jamaica.

The EPA negotiations represented a major point of departure from the ACP-EU trade cooperation relations on five fundamental scores:

1. The ACP countries would be required to provide reciprocal market access, that is, open their markets to EU goods.
2. The agreements would provide a framework for enhancing the competitiveness of ACP countries by strengthening their capacity in the services as well as trade in goods.
3. A major focus involved gradual integration of ACP States into the world economy with emphasis on sustainable development and poverty eradication.
4. EPAs would be negotiated in a cluster of six distinct regional groupings: Cariforum, that is, Caricom and the Dominican Republic; Central Africa; West Africa; Eastern Africa; the Pacific; and Southern Africa. This process was focused on deepening the respective regional integration processes.
5. Development cooperation would be emphasized to take into account the economic, social and environmental constraints of ACP countries.

I would provide some details on the EPA process. Negotiating phases involved schedule of negotiations for our regional process. Caricom covered four phases from the launch in 2004.

Phase I, the initial phase, April 2004 to September 2004, which established the priorities of EPA negotiations towards an understanding of both parties' main concerns and interests.

The second phase, which took place from September 2004 to September 2005, sought convergence on a strategic approach to Cariforum regional integration. The aim was to establish a common understanding of the priorities for the support of Caribbean regional integration from January 01 2008.

Phase III took place from September 2005 to December 2006. This was designed to structure and consolidate EPA negotiations. The focus on consolidating the discussion and channelling points for common understanding of a draft EPA took place during the period September 2005 to December 2006.

The final phase took place between January 2007 and December 2007. Finalization of consolidation of the EPA negotiation took place during this period.

Under these circumstances of years of systematic approaches to negotiations, it cannot reasonably be said that these negotiations were rushed or unresearched.

The structure developed within the region to deal with the EPA negotiations took the following form:

1. Heads of Government providing overall direction and decision making.
2. Appointment of a lead ministerial spokesperson. The former senior Minister of Barbados, Dame Antoinette (Billie) Miller held that position of lead ministerial spokesperson.
3. Caricom's Council of Trade and Economic Development (COTED), which made recommendations, approved strategies and positions and gave overall guidance on the approach to negotiations was the third layer.

There was the principal negotiator, that was the Director General of the Caribbean Regional Negotiating Machinery, (CRNM). This post was held by Ambassador Richard Bernal of Jamaica, who, together with his EC counterpart, would meet to resolve sticking points in the negotiations.

We also had the College of Negotiators who negotiated the text of the Agreement with the EC counterparts.

Then there were four technical negotiating groups on market access, servicing and investment; trade related issues; legal and institutional issues, which involved the EC and Cariforum parties, negotiating text for the chapters of the agreement.

There were the technical working groups, which formulated regional positions for negotiation of the Agreement.

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

Finally, there was the creation of a Caribbean Non-State Actors (NSA), a network to strengthen the participation of and dialogue with regional civil societies stakeholders. Over 35 technical meetings were held to complete the negotiating process.

With respect to the local process, the Ministry of Trade and Industry led Trinidad and Tobago's preparation in the EPA negotiating process. The Ministry of Trade and Industry established a Technical Coordinating Committee, comprising officials from various government ministries, private sector groupings such as the Trinidad and Tobago Manufacturers' Association, the Trinidad and Tobago Chamber of Industry and Commerce, NGOs, labour groupings and other civil society groups which approved positions which fed into the regional process.

These positions were in turn developed by six specialist sub-committees on agriculture, market access, services, investment, trade-related issues and legal and institutional issues. The Ministry held wide consultations, developed market surveys, guiding principles for trade liberalization and several negotiating briefs to posit Trinidad and Tobago's position in the regional process.

I turn to some implications of not signing the EPA. We are quite aware of the regional and local anxieties concerning the signing of this EPA. However, I wish to advise this honourable House that in the absence of an EPA coming into effect on January 01, 2008, Trinidad and Tobago's products going into the EU would have faced serious obstacles in Europe.

In respect of trade in goods as of January 01, 2008, Trinidad and Tobago would have been relegated to accepting the generalized system of preferences (GSP). That arrangement provides trade preferences to all developing countries and would have imposed punitive tariffs on the major exports. Our exports would have faced increased competition from other developing countries in accessing the EU market. Our major exports into the EU: methanol, ammonia, aerated beverages, juices, sweet biscuits, et cetera, would have faced the prospects of immediately higher EU tariffs. The tariffs would have ranged between 2 per cent and 30.1 per cent. Over \$735 million worth of Trinidad and Tobago exports would have been affected immediately with the imposition of these duties.

In respect of trade services, no agreement would have meant there would be no binding regime for the conduct of trade in services. Were it not for the finalization of these negotiations, Trinidad and Tobago would have been required to negotiate at least 22 separate bilateral investment trade treaties with individual European States to ensure a favourable and attractive investment environment and protection for potential investment and profit.

Furthermore, in the absence of an agreement, there would not have been dedicated budgetary funding for development assistance provided by the EU.

I turn now to a general overview of the EPA as negotiated. I would like to point out that the full text of the EPA is available on the Ministry of Trade and Industry's website. The website can be found at www.tradein.gov.tt.

The Agreement covers trade in goods. The EPA covers trade in both agricultural and non-agricultural goods and includes chapters on customs duties, trade defence instruments, non-tariff measures, customs and trade facilitation, agriculture and fisheries, technical barriers to trade and sanitary and phytosanitary measures.

The Agreement also includes protocols in respect of administrative cooperation, for rules of origin and on mutual assistance in customs matters. It covers declarations on the origin of fishery products, bananas, rice and sugar and various schedules, setting out the commitments of Cariforum and the EU, in respect of their trade in goods.

The Agreement provides for trade in services between Cariforum states and the EU, by way of the four modes of supply as provided for by the WTO general agreement on tariff in trade and services. These include:

1. Cross-border supply—from the territory of one into the territory of another.
2. Consumption abroad—where the consumer moves and consumes the service.
3. Commercial presence—where the supplier establishes in the territory of another.
4. Movement of natural person—where the supplier temporarily moves to another territory to supply a service.

There is also provision for a regulatory framework governing areas such as computer services, courier services, telecommunications services, financial services, international maritime transport services and tourism services as well as for cooperation between the EU and the Cariforum states in respect of all these areas.

Various trade-related issues such as competition, innovation and intellectual property, public procurement, environment, social aspects and protection of personal data, are addressed by the EPA. The commitments made in these areas relate mainly to the implementation of legislation and international treaties, corporation and transparency.

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

With respect to regional preference, there is provision that allows for any more favourable treatment that is given to the EU to be given to all other Cariforum States. Trinidad and Tobago would be required to meet this commitment no later than one year after the date of signing the EPA.

With respect to most favourable treatment, the inclusion of a most favourable treatment clause in the Agreement means that any more favourable treatment that we give to a major trading partner, under any other free trade agreement, subsequent to signing the EPA, would have to be given to the EU. A major trading partner would be any developed country or any country or territory accounting for a share of world merchandise exports above 1 per cent in the year before the entry came into force in the EPA, or any group of countries acting individually, collectively or through any free trade agreement accounting collectively for a share of world merchandise exports above 1.5 per cent in the year before the entry into force of the EPA.

With respect to development, the Agreement makes provision in both general and specific terms for the EU to provide development cooperation, assistance and financing. This would include the provision of technical assistance, capacity and institutional building as well as provision of support measures, taking full account of Caricom's development vision.

With respect to institutional arrangements, provision is made for the implementation of the Agreement to be supervised by a joint council, with representation from Cariforum States and the EU. This council would be assisted by a trade and development committee, comprising officials from both sides. The Agreement also calls for a parliamentary committee, comprising Members of Parliament from both the EU and Cariforum States and a consultative committee, comprising representatives of civil organizations.

I turn to some relevance for Trinidad and Tobago. For Trinidad and Tobago, and indeed the Cariforum nations, signing the EPA ensures the following:

1. Trade in goods:

- Trinidad and Tobago's exporters have secured under this agreement, duty free, quota free access to markets of the EU for almost all products with the exception of rice and sugar.

2.00 p.m.

- Potential revenue effect is minimized by the gradual liberalization of import duties. Cariforum has a 25-year time frame for liberalization of

86.9 per cent of EU imports into its market. Where trade is liberalized at once, tariffs for the products are in many cases already set at zero per cent. This will also allow for sufficient time frame for the competitiveness of industries to improve.

- Various non-competitive and sensitive manufactured products have been excluded from tariff liberalization. These products which would not be subject to customs duty reduction as they are deemed sensitive to the negative impact of trade liberalization and global competition include inter alia:
 - primary agricultural products;
 - agro processed products such as hams, sausages, et cetera;
 - milk and cream;
 - pasta;
 - chocolate;
 - juices;
 - aerated beverages;
 - mineral and aerated waters;
 - alcohol (rum, vodka, gin, whiskies, beer, liqueurs and wine)
 - shampoos;
 - paints and vanishes;
 - toilet paper;
 - doors and frames;
 - insecticides;
 - disinfectants;
 - articles of clothing;
 - ceramic sinks;
 - mattresses;
 - nails; and others.
- Manufacturers will be able to import raw materials and intermediate products which were previously dutiable from the EU at reduced duties

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

beginning 2011. As a result, it is anticipated that they would be able to source raw material at competitive prices.

- The reduction or elimination of non-tariff barriers would mean that products that are exported from Caricom to the EU would be subject to similar provisions, whether taxes, fees and other internal charges, as EU products thereby removing restrictions and non-tariff barriers that may impede access to the EU market.
- The agreement provides for cooperation from the European Community, designed to improve our institutional procedures and to assist with addressing our supply constraints. For example, focus on our customs administration is designed to improve our business environment.
- The rules of origin requirements have been simplified and the agreement allows for wider accumulation of inputs that would permit Cariforum producers to utilize inputs from a wider range of sources whilst still having their goods qualify under the agreement.

2. Services and investment:

- Trinidad and Tobago investors in manufacturing and services sectors in the EU market would be subject to the same treatment as that given to their domestic investors.
- In general, the liberalization of various services sectors should lead to increased investment and greater efficiencies.
- Agreement has special provisions for short term visitors for business purposes in the following areas: research and design, marketing, training, trade fairs, sales, purchasing and tourism.
- The services sector in Trinidad and Tobago stands to benefit from development assistance from the EU to address a range of needs, including development of regulatory regimes to build the capacity of regional services firms, market intelligence, as well as to facilitate greater interaction with EU firms.
- Trinidad and Tobago investors can benefit from liberalization in almost all sectors in the EU with only some exclusions in a few sectors and limitations in mainly the new EU member states.
- The EU has liberalized 11 sectors to allow for temporary entry by independent professionals or self-employed persons of Trinidad and

Tobago origin and these are: legal advisory services in respect of international public law and foreign law, that is non-EU law, architectural services, urban planning and landscape architecture services, engineering services, integrated engineering services, computer and related services, research and development services, market research and opinion polling, management consulting services, services related to management consulting and translation and interpretation services.

- A bona fide services provider from Trinidad and Tobago has the opportunity to stay in any EU member state up to 90 days in any calendar year.
 - Twenty-five of 27 EU states have undertaken liberalization commitments in the entertainment services subsector with only a few limitations by some states. This would cover some services such as theatrical producers, singers, band and orchestra entertainment services; services provided by authors, composers, sculptors, entertainers and other individual artistes, auxiliary theatrical services; circus, amusement park and similar attraction services; and ballroom, discotheque and dance instructor services.
 - Cariforum and Trinidad and Tobago entertainers will also benefit from increased cooperation, by way of a special cooperation protocol, with special provisions being made for audiovisual productions. Artistes and other cultural practitioners who are not involved in commercial activities in the EU will be able to enter the EU to collaborate on projects and to receive training.
 - The agreement provides for access to the EU market for key personnel and graduate trainees.
 - The agreement provides for the relevant professional bodies in their respective territories to start negotiations for joint cooperation no later than three years after entry into force of the EPA and to jointly develop and provide recommendations on mutual recognition, among others, in the following disciplines: accounting, architecture, engineering and tourism.
3. Trade related issues:
- Innovation and intellectual property—Trinidad and Tobago firms would be able to participate in existing and future framework programmes for

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

innovation such as the €50.5 billion Framework Programme 7(FP7).

- Protection of Personal Data—Commitments in respect of protection of personal data would enhance service exports in various sectors such as call centre services, financial services, human resource functions and billing functions.

4. Regional preference:

Trinidad and Tobago would have to give similar or more favourable tariff reduction and service treatments to the Dominican Republic as that provided to our European partners.

5. Institutional arrangements:

The different tiers of institutions would enable national involvement in the EPA implementation process for all citizens. Like its Cariforum partners, Trinidad and Tobago is required to make legislative and administrative changes to ensure that it can meet its EPA obligations.

6. Development funding:

Madam Deputy Speaker, as many of you in this honourable House would be aware, the European Development Fund (EDF) has been the main financing instrument of ACP-EU cooperation since 1958. The EDF is an inter-governmental fund that is financed by contributions made by EU member states that are separate from the financial contributions made into the EU budget as a whole. The fund is provided for in Article 158 of the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caricom Single Market and Economy. Its purpose is to provide financial or technical assistance to disadvantaged countries, regions or sectors in Caricom. [*Desk thumping*] [*Interruption*] What is your problem? [*Interruption*]

The 10th European Development Fund programme, which is to run from 2008—2013, is estimated at €165 million with €132 million allocated to Cariforum to be applied to the Regional Indicative Programme and €33 million to be allocated directly to EPA participation and commitment making.

The €132 million allocation is expected to be programmed in a manner such that 85 per cent would go to the focal area of regional cooperation/integration and EPA capacity building, and 15 per cent would go towards addressing vulnerabilities and social issues.

In addition, the Regional Preparatory Task Force (RPTF) provides resources to activate commitments and provisions in the text of the EPA through the Cariforum Technical Cooperation Facility which has some €400,000 remaining to be utilized, and the Caribbean Integration Support Programme (CISP) which has €150,000 allocated for studies and another €75,000 for non-state actors.

Madam Deputy Speaker, having outlined the new dispensation for the trade arrangements with the EU, our next step is to bring the EPA before COTED and Regional Heads at the next major Caricom meeting set for early March, 2008.

In this matter, Trinidad and Tobago, as a member of Cariforum, operates as part of a regional grouping in the realities of the new global trading environment and not as a small nation state attempting to go it alone.

Consequently, we have negotiated alongside our peers, taking into consideration our special needs and economic realities balanced against the need to ensure expanded market space and exploit our unique competitive advantages.

The EPA is the product of eight years of negotiation and discussion between the region and Europe, beginning, as I stated, with the signing of the Cotonou Agreement, which replaced the Lome Convention in the year 2000.

From the earliest days, the Ministry of Trade and Industry held consultations with key stakeholders and special interest groups. I take this opportunity to inform this honourable House that the Ministry of Trade and Industry is about to embark on a communications exercise on the EPA agreement, to inform manufacturers and service providers of the opportunities available in the EU markets and to further clarify key aspects of the agreement for the national community at large.

Madam Deputy Speaker, while we understand that the EPA process is now attracting a higher level of interest and debate because of its advanced stage, we do not believe that the integrity, hard work and commitment of the regional negotiating team should be discredited. These efforts were driven by a unique understanding on the part of the region's negotiators of the economic sensitivities of Cariforum, which is demonstrated by the fact that virtually all eligible imports from the region will receive duty free treatment in the European market as of January 01, 2008. On the other hand, Cariforum will liberalize its imports from the EU over a 15—25 year period, with some sensitive products permanently exempt from liberalization.

With regard to statements that the EPA text has not been made available for scrutiny, we wish to state, once again, that the document can be found on the Ministry of Trade and Industry's website, as I promised during a media

Statement By Minister
[HON. DR. K. ROWLEY]

Friday, February 29, 2008

conference on December 19, 2007. This commitment has been kept and the document is there, and it has been there since late January. [*Desk thumping*] It is also important to note that Caricom at its next meeting of Trade Ministers in the Bahamas during the period March 03 to March 05, 2008, will examine the final EPA text before presentation to Caricom Heads.

Madam Deputy Speaker, there will be some costs attached to the signing of this agreement, and eventually more and more local firms will come under increased competition, but that is to be expected, if we cannot compete locally, we have no chance internationally. Government has recognized this possibility and urges firms to take advantage of initiatives such as the Research and Development Fund under the Business Development Company, which also has programmes for guaranteed loans, leasing of equipment facilities, training, market research and other initiatives to help industries grow. In addition, eTecK through its investment promotion activities is in a constant drive to source joint venture opportunities for local firms.

In addition, the Ministry of Trade and Industry will continue to aggressively pursue its mandate to drive the non-energy sector through further development of supportive legislation, support for manufacturing and services through the IDB funded Trade Sector Support Programme and through upgrading of the investment policy, export policy and strengthening of trade related institutions.

Madam Deputy Speaker, in order to give effect to the rights and obligations contained in the EPA, the Government of Trinidad and Tobago is required and intends to bring legislation, of which the agreement will be a part, before the Parliament for debate as it would do with any other piece of legislation. There are several steps which must be completed at the multinational, regional and national levels, before the agreement comes before Parliament.

2.15 p.m.

The parties to the Agreement, that is, the States in the grouping referred to as Cariforum on the one hand and the EU on the other, are currently engaged in a legal scrub of the text of the Agreement. Once this has been completed, the Cariforum Secretariat would be required to present the Agreement to the regional Ministers with the responsibility for trade. This is in part of fulfilment of the commitment given by all Caricom member states in Article 80(4) of the Revised Treaty of Chaguaramas, which states:

“Where trade agreements involving tariff concessions are being negotiated, the prior approval of COTED shall be required.”

[*Opposition Members pound desks.*]

Dr. Moonilal: You going good; that means you are going good.

Hon. Dr. K. Rowley: As such, COTED which has received reports of the negotiations at various stages would be formally required to give their approval to the next negotiated text. This approval together with prior consultations at the level of the COTED and at the Conference of Heads of Government are mechanisms that would have been established by the conference in fulfilment of the commitment made by member states pursuant to Article 80(2) which sets out that:

“The Community shall pursue the negotiation of external trade and economic agreements on a joint basis in accordance with principles and mechanisms established by the Conference.”

Madam Deputy Speaker, once this process is completed, the Cabinet of the Republic of Trinidad and Tobago would be advised to give its approval and instruct the Chief Parliamentary Counsel's office to prepare the necessary Bill to take to Parliament.

Trinidad and Tobago is at an exciting time in its history at economic development. Recognizing that we cannot rely forever on depleting resources such as fossil fuels, Government is driving economic diversification, seeking market access for local companies and foreign firms, which invest here, and striving to create a business-friendly environment to foster commerce, industry and trade in the non-energy sector. Signing this EPA with our regional counterparts is a move in this direction.

This Agreement, like any similar initiative, is not perfect, but it is the result of the best negotiated arrangements arrived at for the sharing of markets between the trading blocs of Caricom and the European Union. Our technical teams and the Caricom Regional Negotiating Machinery (CRNM) have crafted the best possible arrangement for our local services and manufacturers to participate globally. Indeed, we are concerned at the inference from certain quarters that our teams were bullied or intimidated by European counterparts. Such a position reflects a lack of respect for our highly trained and qualified technicians and an inability to understand how we have progressed as a region and developed capabilities to manage our own affairs. Indeed, this belief that we must shy away from dealing directly with international economic issues and forever demand special treatment because of past misdeeds against us has no relevance or sympathy in today's world. The reality exists in the EPA as negotiated.

Thank you, Madam Deputy Speaker. [*Desk thumping*]

IMMIGRATION (ADVANCE PASSENGER INFORMATION) BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam Deputy Speaker. I beg to move,

That a Bill to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for related matters, be now read a second time.

At the 27th Meeting of the Conference of Caricom Heads of Government held between July 03—06, 2006 at St. Kitts/Nevis, the Heads of Government agreed to the establishment of the Caricom single domestic space and adopted a three-pronged architecture for regional security to ensure the safety of the space for the hosting of Cricket World Cup 2007. Do note, Madam Deputy Speaker and hon. Members, that the domestic space countries comprised Antigua/Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago.

The three-pronged architecture for regional security amongst the domestic space countries included the introduction of a Caricom special visa. This provided a platform for additional security vetting and examination of nationals from a specific group of countries and played a pivotal role in the convergence and management of the single domestic space.

Establishment of the advance passenger and advance cargo information systems; this facilitated access to the manifest of carriers entering, leaving and moving within the space, and the ability to perform relevant security vetting of persons before arrival at any port within the space and the establishment of a regional intelligence fusion centre which enabled real time sharing of information among the intelligence and law enforcement agencies within the signatory member states. This facility has enhanced the secure communication and joint assessment of national intelligence reports, their fusion to provide a regional perspective on security issues and the development of more informed and predictive assessments.

Heads of Government at the same meeting also agreed that the advance passenger information system should remain as a permanent mechanism in the region, and as such, prompted the establishment of a regional clearing house for the advance passenger information which is now known as the Joint Regional Communication Centre (JRCC). During the 18th Intercessional Meeting of the Conference of Heads

of Government which was held in St. Vincent and the Grenadines in February 2007, the Heads further agreed to the permanency of the Regional Intelligence Fusion Centre (RIFC).

The nine host venue states and Dominica, through a series of agreements, memorandum of understanding and in some cases through the enactment of domestic legislation ensured the implementation of the three-prong architecture to which I referred. The Caricom special visa was implemented through the Caricom special visa agreement, while the intelligence sharing amongst Caricom member states was facilitated through a memorandum of understanding. In the case of the advance passenger information system, the 10 member states which comprise the Caricom single domestic space enacted legislation so that the submission of advance passenger information by vessels entering the space will become mandatory. However, in the case of Grenada and Trinidad and Tobago the legislation was sunset in nature.

Madam Deputy Speaker, the ICC Cricket World Cup 2007 gave Caricom Heads of Government an opportunity to implement in record time, security measures which are needed in the face of globalization. These measures are particularly important in the context of the free movement of people and goods associated with the Caricom Single Market and Economy. The Immigration (Advance Passenger Information) Act, No 29 of 2006 which came into force on December 27, 2006 in Trinidad and Tobago made provision for the transmission of advance passenger information pertaining to those persons travelling to Trinidad and Tobago. The advance passenger information system facilitates:

1. the submission of passenger manifest to border security personnel prior to the arrival of the vessel;
2. the facilitation of immigration pre-screening, and the identification of passengers who are deemed to be a risk to national security; and
3. the identification of passengers travelling with lost or stolen travel documents.

Madam Deputy Speaker, I wish for the information of hon. Members to be clear about the API and how it works. The majority of the information required is information that is already voluntarily given. It is the information that is contained in a passenger's travel documents. Nothing else is needed except for the date of birth. No additional form is required. The information will be collected from the machine-readable zone of an official travel document with machine readable passports, the collection of the data is simple as the document is swiped. In

Immigration Bill
[SEN. THE HON. M. JOSEPH]

Friday, February 29, 2008

instances where there is no machine-readable passport, airlines would enter the information into their system as part of a normal check in process for the generation of a boarding pass.

The legislation merely provides that the airline must feed the information to border control. In the case of aircrafts, I am advised that it is 15 minutes after the wheels are up, in the case of vessels—for which it is that we are going to be talking about—it depends on the length of the voyage. Typically for a yacht, it will be at least one hour before the arrival of the yacht in Trinidad and Tobago waters and in some circumstances the information has to be submitted 96 hours prior to arrival.

I wish to draw to the attention of the House that the API system is different from the PNR system. The PNR system refers to passenger name record and the data obtained is more extensive than the data from the API. The PNR information includes personal data related to the traveller's reservation and travel itinerary as contained in a commercial carrier's reservation system. The PNR will reflect such information as travel dates, forms of payment information, seat number, frequent flyer information and ticketing information. The Bill before this honourable House does not treat with PNR data only API data.

This 2006 legislation was enacted in the context of the security arrangements for Cricket World Cup 2007 which resulted in its expiration on June 30, 2007. This House may recall that when the issue was first debated in the Senate in November 2006 and in the House of Representatives in December 2006 the Government declared its intention to reintroduce this legislation with appropriate amendments prior to its expiration. A Bill was indeed, introduced prior to the expiration of the Act, however, the same lapsed and a new Bill has been introduced.

In light of the increased passenger numbers in scheduled and chartered flights as well as cruises, the escalation in organized criminal activity throughout the region, the rising international threat of terrorism, human and drug trafficking and the crucial role that the Ministry of National Security has to play in securing the ports of entry into the country, the Government of Trinidad and Tobago is once again piloting a Bill to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for related matters.

Clause 1 of this Bill describes the short title. Clause 2 is the interpretation section wherein advance passenger information is defined as: “the information in respect of a passenger, crew member or other occupant transported in the vessel”;

the “master” is defined as: “a person having command or charge of any vessel”; “Minister” means: “the Minister to whom responsibility for national security is assigned”; and “vessel”, “includes any ship, boat, aircraft or other floating or airborne contrivance.”

Clause 3(1) of the Bill embodies the essence of the advance passenger information system and reads as follows:

“The master of every vessel destined for Trinidad and Tobago, prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer the advance passenger information data detailed in the Schedule.”

Clause 3(2), creates an offence and attaches a penalty of \$600,000 on the “master who intentionally or recklessly”—either—“fails to transmit the data required by subsection (1); or transmits incomplete or false data,…”

The obligations will therefore rest on the master, as the person in control of the vessel, to provide the advance passenger information to the Chief Immigration Officer of Trinidad and Tobago.

2.30 p.m.

Clause 33 authorizes the Minister of National Security to waive the requirements for a master of a vessel to provide the advance passenger information data. This waiver will not apply to specific individuals, but to particular flights, for instance, a military aircraft or a commercial flight with dignitaries who may be on board. The details required under the advance passenger information system are not privileged and are subsumed under two headings, the vessel data and the passenger data as outlined in the schedule to the Bill. The vessel data includes:

- Traveller’s status, this is, if the traveller is a passenger, crew member or in-transit;
- Flight or vessel identification;
- Scheduled departure date and time;
- Scheduled arrival date and time;
- Last place/port of call;
- Place/port in the country of destination where the vessel arrives from last place or port of call;

Immigration Bill
[SEN. THE HON. M. JOSEPH]

Friday, February 29, 2008

- Subsequent place/port of call within the country;
- Number of passengers on board.

The passenger data includes the core data elements of the official travel documents, such as:

- Official travel document number;
- Issuing State or organization of the official travel document;
- Official travel document type; expiration date of the official travel document;
- Surname, given names;
- Nationality;
- Date of birth;
- Gender; and
- Place of birth.

The additional elements if applicable, such as:

- Visa number;
- Issue date of the visa;
- Place of issuance of the visa;
- Type of other document used for travel; and
- Other document number used for travel.

Madam Deputy Speaker, no additional or private information is sought with the exception of the passenger's date of birth. All requisite data contained in an individual's passport inclusive of visa details, which are usually derived electronically or manually by the carrier at the ticket counter, are submitted by the master of the vessel. This mechanism indeed conforms to the guidelines issued by the International Air Transport Association, the World Customs Organization and the International Civil Aviation Organization.

Once the information is received by the Chief Immigration Officer, it will be carefully scrutinized in conjunction with information on various watch lists. Database is another intelligent source which Caricom either operates or to which it has access such as, Interpol and other international partners. It should be noted that the APIS is not intended to be utilized as a profiling tool and will be not be used as such by this Government.

The Immigration Advance Passenger Information Bill, 2008 before this House today, differs from its 2006 predecessor, in that it seeks to do the following:

1. give the Act permanence;
2. extend the application of the Act to all Maritime vessels and not only those in excess of 100 net tons, as provided for in the preceding legislation. As a result, all Maritime vessels entering Trinidad and Tobago waters will have to submit advance passenger information; and
3. include place of birth in the core data elements. This inclusion expedites background investigations by using a person's place of birth which is unchanging, compared to a person's citizenship which may change.

Madam Deputy Speaker, I would like the opportunity to set the record straight on certain matters pertaining to the API:

- Memorandum of Intent: When the Bill was debated in the Senate in November 2006, there were extensive discussions on the Memorandum of Intent between Caricom and the United States. The MOI is merely an expression of intent. It is the operational protocol that will determine how the relationship between Caricom and the US will function with respect to the screening of passengers against US databases. The protocol is still the subject of negotiation. The matter of US/EU agreements was also the subject of much debate.

I wish to advise this House that the negotiations were placed on hold, pending the negotiations of a new agreement between the US and the EU, and such an agreement will inform Caricom discussions with the US. It is important to reiterate that the API legislation is independent of any relationship with any third party and will simply provide the legislative framework for operating the advance passenger information system.

- Third party access to API: This is a matter that was raised in the context of the Memorandum of Intent with the United States and is being dealt with in the context of the operational protocol. It was and continues to be the position of Caricom that the data remains the property of Caricom and controlled by Caricom to be used for security law enforcement and other border purposes as necessary.
- Mistaken identity: While one cannot guarantee that the system will be 100 per cent free of false positives, as there will be persons with the same name, it is not the system itself that is responsible. This can happen

Immigration Bill
[SEN. THE HON. M. JOSEPH]

Friday, February 29, 2008

without it, based on information and the possession of immigration authorities from other sources. There has however, only been one such occurrence of this in the early stages because of incomplete information in the database. The system is simply designed to expedite the process in an effort to facilitate all bona fide passengers; it does however, incorporate a feature design to minimized false positives.

- Returning nationals: Even nationals may qualify as persons of interest. The plot to blow up the John F. Kennedy Airport terminal and fuel lines which was revealed on June 02, 2007, clearly demonstrates the advantage to be derived by our Immigration Department, in having advance passenger information, whether it pertains to nationals or non-nationals.
- The benefits of advanced submission: The Government can provide this honourable house with some examples of the successes of APIS. During the period February 01, 2007 to May 15, 2007, the Joint Regional Communication Centre (JRCC) which you would recall is the regional clearing house for the advance passenger information, screened more than 22,000 flights entering and traversing the single domestic space, and vetted over 35,000 passengers daily from air and sea carriers. During February 01, to May 15, 2007, a total of 2,838,474 passengers were vetted against the following watch list.
 1. The Caricom watch list and accreditation system CORS which integrated a comprehensive list of persons of interest, the regional watch list was populated by regional law enforcement and border security officials;
 2. The United Nation's watch list; and
 3. The Interpol watch list which comprise databases on missing and wanted persons, kidnapped or abducted children, criminals, stolen vehicles and valuables, and stolen and lost travel documents (SLTD).

During the period, the JRCC recorded over 600 hits against Interpol and Continuously Operating Reference Stations (CORS). Based on agreed protocol to address hits, the JRCC provided the information to law enforcement and border security officials prior to the arrival of vessels at the designated ports of entry which led to a refusal of entry. The advance passenger information system was able to track the movement of persons of interest and where necessary, prevent their movement through the region. It also expedited clearance for low risk and risk free travellers. The system also provided the necessary support for national

and regional intelligence agencies. The information provided is of a general nature for obvious reasons. However, Madam Deputy Speaker, I would like to mention some specific successes today.

We were able to identify a Saudi Arabian and a Russian wanted for fraud—returned to country of departure.

Stopped two hired assassins travelling to country A to murder a potential target—arrested and charged.

Identified a group of Nigerians who were using Caricom special visas for human trafficking. They were arrested by an international partner.

Detected and returned paedophile/rapist in the region during Cricket World Cup 2007.

Stopped a known terrorist from travelling to promulgate his form of radicalism—person was refused entry and returned to his country of origin.

Identified and arrested a known drug trafficker who was travelling through the region conducting business.

Despite the successes just illustrated, some may still query the need for a API system and I would like to highlight some benefits available to passengers, carriers, airport authorities and the Government of Trinidad and Tobago:

- Passenger: There is time saved for the low risk or the non-risk passengers while undergoing normal arrival procedures, so total clearance time will be significantly reduced.
- Carriers: The API system will also provide an opportunity to offer an improved service for carrier's customers, as well as enhanced carrier's security.
- Border control agencies: It will also provide enhanced enforcement capability, realized through advanced notification of the arrival of potential offenders. API permits a thorough and rigorous screening of inbound passengers to be accomplished, targeting those passengers that present the highest risk and allowing for the faster processing of the low risk passengers. It provides for more effective allocation of border control and law enforcement resources.
- Airport Authorities. It is a catalyst for greater interagency cooperation, at both national and international levels. It also assists the growth in passenger traffic being accommodated through improved use of

Immigration Bill
[SEN. THE HON. M. JOSEPH]

Friday, February 29, 2008

technology. The introduction of this legislation will also serve to benefit national security, public safety and the economic well-being of the country, and will also seek to prevent disorder in crime. Additionally, it will serve to booster this country's public image, both nationally and internationally.

In this regard, mention must be made of the testimony that Interpol Secretary General, Mr. Roland Noble, before the United States Senate Judiciary Committees, Sub-Committee on terrorism, technology and homeland security, in which he stated that what the Caribbean had achieved was nothing short of amazement, in terms of the work done to secure its borders for hosting Cricket World Cup 2007.

Madam Deputy Speaker, in light of these facts, the passage of this legislation will ensure that Trinidad and Tobago has the continued benefit of the safety net provided by the advance passenger information system and will join the rest of the region and the world in this effort. Not to do so, will put Trinidad and Tobago at a disadvantage, vis-a-vis, the rest of the region and the world as passengers with criminal intentions will have easier access to Trinidad and Tobago at a time when regional and international communities are employing stringent procedure and legislative safeguards to protect their own borders.

2.45 p.m.

Madam Deputy Speaker, just as a point of interest, I was recently reading the January 28, 2008 publication of *Aviation Week Space Technology*, between pages 245 and 248. It was an article entitled "Strategy Shift" with the subtitle "Airport security garners more attention globally while U.S. reconsiders best ways to provide it". Just permit me to quote from it.

"Changes are coming to airport security checkpoints around the world in 2008.

In the U.S., because of evolving terrorist threats, congressional frustration with airport screeners' performance and improvement in technology, the Transportation Security Administration (TSA) plans to acquire and deploy equipment that can screen bottles for explosives and provide more revealing images of what airline passengers are carrying on their persons and in their bags.

While some European airports continue to outpace the U.S. in security technology, many Asian and African countries are just starting to acknowledge terrorism's threat to aviation and taking the first steps to counter it...

'Cargo screening will get more money,' says...Washington-based Homeland Security Research Corp., which predicts airport security will be among the 10 largest markets in the U.S. homeland security sector...forecasts the spending in

this sector will grow to \$115 billion by 2011...airport market will hit \$11.2 billion by then because much of the screening technology now in use is decades old and ineffective.”

I am reading this just to provide to hon. Members of this House the fact that the implementation of the advance passenger information system which, as I indicated earlier on, was in practice in most countries around the world, represents just our first step towards enhancing and improving our security. I hope that Members on both sides will have no difficulty in approving this legislation.

With these brief words, I beg to move.

Question proposed.

Mr. Subhas Panday (*Princes Town North*): Madam Deputy Speaker, most of the arguments which the Minister proffered today have been heard before. It was like microwave information from him. All these points were raised before and, unfortunately, he has really not answered them.

The genesis of this legislation is that in 2006 we had Act No. 29 passed to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for matters related thereto. As the Minister had indicated on that occasion, the legislation had a sunset clause which said that it would expire on June 30, 2007. Subsequently, in 2007 just before that legislation had expired, Bill No. 7 of 2007 was introduced in the House to amend the Immigration (Advance Passenger Information) Act.

The hon. Minister spoke about the success of Act 29 of 2006. I want to ask him something about what he claimed today, which I did not believe, that there was success in that Act. If as he said the Act was so successful, when Bill No. 7 of 2007 was introduced, probably about July, why did they not push to have that legislation passed? If it was so successful, as he said, why did they allow the Parliament to be prorogued and allowed the Bill to lapse?

As a matter of fact, I remember in September of 2007 there were matters on the legislative agenda. The Member for Diego Martin Central, who was the then Leader of Government Business in the House, said that there was no legislation outstanding on the Order Paper. He said that all the legislation which was important, all the legislation that was necessary for that time had already been passed. As a matter of fact, Parliament was summoned and, on two or three occasions, it sat for only five or 10 minutes merely to wrap up the ends. Why did you not come with this legislation and have it passed during that year? The answer is: You cannot trust what he said about success.

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

Madam Deputy Speaker, you cannot trust this Government. When the Bill was debated in the other place, people wanted to find out about the memorandum of intent between this country and the United States of America. You would be shocked to know what this Minister and the Government said then. Many people were afraid that this was the type of legislation which could be abused. They felt that this Government had ulterior motives, and they wanted the matter explained.

Sen. Mark, as he is, asked the Government: "Is there any connection between this legislation and the memorandum of intent with the United States?" The Minister came here today and said that as a result of an agreement with Caricom, sometime subsequently, they decided to come back with this legislation. The Minister came today and tried to tell us that it had no relationship with the memorandum of intent with the United States of America.

Sen. Mark at that time said that the legislation before the House and the memorandum of intent had very similar characteristics. He said that it contained provision for advance passenger information. He said that the memorandum of intent was signed between the Prime Minister and the Homeland Secretary of the United States, and further, that he had information that the same memorandum of intent was signed by other persons. He kept asking: "What is the relationship with the memorandum of intent and this legislation?"

You would be surprised to know how he was berated by this said Government. Sen. Danny Montano, as he was then, stood and told the Parliament that there was no link between the advance passenger information and the legislation which was before the Senate at that time. The Government at that time got the President of the Senate to strike down Sen. Mark as being irrelevant on the issue, when he tried to find out the relationship between this legislation and the memorandum of intent.

Furthermore, in order to allay the fears of the Senate at that time, they agreed that this legislation had far-reaching effects. They agreed that it was legislation we needed to clearly look at. But they told the House on that occasion, "Do not take it on; do not bother about this memorandum of intent with the United States of America, because this legislation..." and I quote from the records of the Senate when Sen. Danny Montano said:

"Do not forget that this information is for a very short period and I am sure the Minister will deal with that very fully."

When the Senate was concerned about this advance passenger information, the argument the Government used at that time was, "Do not be afraid, this is merely short-

term legislation." They said, at that time, in order for them to get the Senate to pass the legislation, that the purpose of the legislation was merely to control, to assist in dealing with the influx which they had anticipated because of the World Cup.

They said that with the influx of passengers coming to visit the country for the World Cup they would not have been able to deal with it very effectively, hence the necessity for passing this legislation to have advance passenger information coming to the fore. Since then the legislation has lapsed and they have brought it back, trying to justify why it should come before this House.

Madam Deputy Speaker, as an aside, I would like to ask the hon. Minister: What is the situation? Did you send back anybody? Did you use this advanced passenger information system during the period June 2007 to today's date? [*Crosstalk*]

Mrs. Persad-Bissessar: Which terrorist did they catch? Which criminal did you catch?

Mr. S. Panday: I want to inform him that they have been acting very unlawfully and illegally if they used this advance passenger information system after the life of the legislation had expired to today's date. So you did not hold anybody? You did not deal with anybody between June 2007 and today's date? [*Interruption*]

Mr. Dumas: Not under that Act.

Mr. S. Panday: Under what authority did you?

We are still concerned, like our other legislators in the Senate, about this advance passenger information system. We feel that it is a system which could be abused. We feel that although the purpose of this legislation speaks about trans-border security, which deals with terrorist acts, with the movement of criminal activity from abroad to Trinidad and Tobago, that this is really a ruse they are trying to pull on our population.

3.00 p.m.

When one looks at the Bill, it speaks about:

“A master who intentionally or recklessly—

- (a) fails to transmit data required by subsection (1); or
- (b) transmits incomplete or false data

is deemed to have committed an offence in Trinidad and Tobago and is liable to a fine of six hundred thousand dollars.”

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

It speaks here about advance passenger information being sent to the Chief Immigration Officer. The reason that people are concerned about this advance passenger information is that nowhere in this legislation it says that this information should be confidential. We wonder when they obtain this information, whether this information will be transmitted to third persons to deal with these persons who have been flagged. This is a very important concern.

When one looks at our previous legislation in this regard, one would see a similar system, where you have passenger information being given to the immigration officers, that there was a stricture as to the use of that information. If one looks at Chap. 18:01, section 12(5) of the Immigration Act, it speaks about the same type of information which is probably on a manifest, that when you come to the country, you must submit that information at the port of call. It says that when that information is given to the immigration officer—that is personal information; that is passenger data:

“An immigration officer shall not disclose directly or indirectly, to any person except—

- (a) the Minister or a person authorised by him to be privy to the information; or
- (b) a member of the immigration department...”

who require this information for particular purposes.

So you have legislation where the integrity and the privacy of the legislation are protected. They come here today and argue that the information we are giving, which the legislation is attempting to deal with, is public information. But no information is public information unless you expose it to the public. This is information about persons and we feel that information should be protected. In the Immigration Act the legislation is protected while in this legislation one would see that there is no protection for the privacy of the legislation, and that is important. We ask the hon. Minister: Why do we not introduce into this legislation, provisions to protect people's data? If one looks at the Constitution, under “Rights Enshrined” at section 4, it states:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without...discrimination by reason of race, origin, colour, religion or sex, the...following fundamental rights and freedoms, namely—

- (c) the right of the individual to respect for his private and family life;”

So the Constitution gives you that protection. Why is it in this legislation we do not introduce a section to protect the privacy of this legislation? The Minister may argue that there is no need to do it. We are saying that because of this, we are skeptical about giving our stamp of approval to this aspect of the Bill. On the same point, one would see that under issue of privacy, we in Trinidad and Tobago do not have any legislation to protect the privacy of persons and you cannot trust this Government with private information. Although the Constitution speaks about right to privacy of your information, there is no legislation put in place to protect people's privacy.

This issue has been dealt with in other places. In Europe there was an agreement between the European Union and the United States of America for transmitting advance passenger data on passengers. When they dealt with people's private information, people objected to it and they took the Government to court. You would be surprised to know that they were forced to annul the agreement because the European Court of Justice declared that the same agreement like we have here, the MOI, where advance passenger information is given to the authorities, was not kept by them but instead was given to third parties. As I said, an earlier agreement was annulled by the European Court of Justice. The agreement gives the European greater control over the disclosure of passenger data to the United States. However, it leaves unresolved whether the United States has adequate privacy protection to safeguard private information of the European consumers.

The European Court of Justice struck down the passenger name/record deal that allowed the transfer of personal information on European travellers to the United States government. The European airlines face lawsuits by European citizens for violating European privacy laws if the information is disclosed to the US without a new agreement. The European Consumer Organization has called for strong safeguards for personal data.

This is what we are speaking about. What we are opening here is a floodgate into people's private information. Just like in Trinidad and Tobago where the Government had signed this MOI with Mr. Michael Chertoff, the European Commissioners said: "Look, you see people's private information, it must be protected." This legislation probably would have been good for places like Europe because they have in place legislation to protect their citizens. In Trinidad and Tobago we do not have that legislation to protect our citizens. It is in those circumstances that we should be very careful with the way we pass this legislation.

And further—my colleagues would speak on the Cariforum issue—where it says that the parties are signatories: "Cariforum states recognizing the common

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

interest in protecting fundamental rights and freedoms of natural persons and the right to privacy.” So even in Caricom there is a need to protect information about people's personal data, yet today we are passing legislation in this House to demand airlines and pilots to produce this information without having adequate protection for the data of our people.

In addition to that, when one looks at this legislation, one sees that with this advance passenger information, we have got to be careful about what we are doing. The legislation seems to be not in consonance with the criminal law. It says at clause 3(1):

“The master of every vessel destined for Trinidad and Tobago, prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer the advance passenger information data detailed in the Schedule.”

- (2) A master who intentionally or recklessly—
- (a) fails to transmit this data required by subsection (1);
 - (b) transmits incomplete or false data,

is deemed to have committed an offence in Trinidad and Tobago and is liable to a fine of six hundred thousand dollars.”

In all other countries it would appear that the airlines are held responsible, but in Trinidad and Tobago it would appear that we are making the pilot or the captain of the ship, or the master, to be liable. As you go into this legislation, you are asking the pilot or the captain of the ship, as the case may be, to be responsible for this advantage passenger information. It says that if he “intentionally or recklessly” fails to transmit this information, he would be held responsible.

Look at the mechanism as to how this data is collected. This data is collected, as they say, when you go to the counter or when they swipe your passport. You are asking the pilot to be responsible for the actions of persons over whom he has no control, because he has no control in acquiring the information. The information is acquired at the desk. Why are you making the pilot or the master of the ship responsible for this? As I said, these persons who take the data at the desk are not the servants or agents. When the pilot comes, he sees about his plane. His function is to make sure that the passengers arrive from point A to point B safely. You are putting this extra burden on the pilot which, I humbly submit, is not fair.

3.15 p.m.

You are saying that if the data which he transmits is false or incomplete, you would fine him. How could the pilot determine whether the information is incomplete or false? He does not collect the information. If the information is collected at the desk, the person who collects it will be responsible for the veracity or truthfulness of the data. In the final analysis, you make the pilot responsible for the activities of persons over whom he has no control.

If you wanted to pass this legislation, do you not think that it would have had more substance if you had said that the airline would be responsible, because the persons who collect the information at the counter are servants and agents of the airline? The airline or shipping line should be responsible. This legislation is merely to fulfill international requirements while leaving our crime situation in Trinidad and Tobago unattended. [*Desk thumping*]

It says that if this pilot who “intentionally or recklessly”. How will you prove that this pilot intentionally or recklessly transmitted false information on all the passengers on an aircraft, as a jumbo jet of 500 persons? I humbly submit that that would be an impossibility for any prosecutor to prove, that the pilot or captain of this vessel has intentionally failed to transmit complete data. In addition to that, when he lands in Trinidad and Tobago and this information turns out to be false or incomplete, you would fine the pilot \$600,000. The legislation is so haphazard and incomplete that I wonder if those successes he spoke about are true. If the pilot comes here he would be liable to a fine of \$600,000. The legislation is so incomplete that there is no alternative. If the pilot does not pay \$600,000, what is the basis for determining how many years he would serve in prison for the commission of the offence?

There is the Schedule in the Summary Courts Act which says \$2,000 or if no term is applied, it is \$2,000 or six months hard labour. Here you have that he is liable to a fine of \$600,000 and there is no alternative. Did you really prepare or are you fulfilling the obligations of somebody on the outside? Do you care about trans-border crimes when in truth and fact, anybody could watch this legislation and laugh at you?

Apart from the fine of \$600,000 if the pilot or captain of the ship does not pay it, what would you do? Tell us! You cannot do him anything. He would walk out and leave. You cannot say that there is a conviction; a fine of \$600,000. There is no alternative. You cannot take out a warrant for him or hold him. He would walk out the country and disappear. This legislation is defective in this regard. What

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

will you do? Will you try to get back this money as a debt? You cannot because it would be a criminal offence for which the pilot would have been fined. Do you not think that the better thing to have done if you get this false information is to make the airline responsible and fine the airline? If you fine the airline then you could move against the airline to recover the money. I submit that this legislation as it stands is a farce and intended to fulfill international obligations or *mamaguy* other persons who demand that you pass this legislation.

In this presentation by the hon. Minister, one should have seen the situation where someone has been misidentified. If one looks at the information in Part I which they require, one would see the following:

“Traveller’s status

(Passenger, Crew, In-transit)

Flight Identification

(IATA Airline code and flight number)

Vessel Identification

(vessel name and voyage number)

Scheduled Departure Date...

Last Place/Port of Call of Vessel...

Place/Port of Vessel Initial Arrival

Number of passengers...

Part II

(a) Core Data Elements of the official travel document, official travel document number

(Passport or other official travel document number)

Issuing State or Organization of the official travel Document...

Official Travel Document Type...

Expiration Date of Official Travel document...

Surname...

(Family name and given name(s)...

Nationality

Date of Birth

Gender

Place of Birth..."

They are trying to identify you by the paper information that you give. They are not identifying you by any sort of scientific identification as fingerprinting or HRIS identification. Although the Minister said that there was one person who was misidentified, what will be the situation of persons who have been misidentified? There is no remedy or recourse for anyone who has been misidentified.

I have a document of a woman of the Muslim faith who was resident in California in the United States. She was doing her Ph.D and travelling from America to her home for vacation. She was misidentified at the airport and having done that due to the Advanced Passenger Information Systems, she was pulled out from the line, handcuffed in front of her children and thoroughly searched. She was detained at the airport and the flight left. Sometime later, it was revealed that she was misidentified. Do you know what they did? Instead of apologizing to the lady, they merely told her that her name had been taken off the list. The following day she was permitted to fly to her country somewhere in the Middle East. But on leaving the airport, the immigration official cancelled her visa to return to the United States. This is the way that they behave. With this type of legislation there is no recourse for persons who have been misidentified.

When you pass legislation of this nature it is important to ensure that persons who have been wrongly identified suffer no loss. In this legislation before this honourable House, we see that if there is any violation or mistake whatsoever, there is no redress or recourse for persons who are dealt with.

It did not only happen in America. It happened in Trinidad and Tobago. There was a time when there was a shortage of space on the air bridge from Trinidad to Tobago and Caribbean Airlines hired aircraft from an European country. It worked very well. When anybody came to the airport and there was space on the aircraft, he or she could fly from Tobago to Trinidad quite easily. Sometime later Caribbean Airlines had another aircraft which was licensed in the United States of America. You had to purchase a ticket in Tobago to come to Trinidad two or three days before. It appeared that when you purchased the ticket that information was transmitted to the homeland security without the knowledge of the persons who were travelling. The situation developed that when people in Tobago wanted to come to Trinidad, if only five or six persons bought tickets and were confirmed, those five or six persons were allowed on the aircraft. You had an empty aircraft

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

coming from Tobago to Trinidad. The aircraft was leased in order to ease the congestion and traffic load from Tobago to Trinidad. The aircraft would come with many vacant seats and persons were not permitted to travel on standby.

Our country spent money in order to ease up the burden in Tobago and we ended up paying money and our people could not travel from Tobago. Members of the Senate as Dr. Mc Kenzie complained that when Parliament was summoned suddenly and they had to come to Trinidad for an emergency, they could not come because of this Advanced Passenger Information System. We have to be careful in how deal we with the issue of the Advanced Passenger Information System to ensure that we are not making fools of ourselves.

3.30 p.m.

Madam Deputy Speaker, I move on to another area of the legislation to ask how it has benefited Trinidad and Tobago. We had advance passenger information legislation. There were persons who had criminal records in the United States of America; who were jailed there and deported. We ask the Minister of National Security if he utilized advance passenger information on persons being deported to Trinidad and Tobago. Those were criminals coming. Advance passenger information, according to you, is to prevent crime in the country.

The Minister said at one time that out of the 2,000 returnees deported to Trinidad and Tobago, about 256 had committed serious offences. We ask you, with advance passenger information, did the United States send the information in advance? If they did not, did you ever ask whether, when they were returning persons who had committed serious crimes, rape, robbery, drugs, to inform the Government of Trinidad and Tobago? If you want to deal with crime, trans-border crime, my view is that you should try to deal with crime as it affects the majority of people in Trinidad and Tobago. Trinidad and Tobago is not a tourist hot spot. We have our crime problems and we are not dealing with them. When you have these deportees—

Madam Deputy Speaker: The hon. Member's speaking time has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. R. L. Maharaj SC]

Question put and agreed to.

Mr. S. Panday: Thank you, Madam Deputy Speaker. Instead of mamaguying us about trans-border crime, why is the Government not dealing with the local situation? We are trying to tie the movement of people across borders, but we are

not dealing with the issues. When those persons return to Trinidad, there is no checking at the airport. They are brought here by air marshals and as they come into the airport nobody interviews them. They walk through the airport and they face the east and west and there is nowhere to go.

The conditions under which these people are deported here is that they might have them in detention and one morning they hear they will be deported. Their families do not know. They come here basically with the jail clothes they have on and when they reach the airport, there is nowhere to turn. As a result of that, most of them end up in gangs. One would have thought that we should really deal with the issue of crime in that regard rather than trying to deal with this legislation, giving the impression that we are doing something.

The way they intend to deal with crime is to buy a blimp for \$12 million and one would observe that from the year they purchased the blimp to this day, the murder rate has increased. The Government should have gotten the advance passenger information on persons deported and have the police and social officers wait to meet them to help them. There should be persons waiting to ensure that when they come here empty handed, they are taken care of and, if necessary, some way found for them to survive or contact their relatives to help them, to prevent them from getting into crime. Instead, they buy a blimp, but they have left the issue of criminal returnees in the hands of the NGOs. The sum of \$12.7 million was spent on the blimp. There is a place where they try to help these persons as they come from the airport and this Government gives only \$500,000 to run a programme like that. Instead of passing legislation like this, we should make sure we keep our eyes on people who are deported, to control crime in Trinidad and Tobago. But this Government allows these people to go on the streets where they end up in gangs and then the murder rate goes up.

We should really make an effort to deal with crime here rather than trying to deal with other people's problems. We must deal with our problems as they face us. Some people say that those persons who are deported should be tagged. We say to deal with them in a humane way and ensure that we protect them from getting into trouble.

We have this legislation to deal with people at the official ports but, at the same time, the reason we are saying that the legislation is a joke is that they are trying to plug a small hole at the airport while all over the country there are illegal immigrants committing offences. For example, there is the advance passenger information to prevent crime. How is it that so many Nigerians come into the country illegally? What are we doing about those? They are committing crime.

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

We are informed that there are persons in the Government running immigration consultancies and they are encouraging this type of behaviour.

Why do we not try to protect our own borders, not only at the airport but right around? They put up these eyes-in-the-sky and these 360-degree radars, but they are not interested in the crime because at any given time some one of these antennae is not working. For example, the one in San Fernando was down for months until corbeaux slept on it. This Government is not concerned about crime. They are speaking about "high falutin" things and the simple things to deal with crime they are not dealing with. How many persons have been caught with the radar? If we have radar, how can people from Nigeria come in and nothing happen?

We have advance passenger information, yet every week Colombian and Dominican prostitutes come into the country and we are not catching them. They are only dealing with terrorists. What about the prostitutes who are spreading sexually transmitted diseases? They are doing nothing about it. The only time you realize that they are here is when they are caught and go before the courts. All this advance passenger information nonsense is not working. Prostitutes are coming. We do not know if they are coming through the airport or other places, but we are passing advance passenger information to fulfil all sorts of international requirements, but simple things we are not dealing with.

The Prime Minister says that drugs are a major issue driving crime. Everybody knows the area through which the drugs come. They are saying that they have put up this radar and they are discerning the patterns by which they come. All they do is look at the pattern; they are only watching how they come and not blocking them.

When the Prime Minister says they are going to buy this OPV at the end of 2009, he is sending a message to the drug dealers that they are bringing this sophisticated vessel and that they should put their houses in order quickly. They are telling them: Today, we are going to start the construction of this vessel by the middle or the end of 2009. They are putting the criminals on guard. You wonder if they are not their friends. One would have thought that if they had found a pattern of how the drugs are coming into the country—this Bill speaks about the movement of goods and persons—why did we not take immediate steps to deal with the drug situation?

Madam Deputy Speaker, when the UNC was in government, they were blamed for signing the Ship Rider Agreement, which allowed us to get assistance to chase and capture persons who were transporting drugs in our territorial waters. [*Desk thumping*]

3.45 p.m.

I ask the hon. Minister of National Security: What has become of the vessels which were given to the Trinidad and Tobago Government by the United States Government to assist in dealing with crime? Have you all run them down? Have you all sunk them? [*Interruption*] Yes.

Instead of waiting for two years to bring down a vessel worth approximately \$200 million or \$300 million, why do it at this point in time? Why did we not purchase some small aircrafts such as helicopters, and small, fast boats with sophisticated equipment forthwith? Why was this not done since 2004? We would have dealt with the drug trade since 2004. You are saying that the drug trade is the cause of all the crimes. Why did you not do that since 2004? It is now 2008. Why did you not do it since then? We would start to deal with it sometime in the future.

I am certain if the right vessels were purchased—we have built boats in Trinidad and Tobago—engines could have been imported and we could have requested powerful boats. We could have had those boats armed to patrol the Gulf of Paria and all the waters around Trinidad and Tobago, in order to block drugs from coming in. We are not doing that. We have merely put up radar to watch the pattern of drugs and how they are coming in. Nothing is taking place. This legislation, as I said, is merely to adorn our law books.

If the Government really wants to deal with the issue of crime, they should have taken firm steps to deal with the issue of crime. If drugs is driving crime, then we have should have taken every step to deal with the issue of drugs entering the country. We have this legislation dealing with advance passenger information system to deal with crime, but how do we deal with crime when the Government is generating crime? The Government is perpetuating crime.

A certain judge recently, I think it was Justice Carmona, commented that the Government is funding criminal activities. I quote from the *Saturday Express*. Justice Carmona said to probe the URP for criminals. Do not pass this legislation. This might catch one or two people. Let us deal with an issue where many persons are concerned. It says:

“A High Court Judge...”

I think this one is nicer. It is in the *Guardian* of February 23, 2008

“Judge links killings to URP

‘Barbarians at the gates’”

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

The PNM has let the barbarians through the gates.

“High Court judge Anthony Carmona was yesterday stinging in his condemnation of those in authority...”

Member for Tobago East, listen.

“who hold the view that there are no criminal links to the Unemployment Relief programme.

He said the statement which was made in the past was highly ‘delusional’ and ‘highly irresponsible.’”

That was the statement which was made by a top-ranking official of the PNM who said that there was no criminality in the URP.

“‘Time and time again a lot of criminal activity is taking place in the bowel of the URP and that is a stark reality...And what is further stark is a generation of young men is dying,’

Justice Carmona’s caustic words...”

We are passing cosmetic legislation here. Justice Carmona had to use caustic words.

“came after prosecutors were forced to discontinue its case against two men—Kareem Baptiste and Aaron Worrell—accused of the 2005 killing of URP worker Oba Jones on the Brian Lara Promenade.

‘Young men...they are dying in great numbers,’ the judge said.

‘And for some strange reason, the police now have begun to make what I would refer to as a distinction...Deaths are now being referred to as drug-related or gang-related...’”

He went on to show his shock about the situation of crime in Trinidad and Tobago. He says:

“‘In Trinidad, we don’t kill 14 people at one go, we kill 14 people in 14 days.’

According to the judge, despite there being denials of there being criminal elements in the URP, there was ‘bedevilling coincidence’ to the contrary.

The court, regrettably, he said, has had to deal with situations involving individuals who work in the URP.

‘...Based on matters coming before this court in the last 18 months...’”

Although the PNM denied that there was crime.

“‘I can tell you that in the bowels of the URP there is rank criminality and authorities need to address this,’ Carmona said.

He said the criminal justice system was now under siege and the ‘barbarians are at the gates,’

The URP was also linked to the killing of Port of Spain city councillor...”

He was a PNM councillor;

“Bert Allette because he wanted to rid corrupt elements in his Belmont district and numerous others.”

This is the state at which this Government has been creating a situation of crime in Trinidad and Tobago. When we pass legislation like this to block one or two persons, one must look at the history of criminals in the URP that this Government has perpetuated.

Hon. Member: What does this have to do with advance passenger information?

Mr. S. Panday: We are trying to prevent one or two persons from bringing drugs into the country and creating crime, when the Government is funding and giving people money to buy the drugs. This is the situation. We must let them know. We must tell them that they are in bed with the criminals. The paper tried to identify somebody—although Justice Carmona did not name the official—to show the link between the criminals and the PNM. I will quote from the *Express* of Monday February 25, 2008.

“However, former Local Government Rennie Dumas, when questioned on the issue in the run-up to last year’s general election, went on record to say that there were no criminal elements in the URP.”

This judge had information. He said that you are delusional and you are denying it. Do you know why you are denying it? You are denying it because you wanted to encourage it.

“Police statistics have shown that over 100 of the victims of gangland killings since 2002 were either URP supervisors, foremen, contractors or workmen.”

They are creating the criminal situation in the country. Do you know what they do? They either tend to deny it or they tend to cover it up. Imagine, recently the Member for Laventille West repeated the words of the Member for Tobago East. He said: “Show me the evidence; only 40 out of the 388 that were killed in 2007 were URP workers.” You must not try to pretend that it does not happen.

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

You must look at the issue and try to deal with it.

I will show you in this article how the PNM dealt with the issue.

“Homicide detectives and officers of several intelligence units formed to monitor gangs have also said that dozens more murders committed are related to fall-out from State-run special works projects.”

The Government is funding and supporting criminal activities.

“Government involvement in hiring and awarding of contracts to known criminals...”

They are passing this legislation to deal with advance passenger information at the same time.

“Government involvement in hiring and awarding of contracts to known criminals has also been well documented over the last ten years.

Prime Minister Patrick Manning himself has had a history of dealing with people identified by police as criminals and gang leaders associated with the URP and other State-run projects.”

He justified it on another occasion when he said that 10 per cent of all contracts were going to certain small people. It was not small people. It was criminals who supported the PNM for the election. I will show you.

“Police, including former commissioner Hilton Guy, have also said that monies from the URP and other projects were being used to fund gang wars, murders and other ‘ghetto’ crimes.”

The Commissioner of Police was speaking to the Government about crime. We are talking about trans-border crime with this legislation, but we have crime taking over the country and we are doing nothing about it. Are we covering it up? It goes on:

“Gangland violence has fuelled this country’s high murder rate and spun off into other crimes, such as drug trafficking, gun smuggling and kidnapping for ransom,”

You are giving them the money to buy the drugs and guns and you have put up the radar to see the patterns. You are doing nothing about it. This legislation is merely a farce.

“Under Manning’s PNM Government, several key crime figures identified by the police, including Mark Guerra...”

Do you remember Mark Guerra? Mark Guerra was the man who went to Couva to deal with the Member for Couva South. Do you remember what he said

to the Member for Port of Spain North, the Minister of Health? He made a joke and said: "I cannot promise your safety in Couva North." Instead of bringing the police to protect them, you brought Mark Guerra. The day before he was murdered in Carlsen Field, he was walking up and down in front the stage in Couva. "Yuh forget?"

Mr. Ramnath: I have nothing to do with that.

Mr. S. Panday: "Kerwin 'Fresh' Phillip, Sheldon 'Crock' Scott, Glenroy 'Abdul Malick' Charles and Salim 'Small Salim' Rasheed,..."

You know them, Member for Caroni East.

"among others, have amassed millions through the URP and what was then the NHA refurbishing projects."

4.00 p.m.

So, when the Member for Laventille West said that there are no contracts, he is just trying to cover. What about the NHA refurbishing contracts?

"In 2002, Manning had secretly met with several known gang leaders, and after one such meeting,..."

Hear what happened! He said that he was going to put a police officer to monitor corruption in the URP. It continues:

"backed down on a move to appoint ex-policemen to administer the URP, put there in the first place to clamp down on corruption."

This is the legacy of the PNM! *[Interruption]* We are talking about crime. It is hurting him. They are funding criminal activities. It continues:

"In late 2006, Bert Allette, a PNM city councillor, was murdered in Belmont after raising objections..."

Incidentally, the man who was questioned about the murder and is still the number one suspect was recently awarded a \$2 million Government project, sources from the police's gang intelligence..."

It continues:

"Based on police intelligence and records, the escalation in gangland violence and murders started in...2002.

Police records show that the increase in murders coincided with the appointment of Mark Guerra as national adviser..."

Immigration Bill
[MR. S. PANDAY]

Friday, February 29, 2008

Did advance passenger information come to you about Mark Guerra? Let us talk about advance passenger information in Trinidad and Tobago. [*Desk thumping*] Do not talk about advance passenger information for Piarco, but let us talk about advance passenger information in the URP and NHA. Let us talk about that! It continues:

“In September of 2002, one Government minister moved to stem the corruption in the URP by appointing members of the Flying Squad as programme supervisors.

But Manning reversed the decision after he met with several gang leaders, including Guerra and Phillip, at the Ambassador Hotel, Long Circular Road, St. James.”

Madam Deputy Speaker, it seems to me that the Member does not understand the full purport of this legislation. Did the Member look at the Explanatory Note or even use his common sense? Why are we trying to enact legislation about advance passenger data? Why are we doing that?

Madam Deputy Speaker: Your speaking time has expired. [*Interruption*]

The Minister of Foreign Affairs (Hon. Paula Gopee-Scoon): Madam Deputy Speaker, it is a special privilege for me to rise in this honourable House to participate in this debate on a Bill to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago for related matters.

Madam Deputy Speaker, I would express to this honourable House the worthiness of this Bill. This is just one of the many measures which this Government is undertaking to deal with matters of crime. I would not deal with trivial issues. [*Interruption*] The Member for Princes Town North has just spent the better part of his speaking time on a sideshow. [*Interruption*]

Madam Deputy Speaker, the mover of this Bill, the hon. Minister of National Security, has already dealt with the purpose of bringing this measure to this honourable House. The three clauses of this Bill and the Schedule taken together constitute a very simple Bill, expressed in very clear and uncomplicated language. Madam Deputy Speaker, let me assure and Members of this House that the simplicity of the measure belies its importance.

The Bill is important because it is one of the legislative measures buttressed by institutional and administrative changes that are intended to protect the people of this country in the very changed world that we now inhabit. Heightened

concerns about security matters are now sadly an unwelcome feature of modern international life.

Madam Deputy Speaker, clause 1, the heart of the Bill, imposes a duty on the master of any vessel destined for Trinidad and Tobago to provide advance passenger information to the Chief Immigration Officer in the form detailed in the Schedule. This information is to be provided prior to departure of the vessel from the last port of call before Trinidad and Tobago.

We see that “vessel” is defined in clause 2 to include any ship, boat, aircraft or other floating or airborne contrivance.

Members, you would no doubt agree that intentional or reckless breach of a serious obligation should carry a substantial penalty. In this regard, intentional or reckless disregard of the obligation contained in clause 3(1) attracts a substantial fine in the amount of \$600,000.

Madam Deputy Speaker, in order to permit the Minister of National Security to exercise a discretion in appropriate cases taking into account for example the breadth of the definition of “vessel” clause 3(3) vests with him the power to waive the requirement for a master of a vessel to provide the advance passenger information required pursuant to clause 3(1).

The duty imposed on the master of the vessel in this Bill is reasonable and proportionate to the threat being faced. It is not unnecessarily intrusive as the Member for Princes Town North believes. It is in fact reasonably justifiable in a society such as ours that places a high value on the protection and enjoyment of human rights and civil liberties.

A good indication of support for this view is the growing number of countries, including those where civil liberties and human rights are stringently upheld, which have had recourse to this measure as one more tool in the fight against transnational crime and international terrorism.

Madam Deputy Speaker, the current general concern about security has been made even more acute by several terrorist attacks in the United States of America, East Africa, Indonesia, Spain and the United Kingdom.

In responding to the new security concerns in the global environment, Trinidad and Tobago is challenged to establish the legal and institutional framework that would permit the highest level of cooperation in matters concerning the security of the State and safety of its citizens.

Immigration Bill
[HON. P. GOPEE-SCOON]

Friday, February 29, 2008

I want to place this measure within the context of Trinidad and Tobago's obligation to its partners in the international community to put in place the necessary legislative and administrative framework; first to protect itself and second to be able to assist other partners in the international community.

I made reference earlier to the fact that we live in a changed world, and Members are well aware of specific incidents occurring since 2001 that have led to heightened concern about security and terrorism. Even if no specific threats are directed against Trinidad and Tobago, there exist a general threat to safety and orderly conduct of normal business and interaction; both nationally and internationally. In any event, the weak or the unprepared can become targets of opportunity.

Developing trends in transnational criminality in the context of the global village or borderless world of which we are undeniably a part, challenge us in Trinidad and Tobago to devise new modalities, systems and structures in an international coordinated effort to confront existing and potential threats to peace, good order and tranquillity.

Passage of the Immigration (Advance Passenger Information) Bill, 2008 will be yet another concrete indication of this Government's determination to act and to protect the people of Trinidad and Tobago from undesirable and potentially destructive external elements.

Madam Deputy Speaker, in the fight against international terrorism and transnational crime, at risk is nothing less than the security, safety and health of ordinary men, women and children, and at stake is nothing more than the integrity of society at large.

In the quest to produce the goods and services needed to satisfy the minimum material needs of the majority of the peoples of the world, we have seen a continuation or arguably an intensification of the global trend toward trade liberalization and economic integration.

Here in Trinidad and Tobago, we are satisfied that if competently managed, the gains to be had from trade liberalization and economic integration can outweigh the cost if the process is competently managed.

Madam Deputy Speaker, in full flower, economic liberalization and integration demand the free movement of those factors of production which are susceptible of movement including labour. Nevertheless, we are aware that ways must be found to manage and contain the negative fallout from this trend toward liberalization, globalization and integration.

It is somewhat ironic that just as states have benefited from liberalization and globalization so too individuals and groups have been able to advance their criminal interest in the new liberalized environment, aided by the great technological successes that have given impetus to the creation of the global village and freedom of travel and movement.

Expanded supply and lower cost of goods and services, easier travel, communication and the growth in the availability and use of computers are taking place at the same time as the threat of terrorism, the traffic in illegal drugs and the laundering of money increases.

Many criminal enterprises tend to be international in scope. Operations may be vertically integrated. Organizers, producers and distributors may be based in different countries, while the proceeds of crime may be laundered in a jurisdiction unconnected with the other facets of the illicit operation. States, individually and collectively, must act to disrupt and eventually defeat these operations.

Madam Deputy Speaker, new domestic institutional arrangements enactment such as the Anti-Terrorism Act, the International Criminal Court Act, the Mutual Legal Assistance Act, the Dangerous Drugs Act, and the Conclusion of Extradition Treaties, the Mutual Legal Assistance Treaties and Asset Forfeiture Agreements with several countries attest to this Government's resolve in this particular struggle.

We are under an obligation to put our House in order and to engage in the necessary self-help if we are to protect our own society and our own people, and also be in a position to render assistance to our neighbours and friends who might be challenged to do likewise by resource and capacity constraints.

Madam Deputy Speaker, it will be recalled that for the purposes for the CWC 2007, Caricom created the single domestic space that grouped the nine countries in which matches were played and the Commonwealth of Dominica.

Planning for a sporting event of the scale of the CWC, the third largest such event in the world required a proactive and collaborative approach to security. As the Minister of National Security has pointed out, the national security architecture put in place for that event had three principal elements; the Caricom Special Visa, the establishment of the Advance Passenger and the Advance Cargo Information Systems and the establishment of the Regional Intelligence Fusion Centre.

4.15 p.m.

The advance passenger and advance cargo information systems facilitated access to the manifest of carriers entering, leaving and moving within the single

Immigration Bill
[HON. P. GOPEE-SCOON]

Friday, February 29, 2008

domestic space, and the ability to perform relevant security vetting of persons before arrival at any port within the space. The establishment of the Regional Intelligence Fusion Centre enabled real time sharing of information among the intelligence and law enforcement agencies within the signatory Member States of the community. Although the earlier impetus for the introduction of advance passenger information was the hosting of the Caricom member states of the Cricket World Cup, it is inescapable that the need for such information in today's world to enable the authorities to make informed decisions as to who could enter Trinidad and Tobago existed before the CWC and continues to exist after the CWC.

This continuing need is the reason that the Heads of Government at their 18th Intercessional in St. Vincent and the Grenadines in February 2007 agreed to make the Regional Intelligence Fusion Centre permanent. This continuing need is also the reason why, today, we are seeking to move beyond the sunset legislation that was the feature of the legislative package for the CWC, to make the advance passenger information system a permanent feature of the security matrix in Trinidad and Tobago.

In this same vein Trinidad and Tobago championed in Caricom the conclusion of a mutual legal assistance treaty. In similar vein and as evidence of the high priority we continue to attach as a Government to cooperation in security matters at the regional and international levels. We hope to have a Caricom maritime and air space security agreement and a Caricom arrest warrant signed at the next intercessional of the Caricom Heads of Government [*Desk thumping*] which would take place in the Bahamas on March 07-08, 2008. Signatures by three member states are required for these agreements to enter into force.

Madam Deputy Speaker, freedom of movement is one of the central pillars of the Caricom Single Market and Economy. We understand well that in order for the CSME to achieve its full potential to the mutual benefit of all of the members states of the integration movement, labour must be allowed to move as freely as other factors of production that are susceptible of movement. But freedom of movement must be managed so that undesirables and persons of interest can be prevented from availing themselves of the freedom of movement provided for under the Revised Treaty of Chaguaramas to construct criminal enterprises with region wide tentacles.

From our perspective, it is for this reason that the challenge for the states of the Caribbean Community—by and large, small, vulnerable and capacity challenged states—is to fashion cooperative arrangements among themselves and with like-minded extra-regional states and international organizations which take account of the acknowledged insufficiency of national and regional resources to

combat transnational crime and international terrorism. These arrangements, of course must be underpinned by the application of the principle of international law relating to judicial equality of states, mutual respect and reciprocal rights and obligations, irrespective of size, geography, natural resource endowment or economic circumstances.

Cooperation, Madam Deputy Speaker, must lead to and must be unguarded by the development and implementation of a regional strategy and plan of action to put us in a better position to confront the security challenges that are a feature of our time. The Heads of Government took the timely decision to transform the advance passenger information system into a permanent mechanism through the establishment of the regional clearing house for the advance passenger information now known as the Joint Regional Communication Centre. Solidarity and cooperation among Caricom member states reflect the collective responsibility and concrete interest of all these international actors that have a stake in ensuring that the society in which we live is free of the scourge of terrorism, drug trafficking, money laundering and other transnational economic and organized crimes which by threatening socio-economic development, political stability and the internal and external security of states do so much to reduce the quality of life.

The Bill for the Immigration (Advance Passenger Information) Act, 2008 would put a permanent regime in place to govern the provision of information to the Trinidad and Tobago authorities by masters of vessels calling at any port in Trinidad and Tobago. It is therefore a welcomed improvement on the status quo. It obviates the need for the authorities to depend on other sources of information, in order to determine whether to admit persons to Trinidad and Tobago, or, in the absence of information to make decisions that may be less informed than they should be. Trinidad and Tobago is an open society. Geography places us here in the Americas. Resource endowment and the policies of this Government ensured that we are noticed in the world. We would wish the intent of that notice to be kind, at least benign, but we cannot guarantee that it will not be maligned. The threat of disorder and terrorism is ever present. We need to be on our guard. This Bill would help to achieve that objective.

Madam Deputy Speaker, for the information of Members opposite, Trinidad and Tobago is not singular in taking this measure. A growing number of countries now require advance passenger information, including USA, Canada, Mexico, China, United Arab Emirates—Dubai only—Japan, Spain and the United Kingdom. As Caricom seeks to deepen its governance structures, members of the community recognize the shared responsibility to confront common problems in a

Immigration Bill
[HON. P. GOPEE-SCOON]

Friday, February 29, 2008

cooperative and coordinated manner, especially in matters of security. Measures such as the Immigration (Advance Passenger Information) Act, 2008 provide a safeguard against threats and actions of a man-made character which can undermine the security of this state.

This Bill establishes a solid, legal basis by which Trinidad and Tobago can take critical preventative action to protect its national security, and in so doing manage in a timely, expeditious and efficient manner threats to national security. We in the Ministry of Foreign Affairs are well aware that measures such as the Bill under consideration, facilitates international cooperation, strengthens weak legislative and administrative structures, and so helps to eliminate safe havens. It is therefore part of the corpus of legislative action, national and regional institutional developments and administrative measures to which the Government of Trinidad and Tobago is committed, in its unwavering effort to secure the safety of citizens of Trinidad and Tobago.

It was at its 24th Meeting held in Montego Bay, Jamaica in 2003 that the Conference of Heads of Government of the Caribbean Community was challenged to promote a system of regional security to ensure the economic and social integrity of member states. This Bill is part of Trinidad and Tobago's legislative input towards the realization of that objective. This Bill is as commanding in its brevity as it is pellucid in its clarity.

Hon. Member: “Umm”. [*Desk thumping*]

Hon. P. Gopee-Scoon: It is timely—

Hon. Member: Say it again, just for us. [*Crosstalk*]

Hon. P. Gopee-Scoon: This Bill, Madam Deputy Speaker—just for you. [*Laughter*]—it is as commanding in its brevity as it is pellucid in its clarity. [*Desk thumping*] It is timely and it is necessary, it is desirable.

Hon. Member: You are talking like Hassanali now. [*Laughter*]

Hon. P. Gopee-Scoon: It is a measure designed to improve the security and safety and hence the well-being of the citizens of our Republic. It is intended to help to assure the peace and tranquillity of our land in the event of external threat. It dovetails neatly with the host of measures this Government has put and is continuing to put in place to achieve our Vision 2020. [*Desk thumping*]

Madam Deputy Speaker, the objective of this Bill, in tandem with the national and regional institutions established, is to anticipate, to combat and to eliminate

threats to national and regional security, however arising and from whatever source. By permitting a determined focus to be placed on persons of interest the system facilitates the travel of bona fide passengers. Under the API system carriers will be able to provide improved service to their customers while enhancing carriers' security. The API system permits an enhancement in the enforcement capability of border-controlled agencies through advanced notification of the arrival of potential offenders.

For the very compelling reasons advised by the mover of this Motion I am of the view that the Immigration (Advance Passenger Information) Act, 2008 should readily commend itself to the Members of this honourable House. [*Desk thumping*] I am happy to lend my support to this Bill and I invite the hon. Members opposite to do likewise.

Madam Deputy Speaker, I thank you. [*Desk thumping*]

Madam Deputy Speaker: The hon. Member for Chaguanas West.

Mr. Ramnath: That is what you call a true international ambassador.

Mr. Jack Warner (*Chaguanas West*): Madam Deputy Speaker—

Mr. Ramnath: You are not reading, right?

Mr. J. Warner:—we have been here since 1.30 p.m. It is almost 4.30 p.m. We have been here for three hours and I ask myself, for three hours what have we achieved?

Mrs. Nunez-Tesheira: Ask the Member for Princes Town North. [*Crosstalk*]

Madam Deputy Speaker: Hon. Members, could we please allow the hon. Member to make his contribution.

Mr. J. Warner: Madam Deputy Speaker, if they want training they could come this side. I said to myself, my God, what have we done to deserve this? [*Interruption*] What have we done to deserve this? And especially, I will begin with the last speaker and I will tell the last speaker, the hon. Member for Point Fortin, be careful of those persons who write the speeches for you. [*Laughter*] Be careful, because those persons are setting you up.

Hon. Member: How?

Mr. J. Warner: For example, I will tell you, they are setting you up to make you look bad.

Mrs. Gopee-Scoon: Why?

Mr. J. Warner: Because when they give you a speech, and they say, Mr. Speaker, and you say, Mr. Speaker, throughout your speech and do not even understand that things have changed, something is wrong. *[Interruption]*

You could say what you want, but one thing you cannot say is I am reading mine. *[Laughter]* And I tell you, you cannot say, Madam Deputy Speaker, not my maiden speech nor this one, you cannot say that I read it, because the point is, I write my own. *[Interruption]*

I go further to say that you have to be careful because I read the newspaper today, and I will give some advice freely.

Dr. Moonilal: You cannot pay him for advice.

Mr. J. Warner: Today, I went where the Member for Point Fortin and the Minister of Health took a helicopter—no traffic jam, as immortals you know—to go to Point Fortin to visit hospital sites. So they went to the Point Fortin Hospital and the people there were asking them, “I want to talk with you”, and the Minister of Health say, “we ain't come here for that.”

Hon. Member: No shame. Shame!

Mr. J. Warner: Madam, be careful. They are setting you up, you know.

Madam Deputy Speaker: Hon. Member. The sitting of this House is now suspended and we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. J. Warner: Thank you, Madam Deputy Speaker. Although my colleague from Point Fortin is not here, I will end by saying to her in her absence that the hon. Member for Point Fortin has to be careful of the Greeks in the PNM who bring gifts for her in the form of witness speeches; they are setting her up. I want to say to her—*[Interruption]*

Mr. Dumas: *[Inaudible]*

Mr. J. Warner: Why do you not keep quiet and let people like you. Keep quiet "nah".

Mr. Dumas: I will do that to you.

Mr. J. Warner: Keep quiet "nah"—that at the end of the day, she has to be responsible and be accessible to her constituents, and it grieves me where I read today that she refused to see them, because she did not go to Point Fortin for that purpose.

I want to say to her that her companion, the hon. Minister of Health never faced the polls; does not have constituents; does not know how to react to them; does not know how to respond to them; and therefore, I want to suggest to her, today, do not join him in his arrogance. So I will leave her alone and go back to 1.30 p.m. When we came here at 1.30 p.m. and we were given for some 45 minutes a lecture of approximately 22 pages, it could have easily been a House Paper sent by the Member for Diego Martin West. He could have sent it by email if he wanted to, but the Member came here and for 45 minutes he assailed us with Lome and Bombay, and whatever “ay” again I do not know.

Madam Deputy Speaker, I asked myself, what has this done for the poor people? How does this relate to the man in the street? *[Interruption]*

Dr. Moonilal: Who was killed?

Mr. J. Warner: I asked myself, food prices are skyrocketing almost daily, galloping: carite, \$30 a pound; shark, \$18 a pound; shrimp, \$45 a pound; “baigan”, \$10 and so on. Food price galloping. What does the speech, the 22 pages given by the Member of Parliament for Diego Martin West, have to do with improving the lives of those people?

Madam Deputy Speaker, crime is all around us, in fact it is galloping. We have violence now in our schools and murder in our schools. I heard the hon. Minister of Education say that the stabbing was unusual and I asked myself what is an unusual stabbing. *[Laughter]* What is a usual stabbing? I hope she answers what she means by “stabbing was unusual”. The crime is in our schools, how does the API help us to solve that? What does it do?

I looked at our roads—Chaguanas Government School, almost every other week the school has to close because of poor toilets. Madam Deputy Speaker, let them make noise, empty vessels make a lot of noise. Empty vessels make a lot of noise, so let them make noise; I have no problem with that. What does that have to do for those children? Today, we had in our audience school children from St. Augustine Senior Comprehensive School. They came here to see us at work; to see us debate and they sat down.

Hon. Members: Wrong school.

Mr. J. Warner: All right, okay, the wrong school. It is the seminary. *[Interruption]*

Mr. Parsanlal: *[Inaudible]*

Mr. J. Warner: Neil, leave me alone. Sorry.

Mr. B. Panday: You gave him communion, did you not?

Mr. J. Warner: That is true. Madam Deputy Speaker, the point I am making to you, is how that lecture given to us by the Member for Diego Martin West relates to the lives of our people, of those children who were in the audience. I saw his colleague from Diego Martin Central stifling a yawn and I started to understand because what he was trying to do was to try to out-lecture his colleague from Diego Martin Central. Two lectures, and that is the point. I asked myself, what have we done after listening to his speech for 45 minutes, a House Paper; what have we benefited?

Mr. Ramesh SC: Advanced information.

Mr. J. Warner: Madam Deputy Speaker, I say again, that at the end of the day we will have murders all around us. Just today, we read the newspapers where two persons who were charged for murder have been freed. Why have they been freed? Because the witness was killed. Witness protection programme is in shambles and we are talking about the API. I ask the hon. Minister of National "In Security" to tell us what the API will do to help us to put the brakes on crime when we come here to talk about the API?

We talk about the API; there is rumour in this land that the Prime Minister has already bought his jet.

Mr. Ramesh SC: Through Caribbean Airlines.

Mr. J. Warner: There is a rumour in this land that he has pictures showing his friends and so on. When he gets his pilot for his jet, will the API be applicable? If the pilot does not conform, what will the penalty be?

You know, I am very sorry to even have to put you through this ordeal. I am very sorry. I know it is difficult, Madam Deputy Speaker, to sit where you are and to listen to the kind of nonsense sometimes we have to listen to on this side. It is difficult. [*Crosstalk*] [*Laughter*] [*Desk thumping*]

Madam Deputy Speaker, this is our country's Constitution. Hon. Minister of National Security, this is our country's Constitution. Section 53 says:

"Parliament may make laws for the peace, order and good government of Trinidad and Tobago..."

With regard to the API, what is the peace? Where is the good order? Where is the good government? What does that have to do with the lives of our people?

At the end of the day, we are told that all the laws are in the manifest except the date of birth. If that is the case, then amend the laws or put a document that will give the date of birth and let us move on, but you must come here and deal with the issues which affect our people. The issues which affect the people in Woodland; the issues which affect the people in Cucharan Trace; the issues giving the people in Chaguanas West and in other areas—*[Interruption]*

Mr. Ramnath: Pointe-a-Pierre.

Mr. J. Warner:—Pointe-a-Pierre too. They do not want to hear that. And we are told of course that if the information is not given, the pilot will be held culpable. We on this side ask and then what? You take away his stripes and so on, what do you do then? You fine him? Nobody answers. I make the point therefore, what we have to do simply, is to come here with issues that we could discuss that affect the lives of our people.

We have been here trying to get an issue on crime discussed for more than two months now. It is scandalous; it is an abuse of the process that we have not been able to discuss that issue up today *[Desk thumping]* and we come here to discuss the API. Does the API make the immigration lines faster? Does the API make the man in customs more comfortable? Does the API make the man in the fire service better off? Does the API give the police officers their back pay? Does it? Those are the things people are asking.

Do you know why we come here today with the API and the Lome nonsense—because there is no agenda. There is no agenda for this Parliament, and therefore we are working with facts. We are here to make up an agenda and I ask you, Madam Deputy Speaker, when these guys on the other side go home and they meet their families, how do they tell them they spent the Friday afternoon? Working hard? What research have you done this afternoon to represent the people? What have you done? Nothing! What have these Members who are on the other side, who were very honourable, done? Nothing! We come here Friday after Friday and we posture and I am saying that if we do not change our ways, the people will force us to do so, one way or the other.

What is glaring therefore is there is a patent disconnect between the Government and the people. *[Desk thumping]* They do not understand—*[Interruption]*

Hon. Member: *[Inaudible]*

Mr. J. Warner: Yes, it is true, that is why they voted for us. You see, they do not understand. When they are making ambassadors, I know they will make a

Immigration Bill
[MR. WARNER]

Friday, February 29, 2008

leader of a particular party an ambassador. That is pay-back time because had it not been for that leader of that party, some of you would never be here. [*Inaudible*] never be here. So pay-back time will come. But the point I am making—[*Interruption*]

Mr. Imbert: Sour grapes.

Mr. J. Warner: Sour grapes? I do not eat grapes [*Laughter*]*—*is that you have to make sure at all times, you respond to the needs of the people. Our role here is to make the lives of our people better. That is our function and anytime we do not do that, we fail them.

I saw recently the hon. Prime Minister going to meet the Prime Minister of Barbados—whom I met the week before him—with 41 Members at Piarco, 21 gun salute and I said very good. But this morning, the Prime Minister of St. Vincent, hon. Dr. Ralph Gonzalves came and he did not even get a “slingshot”. The Prime Minister of St. Vincent came to Trinidad this morning and not even a car horn, far more a salute, and therefore, I am saying, why do you change courses so quickly? These are the things people look at. People look at these things [*Inaudible*] and I am saying to you that at the end of the day, we have to ask ourselves what the API has done to improve our lives.

Madam Deputy Speaker, in all humility, I say to you that I am the most travelled man in this country, bar none. I have gone to 163 countries to date, some of them several times over and the API did nothing for many of them. The API of course, was not used for many of them; the API was not an issue for many of them; but we have a problem here with the API because we have to answer to the American government. I understand that. I understand that we have to answer to them and show that we are fighting crime and we have to mamaguy ourselves in the pretence, in the belief that we are fighting crime. [*Interruption*]

Mr. B. Panday: Terrorism.

Mr. J. Warner: Against terrorism?

Mr. B. Panday: Yes.

Mr. J. Warner: Against terrorism, the API. Madam Deputy Speaker, we have to be joking and we come here today—at 5.45 p.m. on our main street a guy gets shot, murdered. The murderers did not wear any mask; they killed him and they walked way; they did not even run. Since 4.30 p.m. on that day, there was a rumour in Port of Spain that something would happen this afternoon. Ask the source; ask them. At 4.30 p.m. there was a rumour in Port of Spain that something

would happen on Frederick Street; ask the source around you and our Minister of National “Insecurity” did not know that.

5.15 p.m.

We are asking you: What does the advance passenger information (API) do about that? How does it help the lives of people? My colleague just asked me: Where are the cameras?

Madam Deputy Speaker, do you know what I would have preferred to hear? I thought I would have heard the Government side coming here to congratulate our cricketers and to say what a wonderful bunch they have been and how they performed well in Antigua. Since they have not said so, we on this side will, of course, congratulate them. [*Crosstalk*]

Mr. Parsanlal: [*Inaudible*]

Mr. J. Warner: Madam Deputy Speaker, I want to like this guy, but he is forcing me to do otherwise.

Mr. Ramnath: Be careful. [*Laughter*]

Mr. J. Warner: I know him a very long time. [*Laughter*] I know all about him, you know, and I am telling him do not push me. [*Crosstalk*] My life is an open book. When I was here last time, I was talking about crime; the Member for Diego Martin West said that he had a football ticket from 19 years ago and he had not gotten paid for it yet. I told him to give it to his son in his will. [*Laughter*] He has a football ticket from 19 years ago. I was talking about crime, and that was his answer. He is not here now, but he must will it to his son.

I was talking about crime, and the Attorney General rushed for some books in the library, with some red paper to show football and so on; I do not care about that. My life is an open book. The point I am making to you, therefore, is that I can sleep very soundly at nights, but can you? [*Crosstalk*] Time will tell.

As I was saying, before I got so rudely interrupted, at the end of the day, we have to ask ourselves if this API will improve the lives of our people.

I will make one final point. To improve the lives of our people, the Government should look at the issues which affect our people dearly. I end by telling you that the issues are food prices, crime and, of course, violence in schools. The issues are also traffic jam and our roads. These are the major issues; therefore, we must deal with them if we want to make this House relevant.

Immigration Bill
[MR. WARNER]

Friday, February 29, 2008

For example, when I spoke about the cricket just now, I was thinking that a good gesture would be for this Government to match Sir Allan Stanford's match funds, improve cricket and thereby give our young people a sense of hope. Attempts are being made to kill football, but I will deal with that at another stage and another time, right here. Give our young people a sense of hope. Those young people who came here today left here disappointed. I could hear them from here "bussing steups" when they were leaving, with disgust. They were saying to themselves that if this was what Parliament was about, they did not want to be here. [*Crosstalk*]

Hear them grumbling again. Empty vessels make a lot of noise, even though they just had a meal.

The API may be relevant on that side. As far as we on this side are concerned—[*Interruption*] [*cellphone rings*]

Madam Deputy Speaker: Hon. Members, I have been very patient. This is the fourth time for the afternoon that a cellphone has rung. We have to be much more responsible than that. [*Crosstalk*]

Mr. J. Warner: Thank you, Madam Deputy Speaker.

Mr. B. Panday: Put it on vibrate.

Mr. J. Warner: You have to know how. [*Laughter*]

I am saying in so many words that the Bill is useless in the context of this country today. The API should not have occupied our time. That should not have taken up our time. For the Bill to be relevant there are other things that have to be done, which my dear colleague for Princes Town North spoke about, which, of course, have not been done. As far as we on this side are concerned, let us spend some time on the people's problems, and let us put aside the API for the moment.

I thank you. [*Crosstalk*] [*Interruption*]

The Minister of Tourism (Hon. Joseph Ross): Madam Deputy Speaker, let me thank you for the opportunity to speak very briefly this afternoon, on what I consider to be a very progressive piece of legislation. I also thank the people of Barataria/San Juan for making this opportunity available to me this afternoon.

Before I go on, there are a few things that I feel we need to clear up. I listened very carefully to the Member for Princes Town North earlier on and he raised a number of concerns. He asked why the legislation was not brought before this Parliament much sooner than today if it was that urgent. He went on to say that

you could not trust this Government. Madam Deputy Speaker, there was no connect in his argument; it was the most illogical piece I think we heard this afternoon. [*Desk thumping*] He also went on to comment on the possibility of abuse and said that the Government had underlying motives.

This Government has demonstrated, time and again, that it respects the rule of law in Trinidad and Tobago. [*Desk thumping*] He also said that the present piece of legislation and the memorandum of intent with the United States of America had a lot of similarities. I asked myself: So what if there are similarities? Look at the intention of the Bill as the hon. Minister of National Security had proposed.

The Member for Princes Town North said that in this Bill there was no provision for the protection of people's data and for confidentiality. We all know that the information requested in the Bill is currently required, as a matter of course, on our immigration form. We know as well that the API listing is encrypted long before transmission and can only be accessed by intended users.

He went on to quote section 12(5) of the Immigration Act which prohibits immigration officers from disclosing information to unauthorized individuals. We are aware that the Immigration Act is just another Act we can turn to in the event of abuse. So, again, his argument that people's data and confidentiality were not protected does not gel.

Since this is information that we know is required generally, how can sharing this with other nations and other people in the Caribbean put persons at risk? He then went on to talk about corruption in the Unemployment Relief Programme (URP), which had absolutely no relevance whatsoever to what we are debating this afternoon. [*Desk thumping*]

I now turn to the hon. Member from Chaguanas West's contribution. We are talking about advance passenger information, but the hon. Member came to this House to talk about the price of shark and shrimp and so on and so forth. [*Crosstalk*]

Yes, he was my former teacher, and I am proud to say that. [*Desk thumping*] I am also proud to remember when in one classroom he said that the day would come when the student would teach the teacher. [*Desk thumping*] I hope you remember that day.

Mr. Warner: "It eh come yet." [*Laughter*]

Hon. Members: The time is now.

Hon. J. Ross: The time is here.

Immigration Bill
[HON. J. ROSS]

Friday, February 29, 2008

The Member also wanted to know what the API would do to help us put the brake on crime. I was, indeed, surprised. There is no one piece of legislation that could put the brake on crime; we all know that. [*Desk thumping*] We all know that crime is all pervasive and you have to put every possible thing in place. All kinds of legislation are necessary. The API is just one other measure that this Government has put in place to put the brake on crime.

He then went on to quote from the Constitution, saying that Parliament was responsible for making laws and so on and so forth, to bring about peace and good governance in the country. He asked: What does the API have to do with legislation for good governance and peace? I am ashamed. Here is a piece of legislation that is going to bring about a greater degree of security in your country, and he was asking what it has to do with bringing about peace. [*Desk thumping*] It is either the hon. Member could not understand what he was reading, and I would be very surprised, or something was going wrong with him.

Mr. Abdul-Hamid: "He sounding like Hillary Clinton!"

Hon. J. Ross: He went on to ask: Does the API make the fire officers' lives more comfortable? Does the API guarantee people's back pay? How relevant is that? The API was never intended for that. Probably he did not read the Bill, that might have been the reason he talked those kinds of things. The API was never intended to do that, hon. Member for Chaguanas West. I can go on and on him, but I will stop. [*Desk thumping*]

This Bill is directly related to tourism in some form. The vision of this Government for tourism is that by the year 2020 it would be a significant sector in the economy of Trinidad and Tobago.

5.30 p.m.

What this means is that we are going to invest in more and more promotional and marketing activities to bring more and more people into Trinidad and Tobago. The statistics are here to show that from 1995—2007, arrivals in Trinidad and Tobago moved from 259,783 persons to 457,434. That is almost 100 per cent increase over the last 10 years. This is why we need something like API. As more and more people come into your country, the risk of having undesirables and persons of interest becomes greater and greater. This is one of the things that the API is intended to solve. [*Desk thumping*]

One point I think I must make here this afternoon is that even though this Government has identified tourism as a sector for development, I want to assure

you that this Government will not seek to increase visitor arrivals in Trinidad and Tobago at any cost. Government will be selective in the niche in which it operates. This Government will ensure that all the necessary mechanisms are put in place, including the Immigration (Advance Passenger Information) Bill, 2008. [*Desk thumping*] This is why this Bill is so important to the Ministry of Tourism, as this Ministry seeks to develop and operationalize its marketing and promotional plans.

Since the risks associated with visitor arrivals are so much greater than those departing, it is imperative on the Government to install the necessary security measures at its borders, again, such as this Bill that we are presenting here this afternoon. I also want to state that the APIS would become another pillar on which the regional integration movement would grow. I want to take us through a list of other things that took place in history and, again, I go back to history.

My former teacher, the hon. Member from Chaguanas West knows, that I have always been interested in history and one thing I remember from him was that he always quoted European history about Metternich. He always said that when Metternich sneezes, the whole of Europe catches the cold. I am saying that America has put this system in place; other developed countries have put this system in place: Who is Trinidad and Tobago? We “go ketch de cold too”. We have to put it in place. [*Desk thumping*] There are a number of areas of functional cooperation which have been established in the Caribbean region over the years. Again, we have to look at this Bill in the context of the Caribbean as a region.

I go to Article VI of the Revised Treaty of Chaguaramas which expressed the desire for member states to have, “enhanced functional cooperation”. In other words, the treaty was expecting countries of the region to build and build on areas of cooperation. A review of the history of the integration arrangements in what is now Caricom, reveal a number of efforts at functional cooperation. For example, in the area of education, we have the University of the West Indies which was founded in 1948; we have the Caribbean Meteorological Service which was established in 1963; we have the Caribbean Disaster Emergency Response Agency. Again, I am talking about regional efforts. In the area of trade and commerce, we have the Caribbean Association of Industry and Commerce; we have the Caribbean Regional Negotiating Machinery (CRNM) which was established somewhere around 1997/1998, primarily to coordinate member states’ external negotiations and enhance the international negotiating presence of the developing nations of the group, and the hon. Member for Diego Martin West earlier on made a statement in this House about negotiating the EPA. In the area of justice, again, we have the Caribbean Court of Justice.

Immigration Bill
[HON. J. ROSS]

Friday, February 29, 2008

All I am saying is that this piece of legislation should never be looked at in isolation from other activities or other actions towards regional integration. The viability of small developing states like Trinidad and Tobago and other Caribbean countries has also been dependent on the extent and effectiveness of our efforts at integration. There have also been a number of other areas, and we come now to the area of security cooperation. There are some inherent, what we say, vulnerabilities that distinguish small Caribbean states from other developing nations around the world and somebody alluded to that earlier on. Our geography has put us in a place where we are close to the demand and supply centres of the international drug trade and that makes it difficult to manage. Our resource availability is another such vulnerability since it increases the problem of manning our borders.

Mr. Warner: Of manning?

Hon. J. Ross: Do you want another word, Sir?

Mr. Warner: Say “Panday”.

Hon. J. Ross: I always give him a chance to talk because—

Mr. Abdul-Hamid: He likes to talk.

Hon. J. Ross:—he likes to talk. What I am saying, in addition, the continued viability of small developing nations of the Caribbean rests on our ability to continue along the area of functional cooperation with regard to security. For us to survive, we need to cooperate with each other in this area. While these issues have been deemed by some in years gone—and even today—as being some of the non-traditional issues, it may be argued that they have always been on the security agenda of the small states of the Caribbean. We have always been concerned with drug, illegal arms, money laundering, smuggling, trafficking, HIV-AIDS, and so on. However, with an acceleration in the process of globalization and increased access to travel, these issues have become more pervasive and threaten to be even more destabilizing.

The region has made numerous efforts at security cooperation. It is nothing new to us and we have done a lot over the years in trying to bring about a level of cooperation on security issues. For instance, we can draw reference—I do not think we have too many around, but for those of you who can recall the West Indian Federation—to what was then the West India Regiment. This was actually an effort of the region again. Then we go to 1967 or thereabouts, when there was this secessionist threat that was posed when Anguilla expressed a desire to be

separated from St. Kitts and Nevis. There was a cooperative effort between Trinidad and Tobago, Jamaica, Barbados and Guyana to provide a peacekeeping force in order to address this problem.

A watershed movement with regard to security cooperation in the region came again during the Grenadian crisis of 1983 whereby the regional security system was established by the states of the Eastern Caribbean. Most notably, there was a Memorandum of Understanding which facilitated the establishment of this regional security system and it allowed for states whose stability was threatened to seek assistance of any other state of the region.

I am sure that all of us would recall—and we should be able to recall—the assistance that was given to Trinidad and Tobago during the coup d'état of 1990. During the coup d'état of 1990 our defence force received tremendous assistance from other Caribbean troops. There was always regional security cooperation in 1994 when Haiti needed assistance. I can go on and on. All I am trying to say is, we must not look at the API system in isolation. It is a continuation of the efforts of the Caribbean States to come together to make this place a safer place in the region. [*Desk thumping*] I will stop here.

The Immigration (Advantage Passenger Information) Act of 2006 was adopted by some 10 Caribbean states, as we heard earlier on, to enhance the region's security system. The hon. Minister of National Security pointed out to this honourable House this evening the successes of the 2006 Act in his presentation, and I heard Members asking, what success. The hon. Minister enumerated a lot of success in a short space of time. Could you imagine if the time was expanded, how much more successful we would have been in identifying undesirables and persons of interest if this Bill was, in fact, an Act over this period of time? I am telling you and this honourable House this evening that Trinidad and Tobago needs an API system now, and permanently. [*Desk thumping*] What this demonstrates to us is that the entire domestic space of the Caribbean would be better protected when a permanent piece of legislation guaranteeing advance passenger information is put in place.

5.45 p.m.

I will make a few more points so as not to repeat some of the things that were said before. The Advanced Passenger Information System (APIS) is designed to provide passenger data on a timely basis. Once that information is in we can take action on a timely basis. The other side seems to be putting in our mind that we do not need timely information. One of the ways in which we can curb the element of

Immigration Bill
[HON. J. ROSS]

Friday, February 29, 2008

crime is when we are in a position to get information on a timely basis. This is one of the times. [*Desk thumping*] The APIS is a powerful border alert processing system to check passenger data. It is computerized, efficient and when it is put in place you would be sure that you will have information to take action.

Earlier on, somebody asked what redress is there for those who are picked up wrongly by the system. There is no perfect system. There are provisions in law to deal with that as the hon. Member for Tabaquite will know. Last year, the pilot used for Cricket World Cup (CWC) highlighted some of the flaws. It dealt effectively with critical issues of timely communication of passenger information; strengthened security and border control mechanisms.

The main point is that the APIS must be seen as a regional effort and another means of taking the Caribbean integration movement a step further. It is something that does not only involve Trinidad and Tobago, but also most of the English speaking Caribbean islands. In Cricket World Cup it was 10. Who knows? It could be more as we go along. It is an effort to take the regional integration movement—and something that we should work towards—a step further. When we seek to secure our borders from people of interest and undesirable characters, we are also protecting the international community. Trinidad and Tobago or the Caribbean received much praise for the efforts during the Cricket World Cup. By bringing about a piece of legislation like this and making it a permanent Act in our country, we are securing our borders and that of other Caribbean states and aiding the international community.

I was also advised that our region is the first to have such a system in place. We must support it and support the endeavour of the hon. Minister of National Security for bringing such legislation to Parliament.

From a tourism standpoint, the APIS will undoubtedly assist the Ministry of Tourism in enhancing the visitors' experience in this country. How will it do this? It contributes to reducing the number of undesirables and in so doing, it would reduce the incidence of crime in Trinidad and Tobago.

Thank you very much.

Dr. Tim Gopeesingh (*Caroni East*): Madam Deputy Speaker, certain points need to be made in connection with this Advanced Passenger Information System and which the hon. Minister needs to clarify.

The first question that we ask is this: Is the Government confused about their whole itinerary and agenda for legislative matters? They seem to lack any vision in terms of prioritization for their legislative agenda. Where is the priority for this

Bill in preference to so many others that are important to the citizens of Trinidad and Tobago, of which my colleague, the Member for Chaguanas West spoke a while ago?

This Bill was introduced in the Senate on November 14, 2006 and in the House of Representatives on December 15, 2006. It was assented to on December 22, 2006, as Act 29 of 2006. This Act speaks about the obligations and we are aware of what they are. This is that the master of every vessel should report the information at a certain time and if he does not report the information, there would be a fine of \$600,000. That Act which was passed in 2006 had a sunset clause. That legislation was valid until June 30, 2007. We found that four days before that Act expired the Government brought it for debate in the Senate, forcing all Members of the Senate to come overnight to debate a Bill which this Government knew should have been debated long before. They never had any intention of using this Bill for Cricket World Cup.

It is noteworthy that the sunset clause was not included in the Bill that was initially brought to Parliament. It was in the concluding line of presenting the Bill in the Senate, the Minister of National Security agreed that the Bill would have been governed by a sunset clause. They tried to fool the country by telling the country that the CWC had many security matters which had to be dealt with and they were bringing the APIS to deal with security arrangements for the Cricket World Cup. The Government knew that it did not want to have this for Cricket World Cup alone, but for continuation ad infinitum.

What is the rationale for this? That Bill was never debated in the Senate and it lapsed. Today, we are confronted with this Bill to debate it again early in the term of the legislative agenda of this administration. What is the significance of this Bill before a number of other Bills which were supposed to be brought to this House, as the Equal Opportunity Bill the Children's Authority Bill which should have been debated before this Bill? My colleague asked: How does this Bill impact on the lives of citizens of Trinidad and Tobago when there are so many other priority legislative issues which should have been brought before this Advanced Passenger Information System?

What is the essential difference between this and the Bill that they brought in 2006? Firstly, there are only three differences in this Bill. The Act of 2006 had restricted the need for the provision of advanced passenger information to ships exceeding 100 tons. That restriction has now been lifted. Secondly, the Act of 2006 contained a termination clause with the legislation set to expire on June 30, 2007. This Bill of 2008 does not contain any sunset clause. Thirdly, the Bill of 2008 now makes place of birth such as city and country a core piece of information to be provided under Part II of the Schedule, whereas the Act of 2006

Immigration Bill
[MR. GOPEESINGH]

Friday, February 29, 2008

considered said information as additional information to be provided if applicable. In essence, there are three minor points of difference between the Bills of 2006 and 2008 which could have been brought very easily in the last term and concluded then. Now we are faced with this as a matter of priority.

According to the Bill, the Minister has the ability to waive the requirements for a master of a vessel to provide the advanced passenger information data under subsection (1). The hon. Minister has to tell Parliament under what circumstances the Minister will waive the information. Will the Minister have his idiosyncratic type of thought process to say that he would waive this or he would not waive that, to satisfy his friends and colleagues who may have important information that they do need to disclose? The Minister will waive this information in terms of reporting the advanced passenger information to the relevant authorities. He needs to tell us under what circumstances this waiver will apply.

The next point is the question of the information required. The Schedule outlines 11 basic heads of information that are required to be submitted as vessel data. One head is the “Core Data Elements of the official travel document, official travel document number” and the other is, “Additional Data Elements (if applicable)”. What are considered to be applicable? This Bill is unclear as to what information is necessary. The Bill is saying that 11 pieces of information have to be reported such as the surname, nationality and date of birth. The other aspect is the issue of additional data elements if applicable. Are we seeing a situation where this Government will ask for additional pieces of information other than what we are being told today in Parliament?

The Minister is saying that 11 pieces of information will be available on the machine readable passport. We ask the hon. Minister to indicate to us what other pieces of information he may require if applicable? He has to answer the question on waiver and the information that is applicable because this is too vague. We cannot pass legislation when this information is vague.

In the context of the prioritization of this legislation, the Government has fallen woefully short. This should never have been on the agenda today, in preference to other legislative matters like the Equal Opportunity Bill and the Children’s Authority Bill.

The Government misled Parliament as far as this advanced passenger system is concerned. Why did the Government mislead the population by presenting legislation that they had no intention of debating at that time, in 2007? When the hon. Minister Martin Joseph first presented the legislation in the Senate on November 7, 2006, he did so under the guise that it was a prerequisite for the

CWC legislation, that is part of the several pieces of legislation which were required to facilitate the hosting of the Cricket World Cup. This is what he said:

“In addition...to enhancing border security the need for advanced passenger information has become even more critical in light of the anticipated influx of international and regional visitors for the upcoming ICC Cricket World Cup...”

6.00 p.m.

Here the Trinidad and Tobago Government has been saddled with the responsibility of bringing this advance passenger information system. We are saddled with taking care of all the expenses for the security of the CWC World Cup. In fact, in one of the matters we discussed here, it was shown that Trinidad and Tobago spent \$25 million in the security arrangements for the World Cup.

The Brian Lara Stadium was said to be ready for the CWC World Cup. It was advertised all over on the media releases throughout the world that it would be one of the venues. So the APIS was supposed to be introduced in preparation; the Brian Lara Stadium was supposed to be ready, but today, more than one and a half years later, we do not even know at what stage of development it is and hundreds of millions of dollars have been spent.

When the Government says that it wants this piece of information as advance passenger information in readiness for the CWC World Cup to facilitate border security controls and so on, and that the Brian Lara Stadium was supposed to be ready as well, we see where they proved their incompetence. Here they are asking for sanctions for one piece of legislation and the other thing they were supposed to have had ready at the time, the Brian Lara Stadium, is languishing behind time with massive corruption and fraud as far as the construction is concerned.

We have been posed with costs for almost everything as far as the Caribbean and Caricom is concerned. We have had to pay almost 27 per cent of the US \$100 million for the running of the CCJ, which is a White Elephant here in Port of Spain, with only three matters before it over a three-year period. We have had to pay \$142 million plus to have the CCJ housed in Trinidad and only three court matters have been before it. Similarly, Trinidad and Tobago has paid \$25 million for security for the Caribbean World Cup. Trinidad and Tobago has had to give the OECS countries money to develop their economies and their manufacturing sectors. We gave almost \$400 million to the Caricom region. Then the hon. Prime Minister, as Head of National Security, says he will give subsidies for the energy sector for all Caricom countries and their Oil Stabilization Fund. Almost TT \$4 million was given for that. And what happened?

Immigration Bill
[MR. GOPEESINGH]

Friday, February 29, 2008

In 2003, he made friends with Chavez and with the Caricom partners and while we have trading blocs with the Caricom in the energy sector in providing oil and energy resources to the Caribbean—for \$400 million, he subsidized them—here Chavez came and introduced PetroCaribe and took over all the trading as far as the energy sector is concerned from Trinidad and Tobago. The Prime Minister gave away \$400 million to Caricom partners from the old stabilization fund and, similarly, we are spending money on APIS, security for the Cricket World Cup and giving handouts to the Caricom partners and what are we getting for it?

Chavez has taken over PetroCaribe providing oil and energy resources to the Caribbean and we have lost that trade altogether. So when we talk about Caricom and so on, the APIS has to be in keeping with Caricom. Where are we going? We are not doing anything. We are supporting Caricom all the time. Where is the reciprocity as far as Trinidad and Tobago is concerned? Where are we getting increased help? We are just giving out all the time.

The next point is the question of the information required on the passport. The hon. Minister said that the benefits of the APIS include, but are not limited to:

- (1) the identification of passengers who are deemed to pose immigration and security risks;
- (2) the facilitation of pre-screening immigration and security checks;
- (3) establishment of the identity of passengers who may arrive undocumented;
- (4) identification of passengers travelling under lost or stolen documents.

All this information can be obtained from the machine-readable passports. Why is it necessary to go into a legislative agenda for the advance passenger information system when the information is available on the passports? How will this be different from the use of the machine-readable passports? What information must be provided that the machine-readable passports cannot provide?

He said that in Trinidad and Tobago, this legislation will be used in tandem with a Caricom watch list, intelligence information, a local information watch list and regional criminal databases. He also said that all of the nine countries, and Dominica, that are participating in Cricket World Cup, are required to have similar legislation. This is one of his previous statements. What is the status quo at the moment in terms of these nine other countries, including Dominica, as far as the relevant information with APIS is concerned? Is it only Trinidad and Tobago that has signed in to the APIS?

Sen. Joseph: It is unfortunate, Madam Deputy Speaker. I indicated, in presenting, that so far the only two countries that do not have the legislation as permanent legislation are Trinidad and Tobago and Grenada.

Dr. T. Gopeesingh: Madam Deputy Speaker, he said that the only two countries that do not have the sunset clause; he did not say whether the legislation the other countries which were supposed to enact in keeping with the other Caricom countries, is still in vogue. Is it only Trinidad and Tobago?

Sen. Joseph: Thank you very much for giving way. The only two countries which passed the legislation with a sunset clause are Trinidad and Tobago and Grenada, and we are committed now to making it permanent. I also indicated when I introduced the Bill that the Government has the intention of bringing it back as permanent legislation. Look at the *Hansard*, you will see that.

Dr. T. Gopeesingh: The hon. Minister, this afternoon, indicated that the Trinidad and Tobago/US Memorandum of Intent is independent of any third party; is merely an expression of intent and is still the subject of EU negotiation. I want to show where that is not so. I want to state that the contents of the Memorandum of Intent signed by this country and the US included a requirement for the Caricom countries to share information with the US. This was revealed in a press release issued by the West Indies Cricket Board immediately after signing the Memorandum of Intent. It can be found on the website www.westindiescricket.com.

So the Minister has misled us here this afternoon, saying that the Memorandum of Intent between the United States and the Trinidad and Tobago Government is merely an expression of intent. It is not. The information is shared between the Caricom partners and the United States government. The Minister is misleading the House.

I go on to state that it was also disclosed that the United States government would be entitled to receive information about people travelling to and from the Caribbean and within the region under an agreement signed on Thursday between Caricom and the US. Here again the Minister is saying that it is only an expression of intent between the governments of the United States and Trinidad and Tobago. The West Indies Cricket Board has said something else.

From our own research, it was discovered that although the 2006 Act was slated to end on June 30, 2007, the memorandum signed between this country and the United States, under scope of collaboration, provided that Article III of the Memorandum of Intent between the Trinidad and Tobago Government and the United States:

The measures initiated by the participants pursuant to this Memorandum of Intent are for the purposes of CWC 2007 and are intended to continue after

Immigration Bill
[MR. GOPEESINGH]

Friday, February 29, 2008

CWC 2007 for such period and pursuant to such terms as determined by the participants as part of a long-term partnership.

It is a partnership, but here the Minister is speaking about intent, misleading the House.

I have a few points before I close. I do not want to keep the Parliament long. The current legislation does not have retroactive effect unless brought as a subsequent amendment, therefore all actions consistent with the Immigration Advance (Passenger Information) Act, 2006, which are still being done, we want to say are illegally being done. One of my colleagues asked that, and it is important for you to say what has been done subsequent to June 30, 2007. What was on the Act in 2006, is it still continuing?

What legal recourse would someone have when placed on the no-fly list? Countries in the Caribbean may arbitrarily place someone on the no-fly list and there is nothing on this which gives recourse to the individual who is being deprived of his constitutional right to travel to where he wants to go. This Bill does not say anything as far as what is contemplated in terms of legal recourse.

There is the question of mistaken identity as well. There are many people around the world, particularly the Muslim population, who may have the same name of Ali and Khan. How many have been confused and, therefore, how is this legislation dealing with this issue?

The hon. Minister spoke about a three-pronged attack for domestic security. Caricom visa is one. There are few people in the Caribbean with a Caricom visa, so when you talk about the 5.5 million English-speaking Caribbean people, with 15 Caribbean countries, there are less than a few thousand people who have the visa, so this cannot really help domestic security. Establishment of APIS has not been shown to be of any significance because what you told us here this afternoon has not really shown that it has been successful. What has happened to that Regional Intelligence Fusion Centre? Where is it located? Who comprise those people in this regional centre? We want to know what work is being done. How many people are there? Where is it being housed? How much is it costing? We have no information on that whatsoever, as far as this centre is concerned.

6.15 p.m.

They also spoke about a Caricom Intelligence Sharing Network (CISNET). Where is that CISNET? All these areas are in Trinidad and Tobago: the Regional Intelligence Fusion Centre and Caricom Intelligence Sharing Network. These

systems are being developed to take care of passenger information and yet, in Trinidad and Tobago—the Minister boasts of all these things happening, in terms of the advance passenger information—we have information on 55 or 65 gangs with 500 people and you cannot get information on these gangs and the people operating in crimes in Trinidad and Tobago. You have so many other areas that you talk about such as intelligence and you have no intelligence.

You say that you have information on intelligence and that you have vetted almost 2.8 million passengers over a period of time, but you do not have information on 55 gangs and 550 people, in terms of the criminal element.

You have a regional watch list, dual watch list, Interpol watch list and GRCC which recorded 600 hits against Interpol. As I wind down, do you know what their success is? There are pieces of success with Saudi Arabia and someone from Russia for fraud. You have identified Nigerians using Caricom visas and you detected a paedophile. You are spending all that money in APIS, subjecting the people of Caricom to all these things.

You are creating machine-readable passports and people have to line up from 2 o'clock in the morning to get their passports. Therefore, they cannot get the machine-readable passports; all this to bring a piece of legislation that really makes no sense and does not help with the crime situation and border security. There is much more that we can say but, in the interest of the Parliament this evening, we will hold back some of the information and provide the information in a subsequent debate, relevant to this.

The Minister has a lot of information to give us. He has many questions to answer and, therefore, this advance passenger information system being debated has no major benefit, in terms of border security and intelligence, in reducing crime in the Caricom region.

I could have gone on to speak about what the Prime Minister is talking about, that poverty is creating the problem of crime, but we would not do that this afternoon.

Thank you for allowing me to make these points in this debate.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam Deputy Speaker, thank you very much. Let me first of all start by thanking all hon. Members of this honourable House for their contributions this evening. I thank the Members for Caroni East, Chaguanas West and Princes Town North, and on this side, the Member for Point Fortin, the hon. Minister of Foreign Affairs, the Member for Barataria/San Juan the hon. Minister of Tourism.

Immigration Bill
[SEN. THE HON. M. JOSEPH]

Friday, February 29, 2008

Let me, first of all, start by indicating that the information that is required in the advance passenger information system, is information that, under normal circumstances, must be made available to immigration officers when people come to your country. It is made available when people come to your country. The only thing that is required now is for that information to be presented in advance, as I have indicated, so that processing can take place. That is the first thing. I want to make it abundantly clear. All the information that is required is information that would be provided. It is information that is provided, but it is provided when the person reaches your country, in order to expedite the processing of information, especially because of the world in which we live. We have to be realistic, we are living in a world where security and safety takes a whole new set of proportions and these methods are designed to assist that. That is the first thing.

The only additional information—a couple of persons on the other side asked about date of birth. We said that the reason for the date of birth is to limit the same false positives which the Member for Caroni East raised; people with same names, et cetera. That is designed to limit or reduce the number of false positives that are likely to take place.

Mr. Warner: What is a false positive?

Sen. The Hon. M. Joseph: A false positive is mistaken identity. I think that is the terminology or vernacular that is used. The Member for Caroni East knows what I am talking about. That takes care of that.

My colleague also enquired about retroactive legislation and what happened since then. Let me tell you what happened since then. Since the legislation was sunset, it meant that aircraft carriers were no longer required to provide and meet the requirement. That is what it meant. It meant that was not happening in Trinidad and Tobago, where the information is. There is no need for retroactivity, et cetera. The airlines now, once the legislation is passed, have to comply with meeting the requirements. That takes care of that.

You asked about the additional data elements. What are the additional data elements and what would the Minister want now? The additional data elements are listed in the schedule. They are visa number, issue date of the visa, place of issuance of visa, types of other documents used for travel, other documents, number of document used for travel. That is the other additional data elements listed. The Minister would get up Monday morning and decide: “I would want this or the other.” That is there.

The hon. Member for Princes Town North raised a lot about the EU and the United States. The EU-US Agreement—I have to read because this is information

provided—and the judgment of the European Court overturning that agreement. Rest assured that this was given consideration. The European Community and the US had in fact signed an agreement on May 28, 2004 and it had to be denounced by the EU, as a result of the judgment of the European Court of Justice of May 30, 2006. It was therefore replaced by an interim agreement between the European Union and the United States of America, on October 19, 2006, which expired on July 31, 2007. It has since been replaced by a new long-term agreement. The Agreement would be valid for the next seven years, thus providing for a considerable period of certainty.

By way of additional information, the judgment of the European Court referred not to the advance passenger information, but to the passenger name record information (PNR). I thought I was extremely clear in making the distinction between PNR and the advance passenger information. The judgment of the European Court and the concern of the European Court has nothing to do with at the advance passenger information issue.

He talked also about waivering with the Minister. Again, I tried to make the presentation as lucid as possible. I tried to anticipate what was likely to be asked, given the experience before. I indicated, in terms of the waivering, that it was not individuals but particular flights, for instance a military aircraft or a commercial flight with dignitaries who may be on board. It is not individuals who would be exempt from providing the API, but it is vessels. Those are the reasons for which it is likely to.

In keeping with my friend, I cannot deal with the question about what is important on the legislative agenda, et cetera. What I do know is that my colleague for Chaguanas West said that we ought not to have spent so much time, and in keeping with his advice, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

Clause 3.

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

Mrs. Persad-Bissessar: I have a question first and then some concerns with respect to clause 3(2) When this data is sent to the Chief Immigration Officer, what will happen to that data?

Mr. Joseph: The data would be compared against a Caricom-developed watch list. I think we have indicated Caricom-developed watch list. The Caricom-developed watch list would be populated from information from whether it is the Interpol, the United Nations or any other entity that would be able to help, with respect to our ability to compare that watch list with individuals.

Mrs. Persad-Bissessar: When it is sent during that period before the aircraft or ship arrives, a comparison process takes place.

Mr. Joseph: A comparison process is taken.

Mrs. Persad-Bissessar: What systems do we have in place for that?

Mr. Joseph: I have indicated that we have now developed regional capability so that real-time processing can in fact take place.

Mrs. Persad-Bissessar: When the comparison is done, what happens next?

Mr. Joseph: If it is that there are some individuals who have been identified as persons of interest to the particular state, then that person, or persons, will now be the subject of the immigration officers. I do not want to say interrogation or questioning, et cetera.

Mrs. Persad-Bissessar: During the time when the legislation was in place, how many such persons?

Mr. Joseph: I indicated—

Mrs. Persad-Bissessar: Would you be kind enough to indicate again? Is it 10, 20, 40?

Mr. Joseph: I indicated that there were hits. I think there were 600 hits.

Mrs. Persad-Bissessar: In those 600 hits was anybody prosecuted?

Mr. Joseph: I think I also indicated—I tried to be as generalized as possible—what happened, in terms of the result of the hits. I did indicate.

Mrs. Persad-Bissessar: Was anybody prosecuted?

Mr. Joseph: No, people were sent back. Actions were taken as they related to the individuals, not necessarily prosecuted in the Caribbean because invariably they were people coming into the Caribbean.

Mrs. Persad-Bissessar: They were refused entry.

Mr. Joseph: Or sent back to their respective countries.

6.30 p.m.

Mrs. Persad-Bissessar: With respect to clause 3(2), where we come to the penalty, which is at the end of clause 3(2) it says that where the person “is deemed to have committed an offence in Trinidad and Tobago and is liable to a fine of six hundred thousand dollars”, I just want to ask your draftspersons, through you, whether a fine or a term in prison is not normally listed as the alternative.

Mr. Joseph, Remember, you are charging the master of the vessel, and the master of the vessel is really the representative of the aircraft or the ship.

Mrs. Persad-Bissessar: So, are we going to take it for granted that the airline would have that money to pay?

Mr. Joseph: Yes—

Mrs. Persad-Bissessar: Is it not normal for the wording to be defined whether it is a penalizing clause like this and you have the fine and/or the alternative? I have known airlines that have gone bankrupt.

Mr. Joseph: Hon. Member for Siparia, from my understanding, this is the standard arrangement for the legislation, and it is a question of a fine and not an associated jail penalty.

Mrs. Persad-Bissessar: If the fine is not paid, then what happens?

Mr. Joseph: I guess they might keep the aircraft. I do not know.

Dr. Gopeesingh: Madam Chairman, with respect to what my colleague is asking, there is supposed to be guiding principles governing this whole idea of APIS with ICAO and so forth. [*Interruption*] That is the question that I want to ask.

Mr. Maharaj SC: With respect to the offence, I think there is need to look at this matter again. What you have done is—it is an offence. Now, under the Customs Act, you can have an offence and it is dealt with in a certain way. As you know, in these things, Ministers do not draft and the same draft person would be there for Ministers after Ministers, but I think this matter should be looked at because it is too wide. When you say “an offence”, it could mean a summary offence, and there is nothing to define it in the Bill as to whether it is a summary offence. I think what you mean here is an offence to be dealt with in the same way an offence is dealt with under the Customs Act. What happens then is that the person can either pay the money or opt and decide whether he wants to go and face a magistrate, et cetera.

Mrs. Persad-Bissessar: That is the point.

Mr. Imbert: Opposition Chief Whip, I am advised that this is an indictable offence.

Mr. Maharaj SC: Indictable! What is going to happen is that the person will have to go before a magistrate. If it is that, I think you should say so. It should be defined as an offence. I would ask the department to reconsider it. Because I do not think the intention could be an indictable offence, because what is going to happen is that the whole ship and everybody—

Mr. Imbert: I understand what you are saying, and quite a few of these laws have “on summary conviction”, and this does not have it. I am told by the draftsman that this is straight out of the Caricom model. Now, if there is deficiency in the Caricom model that may have contributed. I am not saying that there is not, but this is a copy of the Caricom model.

Mr. Maharaj SC: What we can do now is make our point. I do not want to hold up the process, because it still has to go to the other place. I think the department should look at it.

Mr. Imbert: It is a very good point.

Mr. Sharma: We have two concerns at this end. Is the “six hundred thousand dollars” fine in TT currency?

Mr. Joseph: Yes.

Mr. Sharma: It has happened in the past where someone was found illegally on an aircraft or a vessel without the knowledge of the captain. Who is responsible?

Mr. Imbert: It says “recklessly and intentionally”, so that would not be the fault of the captain.

Mr. Sharma: So, he would not be responsible?

Mr. Imbert: No.

Dr. Gopeesingh: I wanted to give some assistance to them in terms of this issue of whether it is a summary or an indictable offence. There is the guiding principle issue between the International Customs Association and the other bodies that have come together to bring about this guiding principle for the APIS, so you may be able to find the answer in that.

Mr. Imbert: We assure you that we will examine this aspect of the matter. The matter has been properly raised, and between now and in the other place, we are going to sort it out, and if amendments have to be made we will come back.

Mr. Maharaj SC: May I just mention one other matter for you to consider? Although you have explained the waiver matter, I think something should be put there with respect to the criteria otherwise it can be regarded as being very vague. Since it has to go to another place, we are just trying to advise you to consider it. In other words, you are waiving and, basically, what you are doing is giving a Minister the power to dispense with legislation. I do not think that you should just do it so bare. I think you should consider putting in the criteria to guard it.

Mr. Imbert: That is a very good point. We would consider it.

Mrs. Persad-Bissessar: For further consideration, “the Minister may by Order waive the requirement...” so, if it is that this advance information is coming several hours prior to the arrival—what is an Order? When we look at our legislation, there is a whole process. We have to prepare the Order and gazette it and so forth. How is this going to work?

Mr. Imbert: Let me give you an example of what an Order could be. In the previous legislation, it spoke to ships exceeding 100 tons, so a typical Order could be ships of less than 50 tons that are exempt from the legislation. So, it would be a class.

Mrs. Persad-Bissessar: I am not asking for an example of what you are going to exempt. This is with respect to the point raised by the Member for Tabaquite to put in the criteria. What I am saying is that the process of making an Order is not something that happens overnight. If this ship is on its way, and they send their list, how long before this man has to tell you that he wants you to waive him? If he is coming next week, will there be enough time to prepare the Order and have it approved and so forth? It is a process. An Order is not something that you do instantly. So, it seems useless.

Mr. Imbert: In consultation with the drafts person, as I said, you can have an Order exempting a particular class of vessel. Suppose a head of state is coming with a private aircraft, you will know a week in advance, and then you can publish an Order waiving the requirement. That is another example. I completely agree with the point made by the Chief Whip that we may need to tighten up this clause to establish the framework for the granting of such a waiver Order. We are going to look at that here and in the other place.

Question put and agreed to.

Immigration Bill

Friday, February 29, 2008

Clause 3 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

House resumed.

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

**DEPARTMENTAL COMMITTEES
(DEFERRAL OF APPOINTMENT)**

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, I beg to move that as provided by section 60A(1)(ii) of the Constitution that this House agree to the deferral of the appointment of the departmental committees to March 16, 2008 to allow for further consultation with the Opposition.

Agreed to.

Madam Deputy Speaker: I would like to extend congratulations to the hon. Member for Point Fortin and the hon. Member for Barataria/San Juan. [*Desk thumping*] In both instances, this would have been their maiden contributions. [*Desk thumping*]

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, I beg to move that this House do now adjourn to Friday, March 07, 2008 at 1.30 p.m. On that day, we will do the Retiring Allowances (Legislative Service) (Amdt.) Bill, and if we have time we will do the Copyright (Amdt.) Bill.

Madam Deputy Speaker: Hon. Members, there are four matters to be raised on the Motion for the Adjournment; two by the Member for Tabaquite, one by the Member for St. Augustine and one by the Member for Siparia. For the purposes of today—since the tradition is that we would normally deal with two Motions—we would take the matters from the hon. Member for St. Augustine and the hon. Member for Siparia.

**National Insurance Scheme
(Increase in Contributions)**

Mr. Vasant Bharath (St. Augustine): Madam Deputy Speaker, thank you. You would probably remember that when the National Insurance Scheme first came into existence it was called the National Insurance Scheme. According to the Oxford Dictionary, “scheme” is defined amongst other things, as an artful and deceitful plan.

Madam Deputy Speaker, I can say without fear of any contradiction this afternoon that is exactly what the current National Insurance Scheme is; a scheme perpetrated on the unknowing population of the Republic of Trinidad and Tobago.

Since its inception 36 years ago, the National Insurance Board has collected over \$8 billion in contributions, and to date has not paid out a single cent out of that money collected. In other words, the capital remains untouched. Today, that fund stands at over \$15 billion, which is actually more than the Heritage and Stabilisation Fund.

Madam Deputy Speaker, the notes of the financial statements of the NIB for the years 2005 and 2006 stated that the national insurance system as at today can continue to operate at the current contribution rate for the next 40 years, and yet from 2004—2008 the rate of NIS has gone up by over 190 per cent during those four years.

In addition, the 2006 financial statement goes further to state that the contribution rate at the time, which was 8.4 per cent, is twice the contribution required on a strict pay-as-you-earn basis to meet current expenditure of the NIS. So, the question begs itself: why does the NIB continue to raise contributions in light of these disclosures in its financial statement? Of course, more of that later.

The National Insurance Act, Chap. 32:01, gives the National Insurance Board the authority to expend up to a maximum of 9½ per cent of contributions in any one year for administrative costs and administrative expenses which include salaries, fees, gratuity and remuneration.

Madam Deputy Speaker, from April 10, 1972, when the fund was set up to 1998 when the UNC government actually altered the policy, this Government has overseen the overspending on administrative expenses of the National Insurance Board of \$549.8 million.

6.45 p.m.

In 1995 alone the expenditure on administrative expenses was 36 per cent of contributions, when in fact the Act allowed for 9½ per cent. I say until 1998, because in 1998 the UNC government replaced the 9½ per cent clause with, and I quote:

“An amount fixed by the Minister not exceeding the recommendations of the actuary arising out of the periodic review of the National Insurance System (NIS).”

As a result of that clause the amount expended on administration for the period 2000—2005 was actually \$596 million, instead of what it would have been, \$772 million; a saving of over \$176 million as a result of a policy instituted by the UNC government.

National Insurance Scheme
[MR. BHARATH]

Friday, February 29, 2008

Madam Deputy Speaker, the actuarial recommendation for 2006 and 2007 was \$92.52 million and \$99.91 million respectively based on contributions for those years, but would you believe that the NIB is up to its tricks again. In 2006 administrative expenses amounted to \$96.4 million, an over expenditure of \$3.15 million, and in 2007 administrative expenses amounted to \$106 million, an over-expenditure of \$6.028 million. That amounts to close to \$10 million on administrative expenses over expended again just in the last two financial years. In 2007/2008, under the old 9½ per cent clause, administrative expenses would have been \$187.7 million. Instead, if the NIB conforms to the legislation introduced by the UNC, the actuarial valuation recommends administrative expenses to be \$107 million; a saving again, because of UNC policy of over \$80 million.

In 1980 there was an amendment to this Act to increase the survivors benefit. Many people who were entitled to this benefit were neither able to access it or were never given the opportunity to access this particular benefit because of the runaround that they got. The NIS promises all kinds of benefits to our citizens. It boasts, for example, that you can access the funeral grant within an hour of arriving at its offices. But we all know that that hour is some kind of an hour wrapped up in a time warp in the NIS, and as a result very few people are able to actually access this grant at the time that they need it most, in their hour of greatest need. Many of us have heard stories of people who have gone to the NIS on this particular instance when they have had a bereavement and they have been told to come back tomorrow or come back later, and they have had to sadly find the moneys on their own to pay for their deceased and pay for these funeral expenses.

Madam Deputy Speaker, the National Insurance Appeals Tribunal ordered the NIB to pay these survivor's benefits in accordance with the law, a total of \$41 million is outstanding in amounts payable to these people for survivor's benefits. In reading through the 2005 accounts, I see now that this accumulated reserve of \$41 million that has been put aside for paying survivor benefit is now being used to write off administrative expenses that have been incurred over the last two years and previous years. So what we are seeing is poor people's money in this country now being used to pay for excess and waste at the NIB. There is absolutely nothing, there is absolutely no provision in the law to transfer funds from any benefit account or any benefit fund for the payment of this overspending on administrative expenses. This is just absolute downright dishonesty.

But of course, Madam Deputy Speaker, the NIB, just like other institutions in the country run by friends of their Prime Minister—like the EMBDC—thinks that it is a law unto itself. And since its inception, the NIB has now overspent on

administrative expenses to the tune of about \$600 million without having come to this Parliament for approval. From April 10, 1972 when the fund first came into existence to June 30, 1991, NIS contributions were made by sticking stamps on cards which were received from employers. Revenue, was determined by the sale of these stamps, and from what we gather there has never actually been a reconciliation of revenue with the details of these cards. The result is that an amount of \$3 billion is currently floating around in the NIB, unaccounted for, because employers' and employees' records and details cannot be matched or reconciled with contributions.

Madam Deputy Speaker, I could provide this honourable House with numerous instances of people who have been employed for 30-odd years and upon retirement are now finding it extremely difficult to receive their NIS pensions because of the hapless bungling and diabolic mismanagement and manoeuvrings of the NIB.

This bureaucratic hide and seek with people's hard-earned money has to stop. But who does the population turn to? Government's man at the NIB is none other than the redoubtable Calder Hart, chairman of UDeCott, chairman of NIPDEC, CEO of the Home Mortgage Bank and others. *[Interruption]* A man with more power than any Minister sitting across the Table there. Prior to becoming chairman of the NIB, Mr. Hart was the Government's nominee on the NIB, but let me read for you what Chap. 32:01, subsection (2) states as a prerequisite for chairmanship of the NIB. It says, and I quote:

“The chairman will be a person who in the opinion of the Minister is independent of the Government, business and labour.”

That is what the Act says: “independent of the Government”. Can anyone in Trinidad and Tobago realistically say that Calder Hart is independent of this Government? In fact, it is quite the contrary, he is one of the most powerful men in this Government, and one of the Prime Minister's closest aides. But, when one delves into the workings of the NIB, Mr. Hart's presence becomes all too clear and necessary for this Government.

In the financial statements for year ended June 30, 2006 it is noted that government securities and other bonds have interest rates as low as 1½ per cent. What this means is that the chairman of the NIB, and by extension, UDeCott has access to billions of dollars belonging to the people of Trinidad and Tobago at a rate of 1½ per cent per annum to construct the concrete skyscrapers that are going up around Trinidad. The very same citizen, whose money is being lent at 1½ per

National Insurance Scheme
[MR. BHARATH]

Friday, February 29, 2008

cent, if that same citizen goes to the bank to borrow money he/she has to pay interest rates of 15, 18, 20 and 25 per cent; yet his money is being lent at 1.5 per cent.

Madam Deputy Speaker, that is exactly why the amount earned by the NIB on investment income has dropped so significantly under this PNM administration. Money is being lent at rates that are significantly below the market rate. From 1996—2002, under the UNC government the average return on investment was 8.2 per cent. Under this regime it has steadily declined every single year. In fact, in 2003 it was 6¾ per cent, 2004, 6.2 per cent; 2005, 5.3 per cent, 2006, 5.4 per cent and 2007, 5.8 per cent. So, based on returns achieved under the UNC regime, the investment income for 2007 should have been \$1.2 billion. Instead it is \$869 million, a shortfall of \$334 million. They are mismanaging people's hard-earned money and then coming back to increase contributions.

I know I am short on time, Madam Deputy Speaker, but there are several cases that are now pending before the NIB because of what is called the “one-year-rule”. There are several instances where, if a claim has not been made within 12 months, the claimant has to forego that claim. There are several police officers, currently, who have not been able to make their claims because the Commissioner of Police has failed to classify their leave within 12 months. He has taken more than 12 months and as a result of that they had to forego their claims. And there are many other instances in Trinidad and Tobago where people have had to forego claims because they have not been able to claim within the 12-month period.

People may be unconscious, they may be in the hospital, they may have had an accident, they may be in the madhouse and they come out after 12 months and they have no claim to make because of this ruling. And here we are sitting on \$15 billion of these people's money, which is going to grow to \$18 billion projected by the end of 2008, and yet still we are playing fast and loose with these people's money by giving them a runaround, bureaucracy after bureaucracy, hoping that they would give up and go home, and we would continue to build this fund.

The NIS is currently running like a runaway train; it is a law unto itself, it is like a rebel government—this rebel government. The NIS has never consulted anybody with regard to what they are putting in place; they have never consulted anyone with regard to shaping its policies; they have not consulted anyone with regard to their rate increases and yet still, we are now saddled as a population with 50 per cent increase in NIS on January 08, 2008. I could only hope that we will see the benefits commensurate with a 50 per cent increase in the rate.

Madam Deputy Speaker, we are aware that in the past there were several government Ministers who owed money to the NIB. Two in the last dispensation that we are aware of, and I want to ask the Minister this evening, if those moneys have been repaid, and in fact, what quantum of money is still owing by other people and what bad debts there are currently. It is also our information—and I know I have to wind up now—that over 2,000 people are waiting on grants for disability injuries, simply because the NIS only currently employs the services of one part-time doctor, and I want the Minister to confirm if that is the case.

Madam Deputy Speaker, in winding up, it is only when NIS treats claims presented to them as an opportunity for joyful dispensation, as a moment to contribute to national welfare, national benefit, then it can claim that it has pursued a selfless, philanthropic philosophy and it can then be equal or claim to be equal with other societies in the world.

I thank you very much.

The Minister of Finance (Hon. Karen Nunez-Tesheira): Thank you, Madam Deputy Speaker. My friend or my colleague, the Member for St. Augustine's Motion read: "The increase in national insurance contributions from January 07, 2008; despite massive irregularities and mismanagement in administering of the fund".

What puzzles me—and I am sure the Member of Parliament for St. Augustine perhaps can answer the question—is the correlation between the alleged, and it is only an allegation, irregularity, mismanagement and increase in the contributions. Because my friend on the other side, the Member of Parliament for St. Augustine well recognizes that the increase in the national insurance contributions has everything to do with the increase in the benefits that the people of Trinidad and Tobago enjoy. [*Desk thumping*]

But before I go on to consider those impressive and very generous benefits that the people Trinidad and Tobago enjoy, I think I cannot leave unaddressed the unsubstantiated, the baseless, the scandalous, unfounded and meritless, without merit—

Dr. Browne: Meritless.

Hon. K. Nunez-Tesheira: Meritless. Thank you, Member for Diego Martin Central. [*Interruption*]—scandalous allegations that have been made on the other side. [*Interruption*] Scandalous allegations of irregularities, allegations of mismanagement. That is impugning and bringing into question the character of the members of the NIB, the management and the staff of the organization.

7.00 p.m.

Hon. Member: That is exactly what it is doing.

Hon. K. Nunez-Tesheira: But as you shall see, Member of Parliament, as I stated, those statements are not only scandalous, they are frivolous and they are baseless. Why do I say that? We look first at the audit committee. The National Insurance Board has an internal audit committee that meets every month and it also has an external audit committee that gives a report annually. The National Insurance Board, because it is a responsible board and manages the funds of this country in a prudent manner, delivers its report on time to the Minister of Finance. In fact, I am sure we have laid before this honourable House a copy of that report on January 18, 2008.

The tenders committee meets and in accordance with the highest standards of international best practice, the tenders committee ensures transparency and cost efficiency in its procurement processes.

But I come back to the question at heart. What the question really should be asking, the increase in the National Insurance Board benefits because the increase in the contributions has everything to do with the increase in the benefits. And I would like to bring to the attention, not only of this honourable House, but the listening audience, the kinds of benefits that the people of Trinidad and Tobago enjoy.

Monthly retirement pension has increased from \$1,000, not by 10 per cent, not by 20 per cent, not by 30 per cent, but by 100 per cent, from \$1,000 to \$2,000. [*Desk thumping*] Then we at look at retirement grant, that has gone up from \$200, not to \$300, not to \$400, not to \$600, but to \$2,000. [*Desk thumping*] That is benefit. And we have implemented a monthly widow and widower's pension of \$400. Did you do that on the other side when you were in power? Not at all! [*Desk thumping*] That is not all we did. We implemented—do you know the meaning of implemented?—we initiated a monthly dependant parent pension of \$200 and for those—yes, yes, that is all right. [*Interruption*]

Hon. Member: [*Inaudible*]

Hon. K. Nunez-Tesheira:—\$200 more than you did. [*Desk thumping*] We increased the funeral grant from \$4,000 to \$5,000. So, Madam Deputy Speaker, what I have tried to show there and it is very clear, that the benefits the people of Trinidad and Tobago enjoy are not only substantial, they are impressive. But let us look at the contribution rate because I am sure you will think if you have gotten an increase of 100 per cent and in some cases 900 per cent—in some cases you

did not even have the benefit—you are saying to yourself the contribution rate must have been increased substantially.

Hon. Members: How much?

Hon. K. Nunez-Tesheira: How much? This is a caring Government. This Government increased it from—it was 9.9 per cent and it has increased to 10.5 per cent. [*Desk thumping*] Not even a per cent; not even 1 per cent.

Hon. Member: [*Inaudible*]

Hon. K. Nunez-Tesheira: Thank you, Member. You are sitting in the wrong seat, but thank you anyhow; 10.8 per cent in January 2010 and 11.4 per cent in January 2012. The reason that we have had to increase it is that the actuarial report has indicated to us that if we leave the rate at 9.9 per cent and we continue to increase benefits, what will happen is, that the resources will be depleted. We are a responsible Government, we are a prudent Government and we are a caring Government. [*Desk thumping*]

But, Madam Deputy Speaker, for us to really understand and have a good understanding of what the increase in contributions means in terms of the increase in contribution benefits, I think the best thing to do is to use benchmark comparatives. I think that is the best way we can appreciate what our caring Government does for our people. I will look at it. So let us look at some contribution rates and I am looking at oil-producing countries: Venezuela, Mexico, Saudi Arabia, Nigeria and the Caribbean islands. Venezuela—their contribution rate, 6.75 per cent. What is their monthly pension in the United States dollar? One hundred and thirty-eight dollars. We look at Belize, their contribution rate is 8 per cent. What is their monthly rate?

Mr. Warner: [*Inaudible*]

Hon. K. Nunez-Tesheira: Yes, Belize.

Mr. Warner: They do not have any oil.

Hon. K. Nunez-Tesheira: I said and Caribbean islands. Member for Chaguanas West, I said Belize and Caribbean islands—\$102. Dominica, 9.25 per cent, this is hard, \$15.36; Grenada 9 per cent, \$65; Nigeria, 10 per cent, \$35; Mexico, 8.65 per cent, \$150. Do you want to know what is Trinidad and Tobago's? Let us hear it. From a minimum monthly pension of US \$317, we are paying a contribution rate of 10.5 per cent. [*Desk thumping*] The only country in this whole list that gives a higher monthly pension than Trinidad and Tobago is

National Insurance Scheme
[HON. K. NUNEZ-TESTEIRA]

Friday, February 29, 2008

Saudi Arabia, \$461. Do you know what their contribution rate is? Eighteen per cent. If you want to really appreciate what that contribution rate means in terms of the benefit enjoyed, we are using 1 per cent, disaggregate to 1 per cent.

What it means for Trinidad and Tobago; for every 1 per cent of contribution, we receive a benefit of over US \$30. We look at Venezuela; for every 1 per cent, they get \$20.44. We look at Saudi Arabia—remember you were impressed with Saudi Arabia, but they only get \$25.61 so Trinidad and Tobago for every 1 per cent, we enjoy the highest rate of the pension benefits. [*Desk thumping*]

But then, he spoke about administration expenses, and my friend, the Member of Parliament for St. Augustine indulged in what I have to say, was a lot of hyperbole, semantics and a lot of theatrics because the facts are the facts—and histrionics—they are stubborn and they will not go away. So I think what is important to really understand—because he spoke about administrative expenses and the waste of the Government and so on and so on, but I think he should be driven by some data.

If we look at administrative expenses as a percentage of contribution, it is an average of 7.3 per cent. But even more impressive, Member of Parliament for Tabaquite, is the expenditure as a percentage of total insurable wages. I am sure I am going to surprise everyone here this evening, maybe you might not be surprised—no, no, we know our performance is not like the other side. We might surprise the other side.

When we look at administrative expenditure as a percentage of insurable wages, we are looking at Anguilla, Antigua, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, and I can go on and on, but you know what my point is, the lowest. Do you know what is the lowest? Take a guess. Tell us! Trinidad and Tobago [*Desk thumping*] and this is data from 2003. Trinidad and Tobago, 0.6 per cent, not even a per cent, 0.6 per cent. We have Anguilla with 2.3 per cent; Bahamas with 1.7 per cent; Barbados with 0.9 per cent; Belize with 2.2 per cent, the point being that administrative expenses as a percentage of insurable wages, Trinidad and Tobago has the lowest. [*Desk thumping*] Absolutely lowest rate. [*Desk thumping*]

You know that is how I am going to end. You are being a little premature because that is really what I want to say at the end. I want to thank him and I thank him from the bottom of my heart. [*Desk thumping*] Yes, I want to thank you because you see what you have given me as an opportunity this afternoon, Member of Parliament for St. Augustine, is this, it is clear that the contribution rate that we pay in Trinidad and Tobago, the contribution rate in the context of the benefit—

Mrs. Persad-Bissessar: No, she is doing good. [*Crosstalk*]

Hon. K. Nunez-Tesheira: Thank you, Member of Parliament for Siparia, as one of my former colleagues and one of my classmates. Thank you. That is all and I think I have made the point and I think the point has been made very, very clearly. We can say we have Calder Hart, but Calder Hart is doing an excellent job based on these returns. [*Desk thumping*]

Madam Deputy Speaker, in any event, it is clear from the data and the hard facts that the National Insurance Board has been doing an excellent job, but it is not sitting on its laurels. The National Insurance Board has a pilot programme in place in which it is now developing a secure insurance administration database as it continues to provide efficient service for the people of Trinidad and Tobago and I will give you some facts. For the period 2006—2007, the National Insurance Board was able to dispense over \$1.39 billion to over 137,000 beneficiaries. [*Desk thumping*] That is performance, not “ole talk.”

Madam Deputy Speaker, I want, in closing, to emphasize that there are no irregularities or mismanagement in the administration of the national insurance fund. The fund is well managed both in the short and long term, and in fact, whilst the Member from St. Augustine was speaking, I looked at the Executive Director's Report and I am sure he would have read it also and would have realized that now the fund has increased from over \$11 billion in the last year to over \$14.8 billion this year. [*Desk thumping*] So in closing, I want to emphasize once again that the benefits that the people of Trinidad and Tobago enjoy are the highest in the region.

I thank the Member for St. Augustine for the opportunity he has given me to demonstrate once again that this Government continues to deliver because it continues to care, [*Desk thumping*] and that we will continue to discharge our responsibilities to the people of Trinidad and Tobago in a manner in which we are accustomed, prudently, with responsibility and with care. [*Interruption*]

Hon. Member: [*Inaudible*]

Hon. K. Nunez-Tesheira: Yes, these are the facts. This is not innuendo, this is not half truth; this is the truth, the whole truth and nothing but the truth.

Thank you, Madam Deputy Speaker. [*Desk thumping*]

Indiscipline and Violence in Schools

Mrs. Kamla Persad-Bissessar (*Siparia*): Madam Deputy Speaker, I must say I enjoyed that very spirited contribution from the Member for D'Abadie/O'Meara and I thank you for the opportunity in allowing us to raise this matter on the adjournment.

Indiscipline and Violence in Schools
[MRS. PERSAD-BISSESSAR]

Friday, February 29, 2008

When I wrote to the Speaker on Monday of this week, at that time we did not have the very tragic incident which occurred later in the week, but on Monday I felt constrained to seek leave of the Speaker to talk about indiscipline and violence in our nation's schools. I did so because prior to that, maybe a couple of weeks ago in this very Chamber, we were debating the Teaching Service (Compensation) Bill; prior to that, the International Child Abduction Bill, and in both of those we had raised concerns about what is happening in the nation's schools and what is happening generally with children in Trinidad and Tobago.

I record today our sympathies, our condolences on the passing of the young school boy from Success Laventille Composite School. I am sure it brings none of us any joy to talk about it and boast of it, and therefore, I will not spend any time on that, except to see it as a very strategic end, in terms of what had been building up, what we had seen building up and what I am sure the Government knew of, the Ministry knew of when I talked about our schools becoming war zones. That is what I said two or three weeks ago. I know some scoffed at it, but the statistics are very clear and am heartened to see that the hon. Minister in some of her comments has said that the surveys are showing that there is a difficulty in many of the schools.

And I today when I raise this matter, I have no intention of blaming or playing a blame game. I think we are all very concerned about has become a ticking time bomb in our nation's schools and I look forward to hearing what the Minister has to say in terms of how we deal with it. I am not heartened, however, by the Minister's statements that I read in the newspapers, if those are true in terms of the approach and what is going to be done about it because it seems to me that we are going to be setting up another committee.

7.15 p.m.

It is another committee being set up; that is not really a solution. It is just as has been done before, setting up one committee after the other. Several committees have sat in that Ministry over the past year and the year prior to that; this is not something new.

Madam Deputy Speaker, I have put to rest the comment that it was the UNC who placed those children in schools, and that was the reason for the violence there. That can no longer be the cause of it; if it ever was a cause. I disclaim if that was ever the cause of violence in the schools. The statistics show very clearly that these are Form Is, Form IIs, Form IIIs, Form IVs, and Form Vs. These are not students placed in schools by a UNC government.

I heard some persons say that the removal of corporal punishment in schools was the reason for the violence in schools. I totally disagree with that. When that law was passed in this Parliament, it was not a simple majority law. It was passed with the help of the PNM then in Opposition. It was passed with the Independent Senators. Indeed, it was a really a proposal coming from then Independent Senator, Diana Mahabir-Wyatt, in a joint select committee that was looking at the package of children legislation. That was when the clause had been inserted.

I recall that in Cabinet, when the matter became public, many Members were very surprised that such a clause had, in fact, been inserted and put in place. I was chastised by one or two persons that I had misrepresented their position, that we had not, in fact, passed that law. But it was passed because of the insistence of the Independent Senators and, certainly, with the concurrence of the then Opposition Members and government Members.

What is the point? I raise it because that is another blame game: We have taken corporal punishment out of schools, so that is why we have violence in schools. If that were the case then we should not have any violence at all; we should not have the murders and other crimes taking place out there either. Those older ones committing the crimes were probably beaten in the schools; I do not know. That issue has been dealt with in the research, the surveys and empirical evidence throughout the globe, that beating somebody is not one way to stop someone from being violent to others. That research is open.

If the Government is of the view that is a real reason for violence, they are in charge; they can come to the Parliament and move it out. I am not of the view that is the cause. The cause really goes down into what is really happening. I am not sure what the position of the Government is. [*Crosstalk*] I am not saying that you have; I said if that was your view. That is the view being shared in the public domain on the call-in talk shows: "UNC put dem there; Kamla and Panday to blame; we put dem there; you removed corporal punishment." I am taking that off the record.

First of all, we did not place those students where the violence is happening now. Secondly, I am not of the view that corporal punishment is the issue. If Government shares that view, as shared by a few persons out there, then they have the majority to move it. The more important concern is that we saw this coming.

I commend the hon. Minister for taking some steps, but I am not heartened by them. I want to hear further. I read where the Minister said it was an unusual incident; the newspapers carried it. It is not, because I can pick up the newspapers

from over the last six months of the year: School boy in court for Rio Claro bar killing; student charged with wounding; students hurt in school fight; teen stabs teen in school fight; teachers fear as pupil war erupts in school; students quizzed; stabbing at schools; and it goes on. It has been there.

The former Minister of Education came to the Parliament, as late as last July, and gave the statistics in terms of what was happening in the schools. There was a press release which came out in August of last year from the Ministry of Education saying that this thing had gone from severe to moderate. I read the press release of August 05, 2007:

"In a statement to the Parliament on May 22, 2007, Senator Hazel Manning, Minister of Education reaffirmed that incidents of violence and indiscipline are not limited to any one type of school or to particular geographic areas."

So it is anywhere.

"Indiscipline serious enough to disrupt schools or reach the extremes of violence is evident only among a minority of students."

This is August 2005, "a minority of students". Well that may be so; 300,000 students. You want to tell us the numbers, fine; but we have a Government-sponsored survey that is done every year. I mentioned it before, but I want to make note of it again:

The Global School-based Student Health Survey 2007

"...was developed by the World Health Organization (WHO) in collaboration with United Nations' UNICEF, UNESCO, and UNAIDS; and with technical assistance from CDC. GSHS is a school-based survey conducted...among students aged 13–15 years."

It is done in collaboration with the Ministry of Health. It is within the domain of knowledge of the Government and government officials.

In this survey I repeat the statistics that I shared with you before, which said that as high as 40 per cent of our students were physically attacked on one or more occasions during the past 12 months, and this was last year, 2007. Out of that number, 49 per cent were boys and 32 per cent girls. The percentage of students who were in a physical fight for one or more times during the past 12 months: 56 per cent boys, 39 per cent girls. Percentage of students who were seriously injured one or more times during the past 12 months, 53 per cent boys, 39 per cent girls. Percentage of students who were bullied on one or more days

during the past 30 days: 21 per cent boys and 18 per cent girls. These statistics come from a credible source, and they are a source of great concern.

There are other things dealing with deviant behaviour, drug use and hygiene. I am sure the Minister may be aware of this survey, because it came out of our nation's schools. It is there; it is a ticking time bomb, if we do not deal with it now we are going to have problems. I am heartened that the Minister said, "I want to do something about it." I am concerned. I think we all want to do something about it. The setting up of the committee, in my respectful view, is not the solution; it is not enough. I go further to say that in addition or together with whatever this committee is doing, there are things within the Ministry that need to be addressed. I mentioned this before.

I see that the Minister has pulled guidance officers to send them down to the school. What is happening in the other schools? The establishment of the Ministry of Education has 50 guidance officers. Do you know how many students we have? We have almost 300,000 students in this country; 50 guidance officers to 300,000 students; you are talking about one per 60,000. How can that ever be? If the problem is coming from the root, from below, it is not after the fact, after somebody else gets stabbed, that we send in the guidance officers.

There is a programme called Head Start where you identify the troubled souls from early and you give them guidance and counselling. We do not come after the fact, after the thing has happened, to send guidance officers to calm down the students, although we need that.

We have 100-plus secondary schools and another couple hundred primary schools, but how many supervisors do we have? Madam Deputy Speaker, there are 25, 30, maybe 40; again, one per so many schools, so many thousands of students. The heads and deans—we were supposed to put those in place to counsel, to guide, and to have direct contact on a one-to-one level. Out of 719 heads and deans that should be appointed, over the past six years just about 200 have been appointed. Teacher shortages—these are things you do not need a committee for, with due respect, hon. Minister. These are things within the structure and function of the Ministry.

I notice that you have set up this committee and you asked for everyone to come on board to give help, but it is interesting to note that no request has been made for any representative recommended by the Opposition. We would like to have a voice in it too, because the children are our future, and our future is at stake. In whatever way we can help, we are willing to come forward and give assistance. I look forward to your response.

Thank you.

The Minister of Education (Hon. Esther Le Gendre): Madam Deputy Speaker, today I rise to respond to the Motion by the hon. Member for Siparia on violence and indiscipline in our schools.

In my capacity as the Minister of Education and on behalf of the Government of Trinidad and Tobago, I add and express my sympathies to the family, friends and classmates of young Shaquille Roberts and to the principal and staff of the Success Laventille School. Today, another one of our sons is dead. I am a parent; many of us here are parents. We feel it deeply in our hearts. We on this side understand that it takes a whole village to raise a child. We must all feel a sense of responsibility for our children, each of us: every parent, guardian, teacher, religious leader, pastor, imam, every corporate citizen, community-based organization, indeed, every politician.

There is no doubt that these are difficult and challenging times. It is time for each of us to review what we have done and devise new strategies, if necessary, to minimize violence and indiscipline in our schools and create the peaceful environment that is conducive to quality education.

In 1988, the then National Alliance for Reconstruction (NAR) government held a national consultation on violence and indiscipline in our schools. The report submitted in August of 1989 noted that the issues, which are the same that we are faced with today, were not limited to any one type of school or any particular geographic area. According to the report, violence and indiscipline were evident only among a small minority of students, and the majority of the student population displayed positive behaviour. In the chronology of Government interventions of these issues, we will discount the 1995—1997 consultations with students, mounted by the then Education Minister, because nothing of substance emerged. However, 11 years later, in the year 2000, our Member on the other side formed a committee—she had no problem with it then—to review the recommendations of the 1988 consultation. These recommendations focused on the school, the society, the community, the individual and the home. She went on to form six committees to implement these recommendations, some of which are still in place today.

In the year 2000, the Ministry of Education moved expeditiously to pull together all these various activities into a coordinated project called, “Project Peace”. The major goal of Project Peace was to create a culture of peace in the individual, the school, the family and the community at large. It began to address, redevelop and implement various activities to reduce violence and indiscipline in our schools.

In 2003, the Ministry commissioned a study by Sen. Prof. Deosaran, *Benchmarking Violence and Delinquency in the Secondary School, Towards a Culture of Peace and Civility*. That study would be the first systemic, scientific and comprehensive study undertaken in order to provide empirical data upon which our intervention strategies could be based. The Ministry recognized that planning and implementation had to be based on careful studies and not just exaggerated events in the media, spiced by every political commentator.

The Cabinet in 2004 endorsed several recommendations for implementation, among them: greater involvement of the police in enforcing laws among young persons; a system of substitute teachers and training in classroom management; increased numbers of social workers and guidance officers for schools; the development of programmes in civic attitudes, moral values and self-esteem; programmes for ethnic peace and harmony.

This first study was based on 10 schools randomly selected. On the basis of results, Sen. Prof. Deosaran noted, and I quote:

“We became impressed with the need to examine school violence and delinquency, not on the stereotyped assumption of school type, but, more reliably, on a school by school basis and even better yet, on a form by form basis.”

Essentially the report concluded that the higher students' level of civic attitude, self-esteem, moral and spiritual values, the less likely were they to engage in violence, delinquency and classroom disruptions.

7.30 p.m.

A second study was commissioned by Prof. Sen. Deosaran in 2005 to survey an additional 10 schools. This study measured the extent of violence and delinquency committed by a sample of 2,760 students and examined the relationship between delinquency and students' demographic, social, and psychological backgrounds. In response to questions to compare student behaviour at home and in the schools, the following information was gathered:

With regard to smoking, 7 per cent of students in the survey smoked at school; 15 per cent smoked at home. With respect to alcohol consumption, there were 17 per cent in the school environment; 49 per cent at home. With respect to illegal drugs, you had 4 per cent in the school; 6 per cent at home. I keep reminding you that this is a sample of 2,760. With regard to those students, 20 schools were selected randomly. Using force in school, 20 per cent; 21 per cent at home. Threatening others, you had 40 per cent in schools and 37 per cent at home.

Indiscipline and Violence in Schools
[HON. E. LE GENDRE]

Friday, February 29, 2008

Fighting without weapons, 22 per cent in schools and 30 per cent at home; fighting with weapons: sticks, stones, pieces of pipes, knives, other sharp objects, 6 per cent in our schools and 11 per cent at home.

The report surmised then that interventions needed to be more focused on the home as this was where the most serious acts of violence and delinquency took place. This evidence-based study has propelled the ministry to reshape and reposition its programmes and system for more sustainable management and service delivery.

The Members on the other side have made a variety of claims which manipulate events and are fashioned for headlines. First, they create the reports and then they come back and quote from the same reports. I wish to state categorically that these claims are insensitive, misleading, malicious and irresponsible. They serve only to create and feed a sense of fear and insecurity among our students and the nation at large. Perhaps they have the misguided view that if there is a perceived breakdown in society, they might be afforded a return to the Government. This reckless labelling of our schools as war zones, hotbeds of violence and indiscipline; our teachers as criminals, are the rantings of sore losers trooping behind a tragic figure who, every week, demonstrates no real interest in the goings-on in this honourable House. [*Desk thumping*]

We all lose when we denigrate the institutions that uphold us, whether they are the education system, the judicial system or the police system. Permit me to bring to the attention of this honourable House and, in particular for the benefit of Members on the other side who appear to be unaware of the critical issues that govern quality education and secure schools, these are: school management and leadership; curriculum relevance; support services for students; school safety and security.

I now wish to detail the ongoing initiatives of the Ministry of Education in these areas. The management structure in our nation's schools has been enhanced. To date, at the secondary school level, 366 deans and 425 heads of department have been appointed. Additionally, 261 senior teachers and 163 heads of department have been placed in our primary schools. This ensures that our schools are well managed and that the necessary human resources are in place to provide the leadership that will allow for efficiency operation of the schools.

The main responsibility of our deans is to provide and to support order and discipline in the schools. The deans are further supported by Form teachers, safety officers, guidance officers and precepted security personnel. An essential component of school management is governance. We have established 91 local

school boards in all government secondary schools, because the denominational schools install their own school boards. Additionally, student councils have been established in 90 secondary schools. They are active and they provide leadership for students bringing student issues to the attention of the school management.

We recognize the importance of continuous training to update the knowledge and skills of our school leadership and training partnerships with both the UWI and the UTT are in place. Curriculum relevance has been identified as a critical issue in increasing levels of student learning and decreasing levels of indiscipline when students are fully engaged in the learning process.

The Ministry of Education continues to build on curriculum development by implementing two additional core subjects: visual and performing arts; technology education for Forms I—III at secondary schools. A modernized curriculum consists of eight core areas. Beyond Form III, there are some 34 subjects available. We ensure the participation of students in physical education, theatre, arts. These are now examinable at the Caribbean Examinations Council. We have revised the curriculum for science and social studies. We have built on the capacity for continuous assessment, testing, evaluation, to support the goals of this new curriculum.

We have introduced 24 technical and vocational—

Mr. Partap: The system failed.

Hon. E. Le Gendre: According to you, not according to me—and leading to certification at the CXC level. A Student Support Services Division established in 2004 provides ongoing support for our students. There are 90 guidance officers, 60 at the secondary level and 30 at the primary; 30 social workers at 88 primary schools. Specific emphasis has been placed on providing counselling, et cetera. These services are either resident in the schools or available on request. So, in effect, no school goes uncovered. Programmes involving career, academic, personal, social, all of these are in place. Between September 2006 and December last year, a student population of some 45,000 children at 88 primary schools where our service is fully operational, only 475 students have been counselled for a variety of issues, including aggressive behaviour, et cetera.

I have a lot of information; I will be happy to pass the copies on to my colleague on the other side, but with time against me, I would like to say that at times like these, we have cause always to reflect and we believe that we can benefit from an objective review of our strategies to date. For this reason I have formed a committee of stakeholders tasked to review our strategies and to

Indiscipline and Violence in Schools
[HON. E. LE GENDRE]

Friday, February 29, 2008

recommend an improved direction, if necessary. I wish to allay any fears that this would be just another talk shop, as members of this committee have solid credentials. They have either supported education in the past; they are independent experts or they have a recognized contribution to make. Even as we await the first meeting of this committee in the first week of March, the ministry has taken a number of additional steps to improve security and restore confidence in the safety of our schools.

My final word is to the majority of our hard-working and disciplined children of this nation who must surely feel that they are under attack by an insensitive adult population. I want to assure them of our appreciation of their efforts. I call on parents, mothers, fathers alike, to rally around the children, and the principals, the teachers who take their place in the classrooms. I call on everyone who can contribute, to join with the educators, the police, the religious organizations and community organizations to support the ongoing quest for excellence in education and an environment of peace and civility.

I thank you. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.39 p.m.

WRITTEN ANSWER TO QUESTION

Mayaro Constituency

(Projects being Undertaken)

55. Mr. Winston Peters (*Mayaro*) asked the Minister of Local Government:

With respect to the Rural Development Company Limited, could the hon. Minister state:

- (a) the number and type of projects undertaken in the Mayaro Constituency between January 01, 2006 and December 31, 2007;
- (b) the total expenditure on these said projects;
- (c) the names of all contractors employed to undertake these said projects in the Mayaro Constituency;
- (d) the status of these projects; and
- (e) what new projects are being proposed in the Mayaro Constituency and when are they scheduled to commence?

The Minister of Local Government (Sen. The Hon. Hazel Manning): For the period January 1, 2006 to December 31, 2007, the following seven (7) projects were undertaken in the Mayaro Constituency by the Rural Development Company of Trinidad and Tobago Limited, at a total cost of \$5,210,614.16:

	Project	Expenditure (VAT inclusive)	Contractor	Status
1.	Drainage works done to the Cunapo Southern Road from the 36.5km mark (LP#147).	\$401,749.74	Saiscon Limited	Completed
2.	Drainage work done to the Cunapo Southern Road in the vicinity of the Temple.	\$779,849.34	Sharoz Entereprises Limited	Completed
3.	Drainage work done to the Cunapo Southern Road from the Service Station to the Navet Community Centre.	\$552,281.59	Saiscon Limited	Completed
4.	Drainage upgrade and the construction of a sidewalk on the Cunapo Southern Road from LP#110 to LP#115.	\$795,113.45	Mahabirsingh Industries Limited	Completed
5.	Drainage upgrade and the construction of a sidewalk on the Cunapo Southern Road from LP#85 to LP#91 (250m).	\$841,043.88	Bowain Contracting Limited	Completed
6.	Drainage upgrade and the construction of a sidewalk on the Cunapo Southern Road from House #387 to LP#A74 (250m).	\$798,194.88	Gateway Environmental and Maintenance Services	Completed

Written Answer to Question

Friday, February 29, 2008

	Project	Expenditure (VAT inclusive)	Contractor	Status
7.	Rehabilitation of the Agricultural Access Road off the Cunapo Southern Road at LP#144.	\$1,042,381.28	G&P Sawmilling Industries	45% Completed
	TOTAL	\$5,210,614.16		

The RDC has identified the following five (5), as proposed projects to be implemented in the Mayaro Constituency in the fiscal year 2008:

	Project	Commencement Date
1.	Drainage upgrade works and the construction of a sidewalk on the Cunapo Southern Road from LP#104 to LP #110 (400m).	February 7, 2008. The Contractor is being mobilized.
2.	1,400m of drainage upgrade works (700m on both sides) on Location Road.	This project is in the Tender stage.
3.	1,100m of drainage upgrade works (550m on both sides) and the construction of an Agricultural Access Road 550m long x 6m wide from the end of Location Road.	This project is in the Tender stage.
4.	700m of drainage upgrade works (350m on both sides) and the construction of an Agricultural Access Road 400m long x 6.5m wide on the Mahabalsingh Branch Road.	This project is in the Tender stage.
5.	125m of drainage upgrade works on the Cunapo Southern Road from LP#143 to the Bridge No. 224.	This project is in the Tender stage.