

Matter to be Raised

Tuesday, July 18, 2006

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**MATTER TO BE RAISED
(SEN. WADE MARK)**

Madam President: Hon. Members, I received correspondence from Sen. Mark which I considered. I am afraid, however, that it does not qualify under Standing Order 12(2), but it could be raised under Standing Order 11(1).

Sen. Mark: Madam President, may I? The matter that I have raised—

Madam President: Yes, that is the matter that I referred to.

Sen. Mark: Procedurally, the practice has been that you would allow the—

Madam President: No, not in the Senate.

Sen. Mark: It is not allowed in the Senate?

Madam President: As far as I know. I know that in the past we have had these matters and just a reference is given. They are not usually raised or discussed as is done in the Lower House.

Sen. Mark: The Senate would not be apprised that it is a Motion of urgent, definite public importance. So, what I am saying is that as the Senator who has advanced the Motion to you—it is not correspondence, it is a Motion—it ought to be properly moved under the appropriate item.

Madam President: I am just going to clarify. That was the correct procedure.

CARIBBEAN COURT OF JUSTICE TRUST FUND BILL

Bill to provide for the implementation of the Revised Agreement establishing the Caribbean Court of Justice Trust Fund and for related matters, brought from the House of Representatives [*The Minister of Foreign Affairs*]; read the first time.

**CARIBBEAN EXAMINATIONS COUNCIL
(PRIVILEGES AND IMMUNITIES) BILL**

Bill to give effect to the Protocol on Privileges and Immunities of the Caribbean Examinations Council, brought from the House of Representatives [*The Minister of Foreign Affairs*]; read the first time.

PAPERS LAID

1. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. The Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment) Order, 2006. [*Sen. The Hon. C. Enill*]

**Trinidad and Tobago Housing Development Corporation
(Vesting) (Amdt.) Order**

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, may I also advise that the Statutory Instruments Committee considered the Trinidad and Tobago Housing Development Corporation (Vesting) (Amdt.) Order, 2006 and found that there is nothing to which the attention of the Senate should be specially drawn. The Minutes of the committee were circulated to Members.

**JOINT SELECT COMMITTEE
(SECOND REPORT)
(Presentation)**

Sen. Prof. Ramesh Deosaran: Madam President, I beg to lay on the Table the Second Report of the Joint Select Committee of Parliament appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission. This is a special report on the Tunapuna/Piarco Regional Corporation in accordance with provisions 71B(7)(d) of the Standing Orders.

Madam President, just a brief comment. There are 14 such municipal corporations and this is the first such report along that line.

Thank you.

Madam President: Senators, we may have to return to this item a little later on in the proceedings. There is another matter that may need to be raised under this item.

ORAL ANSWERS TO QUESTIONS

**Quarry Licences
(Granting of)**

61. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Could the Minister inform this Senate of the precise procedures which will be followed by the Government to grant five new quarry licences to private sector companies involved in quarrying operations, with a view to reducing the existing shortage of aggregate in the construction industry?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, thank you. In answering this question, because it is a complicated one, I would take a little time, but I thought that should be placed in context.

Madam President, the Government has adopted a holistic approach to the management of the quarry industry in Trinidad and Tobago. This approach encompasses regularization of existing operators on state and private lands; institutional changes in the administration and management of the industry; and measures to ease the shortage of construction aggregate.

Under regularization, the Ministry of Energy and Energy Industries on February 10, 2006 published in the daily newspapers a notice inviting active quarry operators to apply for the regularization of their operations. To date, a total of 91 licences have been awarded to existing quarry operations on state and private lands, and eight licences for new quarries on state lands. This initiative is intended to regularize all bona fide quarry operators.

On the legislative front, consequent to their comments and a public consultation with the quarry industry, steps are being taken to finalize a White Paper on the industry. The key policy issues include the enactment of a Geological Survey Act, a Quarries Act, and the establishment of a Quarries Authority to effectively regulate quarrying activities in Trinidad and Tobago.

Pending the enactment of legislation for the reform of the industry, draft regulations under the existing Minerals Act, 2000 have been prepared as an

interim measure for the regulation of the industry. Draft legislation for the reform of the quarry industry would be completed by the end of this month.

Allocation of quarry lands: The demand for construction aggregate has tripled five-fold from three million cubic yards in 1996 to 15 million cubic yards in 2006 and it continues to rise. Many of the projects are government projects, and the lack of quarry material would retard the rate of construction.

Given that the demand cannot be met from existing quarry sources, it was necessary to identify and allocate new acreage to meet the demand created by the construction industry. In March 2006, the Government put out for tender six blocks comprising 216 acres at Tapaná to small operators. An award of these lands is imminent. However, the release of the above lands would have minimal impact on the supply of aggregate given the very heavy demand. Accordingly, the Government has agreed to make available to the industry quarry lands amounting to approximately 1,120 acres at Tapaná, Valencia and Matura, as well as the Cumaca Quarry comprising 30 acres.

It was decided to fast-track the release of 860 acres by issue to those operators who have the financial strength and technical expertise to bring aggregate on the market in the shortest possible time, and whose activities are on a national scale. It is estimated that these operations would invest some \$40 million to \$50 million each in plant and equipment to avail their respective quarries in accordance with regulatory and environmental standards. Based on these criteria and their requests for quarry lands to sustain their operations, 860 acres were allocated to the following operations: Readymix West Indies Limited, 348 acres at Tapaná; Bescrete Limited, 300 acres at Valencia; and Home Construction Company Limited, 212 acres at Matura. All three companies are big users of aggregate. The remaining 260 acres are to be allocated to small operators and tenders have been invited for four blocks comprising these 260 acres, and bids are currently being evaluated. Tenders were also invited for the Cumaca Quarry and bids are also being evaluated.

Additionally, the Government has allocated lands at Tapaná in the amount of 245 acres to Coosal Construction Company Limited and 150 acres to Dipcon Engineering Services Limited, in exchange for lands previously allocated, but did not possess the reserve certified by the Ministry. These lands were, in fact, allocated about six years ago.

In the continuing process of increasing the supply of aggregate, the Government agreed with the private sector management of the Scott Quarry at

Blanchisseuse Road, Vernonvale. Bids were invited in 2006 and an award is imminent. The projected output from this quarry is estimated at 600,000 metric tons per annum

Given the heavy demand for aggregate, the Ministry of Energy and Energy Industries is pursuing an accelerated evaluation of the State's quarry resources. In this regard, the ministry has commenced a limestone mark-up exercise in the Northern Range, and surveys of 1,400 acres in Tapaná, Matura and Wallerfield. Arising from this exercise, the Ministry anticipates 300 acres of quarry lands could be made available to the industry on a quarterly basis.

Madam President, the Government has adopted a policy of widest participation in the allocation of quarry lands, subject to the operators possessing the required expertise and resources to ensure optimal production of aggregate in order to survive this ever increasing demand by the construction industry.

Thank you.

Sen. Mark: Madam President, the hon. Minister did identify earlier in his statement that some eight new licences were awarded to companies to operate on state lands. Could the Minister identify the eight companies that were awarded these licences?

Sen. The Hon. Dr. L. Saith: I do not have the information, but I can make the information available to the hon. Senator.

Sen. Mark: Madam President, through you, again, could the hon. Minister indicate with these measures being adopted by the Government, how are these measures going to assist in overcoming what has become an obvious shortage in aggregate supply for the construction sector of this economy? With those measures in mind, could Sen. The Hon. Dr. Lenny Saith indicate to us within what period of time we could expect the kind of quantity, having regard to the award of these licenses?

Sen. The Hon. Dr. L. Saith: Madam President, there is obviously a time lag between making land available and quarry material coming on stream. To a large extent, it would depend on the speed at which these investors, including the small operators would go out there. We in the ministry are fast-tracking these licences. In fact, I have signed all the licences already. We have regularized persons who were there quarrying in a manner that was not consistent with the environment. We have these awards that we are making.

In the interim, we have removed the restriction on the importation of aggregate to allow aggregate to come into the country whilst this is being developed. We have just commissioned a new washing and crushing facility for National Quarries to take its production up and we have transferred another 168 acres of land at Tapanā to National Quarries.

I believe, and I am talking as an engineer now, that within the next 12 months, on an incremental basis, you would begin to see an increase, and with that increase would come stabilization of the industry, in terms of price and in terms of the ability for the industry to go forward. There has been a gap in this planning. As you could see, since February a plan was put in place to increase quarry production.

Sen. Mark: Could the hon. Minister indicate what process was used to grant licences to Bescrete, Readymix and the other two or three companies that he has mentioned to operate in those areas that he has identified? What process was used? Was it a tendering process or was it a question of the Minister exercising his discretion?

Sen. The Hon. Dr. L. Saith: I indicated in my answer that for the small quarries we have used a tendering procedure. That is the 40- to 50-acre blocks. We are about to award five and we have six more going. With respect to regularization, we have regularized people and whatever size they have. In the case of Cumaca, it is out for bid and Scott Quarry is also out for bid.

With respect to the five companies, I have indicated that two of them had quarry lands allocated to them in 2000. They are Coosal and Dipcon. Those lands for which they paid proved not to have the resources, so we have exchanged those lands. In the case of Readymix, Bescrete and Home Construction Limited, those applications are before us and they are major users of aggregate; big users of aggregate, but not only that, quarries of that size would require substantial financial investment. As I said, we estimated anything between \$40 million to \$50 million to be invested to have a productive quarry. So, on the basis of use, and the fact that they have the financial resources, we allocated lands to these three companies. It was not a bid; it was an allocation based on an assessment of their competence, financial strength and their use. If you get the big users to produce their own aggregate, what you are in fact doing is releasing the aggregate coming from the smaller producers to the wider market, and that was the basis.

**Security Cameras
(Details of)**

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

1. Could the Minister state whether it is the intention of the Government to purchase, install and maintain security cameras in all business districts in Trinidad and Tobago?
2. If the answer is in the affirmative, will the Minister further state:
 - (a) the estimated cost to Government for the purchase, operation and maintenance of these cameras; and
 - (b) the procedures to be used to procure and assure maintenance of the equipment?

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, it is the Government's intention to acquire closed-circuit television pilot system for deployment in Port of Spain and San Fernando. It is proposed that this pilot phase would include downtown Port of Spain, covering the area bounded by Park Street to Independence Square and Richmond Street to Charlotte Street; and San Fernando city centre covering High Street from the bus terminus at the wharf to Coffee Street and the Harris Promenade area including City Hall, the police station, lower courts and the hospital.

Subject to the evaluation of this pilot system, permanent closed-circuit television systems would be put in place at all business districts in Trinidad and Tobago. The estimated cost of the first phase of the project is TT \$23 million which includes the design, installation and coordination with transmission and power supplies to training of staff and ongoing maintenance of the system.

The Ministry of National Security proposes to have the pilot project implemented by way of engaging a single private contractor. This contractor would be accountable to the Ministry of National Security and would have full control of and responsibility for the design, installation and coordination with transmission and power supplies through the training of staff and ongoing maintenance of the installations.

Accordingly, the Ministry intends to extend the tendering process, both locally and abroad.

Sen. Mark: Could the hon. Minister indicate whether the existing system in downtown Port of Spain involving DOMA—is there a relationship between the

Ministry of National Security and the Downtown Owners and Merchants Organization in effecting or installing these cameras that are now located in Port of Spain? Could the hon. Minister share with the Senate if there is a relationship and give us some information on the nature of the relationship?

Sen. The Hon. M. Joseph: Madam President, discussions have been taking place with DOMA, as is expected, as they relate to making sure that in terms of the project that DOMA now has—my understanding is that there are 14 cameras on Charlotte Street alone. Those discussions are, in fact, taking place to make sure that the effort is a coordinated effort.

Sen. Mark: Could the hon. Minister indicate to this Senate whether with the installation of these cameras—the first phase, second phase and third phase—would that mean, for instance, that the Government would now be rethinking its position on purchasing further blimps in the country and whether these cameras would serve as a reliable substitute for the blimps?

Sen. The Hon. M. Joseph: Madam President, the hon. Member is trying to get me to divulge issues of national security which at this time I would not be in a position to do. [*Desk thumping*]

Beetham Dump (Removal of)

63. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

Could the Minister inform this Senate of:—

- (a) the Government's timetable for the removal of the Beetham Dump from the Beetham Estate;
- (b) the exact location earmarked for the new dump; and
- (c) any plans for the establishment and operation of a modern solid waste disposal facility including a recycling plant?

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Madam President, thank you very much. The closure of the Beetham landfill is being undertaken within the wider context of the National Integrated Solid Waste Management System. In this regard, the Cabinet had, in fact, agreed that existing landfills be closed and rehabilitated as appropriate and new cost-effective waste disposal facilities be established for the environmentally sound management of waste in Trinidad and Tobago. The Beetham is, therefore, only

one of such landfills under consideration, but priority is being given to the closure and rehabilitation of this site primarily on account of the following:

- (a) the Beetham landfill has reached saturation point;
- (b) it is a source of pollution to the nearby ecologically sensitive Caroni Swamp and groundwater;
- (c) its location is within a wetland environment and restricts developmental works; and
- (d) its location on the outskirts of Port of Spain creates a pollution problem for the residents of the city through gas emissions, odours and smoke.

In this regard, the Ministry of Public Utilities and the Environment has awarded a contract for consultancy services to prepare the terms of reference for inviting tenders to establish new cost-effective waste disposal facilities for environmentally sound management of waste in Trinidad and Tobago. It is expected that the consultant would submit the terms of reference to the Ministry of Public Utilities and the Environment on July 21, 2006.

Subsequently, in accordance with the decision of Cabinet, Trinidad and Tobago Solid Waste Management Company, on behalf of the Ministry of Public Utilities and the Environment, would procure the services of a firm, based on the terms of reference, mainly to undertake the activities involved in the closure and post-closure management of the site, as well as the establishment of a new cost-effective facility. It is anticipated that tenders would be invited by July 29, 2006 and the contract would be awarded by September 01, 2006.

Until such time as the tendering process is completed, the Ministry is not in a position to positively identify the location of the new facility, bearing in mind that among other things, topographical, geological and hydrological assessments would have to be conducted to determine the best location for the new disposal facility.

The terms of reference that are being developed for inviting tenders to establish the new cost-effective waste disposal facilities for environmentally sound management of waste in Trinidad and Tobago includes issues related to technologies and systems for recycling. It is therefore anticipated that the new disposal facility that would replace the Beetham landfill would have systems and technologies to allow recycling.

APPOINTMENTS TO COMMITTEES

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move the following Motion:

Be it resolved that this Senate appoint Sen. Raziah Ahmed to replace former Sen. Sadiq Baksh on the Statutory Instruments Committee and on the Joint Select Committee appointed to inquire into and to report on Government Ministries with responsibility areas listed in Part I and on the Statutory Authorities and State Enterprises falling under these ministries.

Question put and agreed to.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I do not know how often I would be doing this. [*Laughter*] [*Interruption*] I beg to move the following Motion:

Be it resolved that this Senate appoint Sen. Dr. Shastri Moonan to replace former Sen. Carolyn Seepersad-Bachan on the Public Accounts Committee and the Joint Select Committee appointed to inquire into and report on Government Ministries with responsibility for areas listed in Part II and on the Statutory Authorities and State Enterprises falling under those ministries.

Question put and agreed to.

FIREARMS (AMDT.) BILL

Order for second reading read.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, I beg to move,

That a Bill to amend the Firearms Act, Chap. 16:01, be now read a second time.

Madam President, the Customs and Excise Division of the Ministry of Finance has over the last three years adjusted its primary focus from one of revenue collection to broader security and trade facilitation. This is in keeping with the Government's policy and the terms of several multilateral and bilateral agreements to which Trinidad and Tobago is a signatory.

The strategy places greater emphasis on free trade, cross-border safety and security issues. In keeping with this mandate, the Customs and Excise Division,

through its specialized units has been active in anti-smuggling operations, documentations, fraud detection, money laundering, suppression of the illicit traffic in arms, ammunition and dangerous drugs and, most recently, supporting counter-terrorism activities in conjunction with other law enforcement agencies. These and other related activities have heightened the threat level faced by the personnel of the Customs and Excise Division.

Madam President, you would recall that the division has already lost a valued member of staff who was targeted and tragically shot in an apparent reprisal for frustrating the attempts of persons bent on engaging in illegal activities.

The recent successes of the Customs and Excise Division demonstrate, not only the commitment and capability of the officers of the division, but also the need for modern legislation, up-to-date law enforcement equipment and accessories particularly for personnel protection; the protection of court exhibits and cash export; security of detained items including arms and ammunition; and for engaging the criminal element during interdiction operations.

Utilizing the provision of section 2(24) of the Customs Act, Chap. 78:01, whereby the Comptroller of Customs and Excise is empowered to impose penalties when persons admit to breaches of the Customs and Excise laws, the breakdown of cases conducted is as follows: In 2004, 111 cases, fines imposed, \$2,901,625; in 2005, 54 cases, fines imposed, \$1,924,805; and in 2006 from January to June, 110 cases, fines imposed, \$451,995.

Successes in narcotics interdiction at the major ports for the period January 01, 2003 to April 30, 2006 reflect both independent and joint efforts with the other arms of law enforcement and these are: Organized Crime Narcotics and Firearms Bureau, the Special Anti-Crime Unit and, of course, the Trinidad and Tobago Coast Guard. The figures are as follows: In November, the number of persons arrested and prosecuted, 125. The quantity of narcotics seized: heroin 30.12 kilograms; cocaine 221.3 kilograms; and marijuana 64.97 kilograms; a total of approximate value of TT \$109 million. The specialized operations of both the Marine Interdiction Unit and the Customs and Excise Canine Unit are, in fact, part of the new thrust of the division.

While the results of the activities are included in the figure, there is need to highlight the integration of the Explosive Canine Team into the bomb threat response capability of the country. Over the past year, this team has been involved in 34 operations which included security sweeps in many sensitive locations.

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Madam President, the most recent success of the Marine Interdiction Unit was on July 10, where almost \$1 million worth of compressed marijuana was intercepted in south, and this defines the value of the Customs and Excise Division as one of the agencies involved in the national law enforcement activity.

Section 6(2)(b) of the Firearms Act provides for customs officers to lawfully possess arms and ammunition while patrolling the territorial sea. Regulation 21 of the Firearms Act requires customs officers to escort firearms and ammunition detained from vessels under section 32 to the nearest police station for safe keeping. These two provisions seem to be inconsistent in that it could not have been the Act's intention that customs officers could lawfully carry and transport firearms and ammunition while patrolling the territorial sea, but may not be armed while either escorting detained arms and ammunition on land or on any other lawful duty under the Customs Act.

Madam President, accordingly, we propose that the Firearms (Amdt.) Bill, 2006 at clause 2 be amended by deleting the words "while patrolling the territorial sea".

Part IV of the Firearms Act requires that both customs officers and police officers were to closely and properly and effectively control the importation and exportation of lawfully acquired arms and ammunition. Customs officers are the individuals charged with controlling the business of importing and exporting goods. Consequently, and in order to enhance the division's operational effectiveness in this area, it is recommended that for the purposes of Part IV of the Firearms Act, a new definition should be introduced to give customs officers the same powers given to police officers for the purposes of this part only. This proposed new definition would also serve to ensure that the definition of the word "police officer" appearing in section 34(2) of the same Part IV includes customs and excise officers.

We propose, therefore, that the Firearms (Amdt.) Bill 2006 at clause 3 introduce a new section 30A that reads: for the purposes of carrying out the provisions of Part IV of the Act Customs and Excise Officers shall have the same powers, privileges and immunities as a police officer.

Madam President, Regulation 21(c) of the Firearms Act requires the Commissioner of Police to keep records of all lawfully acquired firearms and ammunition or parts thereof that are actually lawfully taken out of Trinidad and Tobago.

We propose that the Firearms (Amdt.) Bill, 2006 at clause 4 amend section 33 of the Act by inserting two new subsections (3) and (4) that require a declaration to be made to a customs officer by the departing passenger so that firearms and/or ammunition or parts thereof may be lawfully taken out of Trinidad and Tobago whether or not such firearms and/or ammunition or parts thereof are part of a traveller's bag. These measures would facilitate the Customs and Excise Division in the keeping of records now required to be kept by the Commissioner of Police under Regulation 21(c) and it would also enhance the total security issues that are to be dealt with.

Madam President, this is what this Bill seeks to do, simply to define for the purposes of operations, the powers of a customs officer to be the same as that of a police officer especially for this particular area, and to ensure that individuals are required to make a statement when they are leaving Trinidad and Tobago or coming to Trinidad and Tobago as it relates to firearms and ammunition that are in their possession.

Madam President, with these words, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Raziah Ahmed: Madam President, the Arabs have a saying—[*Senator quotes in Arabic*—that whatever is in the heavens and on the earth will declare the praises of God for he is the exalted, in might the wise.

Madam President, I am very grateful today that we have a Constitution in this country that recognizes the supremacy of God. I am also grateful that in this honourable House, the grace of God is invoked at the commencement of every sitting, but I am a little confused sometimes why it is that in certain places we claim to be a secular state when the Constitution speaks to the supremacy of God.

Having said that, I want to acknowledge the very warm welcome that I have received from Senators on the Independent Benches; the very hearty greetings from the women on the opposite side; and I want to be grateful too for the vacant, almost morbid stares of the men from the other side, and to say what a privilege it is to sit on this side in this unfolding drama in this country when the very democracy is being threatened. But I am grateful for the opportunity to serve my country with every nerve and sinew. [*Desk thumping*]

Madam President, in this my maiden address, I must admit that I am a little apprehensive about the presence of the media, lest I wink, and that I, too, shall have a baptism of fire if one fine day I should appear to have fallen asleep. [*Laughter*] Nevertheless, I think I would take comfort in two lines of an old poet

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who said that “In the heart of a seed buried deep, so deep, a dear little plant lay fast asleep”. Madam President, I would always love the press because the press is mightier than the sword and, in this case, mightier than the firearm.

Madam President, I do not have a prepared speech, but as I rise to debate the amendment to the Firearms Act, Chap. 16:01, I do have some bullets, and I hope that you would allow me to use them. [*Laughter*] My first reading of the amendment distils in my mind, or seeks to distil what this Bill is all about. It appears that it intends to widen the circle of authority for the seizure of weapons, firearms and ammunition, et cetera. It also creates in clause 4, an environment for the export and transshipment of guns. This would appear to serve the higher interests of the entrepreneurs in the country who are interested in exporting and importing guns and ammunition, because this really opens the door for the outright sale and trade of guns and ammunition.

Now, I know in this country there is a thrust to develop the non-energy sector, but we have not yet spoken to the issue of manufacturing guns and ammunition locally. So, I am asking, is this Bill the way forward for what is really a new import and export business or a new kind of roll-in-roll-out business? My question therefore is: Do we really want to facilitate this kind of business? In a land now besieged by violence; crimes involving guns and unprecedented numbers of gunshot murders and offences involving the mishandling of guns, I am extremely concerned. It shows that even trained personnel who are cleaning guns in police stations and other institutions of security could make mistakes and shoot others. Even in the private sector, it is on record that private firearms licence holders have really shot themselves in the foot. [*Laughter*]

Sen. Mark: Howard Chin Lee. [*Laughter*]

Sen. R. Ahmed: This is on record. So, the whole issue of whether it is a police officer who is trained to do the same or whether it is a customs officer, what are the safety and the training involved with respect to the amendment of the Bill?

The hon. Minister made reference to the small sums of fines collected as revenue which is just a few million dollars. My question is: If this amendment is to facilitate the new roll-on-roll-off business, what are the taxes and duties that would accrue as revenue to the State from this import and export business?

Assuming that this Bill is not about the importation and exportation of guns, then is it to control an illegal trade in guns and ammunition as the hon. Minister has said, all the illegal activities and the threat levels faced by personnel and anti-

smuggling and so forth? This is really an admission of some type of mafia or underground operation or trade in weapons and guns, et cetera, in this country. Could this explain why we have such runaway crime statistics in our beautiful country? When did all this begin?

I recall in our recent history that one of the first responses to escalating crime and smuggling was a project code-named “Anaconda”. Madam President, that Anaconda seems to have shot itself in the tail, perhaps with a sort of shotgun and, perhaps, moved on to some new tourism industry, et cetera. This brings me now to the question of safety and training.

If customs officers could seize these guns, could they store, safeguard and produce these guns and ammunition as evidence when necessary for prosecution in the courts? On the issue of prosecution, are customs officers’ roles, whether patrolling territorial sea or otherwise—as was so very clear in the visual media last week with the fiasco created at King’s Wharf, San Fernando.

According to media reports, customs officers said that they were amused by the police, helicopter and heavily swamped police force that turned up at King’s Wharf, San Fernando and created quite a spectacle of force in quiet San Fernando on a Friday evening against a couple who had lost their flight and who were being brought in by a fishing boat which could bring in, I admit, ammunition and guns, the very reason that this Bill is being debated. This fishing boat which entered King’s Wharf, San Fernando; the customs officers indicated that it had clearance to land. Madam President, clearly, if this amendment is to have effect, the levels of communication between the police and customs officers begs a number of questions about the safety of the guns, ammunition and weaponry that could be seized by customs officers.

Perception is a dangerous thing, and that brings me to my third point. I have been talking in a language that is unfamiliar to me; guns and ammunition and so forth. I want to reference the danger that I feel in speaking about these things, because since 9/11 many innocent persons have been stereotyped and subjected to harassment, wrongful arrests, wrongful detention, malicious house searches and body searches in the name of terrorism and anti-smuggling and all the things that the goodly Minister referred to. Is this Bill some response to terrorist or insurgent operations in this country? We want to know. If it is not, does it create an opportunity for the new terrorist to import guns under a licence?

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At least, some persons are thinking that I have some kind of insider knowledge, but I want to make it absolutely clear, because you see this thing called “cultural imperialism” that has broad-brushed the majority of Muslims all over the world as terrorists, at least, it may be construed that my wearing of the hijab is somehow in keeping with what has been broad-brushed as fundamentalism. I want to make it absolutely clear that any attempt to label me and my Muslim sisters and brothers as terrorists would be categorically wrong because I am no terrorist. My dress code is irrelevant to what the media imperialists have tried to say. I make this point because I was very alarmed at the closing ceremony at the recent World Cup when the excited Italian player walked up to the podium to receive his gold medal with the flag of Italy draped around his head, and the word from the media reporter was “what terror is this”. That is what the reporter said and this is the stereotyping of terrorism for anybody who wants to dress like I do and anybody who wants to talk about guns and ammunition and whether or not we are bringing it in or sending it out.

Madam President, I had to say this because I do not want to be broad-brushed and I do not want it to be misconstrued that I am any kind of a terrorist. I do not support any terrorist activity, but I would say—let me say that I support jihad. Jihad is not holy war. It never was and it never will be, and do not let the cultural and the media imperialists hoodwink us. The word for “war” in Arabic is not “jihad”. The word for “war” is “qittal”. So, if you are listening out for when the Arabs are going to fight, listen for the word “qittal”. Yes, I am personally committed to jihad because jihad is the struggle about which Maslow spoke in his hierarchy of human struggle. It is about self-actualization and the search for inner truth, personal excellence and God’s awareness.

With respect to clause 4 and the issue of a permit to export, my question is: What happens to the goods when the permit holder dies? Should the permit holder die, and these goods are being transshipped, what happens to the goods? In the second subclause, what happens to the consignee who is believed to have criminal intent or is a known terrorist cell parading under the disguise of an entrepreneur? Because that is what the global media has been saying; that the terrorists have been parading as entrepreneurs.

So when this Bill offers in clause 4 new subsection (3)(b) “cargo properly manifested to a consignee elsewhere than in Trinidad and Tobago...”, what happens when the consignee is believed to be one of a terrorist cell or parading under the disguise of an entrepreneur? In the case of the consignee, which jurisdiction should have possession of the goods that are seized by a customs officer?

Madam President, any discussion of the movement of guns and ammunition and who has possession of the guns and ammunition is a matter of national security. In a matter of a few years, project Anaconda has deteriorated into project national blimp, and for as long as the word “blimp” has been in modern use, the word “blimp” has been synonymous with an advertising gimmick, and so we have emerging in our airspace the fourth of a series of “blimping errors”, characterized by one loud and clearly visible mark; a mark that looks like the star of Israel. So, Madam President, are these blimps Israeli airships doing surveillance on the terrorist factions? Are these blimps going to be used to help the customs officers and policemen in their quest to quell terrorism and anti-smuggling and so forth? Are we in Trinidad and Tobago importing such very expensive forms of goods from a certain country about which the G-8 nations and the United Nations continue to admonish for the unwarranted aggression against Arab states? Why are we supporting this kind of entrepreneurial enterprise?

Import and export is a global trade. Could we bring in guns from Israel? Could I get a licence to export guns to Palestine? Is it that Israel is dumping these airships on us in the name of national security? Could the customs officer, referred to in the early section in the amendment, who would now work as the police officer, board one of these blimps for the purpose of seizing guns and ammunition? How do we know that once customs has seized the guns on the blimp aircraft that the officer would not accidentally blow up this blimping air balloon over the Petrotrin refinery where I last saw a flying blimp, directly over the airspace of the refinery in Trinidad and Tobago?

2.30 p.m.

If we are so afraid of terrorism, why do we allow aircraft to fly over our refinery? That seems to be a breach of security. This brings me, Madam President, to my final point.

I do not have a lot of experience in this area, but I know that you are an esteemed member of the medical profession. Would you discuss a case with one of your patients on national television? I am a financial consultant; trained and educated in the field and I would not discuss the case of any of my clients on national television. I am just curious whether members of the medical profession would discuss these kinds of cases on national television. I am very concerned that in certain circles this discussion is taking place on national television.

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I am also very disturbed that having said the things I have said in certain circles, there would be accusations against me. I am a member of a Muslim minority in this country and I am very concerned when we get on national television and put ourselves forward as exemplars of honesty and truth. Two weeks ago, there was another matter that I do not want to discuss, in which it was very clear that a certain large section of the population was being discriminated against; namely, the Hindu community. This was the same kind of discussing of private affairs in the public arena, and yet when the court ruled, it was determined that there was discrimination. However, I reference the Constitution which seeks to protect my religious rights.

If this gun movement Bill is an antiterrorism measure, I am afraid that Muslims like myself who are dressed in hijab and who have been mislabelled as fundamentalist, would be persecuted under the law. This Bill writes into the law a provision that allows Government and private enterprise to import guns and ammunition. I want to know if this is a new business that we are embarking on and what are the relevant checks, measures and controls that have been put in place for this exportation and importation of guns and ammunition in this country.

I thank you, Madam President.

Madam President: Before we move on, let me take this opportunity to congratulate you on your initial contribution in the Senate and especially since you did not speak from a prepared text. [*Desk thumping*]

Sen. Dana Seetahal, S.C.: Madam President, the Bill before us, which is extremely short, appears to make certain amendments to the Firearms Act which really relate to the powers of customs officers and the question of exporting firearms. But I have a concern: Up to now, I do not know what is the impetus for this Bill; why suddenly there is this need, for instance, to amend section 6 of the Act.

Section 6, as the Minister pointed out, deals with a person not having in his possession a prohibited weapon or firearm, unless he is a police officer acting in such capacity or a customs officer acting in his capacity, while patrolling the territorial sea of Trinidad and Tobago. In other words, the legislation says that if he is a customs officer, while patrolling the territorial sea he may have a weapon in his possession. We are seeking to delete: "while patrolling the territorial sea". Was there some problem that arose with that interpretation, which is why we are seeking to amend the law? It would have been useful to hear that. I do not know if I missed it; I came in a few minutes late, but I listened attentively and I never heard any such thing.

If that explanation had been proffered in a way, I think my other colleagues would have been able to explain to me when I asked. They said that they had not heard. It would have probably forestalled the argument that there is some nefarious motive behind the bringing of this legislation, which seems fairly simple. I would like the Minister in the Ministry of Finance who has brought this Bill to amend the Firearms Act, to explain.

I presume it is because it is under his authority customs officers fall, but in any event, he would be able to explain to us, I feel, whether there was a problem with a customs officer who was functioning in his capacity, but not actually patrolling the waters and who may have had a weapon and who may have been so charged. If that was so, then I could see some rationale for this. Other than that why did somebody just dream up that there would be a difficulty with the interpretation of this section? I would like to know if one night it occurred to the powers that be.

Madam President: Do you want the Minister to answer now or at the end?

Sen. D. Seetahal, S.C.: No; okay, if he wishes.

Sen. Enill: Madam President, this came out of the new thrust that the division is involved in. As I said at the beginning, this operation used to be, basically, a revenue collection operation; it has changed its focus now to include border security and a number of other issues based on a number of events that have occurred. In looking at operationalizing that particular strategy, this has been identified. We would be coming with some other customs amendments, but this has been identified as an issue where if you collect arms and ammunition on the sea and you have to take it inland to a police station, the view that has been expressed is that it does not now cover them while they are taking this from the sea into the storage at a police location on land. That was the principal argument in this particular situation.

Sen. D. Seetahal, S.C.: Thank you, Mr. Minister.

Actually what the Minister said, I understand, is that this was just a cleaning up exercise. There are many, many pieces of legislation that need cleaning up. It is just my view, but it seems that it would be more sensible to go through legislation as a whole and clean up, rather than have one piece of cleaning up. Maybe there might be some big plan and that might be a problem, but suffice it to say, as I understand it, in the carrying out of operations, customs officers currently board vessels and other such things and seize weapons and carry them inland and the matters are prosecuted. No one seeks to say that any customs officer is

illegally in possession of a weapon. I would have preferred if we had gone through the legislation as a whole and made all the amendments, because it is so piecemeal. It really is not as efficient as one would want.

In relation to the other amendment, it deals with the section in the Act relating to the importation of firearms. But it should really be importation and export of firearms, even though that is the subheading. It says, "Importation of firearms", et cetera. Under the current law in section 33, there is a prohibition of persons taking a firearm out of the country, unless he has the permission of the Commissioner of Police and, presumably, those would be persons who already have a firearm users licence (FUL) and the like, and police officers.

The law now appears to be wider than that; it does not yet appear, but the clause being proposed is that no person may export from Trinidad and Tobago any firearm or ammunition, except for the exceptions we talked about here, that is, where you are a lawful consignee and so on. Again, I wonder why it was necessary. It might sound like a strange question, but is it that persons were exporting firearms and they could not be caught under the Act.

I do not necessarily want the answer this minute, because I think we could deal with the response. It would seem to me that any person who has in his custody or control—it need not be his actual possession—would fall under the relevant law right now, that no person may have in his possession a firearm without a licence. "Possession" means custody or control. If you are exporting firearms, then you would so have.

I have no doubt that the current law, as we have it, which talks about a person taking a firearm outside of Trinidad and Tobago, could be more explicit, but, again, I really do not know why it was necessary to come with this other piece right now. It would seem to me that the current law adequately covers that already. I do not know if there is a basis for it. If there is, and it is not to fight terrorism, or it may be to fight terrorism, well, tell us that. Under the general law, anyone who has custody illegally of any firearm or prohibitive weapon, like a grenade for example, he is caught.

I have a concern with the penalty. The penalty for this offence under section 33, I think, is still a maximum of five years. I do not know if it was increased at some point that I do not know of, but if that is so, it seems rather small. We do not make them, but suppose we are a transshipment point and we have AK47s and all those fancy names that I hear, Uzis and so forth—my friends could tell me about them on both sides—but you have a consignment and you have it illegally, then should the maximum penalty be five years?

If you are in possession of one individually, I think the penalty is 10 years and there are other offences. That was increased in 2004. I am not sure, but I think some penalties were not touched and some penalties were touched. The exporting of firearms and the exporting of drugs and so on should carry with it a harsher penalty than simple possession and the like.

I have sent for the amendments, they are yet to be brought to me, but I do not know if that penalty is harsher. What I do have is only five years. In other words, if you are trying to amend the law to make it wider in scope and to deal with all the problems you have with people sending guns through Trinidad and Tobago, they say to other places for other purposes, then let us do the thing properly and, at least, bring an amendment for a serious penalty.

There is very little else to say about this Bill, except some drafting errors that I have spotted, which we could deal with at the committee stage. I really would like the Minister to tell us straight, something more about the seriousness of this and why.

Thank you.

Sen. Dr. Shastri Moonan: Madam President, I now see why they call it the "House of Parliament", because if I remain here longer I would call it the "Home of Parliament".

There are three points with respect to this Bill that I would like to make that I think need urgent consideration, before it becomes the law of the land. The first point is about the deletion of the phrase "of the territorial sea".

You have to ask the question: With the deletion of that term, could a customs officer or a police officer go on to the high seas and have exclusiveness of jurisdiction, when the law of all lands gives you certain seizure of ammunition or goods? When you delete that phrase, you are making some confusion and giving practitioners of law in the courts a field day, in that the prosecution would first have to prove where the customs officer boarded, and where did the police officer board. So the territoriality of the sea in terms of retaining it is superior, in my opinion, to deleting the term, "the territoriality of the sea".

You are amending an Act, so that everything in that Act, whether in sections 30 or 33, all the sections, from a practitioner's point of view, are totally integrated. When you hear my second point, which deals with the definition of a customs officer, and you try to akin that to a police officer, it seems that a police officer has much more liberality, in terms of the exercise of his function. A customs

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officer is a revenue officer. The construction of legislation for a revenue officer in the exercise of his function has to be very strictly construed, whereas that of a police officer, gives you greater liberality in terms of the reasonableness in those circumstances of the exercise of his powers under any Act, whether it is the Firearms Act or any other revenue Act.

When one looks at the legislation a little more closely, in section 33(4) you would see that they are talking, in the second to last line, about possession. I agree that you should look at possession, but, at the same time, prior to that you are talking about control. I could be in control, but I need not be in possession and that is something that has to be cleaned up for the Bill to have great effectiveness in terms of making it understandable to the practitioner who has to exercise the function and the judicial officer who also has to exercise the function whether to convict or acquit.

How I see it is that it would be a field day for the practitioner to force the presiding judicial officer to acquit. I believe that there needs to be some tightening up, as far as reconciling the words “control”, “custody” and “possession”, in the administration of the Bill.

Madam President, that is my contribution. I must say that I was very moved by the way in which Members received me upon my admission to the Senate.

Thank you.

Madam President: Senator, let me congratulate you, too, on this your initial contribution to the Senate. [*Desk thumping*]

Sen. Dr. Tim Gopeesingh: Madam President, this Bill brought before this Senate for us to approve, poses a confusing problem in terms of its purport. We are wondering what happened previously in relation to the authority that the police officers have in dealing with these arms and ammunition. Why is it now being introduced that customs officers be called police officers? What is the purport of this? Why is it now necessary to introduce customs officers, instead of police officers? What happened previously that the Government now seeks to change it at this time? It is quite confusing.

If you look at the role that is going to be assigned, when you substitute customs officers for police officers, in effect, a customs officer would become a police officer. It poses a dangerous situation in Trinidad and Tobago. If we look at section 30A, it is extremely important, because it poses a fundamental risk to

the individual liberty and freedom of a citizen, when you include a customs officer now to be a police officer. To substantiate that point, section 30(1) states.

"A Justice of the Peace on being satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed may grant a search warrant authorizing any police officer named therein with the assistance of such other persons as he may require—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein..."

This Bill is now proposing that a customs officer can go to the Justice of the Peace and if the Justice of the Peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being or is about to be committed, may grant a search warrant authorizing to enter any time any premises or place named therein if necessary by force. So now a customs officer could go into someone's home by force, after getting a justice of the peace to sign something. We know what happened over the weekend and on Friday; a customs officer would now be able to go into someone's home by force.

I asked the distinguished attorney, Sen. Seetahal S.C., for some clarification on that issue to help guide this debate. She said that customs officers already have such powers as police officers for such purposes under the customs law. *[Interruption]*

Sen. Enill: They have more power than the police.

Madam President: Talk to me. *[Interruption]*

Sen. Enill: Madam President, just to clarify. Currently, the customs officer that the Senator is talking about has more power than a police officer, because under the Customs Act, the customs officer could go anywhere, at any time; once he suspects that there are goods he needs to go after. There is absolutely nothing that we are trying to do here, except in this particular case for Part IV, to make sure that for the purposes of carrying arms and ammunition from a sea port inland, he has the authority to do so. That is all we are trying to do, on the one hand.

While I am on my feet, concerning the second question that arose, it is as a consequence of the amount of traffic taking place between Trinidad and Tobago and a series of events that have occurred, which have allowed us now to put in subsection (4); that is really what it is.

Sen. Dr. T. Gopeesingh: Madam President, police officers are guided by law under the Police Service Act. Under which law are customs officers designated in terms of entering somebody's premises by force? This is what has to be answered.

Sen. Enill: The Customs Act.

Sen. Dr. T. Gopeesingh: Does it not go against the Constitution and the recognition and protection of fundamental human rights and freedoms? Customs officers can force themselves into your homes if they suspect something, just like a police officer? Even though they may say that a customs officer has more powers than a police officer, that is within limits. There are certain constrictions.

The important point is that the recognition and protection of fundamental human rights and freedoms given to individuals by virtue of this Constitution, the right of the individual to respect for his private and family life could be severely compromised. We are not very comfortable with substituting police officers and bringing customs officers to enter persons' premises and homes. It is not a very comfortable thing for anyone to be associated with.

The next point is the question of why we want the law changed at the moment. I would expect the hon. Minister to answer that and give us some comfortable reason why he wants it changed from the present scenario. That is my contribution, Madam President.

Sen. Wade Mark: Madam President, the Bill, at first blush, looked innocuous, but upon further—[*Interruption*]

Sen. Enill: Examination.

Sen. W. Mark:— analysis, [*Laughter*] we would like to express our concern. I do not believe that the hon. Minister, to date, has been able to articulate sufficiently the policy underlying this amendment.

The PNM has demonstrated to this country, over the recent past, an infinite capacity to mislead this honourable Parliament. There is a hidden motive in this legislation which we are trying to trace. [*Laughter*] We are trying to unravel the mystery of this piece of legislation. [*Laughter*] Why has the Government sought to bring this piece of legislation at this time?

I am also surprised that the Minister of National Security is yet to rise and make an intervention. This is firearms we are dealing with and we would imagine that the Minister of National Security would have a keen interest, seeing that 70 to 80 per cent of the crime committed in our country, is being committed through arms and ammunition.

Sen. Joseph: That is what the Customs is doing.

Sen. W. Mark: We just learned from the hon. Minister, and he needs to enlighten this honourable Senate, that there have been a series of events occurring in this country, over the recent past, that have led him and the Government to introduce this measure. He has not indicated to us what these series of events were. Do we have a national security crisis? We have already seen where law and order are almost broken down in this country, where people's rights are being "stealed"—stolen. [*Laughter*]

We on this side would like to know what were these series of events that have recently occurred in our country to force the PNM regime to bring this piece of legislation to the Parliament; tell us, let us know. If you are seeking to further empower the customs officer and we were told by the Minister that the customs officer has more power than the police officer, I know that the Police Service Bill was passed with a special majority. [*Desk thumping*] I know that the Customs Act was employed and enacted with a special majority. So if you are amending the Firearms Act and you are seeking to give to the customs officer the equivalent in terms of power as a policeman, then to what extent do we need to look at this issue of a specified majority. These are issues that I raise. [*Crosstalk*]

I go to the Customs Act, Chap.78:01; it is an amendment. Under section 46 of this amendment it states:

"Until revoked by Order under section 44, the following goods are prohibited to be exported:

- (a) arms, ammunition and military and naval stores, except with the written permission of the Commissioner of Police;"

Where in this amendment are we seeking to amend section 46, which is already telling us that no goods such as arms, ammunition and military and naval stores could be exported from this country, unless the police commissioner gives written permission to do so? I do not know if the hon. Minister is aware of this particular Act.

Sen. Enill: Of course.

Sen. W. Mark: If he is aware, why is he bringing a measure saying that under section 33 of the Act it is amended by inserting a subsection? The following new subsection would read:

"No person may export from Trinidad and Tobago any firearm or ammunition..."

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But it is already stated here.

Sen. Enill: "except..." go ahead.

Sen. W. Mark: It continues:

"under and in accordance with the terms of a written permit issued under subsection (2)..."

And then it talks about firearms or ammunition that is cargo. Tell us something; the Minister must be honest with us. *[Interruption]*

Sen. Enill: Ask the question and I would answer you.

Sen. W. Mark: My colleague has asked and I hope you would respond, in seeking to diversify the non-energy sector, are we now incorporating or seeking to introduce a new entity in the business arena? Meaning, do we have a brisk trade in arms and ammunition imports into this country? *[Interruption]*

Sen. Enill: Madam President, I did not want to do this. I do not understand how in the widest possible interpretation of something that is already in the law, something that is provided, can you come to the conclusion that there is a trade in arms and ammunition going on. The law is very specific. The customs agency is an arm of the law; it is law enforcement. What we are seeking to do, I would say for the 15th time, is simply to ensure that they can do their job recognizing that these are issues we have found in which there were operational difficulties. This has been on the table now for about a year and a half, through all the processes. This is not the first time. It has come here now, but it is two years that we have been trying to fix this; so to talk about the fact that it is recent, is not true.

Sen. W. Mark: Madam President, you have had something for two years. You brought it in two weeks to this Parliament. You brought no information. You tabled no information. We are seeking clarification, because you brought no information over the last two weeks.

Madam President: Please, address me.

Sen. W. Mark: So to get up and say that you are flabbergasted, you are surprised and that it is very simple, that is the arrogance of the PNM. We are dealing with a serious matter.

Sen. Enill: So am I.

Sen. W. Mark: You may say you do not want our support, because it is a simple majority and the "ayes" have it.

Sen. Enill: You said that, not me.

Sen. W. Mark: We are concerned, because the PNM is a dangerous animal. If you want to lock up a Chief Justice in this country—[*Interruption*]

Madam President: Senator.

Sen. W. Mark:—even though the law says you cannot do it; this is a dangerous Government. They came to Parliament last week; hoodwinked all of us; got us to pass the Bill and got rid of all the mayors they wanted to get rid of and they gave us the undertaking that was not supposed to be it. In fact, the hon. Minister, Rennie Dumas, outlined all the persons who were supposed to move. [*Interruption*]

Sen. Yuille-Williams: Madam President, clearly, I do not see the relationship. [*Interruption*]

Sen. Dumas: Madam President, any examination of the record would show that the only people who suggested that we were getting rid of anybody, would have been Sen. Mark and his colleagues. We suggested that persons who wanted to leave would have the opportunity to so do.

Madam President: Senator, come back to the Bill, please.

Sen. W. Mark: We have concerns. I think it is proper for the hon. Minister to clear the air on these matters. We need to have clarification on these matters.

We know that after the 9/11 attacks, the American Government introduced air marshals on US carriers. Is the hon. Minister indicating that when these planes land here with air marshals, they are armed? We are being told by the hon. Minister in this measure, that no person may export from Trinidad and Tobago any firearm, except in accordance with the terms of a written permit. There is a lot of corruption involved in that particular exercise. We know what has happened in that particular field.

It states in clause 4, except:

"firearms or ammunition, that is, cargo properly manifested to a consignee elsewhere than in Trinidad and Tobago or that are the *bona fide* stores of any aircraft or vessel in the custody of the proper officer authorized for that purpose.

- (4) Every person who is about to board any aircraft or vessel destined to leave Trinidad and Tobago shall, whether or not required to do so by any Customs Officer, declare to a Customs Officer whether

he has any and, if so, what firearms and ammunition in his possession or under his control."

The Minister needs to tell us what the experience was prior to this amendment. Somebody is boarding an aircraft or a vessel destined to leave Trinidad and Tobago to, let us say, go to St. Vincent or from Pier I to go to Venezuela. What happened before? Was the customs officer not in authority to demand of this particular individual or individuals a declaration? We do not know what obtained prior to this amendment. That is why we seek clarification from the hon. Minister. If he is able to properly clarify the issue, we may consider supporting the measure. If he is unable to do it, we exercise our right.

We find this particular piece of legislation very curious at this time. We would like the hon. Minister to clear the air on some of the issues we have raised.

I thank you, Madam President.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I would make a very short intervention in this debate, because I believe my colleague, the Minister in the Ministry of Finance, was extremely clear in terms of what the amendments are attempting to do. I cannot understand the different interpretations. All the Minister is indicating is that where there is a restriction in terms of when the customs officer can, in fact, carry firearms, which is while patrolling the territorial sea, we are asking to remove that restriction. I think the Minister put it within the context of what is now happening.

He indicated that whereas the customs focus in the past was more on revenue collection, there is also a security aspect of customs. I think I should indicate that if you look at the establishment of the Homeland Security what, in fact, they have done is brought together all the various border and customs control under one heading. I do not know if I should indicate this, but Jamaica has just made that strategic shift also, in that, it has now put its customs under National Security.

We have been struggling not to go that way. Ultimately, we may need to go there. The only reason we are struggling not to go there is because we already have our challenges under National Security as it is, so to add especially the law enforcement part of customs under us, is a little too much, at this time.

In the case of Jamaica, let me be clear with what they have done. They have left the revenue collecting part under their Ministry of Finance and passed over the law enforcement part to the Ministry of National Security. We believe that such a move now, in itself, would be somewhat cumbersome. *[Interruption]*

Sen. Dr. Gopeesingh: We are trying to follow what the hon. Minister is saying, that they are not trying to bring the customs, as has been done in Jamaica, under the Ministry of National Security. But when you equate customs officers with police officers, would they not then automatically come under the Ministry of National Security? Could you clarify that?

Sen. The Hon. M. Joseph: We are not doing that. In fact, what we would not do here is to divulge the landscape as it relates to law enforcement and the terms of the collaborative effort, that of necessity must take place and is, in fact, taking place. All we are doing is to reinforce the need to remove the restrictions on the customs officer, especially as it relates to the exercising of his or her duty as it is now confined in terms of while patrolling the territorial sea only.

As the Minister also indicated, in terms of the other amendment, it is to now make it mandatory. In some instances, I do not know if we are aware, it is not mandatory for you to declare weapons when moving between Trinidad and Tobago; believe you me.

Sen. Seetahal, S.C.: It is one country.

Sen. The Hon. M. Joseph: Did you hear the response? It is one State.

This amendment is absolutely necessary and I wish that the Senators on the other side would support the amendments.

Madam President: Did you want to ask a question, Sen. Dr. Moonan?

Sen. Dr. Moonan: I would like to clarify my contribution, so that at some point the Minister of National Security could be capable of understanding that the ultimate arbiter of law enforcement is the court. I was pointing out the difficulty in terms of interpreting the legislation were it to get to court. You must take that into consideration in terms of making an amendment to an Act. You must then take how the Act is going to be interpreted by the judicial officers who have to interpret the legislation.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, let me first of all thank all those who contributed; as usual, it has added some value to what we are about to do.

Let me tell Sen. Ahmed that when we look at her, there is absolutely nothing negative in our look. We on this side, speaking on behalf of all the men, would love to see you [*Desk thumping*] looking as nice as you look today. On behalf of all of us, let me apologize if we look morbid. [*Laughter*] It must be my colleague

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you are talking about or Dr. Saith, but, please, [*Laughter*] that is not an impression we would like you to have of us and we most certainly apologize if that was conveyed. We have the best wishes for you, because we believe that anybody who contributes at this level adds to the process of making Trinidad and Tobago a better place.

At the onset, I said two things. I said that the customs focus has had to change as a result of multilateral and bilateral agreements that we have signed. That has created a challenge for us between the revenue and law enforcement operations. Sometimes, for example, when those who are involved in the trade say to me that we need to do this, that and the other, I raise the question that the extremely sophisticated weapons we are seeing on the streets today are, basically, coming through the ports. Therefore, we have a responsibility now to ensure that our focus is a lot more on border protection and security issues, because as the Minister of National Security would tell you, we do not manufacture guns in Trinidad and Tobago. They do not come in here except through the port and those areas and the agency that has the responsibility for that is customs. That is why the Customs Act, by virtue of that responsibility, is as it is today, to give the law enforcement officers the kind of power to do what they have to do.

This may be misunderstood, but, in fact, what we are seeking to do is that in the definition of "police officer", it is only as it relates to this particular part. It does not relate to anything else. It is this part of the legislation, as it relates to the importation of firearms. It does not have to do with anything else. It is confined to the firearm issue. As I said, we have an issue. The law, as it now stands, says that a customs officer can go on territorial waters, can intervene, can collect, can do what he normally does and then he must locate it in a police station. There are no police stations on the sea.

Sen. Seetahal's point about, "It has not happened in the past," is right and wrong, because, in some instances, they have been interfered with in the course of their duties and in some instances we have had to intervene at other levels, where one agency says, "You do not have this power under the law, therefore too bad for you." They are saying, "Hold on a minute; this is how we are trying to carry out our mandate under the law." This is simply seeking to fix that particular issue which has arisen; the issue of clarity between the requirements of the customs officer who in the conduct of his activity does something and the disposition of the activity that he has, while in the conduct of his travel on land. It is simply a clarification issue.

The way we have sought to clarify is to say that it is for this part only, as it relates to firearms, because, quite frankly, he does not need the cover in other instances, because he has it already under the Customs Act. In this section 30A it says that a police officer, as defined, could do so and so, carry arms and ammunition. We are saying that a police officer should include a customs officer; so another reading of it would be that a customs officer could carry arms and ammunition in this particular area; that is what that is, only insofar as this is concerned. *[Interruption]*

Sen. Dr. Gopeesingh: Can you clarify this part for me?

Sen. The Hon. C. Enill: Sure.

Madam President: Are you prepared to give way?

Sen. Dr. T. Gopeesingh: The question I raised about the liberty of our citizens being at stake when a customs officer, according to 30(1)(a), can enter and search their homes, is it included under that at all?

Sen. The Hon. C. Enill: No.

Sen. Dr. Gopeesingh: But 30(1)(a) includes the searching of our homes, unless I am not reading it properly. Hon. Minister, through you, Madam President, 30(1)(a) includes to enter at any time or any premises or place named in the warrant and any police officer, if you look at page 23 in the Firearms Act.

Sen. The Hon. C. Enill: We are not amending that. I am talking here about the Firearms Act, not any other Act. Is that the Firearms Act? *[Crosstalk]*

Sen. Dr. Gopeesingh: Chap. 16:01. But you are giving the same power as police officers to customs officers under section 30(A). *[Crosstalk]* So he could enter and search premises right now?

Sen. The Hon. C. Enill: Madam President, let me crave your indulgence that at the committee stage we would clarify these issues.

I do not believe that the question of dealing with the non-energy deficit or the diversification of the economy is appropriate here, because quite explicitly there are laws that govern arms and ammunition in this country and, by and large, they are laws that the Minister of National Security through the Commissioner of Police has jurisdiction over, and those are clearly spelt out. This is seeking to ensure that for the purposes of the Customs operation, which has to do with cargo

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in some instances, that we have it explicitly stated in the Bill. In some instances, if it is not explicitly stated, it is challenged in court. We have situations in which officers are unable to carry out their duties as a consequence of some of the issues that we have not spelt out.

This is simply seeking to do that. Sen. Seetahal, S.C. talked about a comprehensive review; in looking at that, we take the point that it may require a constitutional majority in some cases and, therefore, in the short term we are seeking to deal with those issues that affect operational effectiveness as it relates to some of the challenges we face. As we prepare for some of the events that are coming on board, for example, world cricket, which is part of a major exercise, we are dealing with some of them.

Regarding the issue that Sen. Dr. Moonan spoke about in terms of definition and interpretation, the process that this goes through is one in which a series of individuals who are charged with that responsibility, through the Attorney General's Office, the Chief Parliamentary Counsel, and so on, look at this to make sure that there are no issues relative to its application under the law. When it comes here, it goes through a very iterative process that, in fact, meets that challenge and that requirement; otherwise it would not come here.

I thought that in presenting this Bill, I had provided the information that I could have provided. Quite frankly, it is simply to correct some operational type issues. There is no malice aforethought or any other that I am aware of.

Sen. Mark: "You sounding like a bush lawyer, boy."

Sen. Joseph: "He sounding like you, den?" [*Laughter*]

Sen. The Hon. C. Enill: Therefore, accepting the compliment in the manner in which it was given by Sen. Mark, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

3.30 p.m.

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

Sen. Seetahal, S.C.: Madam Chairman, perhaps you should do it clause by clause because clause 2 definitely needs amending in my view. If I may say why: it says section 6 of the Act without any indication of what the Act is. Following from previous amendments such as the 2004 amendment, it should read something like this:

“Section 6 of the Firearms Act (hereinafter referred to as the Act)...”

Madam Chairman: Will it be an omission or an amendment to the—

Sen. Seetahal, S.C.: It would definitely be an amendment, Madam Chairman. It is an omission which requires an amendment.

Madam Chairman: All right, let us take clause 1.

Clause 1 ordered to stand part of the Bill.

Sen. Dr. Mc Kenzie: Madam Chairman, I thought this was where we were going to put the words “hereinafter referred to as the Act”.

Sen. Seetahal, S.C.: No, in clause 2.

Clause 2.

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

Sen. Seetahal, S.C.: Madam Chairman, I suggest that the proper amendment should be:

After the word “the”; it should be “the Firearms Act” and in parenthesis, (hereinafter referred to as “the Act”)

Should I go over that again?

Section 6 of the Firearms Act (hereinafter referred to as “the Act”) is amended in paragraph 2(e)...

et cetera.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

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

Sen. Seetahal, S.C.: Madam Chairman, I have an issue. Punctuation is one thing and I will deal with that first. In 30A where it says:

“In this Part ‘Police Officer’ includes a Customs Officer for the purposes of this part only.”

The word “part” should begin with capital p, “Part”. But the issue really is that if one looks at the parent Act at section 34(5) which is a definition subsection it talks about explosives and so forth.

I think this definition properly belongs there and the reason I say this is that the only reference to the word “Police Officer” in this part is in section 34. I have been through it twice and I do not know if the Minister, or his technical person can indicate otherwise. I am not seeing it; maybe there is a new section.

We are talking about Part IV and the new or the proposed 30A would belong under Part IV and under that it says:

‘Police Officer’ includes a Customs Officer...”

What I am saying is that under Part IV, the only reference to the words “Police Officer” is in section 34. There is a reference to the words “Police Officer” in section 34(2), line 4. That is the only reference in the whole part. I have looked at the amendments and there is no other. It would seem to me that this definition amendment properly belongs in section 34(5). If you look you will see there are definitions which pertain to this section and I think that would even reassure Sen. Dr. Gopeesingh that this is only for this purpose.

I think we should delete clause 3 and redraft it to say:

Section 34(5) of the Act is amended by inserting after “offensive weapon” and say “Police Officer includes a Customs Officer”.

Sen. Enill: Which is what the intent was.

Sen. Seetahal, S.C.: First of all, we have to delete what we have as clause 3 and change it around to say section 34(5) of the Act is amended by inserting after Crime Offense Weapon Act a new definition. However you want to put it.

Madam Chairman: Do you want to give me the words?

Sen. Seetahal, S.C.: Police Officer includes a Customs Officer—it already has in this section. In subsection (5), the overriding term is in this section, so it only relates to that.

Sen. Enill: I have some words I can read for you.

Section 34(5) of the Act is amended by inserting in the correct alphabetical order after the—

Sen. Seetahal, S.C.: If you say the correct alphabetical order, you do not have to say after whatever.

Sen. Enill: You can say Police Officer includes Customs Officer.

Madam Chairman: After the definition of what?

Sen. Enill: We are saying section 34(5) of the Act is amended by inserting in the correct alphabetical order “Police Officer includes a Customs Officer”.

Sen. Seetahal, S.C.: And that should be in lower case. It satisfies it because subsection (5) says in this section so it restricts it to that section only.

Madam Chairman, delete clause 3 and substitute a new clause 3.

Madam Chairman: Clause 3 is deleted and substituted by a new clause 3 which reads—

Sen. Seetahal, S.C.: Sen. King has pointed out to me that that should come after the current clause 4 because the current clause 4 deals with section 33.

Sen. Enill: So we can just delete and return to it at 34?

Sen. Seetahal, S.C.: You will have to delete and renumber clause 4 as clause 3.

Madam Chairman: The question is that clause 3 be deleted and clause 4 be renumbered clause 3.

Question put and agreed to.

Clause 3 deleted.

Clause 4.

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

Sen. Seetahal, S.C.: I have a question. It is not a problem for the substantive amendment. This is a penalty creating subsection and wherever in legislation you say no person may export something, it means that you are creating an offence presumably, but what is the penalty? In order to have an offence you need a penalty and there is no penalty. I have looked at the legislation and section—

Madam Chairman: Senator, just hold a moment please.

Minister, are you bringing in the new one as a clause at the end so that will now be clause 4?

Sen. Enill: Yes, because it is section 34. So we are getting to section 33 before section 34.

Madam Chairman: I am sorry, Senator, please continue.

Sen. Seetahal, S.C.: Madam Chairman, what I am saying is I think that the proposed amendment to make a new section 33 fails to create an offence, there is no offence if there is no penalty, and there is no penalty for that proposed offence.

In the next section 34 in the parent Act, there is a penalty which I looked at initially and assumed, because I could not believe that there would be such a main omission and that related to this section, but the penalty in section 34 only relates to breaches under section 34. Therefore, one would hope that there should be a proposal to insert a penalty to make this of value.

So I suggest that there be an amendment included there to have a new section 33(4) to say that—something of the kind; do not take my word for it.

A person guilty of an offence under this section—

Madam Chairman: Is it 34(3)?

Sen. Seetahal, S.C.: Yes. It would be 33(4) and then this one would be renumbered. It could be 33(5) if you want. I am just proposing it should be something.

A person guilty of an offence under this section is liable on summary conviction to such and such and on conviction by indictment to such and such.

And I would suggest, Madam Chairman, that it should probably be the same penalties as currently exist for breaches under section 34 and my research has indicated that the breaches under section 34 now stand at liability on summary conviction to a fine of \$50,000 and to imprisonment for 10 years and on a conviction on indictment to a fine of \$150,000 and to imprisonment for 15 years.

The reason I point out this is because this is the current law for breaches under section 34. This section deals with a person, who has a special offence relating to firearms on an aircraft—if you are following me, Madam Chairman.

Madam Chairman: I am trying to.

Sen. Seetahal, S.C.: I am saying that in section 34, which is not before us, there is a penalty for that section which is the one I had just referred you to; fine and imprisonment on summary conviction before a magistrate, fine and imprisonment up to 15 years before the High Court on jury trial.

I am saying if we are making a new offence about a person on board carrying a weapon, then you need a penalty and I was just suggesting that perhaps this could be the penalty or the guide, however the Government wants to propose it.

Madam Chairman: Therefore you put a clause referring to it.

Sen. Seetahal, S.C.: There needs to be a clause specializing a penalty.

Madam Chairman: What do you suggest? What wording?

Sen. Enill: We are inserting a 33(5) and the words would be the same as in section 34.

Sen. Seetahal, S.C.: I would suggest the form of wording would be what we have currently in 34(3).

Sen. Enill: Yes, we accept that.

Sen. Seetahal, S.C.: Madam Chairman, the wording would be:

“A person who commits an offence under this section is liable on summary conviction to a fine of fifty thousands dollars...”

Sen. Enill: That was amended, was it?

Sen. Seetahal, S.C.: No, this was the 2004 amendment.

“and to imprisonment for ten years and on conviction on indictment to a fine of one hundred and fifty thousands dollars and to imprisonment for fifteen years.”

Sen. Mark: Madam Chairman, I find that the punishment is a bit oppressive. Fifty thousand dollars—

Sen. Enill: It is the same thing. We are keeping with what is in the amendment.

Sen. Mark: So right now it is \$50,000 or 15 years?

Sen. Enill: Yes.

Sen. Kangaloo: Fifty thousand dollars is the amount or 10 years.

Sen. Enill: We are maintaining it as it is. The amendment is No. 3 of 2004.

Sen. Kangaloo: Yes. It is \$50,000 and imprisonment for 10 years and then on indictment, a fine of \$150,000 and to imprisonment for 15 years.

Sen. Dr. Gopeesingh: What is the penalty for importation? This is for exporting, what is it for importation?

Sen. Kangaloo: It is section 34.

Sen. Dr. Gopeesingh: But this section is looking at export. Is it the same thing for import?

Sen. Seetahal, S.C.: Madam Chairman, I want to make it better. In that section that is proposed it says: “no person may export...” but there should be somewhere saying that this is an offence. You see, normally you say a person who does so and so commits an offence. I do not know where you want to say that to make the thing full. Do you follow what I am saying, Madam Chairman?

So section 33(3) may want to say something like: A person is guilty of an offence if he exports from Trinidad and Tobago any firearm, et cetera. This is my point because—

Madam Chairman: You cannot put guilty.

Sen. Seetahal, S.C.: But that is what you have in 34(1). You may put the words “or commits an offence”, however you want to put it, but the old-fashioned way was guilty.

Sen. Dr. Gopeesingh: Under the importation of firearms no person may import into Trinidad and Tobago any firearm or ammunition, so in the same way you can say no person may export, but it goes on to say: “a person who contravenes or aids or abets any other person in contravening subsection (1) is liable”. So perhaps you may want to put in the words “a person who contravenes” somewhere in there as part of the penalty. Leave it as it is “no person may export” but then put in the words “a person who contravenes, aids or abets any other person in contravening” whatever section is liable to these fines.

Sen. Seetahal, S.C.: The reason I say commits is because there should be consistency in legislation and section 34 has “A person is guilty of offence”, that is why I suggest section 33 because when one is interpreting statute and one sees a difference in two following sections, one tends to think there is a purpose for it. So perhaps, one should use that and some of what Sen. Dr. Gopeesingh is saying because it is cleaner to say who contravenes. But we already have under section 34 those words, so perhaps we should stick to them.

Madam Chairman: May I get your suggestion in words?

Sen. Seetahal, S.C.: My suggestion is that somewhere in that section there is to be a reference of offence and the current clause which relates to section 33(3) should be changed to say: “A person commits an offence if he”, or “A person is guilty of an offence if he exports...” and I will leave it to the Government to decide.

Sen. Enill: I have some words, Madam Chairman.

“A person who contravenes this section commits an offence and is liable...”

Sen. Seetahal, S.C.: Do you prefer that?

Sen. Kangaloo: Yes.

Madam Chairman: You are changing the first two lines?

Sen. Seetahal, S.C.: That would be in subsection (5)?

Sen. Enill: Yes. So “A person who contravenes this section commits an offence and is liable...” to what we had said before.

Sen. Seetahal, S.C.: “A person who contravenes this section is guilty of an offence and is liable”—then you have summary conviction and the rest.

Everything remains, so the new section 33(5) would read as follows:

“A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousands dollars and to imprisonment for ten years...”

Sen. Enill: Are you all right, Madam Chairman?

Madam Chairman: Read clause 3 from the beginning for me, please.

Sen. Kangaloo: From the beginning?

Madam Chairman: Yes, the amended clause.

Sen. Seetahal, S.C.: This is 34(5) we are doing now.

Sen. Kangaloo: There is a new subclause (5).

Sen. Enill: Yes. It is at the bottom, we were only making amendment to (5).

Madam Chairman: Hon. Senators, the question is that clause 4, renumbered clause 3, as amended, now stand part of the Bill.

Do you want me to read it for you, Senators?

Sen. Seetahal, S.C.: Yes.

Madam Chairman: A proposed new clause 3(5) reads as follows:

“A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years and on conviction on indictment to a fine of one hundred and fifty thousand dollars and imprisonment for fifteen years.”

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Question agreed to.

Clause 4, renumbered clause 3, as amended, ordered to stand part of the Bill.

New Clause 4.

Madam Chairman: New clause 4 would state:

“Section 34(5) of the Act is amended by inserting after”—

Sen. Seetahal, S.C.: Actually, you put “Section 34 of the Act is amended by inserting “in subsection (5)”—that is how you do it, rather than say: “Section 34(5)”

Madam Chairman: Okay.

“Section 34 of the Act is amended by inserting in subsection (5) in the correct alphabetical order: Police Officer includes Customs Officer.”

New clause 4 read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 4 added to the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

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

ARRANGEMENT OF BUSINESS

Madam President: I was just reminded by the Clerk that we would like an opportunity to go back to two matters. The first one is No. 7 on the Order Paper: “Presentation of Reports from Select Committees. I now call on the Minister of Labour, Small and Micro Enterprise Development.

SPECIAL SELECT COMMITTEE REPORT (Presentation)

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Madam President, I beg to lay on the Table the report of the Special Select Committee of the Senate appointed to consider and

report on a Bill entitled: The Pharmacy Board (Amdt.) Bill, 2006 in accordance with the provisions of Standing Order 51(2).

**PETITION
(Hadyn-John Gadsby)**

Sen. Dana Seetahal, S.C.: Madam President, I wish to present a petition on behalf of Hadyn-John Gadsby. I will ask that the Clerk be permitted to read the petition.

Petition read.

Question put and agreed to, That the petition be granted.

FIRE SERVICE (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Fire Service Act, Chap 35: 50 be now read a second time.

The fundamental objective of this Bill is to provide for periods of full-time service in the auxiliary fire service to be reckonable for pension purposes. In January 1995, 74 auxiliary fire officers who had been performing duties of fire officer on a full-time basis for five years or more as at January 01, 1991, were absorbed as professional firemen into the Trinidad and Tobago Fire Service. However, neither the Fire Service Act, Chap. 35:50 nor the Auxiliary Fire Service Act, Chap. 35:54 makes provision for the service of officers in the auxiliary fire service to be considered for pensionable purposes. As such, the officers who were absorbed in January, 1995 could not have full-time service as auxiliaries counted for superannuation benefits under the Fifth Schedule to the Fire Service Act.

On retirement, these officers were only awarded a compassionate gratuity on the basis of Regulation 14(1) of the Pension Regulations, Chap. 23:52. However, this compassionate gratuity provides for a relatively small one-time payment without pension benefits. As a result, officers who have given invaluable service to the State for a number of years, were not eligible to receive a pension while their colleagues, who spent a similar number of years as fire officers, were eligible.

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It has therefore become necessary to recognize the plight of these officers who have given years of service to the fire service, as well as full-time officers who are presently part of the auxiliary fire service. This amendment would therefore provide for full-time service of an auxiliary fire officer in the auxiliary fire service to be reckonable for pension purposes and to provide for the full-time service of an auxiliary fire officer of the auxiliary fire service that was immediately followed by service as a fire officer in the fire service as at January 01, 1991, to be taken into account for the payment of full pension.

In an effort, therefore, to remedy and rectify the above anomaly, the following amendments are proposed:

- (1) Paragraph 2(7) of the Fifth Schedule of the Fire Services Act, Chap. 35:50 should be amended to widen the meaning of public service for the purposes of subparagraph (3) to include service as a member of the auxiliary fire service established under the Auxiliary Fire Service Act.
- (2) Paragraph 2 of the Schedule should be amended by inserting a new subparagraph (8) to enable the full-time service of an auxiliary fire officer of the auxiliary fire service that was immediately followed by service as a fire officer in the fire service as at January 01, 1991, to be taken into account for the payment of full pension.

These amendments, therefore, would rectify the lacuna in the law. It is therefore submitted that the Fire Service Act, Chap. 35:50 be amended accordingly.

Thank you very much, Madam President. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Madam President, who can argue—[*Interruption*] That is a very nice start.

No one can object to hard-working firefighters being given the opportunity upon their retirement to be granted by the State, full pension rights. It is unfortunate that it took the Government so long to bring this legislation to Parliament. I would have thought that the hon. Minister would have indicated to us today that because of the experiences that other officers are bound to experience and undergo as a result of this auxiliary arm of the fire service, that efforts would be made by him, his Ministry, and Government, to address these gaps which ultimately and inevitably would arise in the future.

So we have, according to the hon. Minister, some 74 auxiliary fire officers who were absorbed ultimately as full-time fire officers in the service, but prior to that, they were in the auxiliary section and their position and post did not provide them with pensionable rights. As he indicated, they got a small compassionate gratuity and, obviously, that was not sufficient to allow these fire fighters to live a reasonable life upon their retirement. The question that must be asked, however, to the hon. Minister is: How many other firefighters are in this auxiliary arm? I recall some years ago we had to bring an amendment to the legislation dealing with special reserve police officers, because they, too, had a similar experience, and we sought to correct that difficulty by bringing legislation and amending the relevant legislation to allow these officers to become full-time police officers, and a process was established and a procedure outlined.

I would like the hon. Minister to indicate to this Parliament what steps are being taken by him and the Government to ensure that we do not have a similar situation occurring in the not-too-distant future. Maybe five or 10 years from now another amendment would come because you would have, for instance, a similar situation confronting a number of other fire officers in the future. The time has come for the hon. Minister of National Security to take a page out of the UNC book. The same way we took steps to address the plight of hundreds of special reserve police officers and establish a procedure for their permanent absorption into the full police service, I think the time has come for a similar decision to be taken insofar as the auxiliary fire fighters are concerned, and I would like the hon. Minister to take steps to address that particular issue.

I want to indicate that in spite of all the wealth that we have in this country, public officers are underpaid, overworked and they leave the public service with a very poor pension at the end of their service to this country. I was approached by a particular judge recently and he was indicating to me—a retired one, that is, and it was not Kangaloo—that, for instance, judges who would have retired, let us say about 15 to 20 years ago, their pension is about \$4,000, and these people served their country. The Government has not been doing what I call a regular review and evaluation of their public officers in terms of persons who have served this country in different capacities and levels. I raise this point in the context of the plight of not only firefighters; we are dealing with firefighters now, but this particular matter embraces hundreds of other public officers, be they in the teaching service, the public service, the police service, or in this instance, the fire service.

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I want to let you know that there was a Labour Force Report published in the year 2002—the latest one, I understand is being compiled for 2003—and in that Labour Force Report it was shown that out of a working labour force of some 592,000 persons at that time, there were about 530,000 who were actively employed; they were in the labour force and they participated. Sixty-four per cent of that 530,000 workers were in receipt of less than \$3,000 a month in this country and another 194,000 persons were in receipt of less than \$2,000 a month in this country. That same Labour Force Report revealed that at that time, 2002, the minimum level of subsistence you would require to exist—a husband, a wife and two children—was \$2,800 per month. So we have a situation in which the Government's economic policy is not providing the kind of distribution of resources and income so that the masses of people who labour and toil very hard for this nation could, in fact, receive proper wages and salaries and, therefore, at their retirement would be able to live a decent life.

This country's income-distribution regime is extremely skewed. You have a small percentage, less than 5 per cent of this population, enjoying the bulk of the wealth of this nation, while, for instance, the masses of people continue to get crumbs from the master's table. So I think that this particular measure gives us an opportunity to bring to the Government's attention the inequality of income and wealth distribution in this land.

That brings me immediately to the question of pension reform. We have been hearing from the Government, through its White Paper on financial sector reform, that it is the intention of the Government to bring about pension reform, particularly within the public service. It has indicated to the country that in the next 20 years the percentage of GDP that would be going towards pension would be so high that it would become unsustainable for the State. The State would not be able to sustain that level of pension in the next 20 years.

We have been told by the Government, year after year, that there is a plan to bring about a reform of the pension system, particularly within the public service, so that rather than have the people in the public service engage in a non-contributory scheme where the State finances pension to the tune of 100 per cent, there would be some kind of contribution coming from the workers in terms of sustaining this pension scheme in Trinidad and Tobago. But the Government has to finance the deficit, because if I am a public officer and I am going home with a measly \$5,000—that is before tax, and when they take out tax I am going home with \$3,000 or \$4,000 and I am not, at this time, paying pension or making a

contribution to my pension; if the Government reforms the pension system and says I have to pay \$500 a month, the Government must begin to subsidize that amount for me until it is able to bring my salary up to a level so I can make that contribution towards that scheme on my own in the future.

The Government has to bite the bullet, because it is claiming that the system would collapse. It is saying that in its documents but still the Government remains quiet and does nothing to bring about this fundamental reform that is required to pensions in this Republic. Therefore, you have thousands of officers who are retiring year in, year out, and their conditions of existence are very pathetic—a measly pension.

If you look at the regulations of the fire service in terms of their terms and conditions of employment—look at Part V—you would see how their payment of pension is executed. I have known of cases—and this is where Sen. Dr. Lenny Saith comes in—where there have been no fundamental, serious reforms in the last five years in the public service. It is business as usual in the public service. How can you bring about speed and delivery of quality goods and services to the country if you do not embark on a massive, consistent and sustained programme of public service transformation or public service reform?

When you retire in the public service, sometimes it takes two or three years just to obtain your pension, because the state of the record-keeping in these ministries is so appalling. It is still a manually-driven system. The so-called paperless environment that we need in the public service is not there. There is no introduction and application of modern technology to bring about a revolution in the way we do business in the public service of Trinidad and Tobago. Sometimes you cannot even locate your records. It hurts me, because I have known of cases where people have approached me on that matter in terms of trying to get some help to get their pension.

I want to read for you a section—and all we have here are just words. There is no implementation of these regulations. Section 43(1), Part V, under “Payment of Pension” reads:

“The Chief Fire Officer, through the Permanent Secretary, shall ensure that particulars of service and pay of each officer whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than six calendar months before the date on which the officer concerned is due to retire.”

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So you know that I am going to retire six months hence; the Permanent Secretary, through the Chief Fire Officer, is supposed to have the records of these officers. Do you know when those records are, in fact, sent to the Permanent Secretary? A week before you retire. And when you send this a week before you retire, do you understand the length of time it would take the Comptroller to process? So sometimes you have retired and, as I said, your money is also retired, but the only difference is, it is in the hands of the Comptroller.

So there is need for the Government to look at this issue very seriously. The Minister of National Security cannot correct that. The reason he is Minister of National Security is because there is another Minister who is in charge of public service reform and it is public service reform that is supposed to aid the hon. Minister in this regard. There is a serious crisis in this Government. This Government prefers to duplicate rather than to take hard decisions in an effort to bring about a revolution in public service delivery in Trinidad and Tobago. It prefers to create special purposes vehicles to deal with every conceivable item or matter. Rather than give the same public service the responsibility of delivering goods and services, it is being given to other agencies.

Madam President: Senator, I am sure you have just started so I think we will suspend for tea and when we return you will continue. The Senate is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Dr. Eastlyn Mc Kenzie: Madam President, I hate to take the position of Sen. Mark, but the business of the Senate must go on. I will go on by congratulating the Government on this step because I know many auxiliary fire officers who have actually suffered under the present situation. The fact that the Government is trying to rectify the situation, I congratulate it. I know that there have been instances in the past since I have been here, when we have had to come to the rescue of other public officers who served under adverse conditions. I hope that we will consider more of them.

I was wondering whether this would be retroactive. There are people who were there from 1991, they might have retired before and are getting their pittance. Are you carrying it back to those who came in 1991 to upgrade their status, pensions and gratuities? We also have the problem as I mentioned a few weeks ago about those of us who retired in 1995 under the rules where we had lost our salaries and increments. When these were reinstated there was no

adjustment to the pensions and gratuities of these public officers like myself. We retired in 1995 when our salaries were slashed by 10 per cent. Subsequently, there was adjustment in giving back people their increments and 10 per cent. While they got back-pay their pensions and gratuities were not adjusted. I know that is being done but I hope that it would be hastened.

I would like to draw to the attention of the Minister of National Security and to the Minister of Public Administration and Information, a problem that we have in Tobago. I know that the Assembly is trying to solve one of the problems that we have where some of the clerks are temporary and have been on contracts for 10 and 15 years. I know that the Assembly has now begun to do something about that. I want to talk about some clerk typists in Tobago. I do not know if clerk typist is still on the establishment. There are clerk typists who have been serving as temporary clerk typists for 25 years and more. Their status has not been confirmed. I know that there was a rule that if you retired in a temporary capacity you would not get as big a pension as a confirmed officer.

I ask the Minister of Public Administration and Information and Minister of Energy and Energy Industries to rectify this situation of these officers with 25 years or more of unbroken service. I know that in 1997 we passed a law that although they were temporary they would be given their gratuities and pensions. A letter of confirmation not only enhances what you will get in terms of gratuity and pension, but it also does something to your dignity and pride. You have worked for 25 years as a public officer and you have not been confirmed in the post. It says something. I appeal to the Minister of Public Administration and Information and Minister of Energy and Energy Industries that if ever a note comes to Cabinet asking that this situation be rectified, that the Members of Cabinet give it favourable consideration.

I also want to talk about an increase in the pensions' staff. As we heard Sen. Mark in the first part of his contribution when he talked about how long it takes. Sometimes all your papers and records are in but it takes an inordinately long time for officers to be given their gratuities and pensions. Very often in the newspapers we see people complaining that they have been there for six months; their savings have been exhausted; they have bills to pay; children at school and all sorts of things. They are really suffering because they have been made to expect a gratuity and a pension. Despite the fact that some people have had the sense to invest, as Sen. Mark said, there are some people whose pay was so small that they really depend on the pension and gratuity. I ask that we have a speedier processing of this.

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My next point is that many times I find as Members of Parliament whether in Government, Opposition or the Independent Bench, we are loath to talk about our conditions of service. I am not afraid to talk about our conditions of service. I have been here and I know of people as former Senators Horne, Prof. Spence, and Sen. Wade Mark with 15 and 17 years service and sometimes they leave and we do not even know that they would not be Senators anymore. There is nothing. It is time that as parliamentarians, not even for us, but some people have made tremendous sacrifices to come to this place and work for the State. It is time whether Government, Opposition or the Independent Bench to see about ourselves also.

We see about the public and that is why we are getting up and pleading so hard for people whom many of us do not even know, but we know what they have done. We need to look at ourselves. I hope that a Bill I had drafted—but could not come to the Senate first because it is a money Bill—be given some consideration by the Government and that something be done about the terms, conditions and separation allowances of Members of Parliament. Some people are taken care of because they are Ministers whether it is a contributory or non-contributory plan. There are too many people who have given excellent service and made tremendous sacrifices.

Forgive me if I stray a little. I think about our Members of Parliament on all sides who are on these committees as the Joint Select Committees and Special Select Committees. We pick up people. We just had a report from the committee looking at the Pharmacy Board (Amdt.) Bill. I look at some of the volumes that we are presented with. Look at the report in front of us; the amount of reading, time and sacrifice. They give a tremendous amount of service. I cannot quantify the amount of time, energy and research that our Members of Parliament give to the service of this country. From what I have read I think we deserve better.

My final point, probably the timing might be bad today, but I will say one line. In looking at the separation allowances and terms and conditions of service of the parliamentarians, you also look at those of retired judges. As I said I know that probably my timing is bad, but I still maintain that many of our retired judges—some of them bedridden and some very ill; according to the era in which they retired, we cannot blame them for living long; we are glad if we have long life—some of them have lived to the age where the pittance that they get as a pension which is a set pension according to the rules, does not make them live with the dignity that we expect of that type of service.

Let me again emphasize my congratulation to the Government for this piece of legislation; the importance of letters of appointment and confirmation for those public servants in whatever category who have been giving unbroken service in certain posts for over 20 years and have not been confirmed in their posts. Let us give them the dignity and pride. I know of people who are retiring this year and have given over 25 and 30 years as clerk typists and they would not be given that dignity of having a document to say that you have been confirmed as a clerk typist. Let us look at that. As I said before, let us look at ourselves.

Thank you.

Sen. Brother Noble Khan: Madam President, I want to add a little to what has been said before. I know my colleague, Sen. Dr. Eastlyn Mc Kenzie has been very exhaustive but I would add a little. She has made the point that pensions are woefully inadequate particularly with the situation of rising prices. We need to address that. We know from a technical point that pensions are normally a direct charge on the Consolidated Fund and the yearly authorities are exempted from the Bills that are passed at the time of budget. This allows for a sort of fast clip that could be available and must have some change in techniques in how these pensions are paid particularly in the light of very often we hear that pensions are received so late.

It could be because of the system. I suspect that it is the system that is in operation and there might be need to adjust that. I am a former public officer and I spent all my years in the public service. I am not speaking particularly for myself, but very often people in worse positions than I, as has been explained earlier because of the late pension, if there is some adjustment in the system this could be avoided. It is not beyond.

The point was raised on the question of pension and contributory pension scheme and some illustrations were made by Sen. Mark. With the concept of pension if it is contributory it means that the employee is making an input. Within the government framework pensions are non-contributory. If we were to backtrack on the idea of pension it is something where the employee has built in within the system, a hope and expectation that at the end of a certain period it would be payable. One would expect as in private management some form of putting aside would have been done by management. The system of government is what has been referred to as a cash system and deals only with the cash as it comes in and then goes out. The long-term fund to some extent could provide for some form of putting aside which would go towards the making of a pension for these people.

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This is exclusive of the National Insurance Scheme (NIS) which is part of the system that exists. People make contributions and out of that pool that money is distributed at a later stage. Of course, the actuaries will have a big say in that. With the central government pension scheme there is no putting aside either by the employee or the employer coming together. Very often we hear that creeping up within the system—right now we are pretty cashy. When you look at the ratios between what is allocated for pensions within the whole framework of things it may be very well skewed especially as people become older and live longer. There might be pressure to bring to bear the question of the contributory pension. If you were to think in terms of this existing and has been existing for quite some time and there was no attempt made to meet the challenge but just a direct charge on the Consolidated Fund, you will find that we would be in that kind of trap we find ourselves in.

It is not that we the pensioners are getting anything free. We understand that well. We have worked and served in the past and this is built into the terms and conditions. It seems to me that the employer is not making adequate provision for that. They just allow it to be thrown out of the big pool. This has implications for example with the health surcharge. That goes into the big pool but when you think about what that is supposed to be, linked with some kind of provision for health and money has been taken out of people's income, within the system you find no identification of where that money is put aside for the provision of health services. It is all lumped together. It is just looked upon as another technique of taking funds out of people's pocket using the term "health surcharge" as a mask. This technique may have implications when we come to address the state enterprises.

I am using this because although we are talking about pension it is a principle that exists throughout. Unless we address that principle in a way that would make it salutary, if that same principle obtains in some of the other areas of governance you would find debt is the portion that obtains. If you look at all our state enterprises especially in the time when money was pumping profusely as it is now, where are they now after the first draw? These are some of the little ideas that come to my mind as this matter is before us.

I too, congratulate the Minister who has brought it. I know it is long overdue to people. Very often we hear too late, too late. When the time comes to pay the person is no longer there. I know we are not unaware of this. I do not think that any of us here or elsewhere would think our hearts are so hard so as not to think of what is fair and just and should be dealt with.

Thank you.

Sen. Raziah Ahmed: Madam President, on this Bill I have one short question. If it is a defined benefit plan, could the hon. Minister share with us the current formula for the fire service?

In light of the arguments that I have heard on this side, is this an appropriate time for increased incentives for persons who wish to contribute to individual annuity plans?

Thank you.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, from the outset I thank all Members who made contributions to this particular Bill and indicate that most of the issues raised were not specific to the piece of legislation before us, but to the whole issue of pensions and whether or not pension should be contributory or non-contributory. We will make note of the process and bring it to the attention of the relevant Ministers, especially of course, the Minister of Public Administration and Information and Minister of Energy and Energy Industries.

I will start with Sen. Mark who talked a lot about what steps are being taken to ensure that we do not have a recurrence of this. I am not in a position right now to say exactly what steps we are taking, but certainly, we are aware of the situation that we have found ourselves in and we have a responsibility to ensure that we do not find ourselves in such a situation. The question about the relationship between the auxiliary firefighters and the regular fire service is being looked at to ensure that another Minister of National Security five years from hence would not find himself or herself in such a situation. He told us to take a leaf out of the UNC. They did something with respect to the Special Reserve Police. We will look. I am not afraid of advice wherever it is provided, as long as it is useful it would be taken on board. Rest assured, Sen. Mark, I will look at what your administration did during the time to address that.

There are other issues and I do not want to get into the politics. You talked about the wider issue of the Labour Report of 2002 and the inequality of income and pension. I will not want to ask you because you had the distinct opportunity for five or six years to be the Minister of Public Administration and Information. I am sure that during that period of time you must have put progressive legislation on the books or you would have put measures in place to address some of these issues.

Sen. Mark: As far as was practically possible.

Sen. The Hon. M. Joseph: The hon. Senator says as far as was practically possible. The majority of his contribution dealt with the wider pension issue.

Sen. Dr. Mc Kenzie asked about the upgrade and retroactivity. I guess we have to consider these things to see whether or not what you are asking for would be done. You made special reference to the problem existing in Tobago. The question about the temporary clerks is something that would be brought to the attention of the Minister of Public Administration and Information.

Hon. Senator: He heard.

Sen. The Hon. M. Joseph: Yes.

With regard to the terms and conditions of Senators and retired judges all I have to do is listen. The appropriate authority that is capable of addressing these matters would be addressed.

Sen. Bro. Khan spoke about change in techniques as to how pensions are paid and the fact about delayed payments. We took into consideration all that we have heard as it relates to the administration of pension.

We took into consideration the point made by Sen. Mark as it relates to the time frame in which the documents that are supposed to be taken into consideration to calculate people's pensions are done too close to when persons are about to retire. You have to look at the records and see to what extent you insist that those persons who are responsible for discharging these activities are literally held towards ensuring that it happens. Many of the problems that we encounter, people do not come from Mars and Venus, they come from right here, whether Santa Cruz, Scarborough or Roxborough. They are our people who are coming to discharge the very function which people expect them to discharge. It is a question of what kind of, I do not want to say commitment; it is what kind of standard. What do you insist must be done to ensure that there is delivery?

Minister Enill continues to talk about the challenges that we face. We have had situations where we have asked people to discharge certain responsibilities and if you push them too hard, for two days they would not show up at work. The thing would just stay on the desk. You have to do a balancing act and then some people say, "you soft." It is not about soft. If you want the results it is a question of how you go about ensuring you get the results bearing in mind that everybody has their little power base. It is a trade-off. I hate to say that because it might seem as if you are coming across weak. But what is the sense in coming across

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strong and there is nobody to implement what you need to get implemented? You have to cajole and let them understand because one day you would go out too. How long would you want to wait for your pension when you retire? We take on board some of the concerns raised with respect to the administrative aspect of ensuring that persons are paid on time.

Sen. Ahmed raised the question of the defined benefit and increase. I am not in a position to answer that now. I have made note of it and in terms of its implementation we will look at it.

With these few words, I beg to move.

5.30 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

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

Senate resumed.

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

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT
(Adoption)**

Sen. Wade Mark: Madam President, I beg to move the following Motion standing in my name:

Be it Resolved that the Senate adopt the First Report of the Public Accounts (Enterprises) Committee (PA(E)C), First (2002-2003), Second (2003-2004), Third (2004-2005) Sessions of the Eighth Parliament on Energy and Energy Industries.

This Report was tabled a few weeks ago so I would assume that all Senators would have read the contents of the said Report. It was also tabled in the other place and was recently adopted. I would like to draw your attention, and the honourable Senate's attention to one particular area of concern. We have looked at, in this Report, the energy sector. We examined during the period under review, National Petroleum; Trinidad and Tobago Petroleum Company, Petrotrin; the

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National Gas Company of Trinidad and Tobago and Point Lisas Industrial Port Development Corporation Limited.

It is important that we recognize that in doing our duty, on behalf of the Parliament, that we expect the fullest cooperation from all those entities which fall under our jurisdiction. I must bring to the attention of this honourable Senate the challenges that we were faced with when we sought to get the Chairman and the Board of Directors of Plipdeco before our committee. It was so bad that we had to make a recommendation that the Speaker should take all appropriate measures to bring contempt proceedings against those persons who, literally, attempted to frustrate the work of the Parliament, through the Public Accounts (Enterprises) Committee.

I would hope that the experience we had with Plipdeco is not repeated with any other entity in the future. So far this year we have met with UDeCott and we have had full cooperation from the Chairman and the Board of Directors. We also met with VMCOTT and we have also had similar cooperation. But in the particular matters involving Plipdeco, we got some severe resistance. We were written to by lawyers on behalf of this company, saying that we do not have the power to call them before us; they were not compelled to provide us with documents, evidence and information, which as you know, is our right under the Constitution and the Standing Orders.

I thought this was a very serious matter to bring to the attention of the honourable Senate, so that in future we will send a loud message to all and sundry that when we meet at the level of Public Accounts (Enterprises) Committee, it is the Parliament that is meeting. The Parliament has given us the authority to meet on its behalf, because all of us cannot be on these committees.

Madam President, these entities and directors must understand that they have a duty and a responsibility to appear before us, and to provide us with the necessary information that we require. Madam President, our responsibility is to improve governance, and to improve the system, generally, so that at the end of the day the delivery of goods and services to the citizens of this country could be improved. There will be better accountability. There would be accountability as it relates to the value of the dollar. We want value for our money and that is why we insist that wherever there are irregularities and what we perceive to be improprieties that we need to get to the bottom of things. It is not to witch-hunt anyone and it is not to embarrass anyone. It is to ensure that the taxpayers' moneys are properly spent and accounted for.

I want, on the behalf of the committee, to extend my heartfelt appreciation to the Members of the Committee, even though we have had some challenges. Madam President, whenever they were able to make it, they attended; when they could not make it, well we did not see them.

I would like to go on record as expressing my profound appreciation to the following Members of the Committee. I want to, especially, thank Sen. King—[*Desk thumping*]*—*who has always been present and who has also given the Public Accounts (Enterprises) Committee her fullest cooperation. She has been a stalwart and a great inspiration in terms of the work of the Committee.

Madam President, the rest of the Members are not in this Senate but, as I have said, I want to congratulate them. I know Mr. Hedwige Bereaux is also under pressure with respect to time, but he comes when he can. I want to thank him for his contribution. I wish to thank Mrs. Eudine Job-Davis, Dr. Hamza Rafeeq, Mr. Kelvin Ramnath, even though my friend Hon. Mustapha Abdul-Hamid has had his challenges, he used to be there. I also wish to thank and congratulate Sen. the Hon. Christine Kangaloo.

Madam President, at the end of the day, we have our job to do; it is a duty and it is a responsibility and as Sen. Dr. Mc Kenzie has said, it is not easy. We make great sacrifices in the interest of the country and the people and sometimes we have to go with the Members who we have present—no offence is meant. I know my colleagues have their ministerial duties and responsibilities and they have to give priority to those responsibilities. We, however, as part-time politicians and Members of Parliament—Madam President, I would like to see the day when all of us in this Parliament are full-time Members of Parliament, where we can give our all to the Parliament and to the work that we have.

We have 18 enterprises that fall under our jurisdiction. We have been only able to complete, over the last few years, about four, and we have another two coming up. Madam President, sometimes, because of the fact that we are part-time and are on other Joint Select Committees, we cannot meet every day. When we do meet with these entities, we have to meet for about three or four hours because there are other commitments.

Madam President, I would like to again, as Chairman of this Committee, extend my appreciation to all the members who contributed. I also thank Sen. Dr. Lenny Saith for giving us the opportunity today to have this Report adopted. I do not know if anyone would like to speak, if not, I would like to move that this Report that we have laid be adopted so that the recommendations can be implemented.

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I beg to move, Madam President. [*Desk thumping*]

Question proposed.

Sen. Dr. Eastlyn Mc Kenzie: Madam President, actually, just a few minutes ago, not knowing that this Report would have been put for adoption, I congratulated the various committees on the tremendous amount of work they have been doing and the sacrifices they have been making. I want to echo this in the presence of all those who were not in the Chamber at the time.

When I listened to Sen. Mark about—I do not want to call it the rudeness of some people when they are called before these committees, I wonder whether it is because they are not educated as to what their role is when they are members of boards. I would like to suggest that when members of the public are asked to serve on boards or they are actually members of boards that they should be given some sort of guidelines that you have to submit your report to the Integrity Commission, et cetera. I think just a little pamphlet of guidelines would make them realize what their duties are.

Let me say again, my warmest congratulations to Sen. Mark and all the members of his committee for the tremendous amount of work they have done and to members of all other committees because it takes a lot of expertise to really make a mark.

I must say, finally, yes, the work that has been done in these committees, the public is noticing. The public is more informed and aware, and even when negative comments are made, you hear members of the public asking: What does this Minister mean by that? et cetera. It shows that people are reading and listening and they actually understand how the public function should go on.

Again, Sen. Mark, please convey to your committee my warmest congratulations, my admiration, and thank you sincerely for all those who have been contributing to your work.

Sen. Prof. Ramesh Deosaran: Madam President, I felt moved to make a few comments, when I heard the Minister of National Security speak about the inadequacy in the delivery of services to have the Government run the country more efficiently.

This is one of the primary responsibilities of all the committees; the ones under section 119, the PAC and the PA(E)C, and the one under section 6A. I would wish, after hearing Sen. Mark deliver his Report and move the Motion, that the Parliament take these committees very seriously, because they are relatively new,

some of them, and there is a lot of road ahead of us to be covered. I know there are irritations along the way, there is some discomfort in terms of the temperature at these meetings, and the manner of cross-examinations, if that is the word, but these are the paths to a fuller democracy. In time, the thing would become so mature and institutionalized, that the virtue of having these committees—in fact, they could serve as an instrument for improved efficiency in all aspects of the public service.

I want to convey to Sen. Mark my support for the work his committee has been doing. To those members who have been supporting him, I also extend my congratulations and ask for their continued support. I wish that Sen. Mark does not despair; it is part of an exercise and there would be challenges. You have been one of the persons who have been trying, in whatever way, to give encouragement and support within the limitations that face you, to these committees because you recognize the value of them.

I do not want to underestimate the point because Sen. Conrad Enill and other Ministers have also made the point about having the public service work more efficiently, or to put it another way, the obstacles they face in getting Government policy implemented.

I recognize those obstacles and challenges, but it is my belief, at the same time, that if these select committees, particularly, under section 6A are supported, part of the Government problems could be solved. I do not understand why a more fervent type of support is not given to these committees.

I ask the Leader of Government Business in the Senate to take it upon his personal responsibility to convey to the Cabinet the value of these committees in helping Government machinery become oiled and more efficient in delivering the services. It is nothing more or less than that objective. Whatever obstacles we face, whatever discomforts as the wheels of democracy turn, I think those are merely temporary.

Madam President, with those few words, I would like to express my congratulations to Sen. Mark and urge all concerned to continue to give their full support. [*Desk thumping*]

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I am going to have a few words, merely to say that I congratulate Sen. Mark and his committee. We would continue to cooperate, and it would help us—

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given the fact that most of us on the committee who are Members of the Government have ministerial portfolios—if the meetings are not held on Thursdays, because on Thursdays is Cabinet. I would give him the assurance that we would contribute. Since we are only dealing with this Committee, I will end at this time.

Thank you, Madam President.

Question put and agreed to.

Resolved:

That the Senate adopt the First Report of the Public Accounts (Enterprises) Committee (PA(E)C), First (2002-2003), Second (2003-2004), Third (2004-2005) Sessions of the Eighth Parliament on Energy and Energy Industries.

**SPECIAL SELECT COMMITTEE REPORT
(Adoption)**

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Thank you, Madam President. I beg to move the following Motion standing in my name:

Be it Resolved that the Senate adopt the Report of the Special Select Committee appointed to consider and report on a Bill entitled, “The Pharmacy Board (Amdt.) Bill, 2006.”

Madam President, your Committee met on four occasions, from May to July 14, 2006, which was last week Friday. We did quite a lot of work and we accomplished quite a bit. You would recall that in the debate on the original Bill it attempted to do, basically, three things.

Firstly, it was to remove the requirement for pharmacists who graduate from the University of the West Indies to undergo an examination after they graduated from the university. Secondly, it was to remove the requirement to pre-register before you even entered the university. Thirdly, it was to streamline the actual requirements for registration.

In fact, we touched on all three issues and the drafting was tidied. The first two issues were fairly simple. The third issue, in terms of the streamlining of the qualification, gave the committee a bit more effort, and we had to pay more attention to it, but at the end of the day, I think, we achieved what we set out to do.

What we have done, as we have amended the Bill, is that we have divided the qualification requirements into essentially three factions. The first faction dealt with a Caricom national who would have already qualified as a pharmacist. We have said that someone who is a national of a Caricom member state and has been awarded a degree in pharmacy, it is recognized by the Accreditation Council. In other words, we would leave it to the Accreditation Council to decide whether the person is adequately qualified—this is someone from the Caricom region.

There were a couple of other requirements that the Bill contained, and we decided to go back to the original wording of section 18, where it required him to be of good character, and to be mentally and physically capable and, of course, has paid the prescribed fee. At that point he can be issued a temporary licence for a period of three months. The intention is that if he is already a qualified pharmacist then all he needs to do is three months. This is what was requested by the Pharmacy Board.

The second group that we dealt with were persons who were licensed pharmacists but from outside of Caricom, so this was now a separate group and basically we said much the same thing, that your degree must be recognized by the Accreditation Council. One other qualification that we added to someone who was a non-Caricom national was that he must be the holder of a valid licence to practise pharmacy wherever he came from. He is already licensed but he still has to come here and then do three months of supervised practice.

The third and final element was to deal now with the graduates from the University of the West Indies. We have said that a university graduate must do six months of practice. At that point he can be presented to the Pharmacy Board and he will be licensed. This was in new section 18(a)(2), where if he has done 840 hours, which is six months of work, and a declaration by a responsible pharmacist, then he will be registered as a pharmacist. Madam President, that pretty well tied up the bits of anomalies that we had found when we did the debate.

Madam President, I want to alert Senators, and I would like to apologize to members of the committee that there is a further amendment that is being circulated. Ms. Salick from the Chief Parliamentary Counsel called yesterday to tell me that there was a consequential change as a result of what we had done. Because we had deleted the original section 18 of the Act and replaced it with our own section 18, in the definition of the words “responsible pharmacist”, there were some words following in the original Act that would refer to the original section 18. That is no longer relevant so we have simply deleted after the words

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“responsible pharmacist”. It is merely a consequential change; it has no effect on the work that we have done. I do apologize again. It was too late for me to get hold of the members of the committee so, again, I do apologize for that.

Madam President, before I close, I would like to thank the support staff to the committee and Dr. Ruby Alleyne who is the CEO at the Accreditation Council. She attended one of the meetings and was able to explain what they could do in this regard. Of course, I would also like to thank Ms. Gonourie and, of course, Ms. Roopchand from the Ministry of Health.

I would also like to thank other members of the committee who helped with the Bill, especially, Sen. Dr. Gopeesingh and Sen. Mary King. There was always goodwill at the meetings and we did good work. I think what we have produced is good because there was a complete meeting of the minds. There were honest efforts on the part of all the members to achieve the objective of the Bill. I think we got there successfully and I would very much like to thank the members of the committee.

Madam President, I beg to move.

Question proposed.

Sen. Dr. Tim Gopeesingh: Madam President and Members of the Senate, hon. Minister of Labour, Small and Micro Enterprise, Development you would remember when this Bill came for debate, there were a number of issues that had to be looked into and Senators on this side, Independent Senators, and possibly some of the Senators of the present administration, were not happy about some of the issues in the terms and conditions of registration of pharmacists. It was based on the fact that we were not comfortable with it that the Senate decided to have the Special Select Committee.

The committee met and deliberated very well, in a meaningful and purposeful way, to address the issues that confronted this honourable Senate when the debate came on. I want to congratulate Sen. Montano as the Chairman of this committee—[*Desk thumping*—]for taking the issues, which we had raised, back to his team where they would have met in Cabinet and sorted out some of the difficulties we had.

The questions that arose, first of all, in our minds were: What was the Accreditation Council? Who were they? What were they doing? When we heard from one member of the Accreditation Council, the way they dealt with accrediting bodies and institutions and professionals, I, personally was comfortable, being from a university setting where the University of the West

Indies has to be accredited, even today, in terms of medicine, dentistry and pharmacy, because they are linked with a very well-known Accreditation Council, as Sen. Mary King and Sen. Christine Kangaloo would have heard. This accreditation team in Britain really looks carefully at modules and course content, and then they give certification to certain universities and colleges based on their analysis of the modules and the contents of the courses.

Having ascertained the fact that the Accreditation Council linked with this international body in terms of accreditation, we felt comfortable that this Accreditation Council was doing its job and the members of the Accreditation Council are distinguished members of the society, in their own professions, so we had no difficulty with that. Madam President, that obviated the fact that we no longer needed to list the universities and colleges under any schedule, because we left the role for the Accreditation Council to look at that.

Then, in keeping with all professions with which I am familiar, the question that had arisen as to whether we were comfortable in allowing pharmacists, who had gone through a programme of training, but we were not sure whether they were licensed or accredited by their particular countries, and if they were accredited or licensed by their countries and then to come here, we were not comfortable with that.

We were very grateful that the Government took into consideration that aspect and decided to ensure that those pharmacists who were coming must have been accredited by their respective country's accrediting body and given licences to practise.

6.00 p.m.

Therefore, if a pharmacist has to come to Trinidad, and had received a licence to practise in their particular country, we know that person had met certain requirements and standards, not just from graduation, but having been accredited with a licence. We were comfortable with that situation. As far as Caricom nationals are concerned, and I am still a member of the university faculty, and we can boast of the best students in the world from our medical and dental faculties and Pharmacy Board. Our students are second to none in the world. And we had been accredited by the General Medical Council of Great Britain for years until the European Union took over and because of the 25 countries, they did not want to accredit our university because they have to look after their own.

Special Select Committee
[SEN. DR. GOPEESINGH]

Tuesday, July 18, 2006

We are sure that the University of the West Indies graduates in pharmacy are quite capable and competent, because I have been part of the training as well, at some time. It is a four-year programme where they do some training for a while and after passing their examinations the mere fact that they still have to do a six-month internship training programme, we thought it enough and adequate because they had been through a little programme of active involvement in hospitals and in pharmacies before finishing their four-year programme.

Madam President, in keeping with what the hon. Minister of Labour, Small and Micro Enterprise Development indicated, I think we met in a very collegial and very responsible manner in obtaining and achieving the results which will benefit the people and the citizens of Trinidad and Tobago. No one should have any fear. Anyone coming to Trinidad and Tobago now, when this Bill is enacted, would be well cared for and we feel comfortable that the Government has taken into consideration the views of the Opposition and the Independent Senators in coming up with this, and we are very comfortable now.

We thank the administration for listening to us and we congratulate Members of the team, Sen. The Hon. Christine Kangaloo, Sen. Mary King, and, of course, the Chairman who conducted very good sessions and, of course, the staff who did yeomen service in providing the relevant information and those who came forward to assist us in the redrafting and those from the accreditation council.

Madam President, we, as Members of the Opposition, feel comfortable and gratified that our views have been taken into consideration. Thank you.

Question put and agreed to.

Resolved:

That the Senate adopt the Report of the Special Select Committee appointed to consider and report on a Bill entitled, "the Pharmacy Board (Amdt.) Bill, 2006."

PHARMACY BOARD (AMDT.) BILL

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 3 recommitted.

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

Sen. Montano: Madam Chairman, as I was saying during my contribution, this really is an editorial consequential change that is necessary because, in our amendments, in fact, we had deleted the original section 18 of the Act and this amendment changes the definition slightly—responsible pharmacist—in that it deletes the words which referred to section 18 of the Act which was the original section 18. It is no longer appropriate, so it is simply being deleted. It is just not necessary. It is just a simple consequential change.

Question put and agreed to.

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

Question put and agreed to, That the Bill as amended be reported to the Senate.

Senate resumed.

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

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to a date to be fixed. I think after the productive day today, we need a little rest. If I were sure we would have productive days like this, I would always have more days like this.

It is likely that it would be about mid-August, but if there is an emergency, of course, we would be called before.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.10 p.m.