

*Leave of Absence**Tuesday, April 24, 2007***SENATE***Tuesday, April 24, 2007*

The Senate met at 1.30 p.m.

**PRAYERS**[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. Basharat Ali and Sen. Angela Cropper, who are out of the country.

**VACANT SEAT**

**Madam President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: SENATOR ATO JABARI BOLDON

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, ATO JABARI BOLDON, to be vacant.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 23rd day of April, 2007.”

*Senators' Appointment*  
[MADAM PRESIDENT]

*Tuesday, April 24, 2007*

**SENATORS' APPOINTMENT**

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MR. RONALD PHILLIP

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, RONALD PHILLIP, a Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 23rd day of April, 2007.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MR. WALTON FRANCIS JAMES

WHEREAS Senator Angela Cropper is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WALTON FRANCIS JAMES, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Angela Cropper.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20th day of April, 2007.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO”

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Basharat Ali is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with effect from 19<sup>th</sup> April, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Basharat Ali.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 12th day of April, 2007.”

**OATH OF ALLEGIANCE**

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

Ronald Phillip, Walton Francis James, Althea Rocke.

**PAPERS LAID**

1. Annual audited financial statements of the Education Facilities Company Limited for the financial year ended September 30, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

2. The eighty-second report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

**DEOXYRIBONUCLEIC ACID (DNA) BILL, 2006**  
**Joint Select Committee Report**  
**(Presentation)**

**The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo):** Madam President, I have the honour to lay on the Table the following report standing in my name:

The Third Interim Report of the Joint Select Committee appointed to consider and report on a Bill entitled the Deoxyribonucleic Acid (DNA) Bill, 2006.

**ORAL ANSWERS TO QUESTIONS**

**Details of Carifesta**

**18. Sen. Wade Mark** asked the hon. Minister of Community Development, Culture and Gender Affairs:

- A. Could the Minister provide the Senate with a detailed breakdown of the cost involved in the staging of Carifesta in Trinidad and Tobago in 2006; and
- B. Could the Minister also provide the names of the organizers of this event and the respective fees and/or commissions paid to each organizer?

**The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams):** Madam President, I know that I had said about one week ago that I should have the response from the auditors. I really apologize. I regret to say that the auditors have not furnished us with the Carifesta bills. A letter was sent the last day and they had been having some difficulty. I really regret it has not arrived as yet.

**Sen. Mark:** She had not said anything.

**Madam President:** What I understood was that she has not yet received the audited accounts and, therefore, was unable to give the answer.

**Sen. Mark:** I would like the hon. Minister to indicate what new time frame she is now seeking?

**Sen. The Hon. J. Yuille-Williams:** When I came the last time to the Parliament I brought a letter from the auditor. I would ask for a week and during that time I would again ask him to present me either with the audited statement or another confirmed date, and I will let the hon. Senator have it within the week or before that day. I regret very much it has happened this way but there is nothing that I really could do about it at the moment.

**Sen. Mark:** Madam President, would you rule that we leave question No. 18. on the Order Paper so that next week the hon. Minister can provide information in writing as to what is the situation?

**Sen. The Hon. J. Yuille-Williams:** I said that even before the Order Paper is prepared, I shall again approach the auditors to see at what stage it is and you should be informed either in writing or in the response here. But I will really try to have it done for you. [*Interruption*] I said before the Order Paper is prepared I shall approach the auditors again. If it is ready then it will be presented. If it is not ready I will let you have something official in the Parliament. That is the best I can do at this time.

**Sen. Mark:** I would like to request therefore, that question No. 18 remain on the Order Paper.

*Question, by leave, deferred.*

#### **BWIA, Caribbean Star and LIAT (Negotiations)**

**31. Sen. W. Mark** asked the hon. Minister in the Ministry of Finance:

Could the Minister inform the Senate what is the position with the negotiations between the Government of Trinidad and Tobago in respect of the merger between the former BWIA, Caribbean Star and LIAT?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Madam President, there is no proposed merger between the former BWIA, Caribbean Star and LIAT and, therefore, there are no negotiations on this matter.

**Sen. Mark:** The hon. Minister would be very aware that since this question was posed, he can see the length of time it has taken the Government to respond. Events have taken over, so we would like the Minister—Madam President, BWIA has now been overtaken by Caribbean Airlines, so we would like the Minister to indicate to this Parliament whether there is any discussion taking place as it relates to a merger between Caribbean Airlines, Caribbean Star and LIAT.

**Sen. The Hon. C. Enill:** Madam President, BWIA in any form, fashion, CAL, in any form fashion—the answer remains the same. There is no proposed merger between the former BWIA, the present CAL at this time, any future entities, Caribbean Star and LIAT and, therefore, there are no negotiations at this time.

**Sen. Mark:** Madam President, may I through you, ask the hon. Minister whether there is any intention on the part of the Government of Trinidad and Tobago to establish with its Caricom colleagues a regional air carrier? Is there any such intention on the part of the Government of Trinidad and Tobago?

**Sen. The Hon. C. Enill:** Madam President, it is the Government's policy that the Caribbean Airlines Limited entity at some time would be the subject of regional participation. At this time, based on the business plan model, the airline is setting up itself, and that matter of regionalization has not yet entered the agenda.

**Sen. Dr. Gopeesingh:** In keeping with the same question asked, is there any strategic alliance between Caribbean Airlines, LIAT and Caribbean Star?

**Sen. The Hon. C. Enill:** No, not at this time.

**Faculty of Law  
(Positions in)**

**35. Sen. Wade Mark** asked the hon. Minister of Science, Technology and Tertiary Education:

- A. Could the Minister inform the Senate whether the position of Head of Faculty of Law and Senior Lecturer at the Faculty of Law, University of the West Indies, St. Augustine Campus, is a full-time position?
- B. Could the Minister also inform the Senate who is the current Head of the Faculty of Law at this campus and how many hours per week is the Head of the Faculty expected to spend in his teaching and administrative duties?
- C. Could the Minister further provide the Senate with the remuneration package including perks and allowances of the Head of the Faculty of Law?

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Madam President, the University of the West Indies has advised that the Faculty of Law, UWI is based at the Cave Hill Campus, Barbados. There is at this time no senior lecturer or Head of the Faculty of Law at St. Augustine.

In response to part B, as there is now no Head of Faculty of Law at the St. Augustine Campus, this question does not arise, and in response to part C, as there is now no Head of Faculty of Law at St. Augustine, this question also does not arise.

**Sen. Mark:** Madam President, through you, could the hon. Minister indicate to us who occupies a position or who is in charge of the Faculty of Law at the University of the West Indies?

**Sen. The Hon. M. Abdul-Hamid:** The Senator would really have to file a question for that.

**Madam President:** You do not have the answer.

**Sen. The Hon. M. Abdul-Hamid:** Everything with the University of the West Indies I would like to check.

**Sen. Dr. Gopeesingh:** Madam President, would the Minister indicate whether there is no senior lecturer at the Faculty of Law at St. Augustine? The question is asked whether the position of Head of Faculty of Law and senior lecturer. Is there no senior lecturer at the Faculty of Law at the St. Augustine campus?

**Sen. The Hon. M. Abdul-Hamid:** There is a position of senior lecturer and no one occupies that position at this time.

### **Airports Authority of Trinidad and Tobago (Law Firm Retained by)**

**36. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

- A. Could the Minister indicate to the Senate whether the Airports Authority of Trinidad and Tobago has retained the services of the law firm, Alexander, Jeremie and Company to represent the authority in legal matters?
- B. If the answer to (A) is in the affirmative, could the Minister inform the Senate:
  - (i) in what matters did the said law firm represent the Authority; and
  - (ii) provide the Senate with a detailed breakdown of the fees paid to the firm?

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam President, the Airports Authority of Trinidad and Tobago has advised as follows: In answer to Part A, Alexander, Jeremie and Company has been retained by the

Airports Authority of Trinidad and Tobago to represent the Authority in legal matters and is listed in the panel of attorneys of the Airports Authority of Trinidad and Tobago.

It should be noted that the Attorney General ceased to be a partner in Alexander, Jeremie and Company upon his appointment as Attorney General and in so doing disposed of his interest in the firm. A return was duly filed with the Registrar of the change in ownership of the firm.

The answer to part B. The following is a list of matters in which Alexander, Jeremie and Company has acted on behalf of the Authority:

1. The arbitration between Calmaquip Engineering Limited and the Airports Authority of Trinidad and Tobago. Alexander, Jeremie and Company was subsequently replaced by M.G. Daly and Company as its instructing attorneys in the matter.
2. In the matter of Jocelyn Benjamin v. Airports Authority of Trinidad and Tobago, this matter is a subrogation matter and is being handled by the Authority's insurer. Alexander, Jeremie and Company was subsequently replaced by Pollonais, Blanc, de la Bastide and Jacelon.
3. In the matter of Lenora Clark v. Airports Authority of Trinidad and Tobago, Alexander, Jeremie and Company continues to act on behalf of the Authority in this matter.
4. On 29 June 2005, Alexander, Jeremie and Company was retained to prepare leases between the Authority and its tenants. Upon further instructions from the Authority only one lease was prepared in the name of Dufry Trinidad Limited. The cost of preparing the lease was borne by Dufry Trinidad Limited.

To answer the last part of the question; the following is a breakdown of the fees for each matter:

- In the arbitration between Calmaquip and the Airports Authority of Trinidad and Tobago, the total fees paid to external legal counsel—this is counsel external to Alexander, Jeremie and Company Limited—is \$95,075. The total fees paid to Alexander, Jeremie and Company itself is \$35,075.



- In the matter of J. Benjamin v. the Airports Authority of Trinidad and Tobago—Jocelyn Benjamin—the fees paid to external legal counsel, \$15,305 and the fees paid to Alexander, Jeremie and Company, \$7,255.
- In the matter of Leonora Clarke v the Airports Authority the fees paid to external legal counsel is \$16,100. The fees paid to Alexander, Jeremie and Company is \$7,050.
- For letters to the auditors for 2003 fees paid to external legal counsel is \$230. Fees paid to Alexander, Jeremie and Company is \$230.
- For letters to the auditor for 2004 fees paid to external legal counsel is \$287.50. Fees paid to Alexander, Jeremie and Company is \$287.50.
- For letters to the auditors for 2005, fees paid to external legal counsel is \$575. Fees paid to Alexander, Jeremie and Company is \$575.

**Sen. Mark:** I want the Minister to indicate the name of this external counsel seeing that it has appeared on so many occasions, and could the Minister also indicate to us when did the firm of Alexander, Jeremie and Company discontinue representing the interest of Calmaquip and J. Benjamin?

**Hon. C. Imbert:** Since those questions were not asked in the original question, I do not have that information. I will be happy however, to provide it to the Senator in due course, but not today.

**Sen. Dr. Gopeesingh:** Madam President, would the hon. Minister indicate whether the perception of the Attorney General having inside information on these issues, particularly Calmaquip, whether they would be relevant or irrelevant?

### **National Transportation Study (Copy of)**

**51. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

- (a) Could the Minister provide the Senate with copies of the National Transportation Study and indicate in detail the main elements of the plan?
- (b) Could the Minister also inform the Senate what is the final cost of the National Transportation Study and the Mass Transit System Study?

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam President, this question has been prepared but has not yet received the approval of the Cabinet. I therefore request, to be safe, a deferral of two weeks.

*Question, by leave, deferred.*

**Prime Minister's West African Tour  
(Details of)**

**55. Sen. Wade Mark** asked the hon. Prime Minister and Minister of Finance:

With respect to the Prime Minister's recent seven nation West African tour, could the Minister provide the Senate with:

- (i) the names of the persons, including public officials accompanying him on the tour;
- (ii) a detailed breakdown of expenditure incurred on the trip; and
- (iii) a detailed itinerary for each of the countries visited?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Madam President, the Prime Minister did not visit seven West African countries, but Ethiopia and Tanzania only over the period January 28 to February 03, 2007, inclusive.

The Prime Minister was accompanied by Mr. Herbert Atwell, Director of Public Affairs, Office of the Prime Minister; Mr. Mark Regis, Personal Coordinator, Protocol Officer, Office of the Prime Minister; Mr. Andrew Jupiter, Vice President, Business Development, National Energy Corporation of Trinidad and Tobago and a security officer from the Ministry of National Security.

A detailed breakdown of the expenditure incurred by the Government on the trip is as follows:

Airfare: \$444,265.40; Accommodation/meals, subsistence and related ground travel expenditure—London, Addis Ababa, Dar-es-Salaam, \$146,280.80, and warm clothing \$6,320, giving us a total of \$596,866.20

While in Ethiopia, the Prime Minister delivered an address at and participated in the Eighth African Union Summit which was held in Addis Ababa over the period January 28 to 30 2007. He was among six specially invited guests, including the Prime Ministers of Italy and Turkey, and the Secretary General of the United Nations to address the Summit.

He held bilateral discussions with the Heads of State of the Republic of Congo, Gabon, Angola, Chad, Benin, Rwanda, Malawi, Ghana, Western Sahara and held brief discussions with the heads of State of Nigeria, Burkina Faso, Zimbabwe, Kenya, Libya, Swaziland and Togo.

The Prime Minister also met with the Foreign Minister of the Cameroon who headed that country's delegation. He also held discussions with the Secretary General of the United Nations, the Director General of the Food and Agriculture Organization of the United Nations and the Executive Secretary of the Economic Community of West African States.

He paid an official visit to the Office of the Prime Minister of the Federal Democratic Republic of Ethiopia, and met with Trinidad and Tobago nationals in Addis Ababa.

In Tanzania, where the Prime Minister was on an official visit, at the invitation of the President of Tanzania, he held bilateral talks with the President of Tanzania whose delegation included his Minister of Foreign Affairs, Tanzanian's Ambassador to the United Nations and Permanent Secretary in the Ministry of Energy and Minerals.

He attended a state dinner held in his honour by His Excellency, Jakaya Mrisho Kikwete, President of the United Republic of Tanzania. He visited Tanzania's semi-autonomous island territory of Zanzibar, and held discussions with its President, His Excellency Amani Abeid Karume. He visited the Ngorongoro Conservation Area which was declared a National Conservation Area in 1959, and the Unesco World Heritage Site in 1979 and which provides protection status for wildlife while allowing human habitation and trans-human pastoralism practised by the Masai people who have traditionally lived in the area. He visited the Prime Minister of Tanzania's Home District of Bagamoyo, an important staging area during the East African slave trade, and concluded his visit with His Excellency President Kikwete escorting him from his hotel to the airport for final farewell ceremonies.

**Sen. Mark:** Madam President, could the hon. Minister indicate if we got value for our money as it relates to this exercise, and could he outline to this Parliament what are some of the tangible benefits deriving from this very important two-nation talk?

**Sen. The Hon. C. Enill:** Madam President, because of the nature of the information that is contained in that question, if the Senate poses it, I will get the answer but I am unable to answer in the detail to which the Senator is deserving.

**Sen. Dr. Gopeesingh:** Madam President, could the hon. Minister indicate whether the expenditure as he detailed there is the expenditure of only the Prime Minister or the entire entourage?

**Sen. The Hon. C. Enill:** Madam President, it is the expenditure of Government for the delegation, the entire team.

**Prime Minister's West African Tour  
(Transport Details)**

**56. Sen. Wade Mark** asked the hon. Prime Minister and Minister of Finance:

With respect to the Prime Minister's recent seven nation West African tour, could the Minister provide the Senate with?

- (i) what was the mode of transport utilized by the Prime Minister and his delegation;
- (ii) Whether Caribbean Airline was used in any segment of his travels;
- (iii) the names of any other airlines used; and
- (iv) what was the cost incurred for the trip?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Madam President, the Prime Minister did not visit seven West African countries but Ethiopia and Tanzania only over the period January 28 to February 03, 2007, inclusive.

**2.00 p.m.**

The hon. Prime Minister and his delegation utilized commercial air transport on this official trip. Caribbean Airlines Limited was used on the outward journey to London and on their return trip from Jamaica, where the Prime Minister attended the Joint Meeting of the Caricom Prime Ministerial Subcommittee on the CSME and External Trade Negotiations over the period February 05 to 06 in Montego Bay.

The name of the other airlines used were: Ethiopian Airlines, from London to Addis Ababa; Kenyan Airways, from Addis Ababa to Dar-es-Salaam and from Dar-es-Salaam to London, and Air Jamaica, from London to Montego Bay and from Montego Bay to Kingston.

The cost incurred by the Government in respect of travel by the airlines mentioned was \$444,265.40.

**Sen. Mark:** Could the Minister indicate—he spoke about commercial airlines—the names of these commercial airlines?

**Sen. The Hon. C. Enill:** Certainly, Madam President. The commercial airlines involved in this trip were Caribbean Airlines Limited, Ethiopian Airlines, Kenyan Airways and Air Jamaica.

**Sen. Dr. Gopeesingh:** It is a bit confusing. Could the hon. Minister kindly clear up—In terms of expenditure, he mentioned a figure of over \$400,000 for air transportation, but then gave a value of \$400,000 for the cost of the entire trip. We are a bit confused about that. There seems to be some inconsistency somewhere. Could you clear up whether the cost for airline transportation is an additional cost, separate from the \$400,000 plus and the cost of the trip? We are confused.

**Sen. The Hon. C. Enill:** The cost of airfare for the entire trip was \$444,265.40.

**Sen. Dr. Gopeesingh:** Yet, the cost of air transportation is \$400,000. We are confused.

**Madam President:** Minister, maybe you need to go back to the answer of the other question. I think there is a misunderstanding there.

**Sen. The Hon. C. Enill:** For clarification, the total cost of the expenditure incurred by the Government on this trip was in three components: Airfare; Accommodation, which includes meals, Subsistence and related ground travel expenditure; and Warm Clothing. That total cost is \$596,866.20 as I said.

The components are as follows: Airfare, \$444,265.40, Accommodation, \$146,280.80 and Warm Clothing, \$6,320.

### **Construction of Schools (Detailed Breakdown of Expenditure)**

**62. Sen. Dr. Tim Gopeesingh** asked the hon. Minister of Education:

Could the Minister provide the Senate with a detailed breakdown of the expenditure for the construction of schools during the period January 01, 2002 to December 31, 2006 under the following headings:

- (i) Early Childhood Education Centres;
- (ii) Primary Schools; and
- (iii) Secondary Schools?

**The Minister of Education (Sen. The Hon. Hazel Manning):** Madam President, I am to inform this honourable Senate as follows: A total of \$239,681,713.34 was spent on the construction of 47 schools for the period January 01, 2002—December 31, 2006.

Our research has shown that there has never been in the history of Trinidad and Tobago's education that so many schools have been built.

A breakdown of the expenditure for each category of schools is as follows: Early Childhood Care and Education Centres, 18 of them \$21,700,000; primary schools, there were 18 of them, \$66,545,553.32; secondary schools, there were 11 of them, \$151,456,160.02; a total of 47 schools at \$239,701,713.34.

I am going to break them down sector by sector. Early Childhood Care Education Centres—In 2006, the sum of \$21,700,000 was spent on the construction of 18 early childhood care and education centres. The expenditure was undertaken through the Education Facilities Company Limited, which was established in 2005. The list of schools is detailed hereunder. I give the location. We built schools in Santa Rosa; La Romaine, which we opened yesterday; St Augustine South; Sangre Grande; El Socorro South; La Puerta, Mayaro; Petit Valley; San Pedro; Tacarigua; Ortoire; Lopinot/La Pastora; Valsayn; St. Sylvan's, Carapichaima; Little Gems Pentecostal, Santa Cruz—these are the denominational schools; Chinapoo Village, Laventille; El Socorro North and Tulsi Manaas, Sangre Grande.

Primary Schools—For the period January 01, 2002 to December 31, 2006, the sum of \$66,545,533.32 was spent on construction of 18 primary schools. A summary of the expenditure per annum is as follows: 2002, \$33,033,197.12; 2003, \$1,858,439.87; 2004, \$13,782,989.31; 2005, \$5,475,322.33; 2006, \$12,395,604.69. That is a total of \$66,545,553.32. The table below gives details of expenditure for each primary school for the period January 01, 2002 to December 31, 2006.

School number one is Princes Town Presbyterian No. 2, \$323,828.57; Moulton Hall Methodist, \$1,087,833.39; Western Boys R.C., \$603,700.31; South Oropouche Government, \$8,935,943.26; El Socorro South Government, \$8,707,798.80; Waterloo Hindu, \$6,667,919.86; Lengua T.I.A., \$8,069,235.43; Point Fortin Anglican, \$16,608,099.18; New Grant Government, \$74,910.00;

Icacos Government, \$4,302,760.63; St. Mary's Government, \$2,260,976.56; Tranquility Government, \$529,203.18; St. Barbara's Spiritual Shouter Baptist, \$902,078.76; Palo Seco Government, \$165,256.25; Arima West Government, \$529,203.16; Arima New Government, \$529,203.16; St. Paul's Anglican, \$3,317,602.82; and D'Abadie Government, \$20,000; a total of \$66,545,553.32.

For the period January 01, 2002 to December 31, 2006, the sum of \$151,456,160.02 was spent on the construction of 11 secondary schools. The following is the breakdown per annum: For 2002, \$5,157,954.29; 2003, \$58,106,583.73; 2004, \$42,967,946.11; 2005, \$21,718,946.87; 2006, \$23,619,010.73; a total \$151,456,160.02.

The table below shows the secondary schools and gives details of the total expenditure for the period January 01, 2002 to December 31, 2006. Vishnu Boys' Secondary, \$20,899,368.74; Charlieville ASJA Boy's Secondary, \$23,301,048.97; Charileville ASJA Girls' Secondary, \$22,786,597.41; Holy Name Convent, Point Fortin, \$8,247,133.63; Saraswati Girls's Hindu College, \$524,427.66; Barackpore ASJA Girls' College, \$24,239,851.04.

**Madam President:** Minister, can you tell me how long you would be again because we are on the deadline for questions? If, not you may have to circulate the rest of it.

**Sen. The Hon. H. Manning:** I will be finished in a short while.

**Madam President:** All that yet?

**Sen. Dr. Gopeesingh:** We have some supplemental questions on it.

**Madam President:** Well, I am afraid, the time is up for questions.

**Sen. Dr. Gopeesingh:** All I wanted to ask her is how many of these were completed?

**Sen. The Hon. H. Manning:** Madam President, I have done extensive research and I would like to take a few minutes to finish it please.

**Madam President:** Wait, please. Minister—

**Sen. Dr. Gopeesingh:** Are you presiding?

**Madam President:** Please.

**Sen. Dr. Gopeesingh:** That is the Chair. You are rude.

**Madam President:** The time for the answers is now over. You could circulate the copies and maybe we can take one supplemental. We can take the other supplemental questions next week.

**Sen. Dr. Gopeesingh:** Madam President, I want one question.

**Madam President:** Senator, please. You want to ask a question and you were not listening to the answer. I will allow you to ask one question and then we could get the rest of the answer. If you can maybe provide it as a written answer or something. You can pass it to the Senate. One question.

**Sen. Dr. Gopeesingh:** Would the Minister tell us how many early childhood centres and primary and secondary schools were completed and how many are in use?

**Sen. The Hon. H. Manning:** Madam President, as far as I remember, that question is question No. 63, which I would answer when we get here next week. If the Senator saw the newspapers on Sunday, he would have seen that we have now started two more schools that are coming on stream. This is the continuation of the process.

*Vide end of sitting for written part of the answer.*

**Madam President:** Let us move on please. Go ahead. Senators, there seems to be a problem with the mikes. They are trying to sort it out. Keep quiet and let us listen to what is being said. We should not have too much of a problem. [*Interruption*] Sen. Dr. T. Gopeesingh, do not get me in your politics.

**CRIME SITUATION IN TRINIDAD AND TOBAGO  
(GOVERNMENT'S HANDLING)**

[Fourth Day]

*Order read for resuming adjourned debate on question [January 30, 2007]:*

*Be it resolved that this Senate:*

- (a) express its concern over Government's performance in handling crime;
- (b) call on the Government to explain to the Senate why the actions of the relevant agencies have so far consistently failed to produce the desired results; and.
- (c) agree that the Government outline, with specific performance targets and mechanisms for accountability, what concrete measures it intends to take to deal effectively with the serious crime situation now facing the country so as to facilitate the pathway to national consensus and civil mobilization. [*Sen. Prof. R. Deosaran*]

*Question again proposed.*



**Madam President:** Those who spoke were Sen. Prof. Ramesh Deosaran, mover of the Motion; Sen. Wade Mark; Sen. Overand Padmore; Sen. Dana Seetahal S.C.; former Sen. Mungalsingh; Sen. Dr. Glenn Ramadar-Singh; Sen. Dr. Eastlyn Mc Kenzie; Sen. The Hon. M. Abdul-Hamid; Sen. Raziah Ahmed and Sen. Althea Rocke. Maybe we can have one from this side. Nobody else? I call on the Minister to wind up. You have to raise your hand, please. They spoke. An Independent Senator spoke last and now the Government is next.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Madam President. I am pleased to participate in this debate—

**Madam President:** Keep quiet.

**Sen. The Hon. M. Joseph:**—on a Motion raised by Sen. Prof. Ramesh Deosaran. I have spoken on this Motion some time in the past; a very similar Motion, but I would speak to this Motion and during my contribution it is my intention to move certain amendments at the appropriate time.

I think that one of the fundamental pillars on which this Government stands is its unconditional adherence to frankness and honesty. In our stewardship and accountability to the citizens of Trinidad and Tobago, we have not hidden the reality of the crime situation.

We in Trinidad and Tobago, I have said this on numerous occasions, find ourselves in a prime transshipment location, an excellent point for depositing and shipment of drugs to points in Europe and North America.

Additionally, the success of Plan Colombia has interrupted the traditional drugs routes to North America and, as such, drug traffickers are now transshipping through Venezuela into Trinidad and Tobago.

We are also finding that in addition to being a transshipment point, some of the drugs along with guns are remaining in Trinidad and Tobago. These guns and drugs are central to the current gang violence, as gangs fight turf wars for control of various drug markets.

For years the law enforcement agencies of this country used systems and structures which are no longer relevant, given the changing environment. Nowhere was this more evident to the Government than in the police service. In order to address what was clearly a very critical situation, the Government conducted a critical review of the Trinidad and Tobago Police Service.

What we found was that the nation's primary crime fighting agency needed profound fundamental change if the organization was to be in a position to

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effectively deal with crime. Fear and anxiety had begun to take hold in the society, and to many, it appeared that the police service was out of step with what was required to be done to address these issues, as well as to keep pace with what was required for 21<sup>st</sup> Century policing.

The high rate of recidivism in the country was another indicator that emphasized the urgent need for reform of our law enforcement agencies, in this case the prison service. Our approach to incarceration focused on punishment, rather than rehabilitation and the recidivism rate presently stands at 56 per cent. The implementation of the new restorative justice philosophy is, therefore, an important step in the reformation of the prison service in Trinidad and Tobago.

Government also recognized that the Forensic Science Centre, as a crucial arm of law enforcement, required upgrading if it was to provide quality support to law enforcement. Not only was there a human resource challenge, but there was a need to upgrade the equipment and technology in keeping with the requirements of law enforcement in the 21<sup>st</sup> Century.

The Immigration Division also required urgent attention. As the agency responsible for controlling the flow of persons into and out of this country, their role was significant in ensuring that our borders are impenetrable to the lawless element.

All of these issues together created the environment for the radical changes that were required. The statistics bore out this fact as we saw an increase in the numbers of major crimes, in particular, homicides and kidnapping for ransom, being committed. Many like Sen. Prof. Deosoran, interpreted the spiralling crime situation as an indication of either Government's inability to deal with the situation, or that we were clueless, or that we lacked the political will to do what was necessary to ensure the safety and security of the people of this nation.

This Government sees crime and violence as its number one priority and intends to keep this fight at the forefront of its agenda. Unlike the mover of the Motion, we are not of the view that our investments and efforts have been futile. We have not won the war, but let me assure you, battles are being won on a daily basis. Each little victory is important, as it represents a continuing forward step in the battle against crime, a battle that this Government intends to win.

The Government has been responding aggressively to the rise in criminal activity, as demonstrated by the Ministry of National Security being consistently among the top three Ministries in terms of annual budgetary allocations.

In 2000, the allocation was \$1.4 billion; 2001, \$1.4 billion; 2002, \$1.6 billion; 2003, \$1.8 billion; 2004, \$1.9 billion; 2005, \$2.3 billion; 2006, \$2.8 billion; and 2007, \$3.1 billion.

We acknowledge that statistics are the barometer through which we can assess the effectiveness of law enforcement. We also acknowledge that even after statistics start telling a different story, it takes a while before people can make the corresponding adjustment in their perception and conversation about a topic as significant as crime.

Only recently, the Home office in the United Kingdom sent me some correspondence that showed long after crime started to decline in various parts of the UK people still talked about the high incidence of crime because they were so conditioned. I expect that we are going to face a similar problem.

Statistics, as I said, is the internationally accepted barometer by which we measure the effectiveness of law enforcement.

In 2006 there were no bombings; homicides decreased from 386 to 369, a 4.4 per cent decrease; and kidnappings for ransom decreased from 52 to 17, a 67.3 per cent decrease. Overall abduction, which includes kidnappings for ransom, declined from 280 to 209 or a 34 per cent decrease.

Understandably, for the families of victims who have been traumatized, statistics are of little solace. However, we are making progress because of the sustained investments and diligent work to improve the capacity and efficiency within the law enforcement and the other agencies that are providing tangible support. We expect to make even greater progress in 2007.

So far, for the first quarter of 2007, the serious crimes statistics as reported—because Sen. Prof. Deosaran loves to talk about unreported statistics. We can only deal with reported crime. Yes, we know that there has been an increase, perhaps, in the number of persons who do not report crime because they believe that nothing would be done. One expects, as confidence in law enforcement increases, one would see an increase, but all we can do is treat with crime that has been reported. So far, for the first quarter of 2007, compared to the first quarter of 2006, most notably murders were down from 108 in the first quarter of 2006, to 61 in the first quarter of 2007, a 43.5 per cent reduction. Abductions were down from 57 to 42, or a 26.3 per cent reduction. Wounding and shootings were down from 166 to 147 or an 11.2 per cent reduction; and robberies were down from 1,304 to 1,219 or a 6.5 per cent reduction. Overall, serious crimes against persons were down from 1,843 to 1,675 reported incidents or a 9.1 per cent decrease.

Let me also take the opportunity to indicate that the Government does not report crime statistics. It does not make up crime statistics; it reports on crime statistics as presented by law enforcement.

Overall, serious crimes, as I said, were down by 9.1 per cent. However, we are not satisfied with the overall increase in serious crimes against property. Burglaries and break-ins were down from 1,288 to 1,158, a 10.1 per cent reduction. Larceny increased from 680 to 736, an 8.2 per cent increase. Larceny of vehicles increased from 361 to 453, a 25.5 per cent increase; and larceny of homes decreased from 109 to 98, a 10.1 per cent decrease.

Hon. Senators may be pleased to note that the police service is instituting measures to address these unacceptable incidents of serious crimes against property.

Madam President, I saw an interesting editorial in one of the dailies, either today or yesterday, that talked about the fact that notwithstanding, the Government continues to put out statistics as they relate to a reduction in serious homicides, minor crimes continue to increase using—I think it is unfair to Sen. Prof. Deosaran—Sen. Prof. Deosaran's 2005 statistics. I have quoted to this honourable Senate comparisons for the period 2006 and 2007.

The Government is working in accordance with its Vision 2020 Plan to enable our country to achieve developed nation status on or before 2020.

The fundamental objective of this vision is the improvement of the quality of life and the standard of living of all of our citizens towards that of developed societies of the world.

The development priority, to which the Ministry of National Security has primary responsibility, is governing effectively. In that sub-area, four areas of focus have been identified: administration of justice; governance and institutional structures for development; law administration and legal affairs; national security and public safety.

One of the major challenges facing our society, as I said earlier on, is the fight against crime and its impact on public safety and security. The Government sees this as its number one priority and intends to keep this fight at the forefront of our agenda. Our crime control strategy has therefore focused on four diverse, yet related key areas: institutional reform; technological and infrastructural upgrade; local and international cooperation; and a legislative framework.

Let me speak first to institutional reform. In December 2004, Cabinet agreed to the implementation of a transformation project in the police service at a cost of, in the first phase, US \$1,279,747 or TT \$8 million. Let me put that in context. You will recall at the time Giuliani having come to Trinidad and Tobago and addressed the leaders of the business and other communities, indicated publicly of his, Guiliani and Partners, willingness to provide the Government of Trinidad and Tobago with its services. It was one of the strangest proposals, because it was first put in the public domain. It was a public pronouncement. I vividly recall the newspapers. I recall being approached by various newspapers asking: When is the Government going to respond to the Giuliani and Partners' proposal? I had just become the Minister of National Security and indicated that we cannot respond to something that we had not received. A couple of weeks after, we subsequently received a proposal from Giuliani and Partners and we took a considerable amount of time to examine it.

We were told with respect to the proposals that we could look at the success that Giuliani and Partners had in Mexico and anywhere else. As I indicated, the Government took a considerable amount of time studying the proposal and at the end of the day, found that the proposal was not going to provide us with what we believe was the most appropriate transformation requirement necessary, and as a result we refused the proposal.

At the same time, we subsequently received proposals from a number of other agencies. The agency which the Government decided to use, in terms of its submission, was Mastrofski and Partners. I remember the first time we mentioned it, people made joke about not being able to pronounce Mastrofski and Partners from the George Mason University.

It is important for me to inform this honourable Senate that Mastrofski and Partners, while leaders of this transformation, are supported by San Francisco State University, Pennsylvania State University and an agency called Justice and Security Agency.

There is a Motion on the Adjournment, by Sen. Wade Mark to which I have to respond exclusively. At that time I would be able to indicate the various agencies that are working with Mastrofski and Partners.

It is the George Mason University Centre for Justice Leadership and Management. This comprises 30 persons ranging from the rank of professor and all the way down to graduate research, et cetera. In terms of Pennsylvania State University Justice and Safety Institute, there are 34 persons. In terms of Justice and Security Strategies Incorporated, the other agency, there are 10 persons who

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are providing consultancy services to the Government of Trinidad and Tobago and by extension the Trinidad and Tobago Police Service, in terms of its transformation effort.

Overall, when all three phases of the consultancy are completed, which is scheduled to be some time in 2008, 2004—2008, four years, it will be at a total cost of an estimated US \$12 million, or TT \$80.8 million over a period of four years, involving all these agencies.

We have said on numerous occasions that the intention is not that these consultancies will continue ad infinitum. The consultancies will ensure that the transformation of the police service is such that at the end of the day, the police service will be a highly performing organization, efficient and effective with the capacity and capability to adjust the internal organization to the changes that are taking place in the external environment.

In other words—as I addressed an audience of police officers yesterday, which I would come to in a while—we are building an organization to last.

There are those on the other side who said, when we first talked about the transformation of the police service during the crime talks, that the police service cannot be transformed. This Government does not support that view. We are of the firm view that the police service can be and is being transformed and is going to provide the country with the level of law enforcement that this country deserves, especially as we talk about developed society status. In other words, our police service has to be head and shoulders with police services anywhere in any developed society. We would see how we are moving towards achieving that.

In terms of the operational aspect of the police service, the team recommended that immediate attention be given to restructuring the Homicide Bureau, strengthening the data collection function within Trinidad and Tobago and the enhancement of the inter-agency collaboration.

I have reported here already about the restructuring of the Homicide Bureau of Investigation. Prior to the establishment, homicides were scattered throughout the police service at the divisional level. We have centralized the Homicide Bureau of Investigation. We have increased the staff from 40 to 125 and the numbers are to increase.

We have established the Homicide Prevention Working Group, comprising a wide array of representatives of units of the Trinidad and Tobago Police Service and other government agencies. This group's primary function is to analyze data

relating to homicides and develop appropriate and effective interventions. This group is also involved in the preparation of case files.

Establishment of a Crime and Problem Analysis (CAPA) Unit—This Unit was created to gather accurate and timely information on crime, to analyze that information and provide insights into the development of more effective interventions. Further, this unit is responsible for evaluating the effectiveness of the interventions and providing the operational and administrative personnel with their findings. This analytical capability is considered an essential element in successful strategic crime control.

We have established an Incident Coordinating Centre. This centre was specifically established to improve police and intelligence response to kidnappings. It is operational, and comprises personnel from the Anti-Kidnapping Unit, the Special Anti-Crime Unit and other intelligence agencies.

The Centre receives assistance from the FBI, the DEA, Interpol, and other international organizations, in the strengthening of our law enforcement capability to deal with kidnappings.

We have also restructured the Anti-Kidnapping Unit and we have injected some additional expertise into the Anti-Kidnapping Unit.

The consulting team also made recommendations to address deficiencies in the following areas: performance appraisal system; promotion system; and the police complaints process.

Following a preliminary assessment of the Police Service Performance Appraisal System, in 2004, a multi-organizational task force—the TTPS; the Police Service Commission; Social and Welfare Association; and the CPO—was established to conduct a thorough review of the performance appraisal process and develop a plan for an improved system. To assist the task force, the team subsequently conducted a systematic evaluation of the performance appraisal system. The resulting report, which was delivered in December 2004, identified a number of serious deficiencies that obstructed the generation of meaningful performance appraisals.

Under the guidance of the consulting team, the task force developed a new streamlined system and secured the approval of the Commissioner of Police, the Ministry, the Police Service Commission, and the CPO, for introduction of the new system.

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The new system was piloted in the police service at the Morvant Police Station from November 2006—February 2007. It will provide, for the first time, useful information on actual officer performance, allowing the service to distinguish between varying levels of performance, rather than allocating similar ratings to all employees. It will be implemented at the model police stations next before being rolled out to the wider police service. It is expected that by June 2007, the new appraisal system will be in place throughout the service.

Madam President, the team found an overwhelming level of dissatisfaction throughout the police service with the existing promotion system. Their findings were based on extensive interviews and fora in 2004, with personnel from all ranks and all divisions, and by a systematic survey of all the Trinidad and Tobago Police Service personnel conducted in 2005. In short, the current system was viewed as unfair and ineffective in rewarding those who were most deserving of promotion.

In December 2004, the consulting team delivered its report to the Ministry of National Security and the Trinidad and Tobago Police Service. The report contained recommendations to overcome the major deficiencies in the promotion process, including the elimination of seniority as a criterion; a variety of improvements to reduce the influence or appearance of favouritism in the system; and implementation of an assessment process for promotions into the First Division.

The promotions process, utilizing the assessment process, was incorporated into the 2006 Police Service Act.

I am pleased to announce that yesterday the assessment process was inaugurated. Approximately 207 First Division Officers and persons who are likely to be promoted into the Second Division, were in attendance at the function at the Crowne Plaza.

The assessment process requires those persons to be exposed to certain types of readings and literature. Yesterday, 207 of them were issued with this brief bag. Inside this brief bag, each one got these documents:

*The One Minute Manager; International Perspectives on Community Policing and Crime Prevention; Supervising Police Personnel, the 15 responsibilities; Ideas in American Policing, Policing for People; Values-based Planning and Change Management—Designed specifically to take into consideration our local context. It continues: The High Impact Supervision, an Intensive Programme to*



*equip frontline leaders with skills and attitudes to successfully manage an ever-changing workforce specifically to the police service; and First Division Incident Command System Training.*

First of all, we made certain—this is on my personal insistence—that all persons who were going to be participating had to be in attendance, so that they would receive the material at the same time and no one could claim to have unfair advantage as it related to the material. They all received it at the same time and they signed for them. We were one week late. This was supposed to have taken place last Monday, April 18, 2007. It took place yesterday, April 23, 2007. The intention is that within three months, from April 23, there should be a written assessment, which will take place in mid-July.

Let me back up. The assessment process is for promotions within the First Division, from Assistant Superintendent all the way up to Senior Superintendents and it is also for promotions of those persons from the Second Division, who may be eligible for promotions into the First Division. You are talking about Inspectors. The intention is that there would be coaching sessions that will be made available, so that persons will familiarize themselves with the material. In three months' time, by mid-July, there should be the written assessment. That is to be followed by an oral assessment that is due to take place by August 20, 2007. By August 27, it is expected that coming out of the assessment process, the commissioner will be provided with a merit list from which he would be in a position to promote persons. I would indicate how that will fit into the new legislative arrangements which we have implemented.

The Commissioner of Police and the leadership of the police service are extremely pleased with the introduction of this assessment process. We have now put it into legislation.

Let me tell you what we have done, I should run out of time when I come to talk about the legislation. We have amended the Constitution (Amdt.) Bill, to ensure that the Police Service Commission has an oversight or appellate responsibility, as it relates to reviewing the activities of the Commissioner of Police, the new responsibilities provided to him, promotion and discipline.

It was necessary for us to bring some amendments to the Constitution (Amdt.) Bill because we did not include promotions in the original Bill. All we had in the original Bill was that the Police Service Commission will have review over discipline, as the Commissioner of Police discharges discipline. You will recall that we have now given the authority to run the police service squarely in the hands of the Commissioner of Police and the Deputy Commissioner, total

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responsibility. The Police Service Commission now has responsibility of reviewing the performance of the Commissioner of Police and the Deputy Commissioner of Police as it relates to how they discharge their responsibilities and how the police organization operates. There is an amendment to that aspect of the Constitution (Amdt.) Bill.

There was an ambiguity in the original that says that the police commissioner will report to the Police Service Commission every six months and they said it did not have the words “in writing”. We then ensured that it is in writing. That is also another amendment that you will see when it comes before us. There was also something else that we cleared up. In reviewing the performance of the Commissioner and Deputy Commissioner, as they discharge their responsibilities, it is necessary for the Police Service Commission to be provided with whatever they want.

The Constitution (Amdt.) Bill did not make it specifically clear that all documents, as they relate to personnel and finance—if the commission is to be able to review the performance of the police service, because in reality that is what they will be doing—they must have access and be able to call on any information they need, in order for them to make that assessment. We have some provisions for that.

Interestingly enough, I am pleased to indicate that on Friday, in the other place, the Constitution (Amdt.) Bill was laid, taking into consideration those matters to which I spoke. In the Police Service (Amdt.) Bill, we wanted to ensure that the assessment process was crystal clear. As a result we made amendments. I recall people saying that the Government is—I do not think the word I am going to use is parliamentary—tardy in terms of the implementation. I tried to explain to them that we had to ensure that the laws were now operational. Because at the end of the day, I do not know if you realize it, the clock is ticking. Come June; having proclaimed the Bills on January 01, everything would kick in. That is the six-month window we have to make sure that all measures, everything associated with making the Bill operational, are there. It is our hope that the debate on this will take place early in May.

The major amendment to the Police Service Reform Bill is to make sure that the assessment process is so well spelt out so that all the judicial reviews and the other challenges can be dealt with. It is amazing, we keep talking about wanting change. The more we talk about wanting change, and as we put things in place to implement change, you would be amazed at the amount of resistance to the changes, that are absolutely indispensable, if our law enforcement is to provide this country with the type of effectiveness and efficiency that is required.

There is also another area, if my memory serves me correctly, with respect to the medical boards. I think the medical boards were in the hands of the Ministry of Health. That used to be a bugbear, with respect to medically boarding police officers, because they cannot call the board, et cetera. They are amending it so that the Ministry of National Security, based on discussions also with the Ministry of Health, would take leadership, in terms of the question of the medical board. I think those are the two key areas. There may be some other minor adjustments that need to be made as they relate to the Bill, but the major thing, with respect to the Police Bill was the question of the assessment process and, of course, the regulations to support the new police legislation have also been laid.

We are making progress, as it relates to the transformation. In terms of the assessment process, most modern law enforcement agencies have similar assessment processes, as a means of determining the suitability of personnel for promotion.

I would be the first to indicate that there is likely to be some resistance. Yesterday we started to see some of the concerns and we hope that those concerns will be addressed. What we are doing is trying to ensure that we are provided with the best means of ensuring the ongoing transformation. I keep making the point, build to last. We are making sure that we put our law enforcement on a footing that will allow it, not just to deal with the current situation, but to be in a position to deal with future situations.

After all, I am sure Sen. Prof. Deosaran and all the other learned lecturers on the other side will know that the critical requirement of an organization is to make sure that it is aligned to the external environment. When an organization falls out of line with the external environment, it becomes irrelevant. It is like having structures and systems in place for an era long gone. It becomes dysfunctional. There is literature, with respect to dysfunctional organizations that operate in complex and dynamic environments and how they behave. If you look at some of our law enforcements, you will see that.

Let me make another point. During the periods when things were rough, because like anything else, transformation does not happen overnight—it is amazing how learned people in our society expect the kind of result that they know is impossible. I guess it is because of the environment in which we live. When you interface with many international counterparts, they sometimes ask: What happens here? What happens here is unique to what happens here. When you tell them what happens here and that we are part of an international environment, they would say that we are copping out and look at what is happening in Brazil.

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I was amazed when my Sen. Professor colleague was moving either this Motion or another one on crime. He talked about the gang warfare in Brazil recently. The thing is out of hand, but when you talk about it, people do not want to hear that. They are saying that gives no solace, this is Trinidad and Tobago. Trinidad and Tobago is part of a global village and we cannot escape that. When it is convenient and for benefits, we say fine, but when the negative aspects of globalization show themselves in Trinidad and Tobago they say: The Government is only trying to give excuses. I could imagine—Let me not say anything. I wait with bated breath to see if what I am saying is communicated.

We are talking about the assessment process, as a means of making sure that we provide the in-depth transformation that is necessary. Need I say that all—  
[*Interruption*]

**Sen. Prof. Ramchand:** I wonder if the Minister could explain a bit more about the assessment process. Will there be symposia or tutorials for the people who have been handed these books?

**3.00 p.m.**

**Sen. The Hon. M. Joseph:** That is what I said earlier. I talked about the whole question of coaching. Because of the fact that I have so much to talk about, I do not want to not respond. Remember I told you that the Bill is coming and I am sure you would want me to provide all the details about the assessment process. It is all here; it is just in the interest of time. I hope that is okay. Thank you very much.

Madam President, I do not want to bore this honourable Senate any more. We talked about the implementation of policing for people—the model police stations in five districts. I had indicated Arouca, Chaguanas, Morvant, San Fernando and West End. We had indicated that, as anything else in transformation, we have to start in particular areas, use a model, see how successful it is and then implement. So the model stations provide an opportunity. They will be provided with adequate strength; with all the resources necessary. They have already started to make physical adjustments to what used to be called the charge room and is now referred to as the reception area. I remember the last time you were asking if they would serve coffee and tea and I told you not yet.

In terms of the interface between the public, when we were in Chaguanas last week, the people were asking about what happened to the Chaguanas Police Station. They are all being remodeled—not that the others are being neglected—and as a result, the ideal is that we will have everything that is necessary; the ideal number of persons

at the ranks, because in some police stations the highest person is a senior police officer when it is supposed to be an inspector or a sergeant, et cetera.

Not only that, we have also brought in civilian staff. There are going to be 75 data entry clerks, 15 per model station; 30 clerical assistants, four per model station; 20 victim and witness support officers, four per model station. I remember some learned person criticizing us and asking why police officers were Victim and Support Officers. We are taking it from what obtains in other places, because they are the first respondents. All of those stations are also computerized. The interesting thing about it is that we have indicated that some 75 communities will benefit initially from this initiative and some 148,142 citizens are likely to benefit also.

We also talked about the processing of complaints against the police. The whole Police Complaints Division was also reviewed. Evaluation of the division was completed in 2004 and a comprehensive report prepared. It provided a number of recommendations, including increased staffing, reorganizing the division, improving its recruiting methods, improving the mobility of investigators, computerized management information systems and complaints, training for investigators, training for division tribunal officers and long-term recommendations to improve the efficiency and effectiveness of the entire complaints review process.

Some of the recommendations were acted on immediately and some were phased in over the last 12 to 24 months. Among those recommendations that were acted upon immediately were the expansion of the Police Complaints Division to ensure adequate staffing to deal with the volume of complaints; increasing the number of complaints investigators; improvement in the number and quality of training opportunities; provision of vehicles for operational purposes; automation of the data files to monitor the progress in completion of investigations; payment of special fees to Field Investigative Officers; and the assignment of police officers of the rank of sergeant to respective divisions to process complaints files and ensure that timeliness is met in terms of finalization and reporting. Implementation of these measures began in 2005 and is continuing.

In addition to the initiatives just mentioned, an information technology upgrade was instituted at the end of fiscal 2006. All computers within the complaints division were upgraded and a database established to ensure a more efficient investigative process. In addition, with the proclamation of the Police Complaints Act, the powers and functions of the Police Complaints Division were expanded.

I would like also to make quick mention of some of the transformation successes—

**Madam President:** The speaking time of the hon. Minister has expired.

*Motion made*, That the hon. Senator's speaking time be extended by 15 minutes.  
[*Hon. J. Yuille-Williams*]

*Question put and agreed to.*

**Sen. The Hon. M. Joseph:** Thank you very much, Madam President. I did not realize that the time went so fast.

Let me deal with another matter that has caused some concern and that is that people have been talking about our not being satisfied with the detection rates, especially as they relate to homicides. I have before me an article from the *New York Times* dated March 01, 2007. It says, "With Witnesses at Risk, Murder Suspects Go Free". It talks about a developing situation in the United States, in which, because of witness intimidation and the murder of witnesses, matters are not brought before the court. It says:

"It is not that detectives are unsure of their identity or cannot find them. Rather, it is because so many recent cases have been scuttled when witnesses were scared silent that the Essex County prosecutor has established an unwritten rule discouraging pursuit of cases that rely on a single witness, and those in which witness' statements are not extensively collaborated by forensic evidence.

The 3 are among at least 14 recent murders in Newark in which witnesses have clearly identified the killers but no charges have been filed, infuriating local police commanders and victims' relatives...

'But we have to weigh the evidence and move forward only if we believe that the witnesses are credible and that they'll be there to testify at trial.'

The tension between the police and prosecutors here over the evolving standards of evidence required to authorize arrest warrants is a stark example of the profound effect witness intimidation is having on the criminal justice system in New Jersey and across the country.

Surveys conducted by the National Youth Gang Center, which is financed by the Federal Department of Justice, have found that 88 percent of urban prosecutors describe witness intimidation as a serious problem.

In both Baltimore and Boston, where 'stop snitching' campaigns by rap artists and gang leaders have urged city residents not to cooperate with the authorities, prosecutors estimate that witnesses face some sort of intimidation in 80 per cent of all homicide cases."

I can go on to indicate that a development is taking place. Interestingly enough, we proclaimed the Justice Protection Act on April 04 this year and the regulations associated with this Act have been approved and are waiting to be gazetted or whatever is necessary. So, some of the outstanding matters associated with the Act have in fact been addressed.

Let me move quickly along. This Government has been subjected to a lot of unfair criticism as it relates to priorities. We are accused of not ensuring that the agencies responsible for treating with crime and criminal activity are provided with the appropriate resources and it seems that attention is being given to other areas. The Ministry of National Security cannot say that the Government has not been providing it with the resources required to treat with crime. We have a capacity problem.

So far, we have embarked on a series of consultations, as the entire population is aware. Two of those have already been held in Arima and Chaguanas. Tomorrow we are in Rio Claro. This provides an opportunity for us to interface with the citizens for them to provide us directly with some of the concerns.

With respect to police stations, I find myself, as the Minister of National Security, in one of the most embarrassing positions. I used to be a Minister of Housing. As part of a continuation, I came after the hon. Danny Montano and continued to put systems in place to make sure that the Government met its target with respect to housing—of course, you know that we are doing it. So, when I came across to the Ministry of National Security, I said that building police stations was a cup of tea compared to 10,000 houses. A colleague of mine took a bet with me—I do not want to call his name. Madam President, five police stations are under construction right now. The first completion date provided to us for Gasparillo was July 2006; Toco, August 2006; Mayaro, July 2006; Belmont, September 2006. To date, not one of those five police stations has been delivered.

Before I came here, I asked the new dates. For Gasparillo, they told me that the new date is May of this year; Toco, June of this year; Tunapuna, June of this year; Mayaro, June of this year; Belmont, July of this year. If I give you a list of the number of police stations, another 12 have designs to be completed.

There is a high-powered visiting Chinese delegation from the Ministry of Defense here. In discussions with them, I said that I would see whether or not we could enter into an arrangement with them to help us construct our police stations. Their Ministry of Public Safety is responsible and there is a Cabinet Committee on Construction, I intend to approach that committee to make some proposals to

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let them see the situation, because building police stations—and that is only police stations—I have not told you about fire stations.

Madam President, the number of delays—first of all, you cannot get completed drawings and, as you progress, there are changes and changes. I made this statement yesterday and I was surprised it was carried on television. You would be amazed how the Ministry of National Security's phone is ringing off the hook from local architects and construction people.

Madam President, this Government will not continue to be embarrassed. We will go where we have to go to build police stations for the citizens of this country so that they would not accuse us of having our priorities wrong. [*Desk thumping*]

Madam President, my colleague Sen. Dana Seetahal S.C.—it is a pity that she is not here—has said that she is tired hearing about MILAT and MYPART and the youth programmes. If I were to be evaluated in terms of my performance as a Minister of National Security, I would have gotten a failing grade in terms of how long it took to implement. I am pleased to announce in this honourable Senate and to the national community that MILAT and MYPART started a week ago as a pilot project and it is implemented. [*Desk thumping*]

Finally, Madam President, the Motion of my honourable learned colleague agreed that the Government outline, with specific performance targets and mechanisms for accountability, what concrete measures it intends to take to deal effectively with the serious crime situation now facing the country so as to facilitate the pathway for national consensus and civic mobilization.

We have embarked on a series of consultations that are designed to ensure national consensus. With respect to the first two consultations, Arima and Chaguanas, let me indicate that approximately 1,200 persons attended the first consultation in Arima. The number of persons who came and at least made submissions was 25 and some 50 persons did not come up and say anything, but submitted written comments to inform us. In Chaguanas, 24 made a public appearance, asked questions and made comments and some 43 made submissions. In Chaguanas, there were some 1,500 persons. Tomorrow, we are at Rio Claro, then Tobago, San Fernando, Diego Martin and Port of Spain, where it provides us, as the Prime Minister said, the best example in democracy where the decision-makers can be provided with first-hand information.

Madam President, we will circulate some of the amendments to the Motion. We find the Motion timely.



*Whereas* the fears and concerns of law-abiding citizens have increased over the crime situation, resulting in social and economic consequences;

*And Whereas* the Government has expended sums of money on resources for fighting crime and on foreign expertise and assistance;

—unfortunately I was not able to say something about the contribution of the 39 British officers in terms of enhancing our capacity in law enforcement—

*Be it Resolved* that this Senate agree:

—we are removing (a), (b) and we are in agreement with the whole of (c).

With these few words, I thank you very much for the opportunity to participate in this debate. [*Desk thumping*]

**Sen. Ronald Phillip:** Madam President, this being my first address to this honourable Senate and august Senators, I ask that you bear with me while I recognize the people on whose shoulders I stand. Some men reach great heights, not because of their own stature, but because they stand on the shoulders of giants.

I am indeed proud to take up this position and serve as a citizen of Trinidad and Tobago and as a West Indian. Since the naming of Trinidad as La Trinity, after the Father, Son and Holy Ghost, Trinidad was prophetically designed and ordained for greatness and we need to make this a great land once more. This land of ours is blessed with an abundance of resources and is highly favoured. Our leaders, therefore, need to display the highest level of moral conduct in public places and business. We accept nothing else. We on this side demand the highest standards and leadership should show the tangibles, products and the measurables, based on the duties they have been assigned. What have been the examples after we spend all this money? As Sen. Prof. Deosaran so rightly said, there has been no visible effect. What are the examples by which we can measure the performance of this Government?

This is undoubtedly a nation that has been blessed with an abundance of resources, both in human and physical capital, and as we grow and develop, it is equally sad that we are faced with many ills in society such as crime, poverty, inequality and a lax social justice system. There is need to be concerned with the serious decline in moral and spiritual values and the standards in our society as the blatant disregard for being our brother's keeper. We have become a very uncaring society when the administration in government came into power with the tag line that they are a caring government.

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Firstly, I thank God whose will shall be done on earth as it is in heaven; my family for their support and my brothers of the Full Gospel Fellowship Businessmen International who prayed with me about my deliberation in taking up this offer. Lastly, but not least, I thank the family that is the United National Congress and our political leader, Mr. Basdeo Panday.

We on the Opposition Bench are the sons and daughters of the lion, products of the leadership engine of the United National Congress. I am here to represent that family and its ideology. The politics of Basdeo Panday and the United National Congress is timeless and will endure long after us because this is politics for and of the people and one that projects the fundamental rights of all citizens as enshrined in our Constitution.

I thank Sen. Prof. Deosaran, who brought this Private Motion on the Government's handling of crime. I would have liked to see the “lack of handling of crime”. I look at their performance and wonder what they have to show. I agree with you—no visible effect. So the debate continues—probably long before we started—in the streets, in the hearts and in the lives of every citizen, who, instead of being hopeful, protected, safe and happy, as provided for in our Constitution, have become hopeless and fearful.

This is indeed a debate on crime. Crime is a complex social and economic problem. To address this issue, I would like to take a first principle approach because, with all the money spent by this administration, they have missed the target; they have lost their way and they have squandered our natural resources. In taking this first principle approach, I want to look at the definition of crime to give them some bearing.

“A crime is any act that violates the political, religious or moral commands considered important in protecting the interest of the state or the welfare of its citizens or subjects.”

This is taken from the Wikipedia online dictionary. So when a Member of Parliament, a duly elected representative of the people, be it United National Congress, PNM or other, is prohibited from entering Parliament, then I think a crime has been committed.

Crime is defined as an act or the commission of an act that is forbidden or the omission of a duty that is commanded by public law and that makes the offender liable to punishment by that law. So when the PNM neglects the people of Trinidad and Tobago and continues to omit to perform its duty, I think that is a

crime. As you are well aware in law, we prosecute the guilty man. No one who commits an act is guiltier than the planners of the criminal act. I will say more on that later.

Our laws are designed to protect us and to ensure our safety in all aspects of our physical, financial, psychological and social lives, yet not a day goes by that we do not hear of crime taking place in our country. Some may say that there is no place on earth where there is no crime. I say: Where is the safety and security of the citizens of the Republic of Trinidad and Tobago; their protection from crime as is enshrined in the Constitution of Trinidad and Tobago? Who is responsible for protecting the citizenry? Why is there neglect of duty and why do I feel so outraged?

I know that I alone am not outraged, because at a recent poll commissioned by the United National Congress, 76 per cent of the people of this country were outraged at the performance of this Government. This is no statistical conmanship. This administration has been soft on crime and is just not up to the job. When a crime is committed, public safety becomes endangered and specific individuals or groups become violated. This is even more so when it is in the public domain that we know that this administration has embraced the criminal elements before elections and continue to do so. As the old people say—

**Madam President:** Please sit. Give me a moment please. Minister Joseph is not here, but after he read the amendment, because we did not have it in front of us, we did not get a seconder: I would like to ask someone to second it now so that anybody speaking after can speak on it.

**Sen. Montano:** I beg to second the Motion and I reserve my right to speak on the Motion.

**Madam President:** I will see if we can get some copies circulated so that you would have the amendment in front of you and you can speak on it.

**Sen. R. Phillip:** Thank you, Madam President. In looking at the visible effects of what this administration has done, I need to clear the dividing line between the Opposition and this administration. The United National Congress is uniting the country to get the political, social, economic and spiritual bodies to perform. It is the only party that can get the system to work. It is the party of performance. We have done it before and we will do it again. [*Desk thumping*]

The United National Congress has been and will continue to be tough on crime. We continue to be tough on crime; better crime prevention and detection and stiffer penalties to let the criminals know that there is just no profit in crime.

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We have been tough on crime and will continue to do it again. The United National Congress is fighting for all the people every day. We are outward looking for we are about inclusion and every creed and race finding an equal place. We have been tough on crime and we will do it again. The United National Congress is the only party that has a plan on crime. We make sure our citizens are safe and secure. We have been tough on crime and we will do it again. The United National Congress is the only party to get this country back on the right track. We have done it before and we will do it again. We have been tough on crime and we will do it again. [*Desk thumping*]

Because I am a citizen of this country, when I heard that the Prime Minister was coming to the Chaguanas Junior Secondary last Friday, I said I had to attend. I live in Orchard Gardens and I wanted to know what was new and different about what this Government was doing. When I went and listened my hopes were really shattered. Instead of seeing people who serve the people, all I saw was arrogance and contempt for the citizens of Trinidad and Tobago in the manner in which they answered the questions and in the manner in which they listened to the audience. I said: What arrogance! Too little too late shall be their cry.

**3.30 p.m.**

We say that the Government is on the shoulders of the Lord, and he wears a mantle of humility, not arrogance. The hon. Senator who spoke before me quoted statistics. He said that there should be a reliance on statistics. I concur and I do agree. The PNM has been in Government since 2001, that is six years and the country is waiting to exhale. In that time, from the end of 2001, until the end of 2006, there have been 1,566 murders; a 300 per cent increase in the murder rate since the PNM took office; 91,784 serious crimes were reported, an average of 42 every day; and 1,163 kidnappings, an average of four kidnappings every week.

In 2006 and 2007 there was more than one murder a day and just two persons were convicted. Something has to be wrong. People are outraged. Now, when it is too little, too late, this administration boasts of a 34 per cent reduction in serious crimes in the last four months. Again, I ask, is this statistical conmanship? Have they finally gotten it right?

I decided to probe a little further, and as the story continues, there are no police vehicles to visit crime scenes. There are insufficient officers on duty. They are not in the police station and, certainly, not on our streets. As we are talking about reports and statistics, who are in the police stations to take these reports? We know that in some police stations the conditions are so bad that the officers close up the police stations and they go home.

I want to tell the hon. Minister of National Security that the reason there is a 34 per cent reduction in serious crimes is because people have stopped reporting these crimes. People do not see the police service as being a service that could help them. We have become a very fearful, insecure and hopeless people when we cannot turn to the law enforcement agencies for our protection. They only exploit the people at times.

The Minister of National Security even said that business people were partly to be blamed for the kidnappings taking place. I do not understand that. I want to know what does that mean. He probably needs to explain that further. It seems that the guiding principle in the Ministry of National Security is not on solving crime, but on blaming the victims. Anyway, back to the issue of kidnapping.

Madam President, because of the large number of kidnappings in this country, we know that businessmen have packed up and taken their families and left this country. When they leave they do not just take the money, but there is a drain in human capital and this is further causing a brain drain in our society.

So, as we look at the crime statistics, as outlined by the hon. Minister, and we try to get the experiences of the people in solving crime; in shaping their attitude and trying to get everybody involved, the hon. Minister comes and talks about a consultancy worth \$12 million from 2004 to 2008 to find out, what? What are the measurables for that consultancy? What would it solve? We know that countries like the United Kingdom, the United States of America and Canada are now issuing advisories not to come to Trinidad and Tobago, because of this crime situation.

When we look at the crime situation, we know that it is a breakdown in the social and economic structures of the country. [*Desk thumping*] That fabric is a direct result of crime. All levels of crime continue to perpetuate our social and economic problems. It is a vicious circle, and these problems can fuel even more crimes against humanity. People who get involved in crime continue, unless they are given some alternative lifestyle.

So, while conventional wisdom dictates that those who commit theft and burglaries, these petty crimes, often do so because of their need for money—these individuals may be unemployed, unemployable, incapable of finding work, homeless, sick or impoverished. These crimes become a tempting way to quickly acquire money, because as a caring Government, they have not done anything for our most deserving people, even though we have so many resources in this country. They continue to squander and waste the money.

Our youths are enticed by easy money, and by the promotion of the gangster lifestyle. They are encouraged to live and party harder. Unfortunately, when they commit petty crimes, these individuals get the misconception that crime pays, especially since the Government has infused the criminal elements into the social nets which were there to help the less fortunate in the society.

Madam President, what we have is a case of hopelessness where there is an entire group of people who are now looking toward handouts from the Government; who have become gangsters to control turfs and to get projects rather than building values. What kind of society and community spirit are we promoting, when we promote those kinds of behaviours? As soon as the money finishes, this quick fix that they get, they are drawn in to do criminal work again and commit other crimes. And, so, there continues to be a dependency and hopelessness for our youths.

While poverty leads to the problems of homelessness, we know that people who are out on the streets and who are homeless are more at risk for drug addiction, and even unwanted social behaviours. So, we continue to put more and more of our children on the streets. Some of them believe that crime pays. That is the ideology that this Government is giving which must be changed. If we are to give them hope, and if we are to give them an alternative lifestyle, we need to look at education and training. This administration has clearly been soft on crime, has clearly demonstrated that it is not up to the job.

Another common crime that affects young persons and even destitutes is the crime of prostitution, which is frequently associated with drug addiction. Many prostitutes find it difficult to change their lifestyles because of their drug addiction. Drug requires significant cash and prostitution provides faster and easier money than legitimate work. Prostitution often leads to other crimes such as people trafficking, sexual abuse and rape. What we are doing is causing these people who get involved in petty crimes to get linked up with the underworld, the drug lords and to undervalue themselves. Soon after, they do not care about themselves or anybody and so they perpetuate crimes against the society. This disregard often leads to physical abuse and even murder.

In addition to prostitution, there are other problems like AIDS, STD's and hepatitis. Recently, in the United National Congress commissioned poll, one of the burning issues in the society was the need to address AIDS education. This situation is waiting to explode as the Caribbean has the second highest incidence of AIDS in the world. AIDS is expensive to treat and infection of persons who have

nothing to live for cheapens their lives and so they are drawn in to the criminal elements to get money to pay for medication and they would commit crimes.

On a larger scale, drug addiction fuels the illicit drug trade. I have been building up to show you from petty crimes, all the way to the drug trade are on the Prime Minister's mind. Recently, he reported that Trinidad and Tobago is the hub for the drug trade—be it between the producers of Latin America and the consumers of the North America and Western Europe—this was reiterated again by the hon. Senator in his contribution.

So, let us look briefly at their unfulfilled promises, and what they said in the budget speech. When you look for measurables for this administration, all they talk about is process. They talk about what they are doing, what they plan to do, how much money they are spending and what they are doing, but little to show. We want to see what are the measurables and processes.

In the 2003 budget speech they said that they were going to upgrade the coast guard facilities to deal with the drug trade. In 2004 they reported that the coast guard will acquire two new fast patrol vessels with the capacity to launch fast interceptor boats and carry a helicopter with an attack capability and an ultra-modern radar, and that this system will be available in about two years' time, promises, unfulfilled. As the Minister said before, he does not know why the police stations are not being built. There is no accountability; there is not a culture of holding people accountable. So, their solution is to pour money down, spend the people's money, and whenever it finishes, well it finishes. You know, *c'est la vie*.

In 2005, they proposed a new radar system which will give us 360 degrees coverage of the entire coastline on a 24-hour basis. This system was expected to be fully operational by the end of 2005. In addition to that, the Trinidad and Tobago Defence Force had adopted a strategy of simultaneous engagement on several fronts and will be given additional assets, including three offshore patrol vessels, three fast interceptor vessels, armed helicopters for surveillance and drug interdiction, armoured personnel carriers for force protection, communication systems and weapon systems. So, why are we still feeling so insecure? Why is the poor man locking up his house, taking his money and buying burglar proof if we have all these systems? They are not being shown in any visible or tangible ways to the population.

In 2006 they said: tenders for three offshore patrol vessels are to be awarded in the next month; the first two of these are expected to be delivered in the first quarter of 2007. Shipbuilding works on the OPVs will commence following the

award of the contract which is due to be finalized before the end of this year, and a preferred bidder has already been identified and discussions are proceeding with a view to meeting the December 2006 deadline.

In 2007, we hear that delivery of the first OPV will be within 22 months thereafter. The other OPV will be delivered within 12 months of the delivery of the first OPV. They went on to outline and even say that they are going to train police officers. I have no problem with training police officers and the people who are needed to do this job. In fact, I am recommending training. They said that they will purchase these vessels and support them by fully functional and operational training programmes for every crew member, as well as a maritime support and maintenance programme that guarantees the availability of each boat operating at a minimum of 300 days every year. So, what have we been seeing? We are seeing years of planning, planning, planning and people waiting to exhale and nothing.

When I read the Vision 2020 document which dictates the policies of this Government, I see where the hon. Minister Camille Robinson-Regis was saying that they were in Opposition and they were planning and planning and they got in Government, because somebody gave it to them, and they are still planning, planning, planning, and I am not seeing any tangible results. As I said, I am hearing process, process, process, and this administration has been soft on crime and it has clearly demonstrated that it is not up to the job.

In the organized crime world, we find that there are still violations being conducted; there is still drug trafficking taking place; there are still problems in the society—the drugs are here and people do not know how they reach here. The associated problems that our society has to face are money laundering, smuggling, illegal sale of weapons, credit card fraud and counterfeiting.

Madam President, what we have done on this side and continue to do is to take the simple approach to the whole problem. This approach is so simple and profound that we looked at the root causes of crime. So, what are the root causes of these crimes? We say that conventional wisdom tells us to look at the causes, and these causes are not limited to the idea of greed, inadequate corporate oversight, poverty, lack of education, unemployment and underemployment, hopelessness, homelessness, drug addiction, racial hate and lax gun laws. People still have guns.

Recently, we found someone hugging up an Uzi sleeping. Where are people getting such automatic weapons from if the law is tough on crime and criminals? So, it is a big façade. A lot of money is being spent. People are having a good



time and people are going on excursions. Recently, the Minister of Trade and Industry wanted to go on another excursion and the Chamber of Commerce had to take him to task. Hon. Minister, what are the tangibles? What do you have to show when you go to Europe? Nothing! [*Desk thumping*] Well, we have not done the IIR and the measurements but you are going for, what?

Education is one of the biggest factors that influence the role of what somebody will become and it is going to influence a person's role as an adult. Those who have an education and possess the training and skills needed to make them marketable to potential employers—indeed, when we look at this society with a lot of resources and abundance, people are still hitting the streets for minimum wage. The minimum wage now is \$9.

We know that when we report that inflation is down to 10 per cent and 9 per cent, the informal inflation rate is 16 per cent. So, every day, food prices are going up and salaries are not increasing and people are getting poorer. The lower classes in society have no other hope because they are so hopeless, but to look at the crime situation and be attracted to it. That is what we are presenting to these people.

When we look at these young people who are looking for jobs, they live in substandard housing and improvised conditions. In my personal experience, as a researcher and a legal market specialist, I found out that honesty was the price that employers look for rather than qualification. Imagine, honesty is such a scarce resource in our society. This has to say a lot about our moral fibre. As money becomes scarce for these segments of people, they engage in criminal activities.

The hon. Minister just said that they spent \$65 million on primary schools. The United National Congress started universal secondary education and said that each child should have a place. This administration took the policy that no child should be left behind, yet 10 per cent of the children writing the SEA examination—after they have spent all that money in the primary schools—they are still unable to read at the standard three level. So, the education system has failed them. They are not failing the education system, because we know that everybody has an infinite capacity to learn. So, while we are spending all this money and building new schools and so forth, there are still children in our schools who cannot read.

They said that no child would be left behind, but they are making sure that they leave them behind. Where would they go? What would they do? These children end up roaming the streets and dropping out of schools. You could give them the nicest classroom and even put airconditioning in it, but they would not go in there because they do not want their friends to know that they cannot read,

so they are not taking it up. They are going to hit the streets. What is out there for them? The gangs and criminal elements are there waiting to absorb them. The UNC is going to provide safe places for these children and keep them away from crime. That is what we have attempted to do and we are going to do it again.

Without alternatives to education and training, these children start at that age with shoplifting, residential break-ins, car theft and vandalism, petty crimes and they are not caught. We have become such an uncaring society and it is all because we are not tough on crime and tough on the penalties for crime so that people will know that is not an option.

We are even talking about reforming the prison service and attempting to give these persons who are incarcerated an education, but we are ignoring children who are 11 years. So, these persons in prison were the products of ignore and we want to now come and fix the problem. Too little, too late, again, because they do not want to look at the root causes. That is the difference with this administration and how we tackle crime. We tackle crime from the first principle approach, basic approach, looking at accountability, showing visible effects and we are up to the job.

In summary, I would like to declare a call to action. As all law-abiding citizens of Trinidad and Tobago, I call on you to take back your country and to take back your life. Fighting crime is everybody's business. What would a consultant come and tell me in Trinidad and Tobago that I do not know about my neighbourhood? It is our civic duty to report any crime that we have witnessed. The reasons are simple. Our laws are meant to preserve the quiet and peaceful enjoyment of living and anytime a law is broken it could compromise the safety of all of us.

So, Madam President, we need to ensure that we are our brothers' keepers. We need to build back our communities as safe places; we need to be keen and to be looking out for each other. Those are the basic principles that we always knew and look towards. There is an African saying that it takes a village to raise a child. So, I ask, where is the village? Where is the village that they have created when they have alienated the people? There are no services in this village. The resources are distributed inequitably and there is inequality in terms of the resources.

Madam President, we have a Prime Minister who is still grappling with the concept of inequality, equity and injustice. So, we need to give encouragement to those who put their lives in line to protect our freedoms; our police officers. We need to give them the resources to do their job well, and not bring them and give

them a conference and a bag. [*Laughter*] [*Desk thumping*] We need to give them dignity and a decent living. Sen. Prof. Ramchand asked what is the follow through. We are a quick fix society. They come and we give them that and they feel good, and after that no follow through. Most importantly, let each of us live according to the laws of our nation.

Madam President, democracy is power, use your democratic right to demand accountability and governance and put the right persons in government; the people who are up to the job, who have done it already and will do it again. [*Desk thumping*] Those are the people who make things work and get things done.

Madam President, I thank you, and may God bless our nation. [*Desk thumping*]

**Madam President:** Is there anyone on the Independent Bench who is speaking? Senators, two things: First of all, let me congratulate Sen. Phillip on his maiden contribution. [*Desk thumping*] I am sure we will be hearing a lot more from him during his stay here.

Secondly, let me just draw your attention to the amendment that was circulated. As you would have realized, the amendment was not properly done and it is being redone. If you are speaking, you still have an idea on what the amendment is, so that you can speak on it. You will be getting the right layout and wording of the amendment in a few minutes.

**Sen. Prof Ramchand:** Is this the amendment to Sen. Prof. Deosaran's Motion?

**Madam President:** Yes, that is right. All of that is wrong. We are aware of that and whoever did this made a mistake. So that it is being redone. Senator, are you going to speak?

**Sen. Parvatee Anmolsingh-Mahabir:** Madam President, thank you for the opportunity to speak on the Motion before us. The primary and overriding obligation of the State is to guarantee the safety of its citizens. Part I, section 4 of our Constitution makes it abundantly clear:

“the right of the individual to life, liberty, security of the person and the enjoyment of property and the right not to be deprived thereof except by due process of the law;”

And this is the cardinal obligation of the State.

Over the centuries, many philosophers have echoed the same sentiment. Indeed, the primary rationale for the social contract of Hobbes, Locke, Rousseau and so many other philosophers whom we have followed was peace and security

of the state. This is the basis for the state. It was this insecurity of life that led the great philosophers and thinkers of the time to remind the sovereign that his principal function was to ensure the peace, security and order in the state.

Today, in this honourable Senate, we remind the State of its obligations toward the citizens. This is an urgent call for action, as lawlessness is rampant as can be witnessed almost on a daily basis. Although the statistics may show a reduction in murder and kidnapping, crime continues to be the No. 1 problem in Trinidad and Tobago.

In the battle against crime, it appears that the criminals are winning the war. The country is in crisis and there is no question that our citizens are living in fear as the criminal element goes about rampaging its evil on the society. It is the law-abiding citizens who now confine themselves behind iron doors while the criminals freely roam the streets, secure in their belief that they would not be apprehended because of the poor crime detection rate and witnesses who would be afraid to testify against them.

Madam President, many Senators have already pointed out the numerous deficiencies in the police service with regard to recruitment, training and the rogue elements and so forth, so I would not repeat these problems. However, I must emphasize the urgent need for the visible police presence on our streets. This will make a difference with respect to crime. It is certainly going to be a deterrent for those potential criminals. But, the question remains: Do we have sufficient human resources to deal with this problem?

Madam President, the disturbing upsurge in criminal activity by the youths and even minors, as we all know, did not happen overnight. Too many of our children are being deprived from very early in their lives of the care, guidance and protection necessary for them to develop into healthy civic-minded citizens. When these young people find themselves on the wrong side of the law, we must ask the question: Where were the parents at the time? It is time that parents be held liable for the criminal activities of their children. [*Desk thumping*] This is done in many states in the United States of America. [*Desk thumping*] Parents must not abscond from their duties and responsibilities to their children and their families. There are laws in the Children's Act and in the Education Act for holding parents legally accountable, but are these laws enforced?

Madam President, in all fairness, I must commend the Government for the numerous programmes they have created to reach out to our youths and children. [*Desk thumping*] Never in the history of this country has there ever been so many

opportunities made available by a government for disadvantaged youths as is being done today. [*Desk thumping*] One only has to look at numerous programmes offered by the Ministry of Community Development, Culture and Gender Affairs—the skills training programme for the youths and for the upliftment of depressed communities. They are tackling the root problem. [*Desk thumping*]

The Ministry of Science, Technology and Tertiary Education is playing a significant role in educating the young and old with a variety of programmes as you have seen in the newspapers like MuST, HYPE, YAPA and GAP. You name it, there are many programmes. Of course, this was eloquently explained by the hon. Minister, Sen. The Hon. Mustapha Abdul-Hamid. [*Desk thumping*] If our youths fully embrace these opportunities, I am sure that they are going to turn from crime and our crime rate will go down. It will be of benefit to them in the long term. But how many parents are encouraging and ensuring that their children make the best use of these opportunities? I maintain that parents must take their responsibilities seriously if we are to stem the tide of crime among our youths. [*Desk thumping*]

In protecting society from the criminal elements, we must also look at the justice system. Does it inspire confidence in our citizens? Is justice being speedily delivered? Most of all, are mechanisms being put in place for this to be done? Madam President, justice must be swift if it is to have any meaningful impact on crime. [*Desk thumping*] Justice delayed is justice denied. There must be a system in place to have people who are charged brought expeditiously before our courts to have their matters heard within a reasonable time.

Madam President, while restorative justice has its place, known and repeat criminals must feel the full brunt of the law. [*Desk thumping*] There is an old saying, those who cannot hear must feel. These heartless criminals think nothing of the pain and suffering they inflict on their victims and their families. My sympathy lies with the innocent victim and not with the convicted criminals. What about the rights of the victims? Who are looking at their rights? In what way are these victims being compensated? It is not that money can compensate for a life, but let us look at the pain and sufferings of the victims' dependants. We cannot sit idly by and allow these citizens to be tortured by these beasts in human form. [*Desk thumping*] These criminals must be apprehended and incarcerated under maximum sentence as a lesson to all who may be similarly inclined.

In light of the runaway crime situation that our country is experiencing, it might be pertinent, once again, to raise the issue of the death penalty. The State must explain why it is not implementing the death penalty. Madam President, you

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may recall that there exists a report dated September 27, 1990 entitled “A report on the death penalty and whether it should be retained for offences under the criminal law of Trinidad and Tobago”, by a commission of enquiry headed by Mr. Elton A. Prescott and, Madam President, your good self. You were a signatory to this report as could be seen on page 29. This report speaks in favour of the retention of the death penalty. I refer to page 22, paragraph 47 and I quote:

“Acknowledging the need for the protection of the society and the preservation of the peace however, and in taking into account the numerous cases of murders committed in impassioned or emotional circumstances, the committee is of the opinion that the mandatory death penalty should be retained for the following offences under the criminal law of Trinidad and Tobago, namely murder and treason.”

Madam President, this was over 16 years ago and the findings herein are still relevant today.

In fact, a *Sunday Guardian* poll dated May 14, 2006 by the UWI/ANSA McAI Psychological Research Centre arrived at the same conclusion. In response to the question: “Do you support the implementation of the death penalty?” 77 per cent said, “yes”; 18 per cent said, “no”; and 5 per cent said, “do not know”. So, Madam President, there is widespread support for the implementation of the death penalty. The people have spoken, *vox populi vox deus* as the Latin theologians would say.

While I recognize that all our citizens do have a part to play in their security, in the final analysis, the safety and security of law-abiding citizens of our twin island republic is the responsibility of the Government of the day. Since the Government has the vast resources of the State at its disposal, Prof. Ramesh Deosaran’s Motion is very relevant. [*Desk thumping*]

Madam President, we must ask the questions: Have the efforts so far made the law-abiding citizens feel safer? Have the citizens gotten value for their vast sums of money—billions spent on resources for fighting crime? Madam President, at this point in time, the answer is no. But, there is hope. We must all be aware that there can be no quick fix to the problem of crime.

The Minister of National Security has mentioned several initiatives to combat crime. He pointed to four key areas and I look forward to the results of these initiatives. So, there is hope.

I thank you. [*Desk thumping*]

**The Attorney General (Sen. The Hon. John Jeremie S.C.):** Madam President, I rise to speak to the amended Motion. Now, if I could just look at the changes which have been proposed, in terms of the amendments, what the hon. Minister of National Security has done is, in my view, to take out the pejoratives in the Motion. So, the Motion as it is crafted now, if you look at the very first line, the word “worsening” is deleted, and it is deleted because of the reasons advanced by the Minister.

The Minister pointed out that the figures, both in respect of homicides and kidnappings were moving in the right direction. So, although it was true when this Motion was first put on our business agenda in 2004 that we had a worsening crime situation at that time, the facts today and the figures which the Minister illustrated earlier on, demonstrate that the crime situation has, to some extent, been arrested. The incidents, in terms of kidnappings and murders have certainly been on the decline, so that the situation is no longer worsening, and it would be wrong for us as a Senate to sit and pass a Motion which speaks today to a worsening crime situation in a context of relative peace. I say relative peace, because we have not eradicated and we would never, perhaps, eradicate homicides, drug trafficking and kidnapping, but the Minister must be congratulated because there is a 45 per cent reduction in homicides and a quantum reduction in kidnappings. Those are the crimes which struck terror at the heart of this society. So that is no longer the case, and the Minister has, as a consequence, asked for that to be deleted.

He has also asked for the words “severe psychological” in line two to be deleted, because we no longer find ourselves in a moment of panic and crisis. On June 06, 2005, the Minister of National Security and I spoke in the other place and we spoke then of the crisis which enveloped us.

In the other place, on June 06, 2005, I said that no one is immune from the effects of crime. I said that some argued that the victims of kidnappings are predominantly East Indian, and live in constituencies represented by Members on the other side. Some argued that the victims of the steep increase in the murder figures are predominantly African and come from constituencies represented by Members on this side of the House. But all of us have been affected, and all of us were held in terror. Robberies and other violent crimes have affected us all in equal measure. That was the mood when the Minister and I spoke in the other place in 2005. The nation was gripped by a spirit of terror.

Madam President, at that time, I said that the Ministry of the Attorney General was going to put forward a package of legislation which included the Bail (Amdt.) Bill Act of 2005, the Summary Courts (Amdt.) (No. 2) Bill, the Administration of

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Justice (Miscellaneous Provisions) Bill, the Constitution (Amdt.) Bill, the Police Service Bill, the Police Complaints Authority Bill and the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill, 2005. Madam President, those pieces of legislation have all been passed.

In the case of the Bail (Amdt.) Bill, my colleagues would remember that we have rolled over that piece of legislation not once, but twice, and it is in some measure those initiatives which the Government took in 2005 which are now bearing fruit today. So, we have proposed the deletion of the words “severe psychological” from the Motion, because we do not feel that today terror grips us in the way it did in 2005.

**Sen. Mark:** Why are you having consultations?

**Sen. The Hon. J. Jeremie S.C.:** Madam President, in the second recital “And whereas”, we have taken out “vast” and left “sums of money”, because the connotation which comes with “we have expended vast sums of money”, is not what you get when you spend and receive value for money. The fact that the hon. Minister of National Security could stand this afternoon and say to this Senate that homicides are down by close to 50 per cent and kidnappings are down by a quantum percentage, we think that the money which was spent on crime is money which was well spent. [*Desk thumping*]

If you go on in the recital, “with no visible effect on the spiralling crime situation”, that has to come out because, obviously, the figures are not accelerating; they are not spiralling; but they are decreasing.

If you look at the operative part of the Motion, the resolution, we have suggested that “(a)” and “(b)” should be taken out because, really, the performance of the stakeholders, not so much the Government—the Government funds the stakeholders, but it is the policemen, the joint army police patrols; it is the initiatives which we have taken in relation to intelligence gathering; it is the initiatives which we have taken in relation to the passage of legislation and putting persons who are a danger to the society actually behind bars, whether it is on committal or in terms of on remand, these persons are no longer a threat to the society. That is the reason we have taken out “(a)” and “(b)”.

If I could answer Sen. Mark, he asked why are we having consultations, and it is precisely so that we can do what “(c)” seeks in the Motion and, that is to say, that we have come up with concrete measures to deal with the crime situation and we are now facilitating the pathway to national consensus and civic mobilization. That is the reason



we are having meetings all over the place. We are facilitating the pathway to national consensus and civic mobilization. [*Desk thumping*] That is the reason. [*Desk thumping*]

Madam President, the legislation which we have enacted is a great deal more than we had suggested initially in 2005. In 2005 when we went in that time of crisis to the other place, we spoke in terms of seven pieces of legislation, three of which comprised the police package, the Constitution (Amdt.) Bill, the Police Service Bill and the Police Complaints Authority Bill, but what we have actually passed and put on the books since 2005 includes an amendment to the Summary Courts Act to provide for the admissibility of written statements by witnesses on matters that are not in dispute. This is to assist in the administration of justice. We have amended the Criminal Procedure Act to provide that where a fact is not in dispute between the parties in a high court trial, then that fact could be formally admitted into evidence.

We have amended the Indictable Offences (Preliminary Enquiry) Act to revise the procedure with respect to paper committals and to give the Director of Public Prosecutions certain powers to state a case and, in certain circumstances, to avoid the rigours of a preliminary enquiry.

As I said before, we amended the Corporal Punishment Act. We also amended the Larceny Act to extend the limitation period in respect of certain offences under the Act, and also change the offence of receiving from an indictable to a summary offence. We amended the Bail Act, 1994 in a substantive amendment which is quite separate and apart from what we have done in terms of no bail for kidnapping. So, we have amended the Bail Act to provide a right of appeal to the Court of Appeal to the police or to a convicted person or an accused person when bail is granted or not granted, as the case may be. Madam President, that single amendment has allowed the State to keep behind bars persons who are a danger to the society at large. That single amendment to the Bail Act.

Now, the central focus of those amendments was to expedite trials in the Magistrates' Court and the High Court, and we sought by so doing to implement radical change to the criminal justice system. Now, we have not completed that work and we will not complete that work without the assistance of the Judiciary, because as you will know, they are a key stakeholder in terms of the administration of criminal justice. We look forward to collaboration with the Judiciary to the promulgation of case management rules in respect of criminal trials which I believe the Chief Justice has said that he is interested in.

So, in a nutshell, that is really why we have sought to amend the Motion by Sen. Prof. Deosaran. Things have changed since 2004 when the Motion first appeared on our business agenda. As citizens, we should all be happy that things

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have changed for the better. The statistics which the Minister read off are not imaginary statistics. They are not statistics which he pulled from the air. They are a reflection of what is actually occurring on the ground, and our citizens are feeling safer because of the initiatives which the Ministry of National Security has implemented.

Madam President, I join with the Minister of National Security and I support the changes which he has made to the Motion for those reasons. Thank you. [*Desk thumping*]

#### ADJOURNMENT

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, I know that it is not time to adjourn for tea, but I did not want another speaker to start so, with your permission, I would like to move the adjournment of the House. We will come back because we have two Motions on the adjournment which will take us to closing time. In that context, I beg to move that the Senate do now adjourn to Tuesday, May 01, 2007 at 1.30 p.m. at which time we will continue the debate on the Homes for Older Persons Bill, and if we complete that we will move on to an Act to amend the Legal Profession Act.

**Madam President:** So, hon. Members, we are going to take the adjournment after tea. We will go for tea and return at 5.00 p.m.

**4.26 p.m.:** *Sitting suspended.*

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

**Madam President:** New Senators, do not get into the habits of the old ones. [*Laughter*] Do not let these two mislead you at all. Hon. Members, we have two matters on the Adjournment. The first one, Sen. Mark, is to the Minister of Energy and Energy Industries.

#### **Work Permit Committee (Discontinuation of Operation)**

**Sen. Wade Mark:** Thank you very much, Madam President. It has come to our attention that the Government has either taken a decision or is about to take a decision to discontinue the operations of the unit that deals with work permits within the Ministry of Energy and Energy Industries. Now, this particular unit currently employs four persons and if for instance, the Government does pursue that course of action, it would make it extremely easy for expatriates to enter our

country without obtaining the normal work permit certificates in order to secure jobs, particularly in the energy sector.

This is of grave concern to the United National Congress, and we would like the hon. Minister of Energy and Energy Industries to indicate whether there is any truth in this assertion or this particular position, because as far as we are concerned, any dismantling of this particular unit, would put a very heavy burden on the population of our country. Meaning, that if the Government decides to go the route of closure it must be able to properly provide this Parliament and the country with an evaluation of the implications for Trinidad and Tobago if we were to discontinue the functions, duties and work of this particular unit.

Information has it that this particular unit, located in the Ministry of Energy and Energy Industries, receives at least 100 applications every week, on an average. Now, as you know, the Work Permit Committee is located in the Ministry of National Security, and they would forward information relevant to the energy sector, to this particular unit located in the Ministry of Energy and Energy Industries.

We understand that intense pressures are being brought to bear on the hon. Minister of National Security to disband this Work Permit Committee in order to open up the system to facilitate foreign workers into our jurisdiction without let or hindrance. It means that if this were to take place, foreigners and expatriates would be able to come in here as they wish and as they like. Now where would be the checks and balances in such circumstances?

This particular unit was created some time in 2003 in that particular ministry. The purpose of this unit was to evaluate applications coming from the Ministry of National Security for professionals, who are foreigners, seeking to be employed in the energy sector. So apart from evaluating those applications, the unit had the responsibility of monitoring the training, because, Madam President, as you would know, once a foreigner comes here to work there is a provision that would allow an understudy to be attached to that particular officer or professional in order to facilitate a transference of technology, skills, knowledge and talents, as the case may be. So wherever you have a foreigner we are supposed to have a local who would be his or her understudy.

It is our information that in 2006 between 4,000 and 5,000—not hundreds—foreign workers were entertained, were allowed; their applications were approved and they began to work in our country. The unit, even though it is very small, had a responsibility to monitor their activities.

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Therefore, the question that is being posed is if the information we have turns out to be correct with the closure of this particular unit, we believe that would represent a very backward step in our country. And the hon. Minister in question, Sen. Dr. Lenny Saith, has to balance his business interest—which was his original profession—with the national interest and you and the Minister of National Security should not allow any business interest to weigh heavily in trying to change your direction in terms of the importance of retaining your Work Permit Committee.

Madam President, the whole question of the local content is very important, and therefore we believe that this question is very crucial. We heard from the Minister of National Security a short while ago that he has very—I do not know if he has close relations with the Chinese community—[*Laughter*]—but he seems to have a great interest in having Chinese workers coming to our country to replace our local workers. [*Desk thumping*]

We are being told that there are senior officials in the Government of Trinidad and Tobago who seem to be pressuring the Work Permit Committee and almost instructing them to allow Chinese workers' applications to be accepted without any investigation or queries.

This is discrimination in favour of the Chinese and therefore we ask the hon. Minister—

**Sen. Dr. Gopeesingh:** The foreign Chinese.

**Sen. W. Mark:** Well Chinese, foreign Chinese we are talking about here—of Energy and Energy Industries, what would happen to local content in this regard? What would happen with the whole question of transference of skills and knowledge to our local counterparts?

There seems to be a Chinese invasion; they are locating a province. Trinidad seems to be becoming an extension of China and we understand that over the last two years alone, over 3,000 Chinese have been imported into our country. So this is having an impact, as I said, on the industry. It is having an impact on our future in terms of the energy sector, because the energy sector, as I said, imported close to 5,000 expatriates. It is our understanding that the bulk of personnel coming from abroad are being sent to the energy sector of our country. It is only of recent vintage that we have these foreigners going towards the construction sector of our country. In the past, under the jurisdiction of my colleague, the hon. Minister of Energy and Energy Industries, there is where the bulk of the applicants go; that is the energy sector.

It is only in Trinidad and Tobago that a Government is seeking—if that is true—to do away with this system of work permit and a proper system of monitoring. In Venezuela, if you have 100 expatriates employed, the company that is seeking those 100 expatriates to work for it must employ an equivalent number of Venezuelans. So you want 100 expatriates, you must employ 100 Venezuelans.

Right over in Barbados the strictures are very serious when coming to foreigners and therefore, we would like to know why would our Government want to engage in an exercise in which there is a possibility that the work permit system in the Ministry of Energy and Energy Industries will be closed down by the end of April. Why are they seeking to close down this particular Work Permit Unit? And why, by extension, the Minister of National Security is being pressured, being convinced by Dr. Lenny Saith to abandon that particular Work Permit Unit?

Therefore, I would like the hon. Dr. Lenny Saith to clear the air; give us some clarification on this particular information that has reached our desk, because we do not believe it is in the national interest to go that route. I really look forward to hearing from Dr. Lenny Saith as to the true picture concerning this work permit unit in his ministry and whether there is any intention on the part of the Government to close it down and what would be the implications for national development and the national interest of Trinidad and Tobago.

I thank you.

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Thank you, Madam President. I am always amazed by the capacity of the hon. Senator to be supplied with misinformation, wrong information that he brings here to start any debate. I want to read the Motion because in his presentation he talked about work permit committee and work permit unit.

His Motion, which is as confusing as his presentation is:

“The failure of the Minister of Energy and Energy Industries to properly inform the national community of the Government’s decision to discontinue the operation of the Work Permit Committee and the adverse consequences arising therefrom.”

Therefore when I read the Motion, I could not assume that he was talking about the Work Permit Unit, but be that as it may, confusion reigns in that party and it reigns in the thinking of the party.

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Madam President, there has not been any discontinuation of the operations of the Work Permit Committee. The work permit process has been streamlined for greater efficiency and effectiveness. Applicants for work permits are still required to submit applications to the Ministry of National Security. What is changed is the process for the evaluation of work permit applications. There is no doing away of work permits. What we are trying to do is streamline the process.

Work permit applications were previously processed exclusively by a Committee comprising representatives of the Ministry of National Security, the Ministry of Trade and Industry, the Ministry of Labour, Small and Micro Enterprise Development and the Tobago House of Assembly. Under this arrangement it took on average two to six weeks to process a work permit application.

An in-depth review of the process over the last three years also revealed that of the 80 weekly applications, 78 per cent were approved; 20 per cent were deferred for further investigation and approximately 2 per cent were refused. The application process within the two-week period met the requirements stipulated in the application form whilst those refused did not. The deferred applications generally contained omissions and inaccuracies and took four to six weeks to process.

Madam President, in the context of the pace of economic development, the shortage of skilled personnel; the recruitment of non-nationals to facilitate such development and fill such shortages it was determined that an improved arrangement, which did not compromise the local labour situation, was imperative. May I point out especially in the energy sector it is a global industry.

To this end Government has developed mechanisms aimed at addressing this issue and set as its target the processing of applications within a period of two weeks; no more four/six weeks. In this regard the Government has agreed that work permit applications will now be processed on a daily basis by an upgraded Secretariat of the Ministry of National Security with a work permit advisory committee to act as an appellant body and to extend the function, where necessary, to treat only with those applications that require deliberation through the inter-ministerial mechanism. The investigations conducted by the relevant ministries and agencies would continue. So instead of meeting once a week, we will deal with applications on a daily basis and the committee, through a secretariat, will deal with the application. Those that are straightforward, will go ahead; those that require inter-ministerial review, will be done by the committee.

Other mechanisms for the timely processing of applications include group applications to which companies would be required to authenticate the credentials of its employees; the submission of applications via the Internet and the introduction of an Integrated Border Management System (IBMS). This question of using technology in the process is very important because right now—I think it is 12 forms, is it 12 copies—12 copies have to be filled out by hand for work permit applications.

Through the IBMS, Immigration Officers at the ports of entry will have real time access to work permit information originating from the work permit secretariat and will be able to make informed decisions on admissions. Immigration Officers will be able to view data relative to visas, work permits, student permits and a person's immigration history as well as advanced passenger information. One of the by-products of the legislation that we passed to put this border system means that the immigration officer now has the ability to immediately access data on a person coming in, including whether he has a work permit, his visa, and all the rest of it.

**Sen. Mark:** [*Inaudible*]

**Sen. The Hon. Dr. L. Saith:** I am coming to it; you asked for work permit committee. If you wanted the unit only you should have said so.

The energy sector generates up to 75 per cent of all applications for work permits. As a consequence, in 2003 the Ministry of Energy and Energy Industries established a Monitoring and Evaluation Unit to review energy sector applications. The Unit, which comprised three persons, was established for a period of two years, subject to review. Arising from the new arrangement, the Ministry no longer requires that level of representation.

Accordingly, the Unit has been disbanded and staff has been redeployed within the Ministry. We were already short of technical people in the Ministry and these were technical people who were doing this kind of work; so they have been redeployed in the Ministry to get on with their technical work.

However, the Ministry will be represented on the Work Permit Advisory Committee by a senior official, who will coordinate all responses in respect of energy sector applications and who will have access to the resources of the Ministry to properly review such applications.

Thank you very much, Madam President.

**Madam President:** Second Motion, Sen. Mark.

**Highways Division  
(Wasteful Expenditure)**

**Sen. Wade Mark:** Thank you very much, Madam President. We have received some disturbing reports concerning some very irregular activities in the Ministry of Works and Transport. We understand there appears to be a monopoly developing in that Ministry, as it relates to pothole patching, using something called “patch master thermal bonding”. We understand that the Ministry of Works and Transport—

**Madam President:** You know that is not on the Motion?

**Sen. W. Mark:** No, no, no, we are talking about irregularities, Madam President. This is one of the irregularities I am talking about. What we understand is that, maybe with the full knowledge of the hon. Minister, this development is taking place under his very nose. And to add salt to the wound, what we have further unearthed or discovered is that there is a gentleman or a group—

**Hon. Senator:** That is not the Motion.

**Sen. W. Mark:** The Motion deals with—

**Madam President:** Wasteful expenditure in the—

**Sen. W. Mark:** I am coming to the wasteful expenditure.

**Madam President:** But it is a very wide—

**Sen. W. Mark:** Of course, it is wasteful expenditure here. We are saying that jobs that can be done efficiently by the Ministry of Works and Transport in terms of paving of roads have now been outsourced and we believe it represents wastage of resources on the part of the Ministry of Works and Transport. I will give you an example of the wastage that I am speaking to.

There is a company called Paul Topha and Associates. This particular company has been employed by the Ministry of Works and Transport to deal with matters of patching of roads that this Ministry did on its own before, hence the wastage that I am referring to. What is even more alarming—I am being disturbed—is that we understand that two persons make up this company—Topha. One is called Topha and the other one is Gary, and they call themselves Paul Topha and Associates.

**Hon. Senator:** Gary who?

**Sen. W. Mark:** Topha; they seem to be brothers. Gary is the coordinator of the St. Augustine constituency of the ruling party.



Madam President, we are concerned that over the last few weeks the Caroni district of the Ministry of Works and Transport gave out at least six contracts to this particular agency or company and each contract is valued at about \$336,000. So in the space of a few months, some \$2.1 million was given to this particular company. I have it here—\$2.1 million.

Now this gentleman in question seems to have a grip so tight; it is like a vice around the neck of the Minister, that when the Permanent Secretary attempted to investigate this matter she was removed—McComie—

**Hon. Senator:** What!

**Sen. W. Mark:**—and sent to the Ministry of Public Administration. Investigating corruption in the Ministry of Works and Transport, she was removed. You know what is even more alarming? I have evidence here, where the gentleman received \$336,720; that is for one. In other words, he gets a contract to do about two kilometres of potholes for \$336,000. He is the only man, surprisingly, with that piece of equipment in Trinidad and Tobago.

This is what I find disturbing. I find it disturbing that under the watch of the hon. Minister of Works and Transport, he could tolerate this kind of thing; have one individual who is the coordinator of the St. Augustine constituency—who you know very well, Madam President, or who you are supposed to know very well. Why are you allowing this to take place. When you do this patching work, as I understand it, and you do a proper paving, the country would benefit and you will gain more. But when you give out these contracts and first of all, it is in the Caroni district—you give out six contracts; this man gets \$2.1 million easy.

You know what the Minister of Works and Transport has now done? He has now extended it, through his Director of Highways Division, a "fella" called Roger Ganesh, to St. Andrew and St. David and they have now gone to Victoria West district. So they have now gone out of Caroni and are entering into St. Andrew/St. David and the Victoria West district. In other words, this gentleman in question is going to be getting more and more easy contracts when the Minister has the capacity within his Ministry to deal with this matter.

We would like to know if the Minister of Works and Transport is aware of this development that is taking place under his very nose and whether we are getting value for our money. Because it is our information that if these same roads were to be paved rather than put—

**Sen. Dr. Gopeesingh:** This multi-purpose bonding.

**Sen. W. Mark:**—this multi-purpose bonding mechanism, we would be able to save huge amounts of money and at least get a five-year maintenance-free arrangement—

**Sen. Dr. Gopeesingh:** And no corruption.

**Sen. W. Mark:**—and no corruption.

**5.30 p.m.**

Madam President, we are made to understand that these moneys are paid up front. These moneys are paid up front. [*Interruption*] Yes! So I would like the hon. Minister who seems not to be aware of these things—I am bringing information, apparently, to his attention for the first time. He is not aware!

**Sen. Dr. Gopeesingh:** Well you have to investigate it.

**Sen. W. Mark:** So you have to investigate your Director of Highways and find out why they are giving out this contract to this gentleman and his associate.

**Sen. Dr. Gopeesingh:** It is the tip of the iceberg. [*Crosstalk*]

**Sen. W. Mark:** We are concerned, and what is even more disturbing is that when the Permanent Secretary, a lady of impeccable character decided to investigate this matter and to bring this criminal element to book, I understand the person was removed immediately on the advice of the Minister of Works and Transport. [*Crosstalk*] Because no Permanent Secretary could be moved from a ministry until the Minister asks for that person to be moved. [*Crosstalk*]

So, Madam President, we want to get some information. We want to find out why it is these contracts are being given out to this one person; pothole patching using patch master Thermal Bonding, \$336,720. And they sent out a tender document, and do you know what happened? A “fella” called JUSAMCO—every time they send out this thing to tender he simply sends a value, \$736,000. That is too high. The only other competitor is Paul Topha and Associates coming in at \$336,720. Every time it is tendered two companies vie! One: \$736,000, and the second one \$336,000. Do you know what happens? “The fella get it.” “The fella get it.”

**Mr. Imbert:** Every single time?

**Sen. W. Mark:** And I have a cheque here. [*Interruption*] I got the cheque too, where he got \$336,000 of taxpayers’ money.

**Sen. Dr. Gopeesingh:** Probably one pothole.

**Sen. W. Mark:** To cover what? One pothole. *[Interruption]* So, Madam President, whilst people cannot get water in this country, while poor people are suffering, you have corruption taking place under the very nose of this Minister.

**Sen. Dr. Gopeesingh:** And he does not even know it.

**Sen. W. Mark:** And he said he “eh” know what is going on! Well, I bring it to your attention and I want you to take action on this thing. *[Interruption]* And there are many other disturbing matters which my 15 minutes would not allow me. *[Laughter]* So, I will bring you back again next week to deal with further irregularities in the Ministry of Works and Transport.

I know that you are a man who would not want to be associated with that broad brush in terms of corruption. And I want you therefore to investigate this matter! Investigate why they moved your Permanent Secretary sometime in March.

**Mr. Imbert:** March?

**Sen. W. Mark:** Yes, March of this year. She was moved! You investigate that! And I want him to also investigate this monopoly that this gentleman has—

**Madam President:** You have two minutes more.

**Sen. W. Mark:**—over the Ministry of Works and Transport and why you have extended this contract out of the Caroni district to St. George, St. Andrew/St David and Victoria West? We want to know how many contracts you intend to give this chap in those areas and the value?

So, Madam President, I raise this matter because it is very disturbing and I have the evidence here. This is no hearsay now; this is evidential documentation of what is taking place in the Ministry of Works and Transport. *[Desk thumping]* It has all the evidence here and I want the Minister to tell us—

**Sen. Dr. Gopeesingh:** Irrefutable evidence.

**Sen. W. Mark:**—what he intends to do about these irregularities that are taking place under his very nose.

So, Madam President, I await the Minister's response, because many people are concerned about this development. I have not gone on the hustings as yet, but I have started today. I would like you to clear the air because I do not want to accuse you, Minister of Works and Transport, of being in bed at the moment with anyone, that is why I raise it in the Parliament rather than on the platform. So I am

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giving you the opportunity to clear the air on this matter and we want you to investigate it and take action.

Madam President, I thank you very much.

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam President, the only way I could describe the presentation by Sen. Mark is an abuse of privilege. That is the only way I can describe it. [*Desk thumping*] Look at this Motion: The Failure of the Minister of Works to institute proper measures to curb wasteful expenditure in the Highways Division.

Madam President, we spoke about this, that this Motion was too wide and impossible to prepare for, because it does not name any individual, any company, any contract, any geographic location; there is no reference to anything in here. As we discussed this Motion should have been addressed in general terms to the operations of the ministry. I am flabbergasted that Sen. Mark would file such a defective Motion without identifying a single thing and then come here with detailed and specific allegations about a particular individual, a particular contract in a particular location and expect me to be able to respond.

It is an abuse of privilege, in my opinion. [*Desk thumping*] I am of the view that Sen. Mark did that deliberately in order to tarnish the reputations of the persons involved. [*Desk thumping*] Because if Sen. Mark had named the individuals in the Motion, [*Interruption*] if he had said irregularities in the award of contracts to this company—Thermal Bonding or whatever it is—then I would have been able to respond appropriately, but I am unable to respond appropriately, because I do not have a clue of what he is talking about. [*Crosstalk*]

However—no, no, I cannot accept anything that Sen. Mark says. He has a record of misleading this Parliament. [*Desk thumping*] I cannot accept anything he says! I want to put on the record now, that the former Permanent Secretary in the Ministry of Works and Transport was reassigned by the Prime Minister to the Ministry of Public Administration and Information because the incumbent, at the time, got a posting, I believe with the Commonwealth Secretariat; am I correct?

**Hon. Senator:** Yes.

**Hon. C. Imbert:** The previous Permanent Secretary, Miss Wilson had got a posting with the Commonwealth Secretariat, and the Ministry of Public Administration and Information is a ministry that interfaces with every other ministry and the Permanent Secretary in that ministry, as Sen. Mark very well knows—because he, for a brief, very regrettable period was in that ministry

[*Laughter*]*—*that the Permanent Secretary in the Ministry of Public Administration and Information has to interface with all other Permanent Secretaries, has to deal with collective agreements, has to deal with negotiations of international agreements and so on, and therefore the person in that ministry has to have a very strong human resource background. Since Miss Mc Commie, as you said is an excellent professional, when it became known that Miss Wilson was going off to the Commonwealth Secretariat, the Head of the Public Service and the Prime Minister did a survey of Permanent Secretaries and determined that Miss Mc Commie had the strongest HR background among all the Permanent Secretaries that is how she arrived at the Ministry of Public Administration and Information. Not that concoction, that fabrication, that ridiculous assertion made by Sen. Mark. It is absurd!

Now let me go to some of the specifics. Let me see what he said. He said jobs that can be done by the Ministry of Works are being outsourced. What are these jobs, pray tell, Madam President? What on earth is he talking about?

**Sen. Dr. Saith:** Paving the road.

**Hon. C. Imbert:** Paving the roads! The Ministry of Works does not have the capability to produce the quantity of asphalt; it does not have the equipment that is necessary to pave roads on a large scale in Trinidad and Tobago. Sen. Mark knows that!

**Sen. Dr. Saith:** Carlos John knew that.

**Hon. C. Imbert:** Carlos John knew that! In fact Carlos John spent \$1.2 billion in 2000 [*Crosstalk*] in a matter of months.

**Sen. Mark:** What about Topha?

**Hon. C. Imbert:** And when Carlos John spent \$1.2 billion in a matter of months [*Crosstalk*] through the use of private contractors—and he outsourced it. He did not use the in-house resources of the Ministry of Works when he spent that \$1 billion.

**Sen. Jeremie S.C:** He was going 24/7.

**Hon. C. Imbert:** Yes he was going 24/7, using every possible private contractor that existed in Trinidad and Tobago. [*Crosstalk*]

He did not use the in-house resources of the Ministry of Works at that time and he was a Minister in the Government of Sen. Mark. The principle of using private asphalt paving contractors was well established by the former administration. They did not bother with the in-house resources of the Ministry of Works.

**Sen. Mark:** Let us hear about Topha.

**Hon. C. Imbert:** So, for Sen. Mark to come into this Senate and, permit me, Madam President, to talk this rubbish, [*Interruption*] rubbish that the Ministry of Works [*Interruption*] under this PNM administration is not utilizing—

**Sen. Mark:** Corruption and you—[*Inaudible*]

**Hon. C. Imbert:**—its in-house resources and is outsourcing [*Crosstalk*] when that was the practice of the UNC administration; the PNM administration before that; the NAR administration before that and the PNM administration before that. It has been a practice in the Ministry of Works for more than 25 years to outsource paving, road rehabilitation, road repairs, road upgrading, landslip repairs and so on to the private sector. Sen. Mark knows that. [*Interruption*] And as for the specific allegations—

**Sen. Mark:** Sorry I called names.

**Hon. C. Imbert:** I noticed Sen. Mark was very careful not to present any evidence of his allegations. He waved a little piece of paper. But what does the piece of paper have on it? Does it have the invitation to tender? Does it have the tender evaluation report? Does it have the assessment of the capability of this particular company in question?

**Sen. Mark:** No, money.

**Hon. C. Imbert:** Does it have any of that—this little piece of paper that he is waving?

**Sen. Mark:** Plenty money.

**Hon. C. Imbert:** Madam President, the Ministry of Works is currently engaged in a paving programme, where we are paving over 500 roads in Trinidad and Tobago. [*Desk thumping*] [*Crosstalk*] Five hundred! And the documents that Sen. Mark—

**Sen. Mark:** Election slush fund.

**Hon. C. Imbert:** Election slush fund? That same \$1.2 billion—[*Crosstalk*]

**Madam President:** Now you all have a habit of talking during the other Members' presentation. Please be quiet!

**Hon. C. Imbert:**—that was spent in 2000; the records indicate that the \$1.2 billion resulted in the paving of approximately 1,100 kilometres of road. That is what the records indicate.

**Sen. Mark:** One thousand roads?

**Hon. C. Imbert:** Yes. In the year 2000: 1,100 kilometres of roads for \$1.2 billion. *[Interruption]* When you work that out in terms of the cost per kilometre you get about \$1 million per kilometre, more or less. So in the year 2000, seven years ago, Carlos John, the UNC and the Government of Sen. Mark spent about \$1 million per kilometre to pave roads.

Well let me tell you what the PNM is doing, Madam President. Over the last year or so *[Crosstalk]* the PNM administration has successfully undertaken projects on 2,254 roads *[Desk thumping]* involving 1,324 kilometres of roads, including complete rehabilitation, construction of landslips, construction of culverts, road strengthening, road reconstruction, construction of bridges and so on—

**Sen. Mark:** We want to know about Topha.

**Hon. C. Imbert:**—not the superficial paving that was done under the UNC administration, where, if they had a dead dog in the road they paved it; if they had a car in the road they paved over the car. That is what was done in 2000; superficial paving. They paved roads two, three and four times. That is what was done in 2000 *[Interruption]* and it cost them \$1 million per kilometre.

In 2007, seven years later, with the shortage of materials in the local construction sector, with inflation that has taken place over the last seven years, would you believe it is costing us less than \$1 million a kilometre to pave roads now, Madam President. *[Interruption]* So seven years later; *[Interruption]* seven years of inflation with the overheating of the local construction sector, with a comprehensive road rehabilitation programme; where, when we do a kilometre of road, we do three times as much work on the road than was done under the UNC; it is costing us less money seven years later. *[Desk thumping]*

And Sen. Mark has the gall to come into this Senate and talk about *[Interruption]* wasteful expenditure. Madam President, I dismiss the allegations of Sen. Mark emphatically and categorically. *[Interruption]* I do not know who Topha is! I have never heard that name in my life!

**Sen. Mark:** That is your partner—*[Inaudible]*

**Hon. C. Imbert:** I have never met anybody called Topha. If I look in the telephone book I may not see such a name, Madam President. *[Laughter]* *[Desk thumping]* I have never heard of such a person. *[Interruption]* I do not even know

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how to spell Topha. [*Crosstalk*] I know about a food substitute called tofu. I have heard of tofu. [*Laughter*] I mean they make it from soya or something like that. [*Interruption*]

**Madam President:** Senator.

**Hon. C. Imbert:** I have never heard of Gary Topha! I have never heard of this company! I am not aware of any contract. I have no knowledge of any investigation. I dismiss everything that Sen. Mark has said as without any substance whatsoever. [*Interruption*] Without any substance whatsoever! [*Crosstalk*] And, Madam President, based on the information that I have [*Interruption*] in terms of what the Highways Division is doing at this time—

**Sen. Mark:** I have it in black and white.

**Hon. C. Imbert:** I do not know what you have in black— [*Interruption*]

**Madam President:** Just give me a chance please? Sen. Mark, I have asked you over and over to please be quiet.

**Sen. Mark:** I am very sorry.

**Madam President:** When you made your presentation nobody interrupted you.

**Sen. Mark:** Madam President, I am very sorry. I apologize.

**Madam President:** Please, Minister, continue.

**Hon. C. Imbert:** Madam President, the Senator is shrieking at me across the floor, he has it in black and white. What do you have in black and white?

**Sen. Mark:** Do not worry.

**Hon. C. Imbert:** Do you have an assessment of the capability of this alleged contractor? Do you have anything that tells you whether the person is capable of doing the job or not? Whether the person has the technical capability, the financial capability and the performance track record? Do you have that? No you do not. Do you have a tender evaluation report that indicates whether any tender submitted by this particular company has been evaluated properly? That they have applied the published tender rules properly, and that there has been fairness in the evaluation process? No you do not. He has nothing! [*Interruption*] All he has are a few scraps of paper, because if he had a technical assessment of that particular company which drew adverse inferences, I am certain that he would have revealed that in the Senate today. If he had a tender evaluation report that



indicated that that particular company was incapable of doing work and should not be awarded particular jobs, I am certain that he would have revealed it in this Senate today. But his arguments are based on froth, Madam President. *[Laughter]* His arguments are based on froth. *[Laughter]* It is the typical—*[Interruption]*

**Madam President:** Minister, you have two minutes.

**Hon. C. Imbert:** Thank you very much, Madam President. It is the typical politically deceitful and politically dishonest approach of this particular Senator. *[Crosstalk]* *[Desk thumping]*

He uses this Parliament to tarnish the good name of private citizens who cannot come into this Senate to defend themselves. *[Desk thumping]* I reject and dismiss his presentation today absolutely, Madam President.

I thank you, Madam President. *[Desk thumping]*

**Hon. Senator:** *[Inaudible]* Sorry, ma'am.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.49 p.m.*

**WRITTEN ANSWER TO QUESTION**  
**Construction of Schools**  
**(Detailed Breakdown of Expenditure)**

**62. Sen. Dr. Tim Gopeesingh** asked the hon. Minister of Education:

Could the Minister provide the Senate with a detailed breakdown of the expenditure for the construction of schools during the period January 01, 2002 to December 31, 2006 under the following headings:

- (i) Early Childhood Education Centres;
- (ii) Primary Schools; and
- (iv) Secondary Schools?

*The following reply was circulated to Members of the Senate:*

**The Minister of Education (Sen. The Hon. Hazel Manning):** Sangre Grande SWAHA Hindu College, 14,901,484.22; Tunapuna ASJA Girls College,

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\$9,641,849.92; Palo Seco Government Secondary, \$10,437,556.60; Caroni Village SDMS Boys' Secondary, \$447,800.00; Miracle Ministries High School, \$16,029,042.83; TOTAL \$151,456,160.02.

In conclusion, our construction programme between 2002-2006 has been so successful that we have developed a number of policies and programmes for the sustainable development of our physical facilities from the ECCE to Secondary sectors.

These include:

- (i) The new National Model for Education that details the requirements for the development of physical facilities such as:
  - Site location
  - Square footage
  - Community involvement
  - Transparency
  - Accountability
- (ii) The policy on land banking and site location and land management based on demographic studies.
- (iii) The establishment of the Education Facilities Company in 2005 has made the construction process more efficient, more transparent and accountable and has removed many bottlenecks, making the approach to construction more timely.
- (iv) We have signed a Memorandum of Understanding with Denominational Boards to guide the process of property management, construction, upgrade and repairs of Government Assisted Early Childhood Centres.
- (iv) We have negotiated the Memorandum of Agreement with Denominational Boards which would be signed shortly to guide the process of property management, construction, upgrade and repairs of Government Assisted Primary and Secondary Schools.

Implementation of an Asset Register managed by a web-based computerized Maintenance Management System is now underway collecting data on the status of all our physical facilities.

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We have also begun the rolling out of Wave II of our construction programme which began in October 2006.