

*Paper Laid**Thursday, September 27, 2007***SENATE***Thursday, September 27, 2007*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**PAPER LAID**

The National Blood Transfusion Policy and Technical Guidelines. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

JOINT SELECT COMMITTEE REPORTS

**Government Ministries Part I
(Presentation)**

Sen. Parvatee Anmolsingh-Mahabir: Thank you, Madam President. Madam President, I have the honour to lay on the Table the following report as listed on the Order Paper, the Fourth Report of the Joint Select Committee of Parliament appointed to enquire into and report on Government Ministries with responsibility areas listed in Part I and on the Statutory Authorities and State Enterprises falling under those Ministries.

**Government Ministries Part II
(South West and Tobago Regional Health Authorities)
(Presentation)**

Sen. Mary King: Madam President, I have the honour to lay on the Table the following report as listed on the Supplemental Order Paper, the Second Report of the Joint Select Committee of Parliament appointed to enquire into and report on Government Ministries (as listed in Part II), Statutory Authorities and State Enterprises falling under those Ministries. The report is entitled the South West Regional Health Authority and the Tobago Regional Health Authority.

STANDING ORDERS COMMITTEE

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I have the honour to lay on the table the report standing in the name of Sen. The Hon. Danny Montano, the Report of the Standing Orders Committee of the Senate (2006—2007 Session).

PRIVATE SECURITY INDUSTRY

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

Whereas there exists in Trinidad and Tobago a privately run security industry which employs in excess of fifty thousand security guards who are unprecepted;

And whereas these unprecepted security officers are required to work under conditions inconsistent with the provisions of the Occupational Safety and Health Act (OSHA);

And whereas the guards are remunerated at subsistence rates, thereby requiring many to work excessively long hours;

And whereas there is a manifest need for government intervention to protect the rights of these workers and to guard them against blatant exploitation;

And whereas the government has failed to establish the necessary standards and regulations to govern the private security industry;

Be it resolved that the government take all necessary steps to ensure that unprecepted private security guards are not exploited by virtue of the high demand for security services brought about by the State's inability to protect its citizens and their property; and

Be it further resolved that the government take all the necessary measures to enact into law the relevant legislation to establish the necessary standards and regulations that would govern the private security industry.

Madam President, I want to begin my contribution by looking at the issue and to examine the Constitution of the Republic of Trinidad and Tobago. Under the Constitution, I looked at the preamble and I quote section (b):

"Whereas the People of Trinidad and Tobago—

respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;"

Madam President, I want to emphasize that labour should not be exploited or be forced by economic necessity to operate in inhumane conditions. I want to tell you, Madam President and this honourable Senate that the security industry in this country is pure hell for tens of thousands of private security workers. The Government has a responsibility to introduce legislation and have it passed, in order to ensure that those persons who are not protected, defended or organized in trade unions should have some minimum level of protection. This is why we are calling on the Government to take immediate steps to have this industry regulated and appropriate standards be established, so that this private security industry could be more orderly arranged and functions can be more effectively and efficiently executed.

How can this Government seek to solicit or solicit, I should say, from the population another term when some 50,000 people, their dependents and offspring, which when multiplied, we are talking about close to 200,000 citizens—50,000, and we have a family of four, it could vary, but let us have an average of four—who are left to the whims and fancies of private employers who do not have their best interest at heart. How can that kind of action be justified? We believe that the Government needs to defend itself on this particular matter.

We are saying that workers in the private security industry today are receiving, according to the latest National Minimum Wages Order of 2005, a minimum of \$13.50 or less, and several of them, as I understand, receive between \$12 and \$13 an hour in the industry today. A dog, however, is hired for about roughly \$40 to \$50 an hour. So, a dog gets more money than a human being does in the industry today.

Hon. Senators: Earns.

Sen. W. Mark: He earns more; he earns more; he receives more; he has more value; the dog has more value than man. That is why I said sometime ago, "man gone to dogs under this regime in Trinidad and Tobago".

So, we have a situation where this Government, after being in office for six years, has been unable to bring legislation to Parliament to protect these innocent and defenseless workers in the private security industry in our country. Madam President, I want to let you know that these security officers can be located in several areas of our country; they are all over. In fact, at one time, they were at the Attorney General's office, but I think they are no longer there because those persons were working for the State, but they had a quasi-state employment contract. I understand that since August 20—no it was in July I understand; no let me correct myself; August 20, 2007—these security personnel services were terminated. This is what I was made to understand.

What we understand is that a new organization called Innovative Security Technologies Limited, coming from 126 Ciperio Road, Victoria Village, San Fernando, in the constituency of San Fernando East has now taken over operations of the security operations in the Office of the Attorney General. This is what I have been informed and I think that the hon. Attorney General would get an opportunity to let us know if these workers, who were employed in a private capacity or quasi-private capacity, about 50 of them—

Sen. Jeremie SC: 64.

Sen. W. Mark: Sixty-four—their services have now been terminated and Innovative Security Technologies Limited from the San Fernando East constituency—

Sen. Jeremie SC: Would you give way? I would assist you right away. Their services were terminated insofar as the Attorney General's office is concerned, but they are working elsewhere in the State sector. They are not on the breadline; they have been transferred.

Sen. W. Mark: I would like him to also tell us, where have these workers been deployed to. My information is that these workers are now working at the residence of the Prime Minister and I understand that Innovative Security Technologies Limited, which is owned by someone called Peter Carrington, has now been given the contract at the Attorney General's office to supply that office with security personnel. I do not know if this award was on a sole selective basis or if it was subject to public tendering. I think that when the hon. Attorney General gets up to speak he would be able to tell us what is the nature of this new contractual arrangement with Innovative Security Technologies Limited of 126 Ciperio Road, Victoria Village, San Fernando. We would like to get, at the appropriate time, some clarification from the hon. Attorney General.

Madam President, there are some 300 protective services agencies and supplementary police bodies operating within the Republic of Trinidad and Tobago, employing in excess of 50,000 people. A vast number of those persons who are employed are single mothers. Approximately 50 per cent of these organizations have not sought approval from the hon. Minister of National Security to operate and therefore, they are operating in direct contravention of the provisions of the Supplemental Police Act, Chap. 15:02.

There are several pre-requisites that must be attained before approval is granted for the operation of a private security agency in our country. One such pre-requisite is a valid public liability insurance for a minimum coverage of

\$500,000, including liability for damages caused by the negligence of officers at the premises of clients. Another important pre-requisite is insurance coverage for liability in respect of injury sustained by officers in the execution of their duties.

I have been informed that close to 200 of these private security firms are operating illegally in our country and they are violating all these provisions that I have just mentioned. And the Minister of National Security and the Commissioner of Police have twiddled their thumbs for six years and allowed these companies to operate with impunity in our country.

The majority of persons employed in this particular industry are not precepted in accordance with the provision of section 9 of the Supplemental Police Act. We have discovered based on our investigations, that one out of every five security officers employed within the industry is in fact precepted—one out of every five. So, you have four persons who operate in the private security industry without being precepted in accordance or as outlined in the Supplemental Police Act—four out of five.

I do not believe it was the intention of the legislators to have persons working as private security guards, protecting persons and their property and providing guard and escort duties without some form of regulation of that industry. It could never have been the intention of the legislators to have that kind of situation in existence in our nation. Therefore, the Supplemental Police Act speaks of the command and superintendence by the Commissioner of Police of these estate constables. But you know what, if you go to section 5 of the Supplemental Police Act, the Police Commissioner has been silent on this matter; no regulations have been passed. The hon. Minister of National Security is responsible for promulgating regulations to regulate and to ensure that there are standards in the industry. Six years later, nothing has been done by the Minister of National Security.

The Commissioner of Police has failed in his duty to properly command and superintend the supplemental police bodies and the protective agencies or private security firms in our country. If you go, as I said, to clause 5 of the Supplemental Police Act, it says:

"Subject to the general order and direction of the Minister, the Commissioner shall have the command and superintendence of the Supplemental Police, and he shall be responsible to the Minister for their efficient condition..."

This is what is in law, but the Police Commissioner has not properly dealt with that particular function and as a result, we have criminals posing as employers and they are exploiting savagely tens of thousands of workers in the

private security industry. Because of negligence and total failure on the part of the Government of Trinidad and Tobago to come out and bring legislation to regulate the industry and to protect the lives of 50,000 persons who are engaged in that industry, not to mention their families; 200,000 people are left to the whims and fancies of private security industry owners.

Sen. Dr. Saith: Who are you speaking to?

Sen. W. Mark: I want to speak to you. Do you have a private security industry?

Madam President: You are supposed to be speaking to me.

Sen. W. Mark: Sorry, Ma'am. I do not want to do that, Ma'am, and every time I do that, you pull me up. Good. [*Laughter*] Madam President, this is a very serious matter and we want to say that the thousands of workers who are employed in this private security industry today, without the consent of the Commissioner of Police and by extension, the Minister, are subject to the whims and fancies, as I said, of these private security owners and they operate "fly by night" as you know.

It is because of the failure of our Government to protect the society that is why you have a mushrooming of private security firms in Trinidad and Tobago. It is because of the failure of the Government to provide people with adequate, productive, permanent and rewarding employment, that you have people fighting for these jobs and being exploited in the process.

All these officers in the private security industry are attempting to do is to earn an honest dollar, and not to be exploited by their employers who practice poor industrial relations, because of absence of trade union representation in the first instance and in the second instance, because of the failure on the part of the Government to bring legislation to standardize and qualify labour relations practices in that particular industry.

As you know, the Estate Police Association (EPA) cannot by law, represent unprecepted officers. They are, by law, to represent only precepted officers, and that is why you have a lot of people exposed to the storms and the winds of these employers' brutality. You need the State to come in, protect them, and give them some degree of safety and security, which the Government has failed to do.

Madam President, some of these unprecepted officers are not trained; they are not screened properly before they are employed; before they come by your home or my home to give protection to me. You could take up a bandit on the road

tomorrow morning; they get him involved in a private security firm and that person comes to your home to protect you. All as a result of the failure of the Government to deal with this question seriously.

So, what persons get who employ private security personnel; they get substandard services. They get people of questionable integrity and character, and these people are placed in positions of trust with the valuable assets and personal information of the clients within their reach. That is what is taking place in our country today. A significant number of persons employed within the industry are single mothers. You have a lot of females employed in the private security industry. Some of them are at the mercy of unscrupulous supervisors and managers, who sexually exploit them, thereby eroding their dignity in this country.

The Minister of Labour, Small and Micro Enterprise Development has a few labour officers; I think about 24 labour inspectors, if so many; he will tell us when he speaks. If you have 50,000 people or let us say to be generous, 40,000 people employed in the private security industry, you have another 400,000 workers who work in the private sector, and they are not organized by trade unions. So, you have close to 440,000 people outside there at the mercy of the private sector and private employers. How can you have 30 labour inspectors inspecting 440,000 workers in terms of various workplaces? I am not saying that you have 440,000 workplaces, but I am talking about the size of that labour force that is not represented by trade unions. And I would like to suggest to the hon. Minister of Labour, Small and Micro Enterprise Development, you need a minimum of about 100 labour inspectors in this country to properly police the laws of this country, in order to protect and safe guard the interest of these workers.

2.00 p.m.

Madam President, persons employed within that industry—that is the private security industry—are often called upon to work in conditions that are atrocious, hazardous and inhumane. Because, do you know why, Madam President? The conditions that they work under are inconsistent with the provisions of the Occupational Safety and Health Act of our country. They are treated less than animals and they are called upon to remain in unhealthy and unsafe working environments. That is unfair! Private security employers continue to violate the provisions of the Occupational Safety and Health Act by failing to ensure their employees are provided with adequate and proper drinking water, proper toilet facilities, clean and sanitary conditions, proper shelter and adequate lighting at

nights. Security officers in most instances are required to sit on chairs that have been rejected by other employees because they just do not care about these workers.

Madam President, private security employers contravene the OSH Act by failing to provide proper change rooms and ensure that employees do not work in environments of excessive noise and vibrations in buildings without proper ventilations. In the Act there is provision for health and safety committees. You will find that in the private security industry that is not observed. These private security agencies provide cash-in-transit services for their clients. They transport cash in large quantities, quantum or amounts and they are not properly equipped to do so. They do not have the machinery; they do not have the necessary kind of vehicles to do so and they place the lives and limbs of these officers in danger as a result of the lack of adequate provision. They use soft-bodied vehicles instead of armour plated vehicles. They do not provide body armour and when they do it is outdated and underrated.

Madam President, you would recall in 2006 in Duncan Village, San Fernando a security worker from Securicor Security Services was murdered and executed. He was part of a two-man crew that was dispatched by that company on a cash-in-transit duty. The other officer who was lucky to escape is now suffering from what is called post-traumatic stress disorder as a consequence of this particular incidence. And, Madam President, do you know what is sad? The company has not found it fit to medically board this officer. This officer is at home without pay, without any compensation and the Government sits there and does nothing for 200,000 people; for 40,000 workers who are involved in the security industry. This cannot be fair! Cannot be right!

I have statistics here to show where, between January 01, 2002 to the present some 19 officers have been murdered in this country carrying out their duties under the law; 19 of them. I have their names here: Rasheed Williams, Anderson John, Anthony Henry, Sandra Gomez, Leon Deonarine, Victor Mc. Donald, Rajkumar Maraj, Glen Ford, Derrick Simmons, Gabriel Garcia, Clayton Brown, Manmohan Ramdhan, Reynold Durity, Amir Ali Mohammed, Don Duncan, Stephen Wallace Nelson, Avalon Gonzales...a woman,...David Taylor and Sylvester Maitland.

All of these people were murdered or executed carrying out their duties in this country as security officers and I do not have a clue whether their murderers have been brought to justice. Maybe the Minister of National Security will tell us how

many of these criminals who murdered these officers have been convicted and sent to jail or whether, because of his low detection rate of less than 22 per cent, they are still on the loose to kill more citizens in our country.

The Minimum Wage Order is normally applied as the maximum wage. In fact, the hon. Minister of Labour, Small and Micro Enterprise Development was making the point sometime ago that the minimum wage is not the maximum wage. The minimum wage is a floor level that you establish, but what employers are doing, they are using the minimum wage as the maximum wage in the security industry and they continue to violate other provisions of the wages order such as hours of work and overtime rates with impunity.

The Ministry of Labour, Small and Micro Enterprise Development, in a public notice in the *Daily Express* dated Wednesday, June 13 had an advertisement which says: “National minimum wages and terms & conditions relating to security industry employees”. It goes on to say:

“The Ministry of Labour and Small and Micro Enterprise Development wishes to advise that security officers fall within the purview of the Minimum Wages Order...(which is good)...Legal Notice No. 88 of 2005 and Security Industry Employers and Employees should be guided by the following:

The normal working day is 8 hours...”

That is what the ministry has said, but what is the ministry doing to ensure that workers are not working 10, 12, 14 and 16 hours? They say that the normal working hours is 40 hours. That is good! It is good! What are we doing to ensure that workers in the private security industry are working 40 hours? They say:

“The normal working month is 173.33 hours.”

That is excellent. I support that. I believe that is a great thing. I think that the Government must be complimented for it. That they are in fact doing things and they are putting out publications saying what the actual hours of work are supposed to be. But the question that we have to ask, Madam President, if those are the hours of work; you have certain people in the security industry who are telling their workers—I see a “fella” called Captain Gary Griffith and Associates, but I am seeing in this document that I have before me—

Sen. Dr. Saith: He was a former Senator of the UNC.

Sen. W. Mark: No, it is another industry, it is called SESL. I do not know what it is. It is a private security firm. But I understand that several of these

security firms including the gentleman I just referred to—do you know what they do, Madam President? They are telling you that to guarantee a payment of \$3,000 per month you must work a minimum of 266 hours and a maximum of 288 hours.

Madam President, here it is we are being told by the Ministry of Labour, Small and Micro Enterprise Development that the minimum working month is 173 hours and here we have in a document that you have to sign to be a private security guard, you are being told that you have to work a minimum of 266 hours per month and a maximum of 288 in order to be guaranteed \$3,000 a month in Trinidad and Tobago. What is the Ministry of Labour, Small and Micro Enterprise Development doing about this? We want to know what the Ministry of Labour, Small and Micro Enterprise Development is doing about this.

Sen. Montano: If you sit down I will tell you.

Sen. W. Mark: I am not convinced that the Ministry of Labour, Small and Micro Enterprise Development is doing anything about this. It goes on:

“The normal working day for businesses that schedule employees to work only 4 days in the week shall not exceed 10 hours.”

Fine! Good! Sounding good. Words!

“The overtime rates as outlined in section 5 and the Second Schedule of the Minimum Wages Order...”

You have to observe that. The roster of hours—you have to observe that. That is the Ministry of Labour, Small and Micro Enterprise Development making this statement.

Madam President, I want to ask the hon. Minister, through you, this advisory that he has put out on this eight and a half—I would like to know whether the ministry also advised of overtime rates as prescribed in the Second Schedule of the Order. Some security industry employers including Sentinel Security Services Limited, Amalgamated Security Services and South Eastern Security Services Limited have blatantly refused to adhere to the direction and order of the Minister of Labour, Small and Micro Enterprise Development. I want the Minister to send his labour inspectors to the following companies: Sentinel Security Services Limited, Amalgamated Security Services and South Eastern Security Services Limited who have refused to effect and implement your orders. And, as I said, there is a gentleman from an organization who is also engaged in mass exploitation and where, as I said to qualify to work in this gentleman's firm for

\$3,000 a month, he tells you that you have to work for a minimum of 266 hours and a maximum of 288 hours a month in violation of the regulation and the schedule I have just read to you, Madam President.

Sen. Dr. Saith: Call the name.

Sen. W. Mark: Two hundred and sixty six hours; this is an hourly rate which amounts to \$11.27. I want to say to you that other agencies such as Sure Security Company Limited offer wages of \$14, because the minimum is \$13.50 as outlined in the Minimum Wages Order. Some of them as I said they go up to \$14. But do you know why they go up to \$14, Madam President? Because under this Minimum Wages Order if you go beyond \$14 you do not have to observe the rules that have just been outlined by the Minister of Labour, Small and Micro Enterprise Development. Once you go above \$13.50 you can exploit people as you will in this country, particularly as it relates to overtime payment.

This agency called Sure Security Company Limited—and I want the Minister of Labour, Small and Micro Enterprise Development to investigate this company as well. Not because Amalgamated Security Services is associated with the PNM that you must allow workers to be exploited! Not because they finance PNM you must allow workers to be exploited. Investigate Amalgamated Security Services! Investigate Sentinel Security Services! Investigate Sure Security Services Limited and South Eastern Security Services Limited! These companies have blatantly refused to pay overtime rates and they violate the provisions of the Minimum Wages Security Industry Order of 1995 by regularly requiring their employees to work in excess of 16 hours in a period of 24 hours a day. Where are these people going to find time to be with their families? The Government remains silent when workers are being brutalized, exploited and savagely oppressed by criminals posing as employers in this country.

Madam President, if you see the kind of disciplinary penalties they have outlined for workers in the private security industry. Some of them have 29! I am talking about all of them; Amalgamated Security Services, Sentinel Security Services; all of them! Indecent behaviour, you have to pay \$200. What is indecent behaviour? How is he going to assess that? They are telling you that if you come to work late you have to pay \$50 in one instance, \$100 in another instance. If you smoke whilst you are on duty you have to pay \$50. If you change or leave your uniform on the compound you have to pay \$50. If you walk with a personal radio on the compound you have to pay \$150.

Madam President, if you see the kind of oppressive measures that, as far as I am concerned are illegal. Why is the Minister of National Security and the Minister of Labour, Small and Micro Enterprise Development not doing something about these things? And the Minister of Labour, Small and Micro Enterprise Development, the hon. Danny Montano was written to by the Estate Police Association (EPA) on July 02, 2007. It is addressed to him. The title of this letter is "Imposition of illegal fines by employers on employees in the private security industry". It reads:

"The Executive of the Estate Police Association is in receipt of numerous complaints from employees of some of the Protective Services Agencies who allege that their employers continuously deduct monies from their wages as fines."

I want to tell the hon. Minister of Labour, Small and Micro Enterprise Development, under the Truck Act, an old piece of labour legislation, wages is constituted as property. You cannot deduct moneys from my wages and my salary without my consent! And you have criminals in this country getting away with murder and this Government has sat idly by and allowed these private security owners to exploit workers. How can you take money from my pay without getting my consent? And here it is they wrote the Minister since July 02, 2007 and I was told that they have not been able to receive any real responses from the hon. Minister to date and they provided to the Minister a list of all the fines imposed by these agencies.

Why has the Minister of Labour, Small and Micro Enterprise Development not taken action to send these people as he sent Elias on health and safety charges to the Industrial Court? Why have you not brought criminal charges against these people in the private security industry and send them marching to the Industrial Court to be fined? Why? Why are you protecting these people who are exploiting our people and workers of this country? There is no excuse for this, Madam President! It pains me to see how workers are being brutalized in this country by a Government that says, "It's about love; it's a love thing and it cares about people." How can you care about people when you have 200,000 people and their families being affected, their lives are like hell in this country?

Sen. Dr. Kernahan: They care about people at election time.

Sen. W. Mark: How? How, Madam President?

Madam President, I want to remind you that this Government some years ago brought a Minimum Wages Order for the private security industry and they had vacation leave, maternity leave; they had cost of living allowance, they had meal

breaks and they had, for instance, other important benefits that workers would have been entitled to in 1994. Look I have the Order here, Madam President. [*Sen. Mark holds up document*]

It is a 1994 Order that they brought here and the Government was on the right track. They had things for pregnancy for the first time; sick leave, vacation leave; they had covered part-time workers who are employed in the industry. All these measures were taken and within four months they withdrew this and they brought an oppressive Order in 1995 to replace it, and when they brought this, this was the first Order. I was in Parliament in 1994. They brought this Order for the first time trying to protect workers which was highly commendable and Mr. Kenneth Collis the former Minister of Labour—[*Interruption*] Yes, yes; he was the former Minister of Labour; he withdrew this document within four months and he said they had made a mistake and they brought this new one; this new one minus vacation leave, minus maternity leave, minus sick leave, minus overtime and minus meal breaks, and this Government tells the country they care. And this is how we treat workers, Madam President? [*Interruption*]

I am going to do it shortly. When I take over your spot we will do it. “Yeah man,” no problem. We will just exchange spots. I know if it is one thing with you, you are not coming here. You are going to work by Mc Enearney Alstons in some capacity as an advisor. [*Interruption*] No problem.

So, Madam President, all I am saying is that the Government has failed the people of this country, particularly those workers. The Government is supposed to protect the rights of these workers against exploitation. Where is the protection? The Minister has failed us miserably; he has not made regulations. The Commissioner of Police who was supposed to command and superintend this whole process, he is sleeping because he is going permanently on rest I understand, or to rest very shortly when he retires from the system. Madam President, you work for a private security firm for 20 years and 25 years and when you retire you have no severance pay and you have no pensions. What kind of brutality is taking place in our country? They have no pension after working 30 years; they have to depend on the Senior Citizens Grant in order to live in this country after working 30 years for a firm. This is vicious exploitation.

This Government brought to Parliament a Bill in 1995 called the Security Agencies and Security Officers Bill. This Government—yours—you brought it. You tabled it and you came back from 2002 to now and you have not looked at this? They were supposed to amend and replace the Supplemental Police Act. They were supposed to bring a new security Bill. Nothing! The Minister has done

nothing to help the people! So, what do we have? A Government that is in bed with the cartel; a Government that is in bed with the monopolists who want to continue to rape and exploit our country; a Government that turns its eye or a blind eye to the exploitation of our people and a Government that will not give these security workers sick leave, vacation leave, proper overtime rates and hours of work. Why? Why is this Government so against the ordinary people of our country? Why is this Government not supporting the people who are involved in the private security industry? But do you know why, Madam President, whilst the Government is having a good time and whilst they are using our money as they wish, poor people cannot see their way in this country and the security industry workers are in fact vulnerable and they are poor. But you see the hon. Minister of National Security, he is too busy. He came here last year December and made a commitment that he would do certain things to bring the industry up to a certain level. Madam President, 10 months later the Minister has not done a single thing, as far as I am aware.

Let him come to this Parliament and let him speak and tell us what he has done. [*Interruption*] Ten months following his announcement, illegal fines are still being imposed on security officers by employers. They are still forced to buy their uniforms and persons of questionable integrity and character are still operating in the protective services agencies and employing persons with criminal interests and criminal records. That is happening under you! You are too busy importing two old tug boats for \$500,000 that are now stationed down at Staubles Bay when we were told that it is going to cost us \$132 million. We want some accountability from you?

Madam President: You have gone off!

Sen. W. Mark: No. I am dealing with the question of the Minister not being able to deal with workers' business whilst at the same time he is facilitating other business. [*Interruption*] Six fast patrols craft valued at US \$250 million.

Hon. Senator: Irrelevant!

Sen. W. Mark: Yes, irrelevance! Do you want to know what is irrelevance? You must tell us!

Madam President: Sen. Mark!

Sen. W. Mark: Madam President, I am saying that whilst the Government is using our money in a most wasteful manner, ordinary people have no protection. The industry has no regulations. The standards are non-existent in the industry, but instead—and I want to ask Howard Chin Lee if—

Sen. Dumas: Who is Howard Chin Lee?

Sen. W. Mark: The Hon. Howard Chin Lee, whether he is aware of the fact that a contract is about to be given to his brother who is an agent of the Government of a company located in Australia where the Government is seeking to buy six fast patrol craft valued at US \$240 million. I would like to know if he is aware of that. Tell us!

Madam President: Senator, would you give way to the Minister?

Sen. Chin Lee: Madam President, I am not aware of that and I think he is imputing improper motives. *[Laughter]*

Sen. W. Mark: I asked a question, he answered. I am not imputing improper motives. *[Interruption]*

[Madam President pounds gavel]

Madam President: Come back to the Motion. That is way out of line.

Sen. Dr. Saith: You are way off the Mark.

Sen. W. Mark: I am way off the Mark? Madam President, I want to tell you in countries like Jamaica, I remember Arthur Lewis—

Madam President: You have nine minutes of the hour left.

Sen. W. Mark: Yes—once making the remark in the 50s, that the continued exploitation of workers at that time in Jamaica had forced the middle class and the upper middle class in Jamaica to check their guns under their pillow every night before they went to sleep.

Hon. Senator: Who is that?

Sen. W. Mark: In Jamaica, Arthur Lewis, when he was talking about the brutal exploitation of workers in the Caribbean. And what has happened in our country is that this Government has stood idly by and allowed private security firms to mushroom in this country without any system of accountability; no kinds of standards and no kinds of regulations. They have allowed our workers and our people to be butchered and savagely brutalized, oppressed and exploited—

I want to give you an example. When the Prime Minister and his wife demit office shortly, they would have collected between themselves alone over \$10 million or thereabout. Do you know how much a security work—

Madam President: Sen. Mark!

Sen. W. Mark: No, I am making a comparison. How much a security worker in the industry is going to get in six years? Three hundred thousand dollars! I am working for six years for \$300,000 and I have to mind my family and take care of my needs. The Prime Minister of this country and his wife would leave Whitehall and leave Parliament with \$10 million! Do you know what is that percentage? Three per cent!

Madam President: Senator, please do not bring the Prime Minister into your debate! Please! Get back to your Motion!

Sen. W. Mark: I am making a comparison.

Madam President: Well, it should not be.

Sen. W. Mark: Salary is a public knowledge. [*Interruption*]

Sen. Dr. Saith: Madam President, if he wants to make a comparison, let him also make a comparison of how much he will be collecting as a Senator, how much the Leader of the Opposition will be collecting and how much Ministers are collecting. These are salaries approved by the Salaries Review Commission in Parliament.

Sen. W. Mark: No, I have to make mention of—[*Inaudible*] [*Crosstalk*]

Sen. Dr. Saith: No, I want you to make mention of your own!

Sen. W. Mark: I have to make mention of it because—[*Inaudible*] I agree with Dr. Saith. [*Crosstalk*]

Madam President: Please, gentlemen! Please! As Dr. Saith is saying, if you want to compare them, compare everybody. [*Interruption*] But I would prefer if you left—

According to the Standing Orders, please do not refer—[*Interruption*] Please leave the Prime Minister out of it! All right? Thank you.

Sen. W. Mark: Since when the Prime Minister cannot be mentioned? He is an emperor!

Sen. Dr. Kernahan: He is not President yet.

Sen. W. Mark: He is the Executive President? [*Interruption*] I cannot talk about the Prime Minister! I am saying, Madam President, that when you make a comparison, 3 per cent I would be getting at the end of six years.

Madam President: Are you questioning my ruling?

Sen. W. Mark: No, I am not questioning your ruling. I am saying 3 per cent and 97 per cent on the next side. Look at the inequity.

2.30 p.m.

Sen. Manning: Madam President, on a point of order. That money was hard earned and was not in a bank in London. [*Desk thumping*]

Sen. W. Mark: We will rescue these workers!

Madam President: What was the point of order; imputing improper motives?

Sen. Manning: It is not in a bank in London.

Madam President: Senator Mark, as I told you already, move on.

Sen. W. Mark: I will deal with you and yours on the platform. [*Crosstalk*]

Sen. Montano: Madam President, it is out of order to threaten a minister.

Sen. W. Mark: I withdraw.

Sen. Montano: Strike it from the record! [*Crosstalk*]

Sen. W. Mark: Strike it; strike it! I am not a schemer; I do not scheme. [*Crosstalk*] Only one man I know "does" scheme, and he is right in this Parliament. I did not say so, Lord Mustill said that.

Madam President: Senator!

Sen. Montano: Madam President, again that is a blatant reference that he made on Tuesday; he must withdraw that again. Strike it from the record.

Madam President: Yes.

Sen. W. Mark: I am not withdrawing it. It was a public statement.

Madam President: I do not care if it was a public statement. You will not get up in this Senate and talk about any Senator as a schemer.

Sen. W. Mark: I never said a Senator was a schemer.

Madam President: You said a person in this Parliament.

Sen. W. Mark: I never called anybody's name.

Madam President: Have that struck off the record, please. [*Crosstalk*]

Sen. W. Mark: Who the cap fit, let them wear it.

Sen. Montano: Madam President, the Senator is unrepentant; he must not say those things.

Sen. W. Mark: Ooh! Look at the overlord.

Madam President: I do not know what has happened all of a sudden. Is it holidays or something; holiday fever; last day of school? *[Laughter]* *[Crosstalk]* Senator, I asked you to stop. You only have four minutes left.

Sen. Montano: On a point of order again, with the greatest of respect, he was on his legs and he used insulting language to me by referring to me as an "overlord"; grossly inaccurate and highly insulting. He must withdraw it and strike it from the record. *[Crosstalk]*

Madam President: Senator, please withdraw it. You do not refer to people in this country as overlords.

Sen. W. Mark: He called me worse than that.

Madam President: Then in future you should bring it to my attention.

Sen. W. Mark: Well I am bringing it to your attention now. "Dey say people dotish and all kinda ting, and he does get away yuh know." *[Crosstalk]* Let me bring my contribution down; it seems that it is a bit warm here. To date, after 10 months following the hon. Minister's announcement in the Senate, the madness in the private security industry continues unabated.

Illegal fines are still being imposed on security guards by their employers, and the Minister has done nothing about it; both him and his colleague the Minister of Labour, Small and Micro Enterprise Development. The private security workers are still being forced to buy their uniforms, and nothing has been done by the Minister of National Security or the Minister of Labour, Small and Micro Enterprise Development.

Persons of questionable integrity still operate in the industry. We are demanding in the UNC Alliance that immediate action by the Government to amend the Supplemental Police Act to treat with the licensing of all private security firms and employees be immediately effected. We are demanding the implementation of appropriate regulations and standard that will eradicate the exploitation of persons employed within the industry, and ensure that such persons enjoy proper terms and conditions of employment.

The Ministry of Labour, Small and Micro Enterprise Development and the Ministry of National Security must combine their efforts to ensure that some sense of sanity returns to that industry. This can only be accomplished when appropriate legislation is enacted and policed by the State. The UNC Alliance, therefore, is calling on the Government to engage all the major stakeholders in meaningful dialogue that will bring appropriate legislation into fruition. The time has come for action; enough is enough.

The private security industry needs us and needs the protection. The workers and their family need our protection and help. I am appealing to the Government to take action immediately by reconvening this Parliament when it is prorogued, so we can deal with these critical matters in defence of workers.

I beg to move.

Sen. Dr. Tim Gopeesingh: Madam President, I rise to second this Motion and to reserve my right to speak.

Question proposed.

Sen. Dana Seetahal SC: Madam President, I support the Motion before us insofar specifically as the first five statements are concerned, that is, first of all that there exists in Trinidad and Tobago the private security to the tune of some 50,000 at least security guards and two, that they work in deplorable conditions, although the Motion said inconsistent with OSHA specifically, three, they are employed at subsistence rates; four, they are blatantly exploited and, five, the Government has failed really to establish the necessary standards and regulations.

About a year ago the Minister of National Security in this Senate said that there was a move afoot to establish regulations to govern that industry and that there were draft regulations. But a year has passed and, like many other regulations or laws that are in draft, they have not come before this Parliament.

In Trinidad and Tobago, if there are, at least, 50,000 private security officers, it means that one out of every 25 citizens in this country is a security officer. What this means as well is that in another way, for every 24 persons there is provision for one security officer. If one puts that together with the State security forces that we have, then it would convey to this Parliament the state of national security in the country, which means that we all are suffering from a lack of personal security. In other words, personal security in this country is a premium concern, because security and the crime threat are serious.

Many polls have shown that crime is the number one concern in this country. It, therefore, seems to me that it is passing strange and really delinquent on the part of the Government not to seek to control what must be our largest industry, if it employs, in total, about 50,000 persons and if it is a parallel security force which supplements the regular security in this country to maintain national security.

It is clear that if we did not have these 50,000, at least, security officers, the whole thing would fall down; the bottom may very well fall down in this country,

insofar as persons' personal security is concerned. Therefore, it is vital that we set standards for the industry; it is vital that it be regulated.

Today anybody can get up and establish a security firm. Sen. King and I can get up tomorrow and say that we are going to establish a private security firm, hire people and then send charge people. We may have more integrity than many other people; we may not require them to work 12-hour minimum shifts and often 24 hours. That is what is going on in this country.

I have talked to many security officers, because I have raised this before in the last five years that I have been in Parliament; at least three times. I know a lot of them. By virtue of my job, I come into contact with them. I have known some of them as witnesses and some of them who have been attacked. They are also from around the neighbourhood where I live. I have had cause to employ, not personally, but on behalf of organizations to which I have been attached, security officers. I know that they are required to work a minimum of 12 hours, which is itself a breach of the normal working hours for any citizen.

Most of the time if another officer does not come out, the first officer must continue. This happens regularly; one out of every three times, security officers are required to work 12-hour shifts. If the other officer does not come out, they may work 48 hours. It is ridiculous, because these officers carry firearms; so you have someone carrying a firearm after 36 hours on the job. If somebody is attacked, what will happen? No wonder sometimes persons are shot wildly; no wonder someone becomes afraid, because you are on the job, you lose your perspective and you are less alert. That is a very good reason why we need to have regulations for the industry.

Some people might say, "Well, it is the last day of the Senate, we are going to be prorogued and dissolved, why waste time talking about something like this, which we cannot finish now." The reason I am talking about it is because it has a serious impact on life in Trinidad and Tobago. [*Desk thumping*]

There are about 55,000 officers; let us say 5,000 of those are administrative. Everyone must be connected to other persons in some way. So you have, let us say, 200,000 people in the country being affected directly by the employment of security officers in this industry, roughly, whether it is by father, mother, brother, child or whatever it is. Then you have these persons having to work long hours like that, you have the need for them. It must be a national concern that we have to resort to private persons in this volume. What does it say?

The number of police officers is about 5,000; the private security industry is 10 times that. Every day you get up you see a new van with some new, "High Force Security", all kinds of different names, aping some of those shows on

American television, as though they are, of course, as big as those people. There is, of course, a need to feel good about one's self. That is probably what a lot of these officers have: the fact that they can carry a gun and wear a uniform. That is the only thing that makes up, in my view, for the fact that they are employed at minimum wages.

Many of them earn \$10 and \$12 an hour, \$2,500 a month, and they have to pay for that, as Sen. Mark said, and he was right. I asked about this; they have to pay for their uniform, unlike police officers who get theirs. They would have to wash, iron and everything else. So you have those issues. You also have the issue of training. What training does a security officer have? Unless you are with the University of the West Indies or maybe Royal Bank, you come to the job, you may be precepted, you get an order, you go out and work the next day.

So you can go to Sunday Basket, one of those fast food joints, and if someone drunk comes there you pull out your firearm. You have no training; you do not know how to diffuse a situation and then there is action. You might be killed; your firearm might be taken. How often we hear about a security guard being relieved of his firearm. These firearms join the multitude of other firearms in the hands of criminals. So we have the lack of training and discipline.

It is a minority, but too often many of these private security officers have criminal convictions. They may be, at some reasonable firms, required to prove that there is no criminal record, but sometimes that takes time, sometimes six months, and people go ahead and employ them. Sometimes the conviction may not be recorded, because our system is not up to mark.

So here you have the largest industry of that one nature in this country, supplementing something like national security, and it is unregulated. To me that is a national disaster. That is really what I want to say about it. I think that Sen. Mark's call is timely. I know we will not finish this today.

The Government needs to appreciate—and it appears not to—how vital it is to have this kind of industry which parallels the security forces industry in this country. They are supposed to support that. Of course, if they do not perform properly, if it is felt that anybody could become a security officer, if, in fact, they do not feel good about themselves and many of them get into crime, how can they really and truly support the security forces?

When you look at it, in that industry half of them are women as well. They work nights; a lot of them are single mothers. It is crying out for regulation and recognition and it is not being done. To be told a year ago that something was

happening and nothing has happened, really should not be allowed; it should not be tolerated. It is not good enough and it just shows delay, delay and delay, in yet another aspect of lawmaking which I find deplorable.

Thank you, Madam President.

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Madam President, just let me begin by referring to some of the ridiculous statements made by Sen. Mark. He referred to the Prime Minister's earnings over the past six years and the number he called was outrageous, apart from being wrong; and he usually is wrong. It has got to be less than half of that. That was being said by a man who earns \$500 an hour, to come here and talk arrant nonsense. [*Crosstalk*]

Sen. Mark: "Yuh hear; yuh hear!"

Madam President: Minister, I do not think you should refer to another Member's contribution as arrant nonsense, please.

Hon. Senators: Strike it from the record!

Sen. The Hon. D. Montano: The difference, with the greatest of respect, between his comments and mine is that I do not insult him. I only talk about what he says. [*Crosstalk*]

Sen. Mark: On a point of order. I think we need to be consistent. Some time ago when I said that it was nonsense, you told me to withdraw it, because it was unparliamentary. I would like you to be consistent.

Madam President: Senator, please withdraw it.

Sen. The Hon. D. Montano: So withdrawn. I have no difficulty obeying the Standing Orders and the rulings of the President. [*Desk thumping*] I will be guided.

For a man who earns more than \$500 an hour—for the amount of time that the Prime Minister works who earns less than half that—to come here and talk about that, that behaviour is nonsense.

Sen. Mark: I do not work for \$60,000 a month!

Sen. The Hon. D. Montano: They bought a boat called the *MV Nelson* when they were in government, whose top speed was seven knots. I have a sailboat and I could sail past that boat. [*Crosstalk*] [*Desk thumping*] If I were involved in drugs, that boat could not catch me; that was how they wasted taxpayers' money. [*Laughter*]

Madam President: He is rebutting what was said and, therefore, I have to allow it. In a debate you are allowed to rebut what was said. [*Crosstalk*]

Sen. The Hon. D. Montano: I have a sailboat that is faster than the *MV Nelson* with under sail. [*Crosstalk*]

[*Madam President knocks gavel*]

The Motion today touches, in fact, on a very real issue. It is a national issue; it is not as great as the Senator made it out to be, but it is a significant issue.

One of the things that this Government is very serious about and the Ministry of Labour, Small and Micro Enterprise Development is working on, is something called a decent work agenda. A decent work is many things; it is not only decent pay, it means but decent working conditions, decent hours of work, the environment and all the benefits that go along with it. It is a much broader issue. One of the things that we recognize, however, is that it is difficult to legislate some of these issues. In fact, every country in the world recognizes that for Ministries of Labour to interfere, it has to be done in a very strategic way.

You cannot just intervene. There are many sectors in the labour market in which we can intervene, but if we do that and legislate some of the conditions we would like to see, we would create a round of inflation that the country really is not in a position to absorb. We, therefore, have to do it very carefully.

The public need to understand some things which have occurred recently, one of which was a notice in the newspaper. In fact, we had done that previously. We recognized that the industry needed some help.

Madam President, Sen. Mark is usually misleading. Of course, in his contribution he was misleading again, in the sense that he talked about the hours of work. He asked why we had not regulated or done anything about it. That is regulated insofar as officers that earn less than \$13.50 an hour fall within the ambit of the Minimum Wages Order. They work a maximum of 40 hours and all that sort of thing. That has been so for quite some time. In fact, it was during the tenure of the UNC that the industry really mushroomed for the first time, as crime exploded. Under the UNC it really expanded. They did nothing about it.

They recognized that historically in the industry even though there were orders which said that you had to pay over time, nobody was doing it. Because businessmen leave their business at 4 o'clock or 5 o'clock in the afternoon and do not come back until 8 o'clock or 9 o'clock the following morning, the practice had developed

in the industry that watchmen, as for the most part these unprecepted guards are, would work a 12-hour shift from 6.00 p.m. until 6.00 a.m. That had been the practice in the industry for a long time; in fact, for many years. It did not just begin.

For many years the law was observed in the breach more than in the compliance in this industry. The question when I came into the Ministry was: What should I do about this? Should I just impose everything on the marketplace? If I did that, I would disturb the marketplace. If so, what should I do? How do I get the parties to come in and talk to me and tell me what they think the Government should do? It took a little doing.

The last thing we did was to publish the notice in the newspaper which effectively was a warning saying, "If you do not come and talk with us, we will do something about it." Very soon thereafter, both the employer and later on the employees called and said, "We will like to meet with you." I met with the employers and said, "I am aware of some of the complaints that have been circulating and you need to do something about it; I am not going to tell you what you should do it about it; this is an industry that is not like other industries, because of its very nature and the fact that you are working nights and weekends, it is a different environment, therefore, you need to tell us what you think the standards ought to be."

Later on I received a letter from the Estate Police Association, and my response to them was, "Well, come and talk to me about it", which they did. They made the mistake that Sen. Mark made as well. They said to me that the Ministry of Labour, Small and Micro Enterprise Development should be policing the situation. I said to them that the Ministry is not a police force; it is a regulator. We can regulate an industry; we cannot police it. There are 26,000 businesses outside there; I have 18 functioning inspectors. We started off with 24, we have lost through attrition, and we have not been able to replace them. We have 18 inspectors left. We cannot act as police officers, but we can act as regulators.

If you tell us what is going wrong we will accept it. They did not want to accept that proposition. Since I have been there, I have had only two complaints from guards. In both instances I sent my officers out, the problems were seen to and corrected. Therefore, you need to know if you do not write us, we are not going to do anything about it, because that is how, for the most part, we are able to respond to the situation.

Eventually they recognized that the position of the Ministry was that of regulator and that we would do our best to respond to situations when they are reported to us. I said to them, "You need to come back to me and tell me how you

think this thing should be regulated.” They recognized that if the Ministry was to enforce the overtime provisions, it would virtually close down the industry. Therefore, they were not asking me to do that, because they recognized that if I went with the strict letter of the law, I would shut down the whole thing and hundreds of workers would lose their jobs. That is not what they want. In fact, everyone I have spoken to told me the same thing.

I said to them, “What you need to tell me is how you think this thing can work in the best interest of everybody.” I do not want to impose what I think on the industry. I told them to, “Tell me what you think; try and meet with the employers as a group and if you cannot, then we will meet in the Ministry under my auspices.” I have been waiting since then to hear from both sides. That is the situation as it is now.

Insofar as breaches of the OSH Act are concerned, I think Sen. Mark is being somewhat hysterical. I could use another word with an “M”, but I will not go there. He makes statements without a shred of evidence. He said that there were flagrant breaches of the OSH Act, and he could not cite one instance. When I meet with members of the Estate Police Association, they do not even mention anything. They do not say that there are any breaches of the Act. What are we supposed to do? The OSHA agency is not a policing agency; it is a regulatory agency; again, if there are breaches then you bring it to the attention of the agency and we will respond to it. Insofar as I am aware, I know of no breaches of the OSH Act in this industry. I am sure there are.

When Sen. Mark spoke about having a committee of workers and employers to come up with a risk assessment, every business in the country is supposed to have that, and I know that most businesses are in breach of that provision. We did take a decision, which we made very public, that we would give the industry at least two years to get themselves into compliance with the Act, and we are still of that view. We are beginning to press the point slowly, but we are pressing it. Again, I know of no breaches.

He also, of course, misquoted me. He said that I said that the minimum wage is not the maximum wage. I never said anything of the kind; not even close to that. That makes no sense. I said that the minimum wage was not the Government approved wage; a typical example of how Sen. Mark would misquote and mislead. What he said that I said made no sense. I make sense when I speak. The minimum wage is not the Government approved wage; that is what I said.

Madam President, I think I dealt with all the issues I wanted to. I will like to say goodbye to Sen. Mark; I heard that he is not coming back. That was his swansong. [*Laughter*]

Thank you.

Sen. Mark: Madam President, before Sen. Dr. Saith rises. I just want to let you and my colleagues know that I will really like to be working for \$500 an hour. I do not work for \$500 an hour. I will really like to work with Danny's firm to get that \$500 an hour. [*Laughter*]

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Lenny Saith): Madam President, when we met on Tuesday I had indicated to Sen. Mark that I would give him an opportunity to deal with his Motion to negate some regulations. In the context of our debate today, I wish to suspend debate on this Motion and move to the Motion to negate the Immigration (Amdt.) Regulations.

Agreed to.

IMMIGRATION (AMDT.) (NO. 3) REGULATIONS (NEGATION OF)

Sen. Wade Mark: Madam President, I beg to move,

Be it resolved that the Immigration (Amdt.) (No. 3) Regulations, 2007, be negated.

Madam President, we are patriots of our mother land, Trinidad and Tobago. Our first duty is to advance the interests of the people and citizens of this Republic. We should never be cutting off our nose to spoil our face. Trinidad and Tobago and its workers are being bypassed in favour of foreign labour. This Government, by amending the Immigration Regulations, has demonstrated, beyond a shadow of a doubt, its unpatriotic attitude, anti-people stance and anti-Trinidad and Tobago sentiment. How else can one explain this reckless, crazy and madcap approach to national development and the facilitation of what I would describe as a modern slave trade exercise, which is unprecedented in our country?

How can we amend our Immigration Regulations in order to achieve or to facilitate an invasion of Chinese labour into our country? What will be the roles of these Chinese labourers in Trinidad and Tobago, both in terms of the economy and politics? When the Minister of National Security speaks, I will like him to clear the air on

the information I have received that some of these Chinese immigrants are busy getting their papers fixed up by the Ministry of National Security to enjoy resident status with the aim, possibly, of casting their ballots when the next general election is called. I will like the hon. Minister to tell us how many Chinese have had their status regularized and have received resident status in this country over the last three years.

These regulations as you would see are designed to encourage the mass importation of cheap labour originating from countries, whether they be India, China or Nigeria, as example, and, of course, within the Caricom region as well. Several of those countries, even though they are members of the International Labour Organization, do not observe their conventions, recommendations and standards.

I ask the hon. Minister of National Security whether the group application that I will refer to shortly, or categories of groups, would be subject to the labour laws of Trinidad and Tobago; would be subject to the OSH Act; would be subject to the Industrial Relations Act; would be subject to the Minimum Wages Act and the Trade Union Ordinance.

These regulations would have slipped through without your notice and the Senate's notice, because under the Immigration Act the Minister of National Security is given the power to make regulations, but they are subject to a negative resolution of this Parliament. We had within 40 days of that document being tabled to file a motion to annul those regulations, which I did on behalf of the Opposition UNC Alliance.

I ask the following questions: Are these regulations being brought by the Government through the Minister of National Security to legitimize group approvals which have already been granted in respect of certain high profile contractors, particularly those from China? If this is not the case, let the Minister provide this Parliament with the evidence on the number of Caricom workers in Trinidad and Tobago over the last four years. Let him provide this Parliament with the number of Chinese labourers in this country over the last four years. Let us get the number of Indian labourers in the country over the last four years. Let us get the number of European workers in Trinidad and Tobago over the last four years. Let him provide us with the number of African workers in this country over the last five years.

I would like him to explain to this honourable Senate what the rationale is for these regulations. Already we have an invasion of Chinese. Wherever you go in this country, they seem to have taken over town. I have no problem with Chinese,

like my friend Sen. Chin Lee. He is a citizen; he is a national of our country, and I love my colleague. We are for national unity and integration of the people, but we have a difficulty with this wave of invasion by Chinese.

Hon. Senator: You are a racist!

Sen. W. Mark: I have never been racist. I will tell you what you are in a short while, Chinese, my friend.

Madam President: Talk to me.

Sen. W. Mark: He said that I was a racist, and I had to rebuke him before you did. [*Crosstalk*]

Madam President: Senator, I hope you did not say so.

Sen. W. Mark: I know he was making fun, because he knows me long time; but you see, those who have cocoa in the sun—[*Interruption*]

Sen. Montano: Madam President, on a point of order. My colleague, the Minister of Tourism, is a person of Chinese origin; he is a Trinidadian. With all due respect, he is not Chinese. He was not born there; he was born here.

Sen. W. Mark: I have no problem, if that is how Sen. Chin Lee would like to be defined by my colleague. He is of Chinese origin. [*Crosstalk*] I am of African origin, as you know, Howard—the hon. Senator. Maybe my hon. colleague, Sen. Chin Lee, has cocoa in the sun and he is expecting rain. I will pour it down shortly on you.

Madam President: Come back to your Motion; you were doing so well.

Sen. W. Mark: Already we have an invasion of Chinese in all areas of activity in this country: Restaurants and businesses. I am not talking about nationals of our country. I am not talking about the Howard Chin Lees of our land; I am talking about people coming from mainland China. I want to make it very clear; I am not talking about the national Chinese community. [*Desk thumping*]

I will like the hon. Minister to tell us what the real purpose is. We will like the hon. Minister to tell us what the institutional mechanisms are and the arrangements being put in place to ensure the integrity and validation of the information that we are told in these regulations will now be able to be electronically generated. I do not think the Ministry of National Security is ready for that. There are no laws in this Parliament to deal with that. How can you put in your regulations that somebody can make an application on the Internet? The

only man who can talk about the Internet is the Minister of Labour, Small and Micro Enterprise Development; he knows about the Internet. If you want to talk about computer hacking, direct that to somebody else. I know about the persons involved in the hacking of computers in this country.

In a period of computer hacking, where are the safeguards in these regulations to ensure that we do not have bogus applications? Where are the laws? This country is still manually driven in terms of development. We talk about e-government; "ol' talk". There is no e-government in this country. The whole of the Service Commission is still 95 per cent manually driven, and they have about 90,000 people in the public service. So where is this hon. Minister going?

We believe it is highly and extremely dangerous to have sensitive information of this nature going through the Internet, without the necessary safeguards. This is information that could end up in the public domain before it reaches the Minister of National security. Where is the nationalism? Where is the patriotism on the part of this Minister and his Government? Why are they opening our country and its borders to an invasion of immigrants from other lands?

I want you to join me in looking at the regulations as outlined. I go to regulation No.3 of this document where they are amending Regulation 10 of the Regulations by inserting the following subregulation. No justification, no explanation. Hear what it says:

"An employer..."

You moved from "an employee". Under our current system, if you want to work in our country, you must have a work permit, and you as the employee must apply. There are rules that you must fulfil and satisfy in order to qualify. This Government has gone mad.

The Regulation says:

"An employer who desires to employ a group of persons comprising ten or more persons..."

What do you mean by 10 persons or more? Is it going to be 10; is it going to 100; is it going to be 200? Are we now going to facilitate the 5,000 Chinese that have invaded our shores? How many Chinese are here from the main land, imported illegally over the last three years? Let the Minister tell us. I know of several Chinese who have come into this country illegally.

A Chinese person who was here illegally tried to bribe a Senior Superintendent in South Trinidad. She tried to bribe a senior superintendent of police by giving him

\$10,000, because she was caught in a casino working illegally, without a work permit. How did she come in here? You might have to tell me how she came in here? I am coming to that just now.

Sen. Chin Lee: Me?

Sen. W. Mark: This is a serious matter. This Government is exploiting loopholes in the law in order to carry out its agenda. I do not know if it has to do with the election of 2007, that they speak so confidently of that they will win. You want to "tief" the election? Is it your intention to steal the election? We will talk about that elsewhere.

Madam President, follow me very carefully.

"An employer who desires to employ a group of persons comprising ten or more persons may submit a group application in the form set out in Form 3A of the First Schedule."

Form 3A is here; I will go through it in detail for you. Hear the madness on the part of this Government:

"An application for a work permit under this Regulation may be submitted electronically through the internet."

Is the Ministry of National Security e-ready, electronically ready for this kind of work? I sincerely believe that the Ministry of National Security, like many other ministries, is totally backward, technologically speaking. I will like the Minister to bring evidence. I will also like him to tell us where the laws on the statutes books to prevent computer hacking and to safeguard applications like these are.

Hon. Senator: You passed the laws yourself!

Sen. W. Mark: I want him to tell us that. I will come back to 3B and 4; let me take you on a journey to China. Hear what Form 3A says:

"Application for Group Work Permit
Or Extension of Group Work Permit
for (ten or more persons)"

I will like the hon. Minister to tell the Parliament what this means, "ten or more persons". Is it going to be 100 persons? Is it going to be 200 persons? Is it going to be 300 hundred persons? Is it going to be 500 persons? Tell us.

This is what you are required to do:

"Note: Applicants wishing to employ persons are requested to submit seven (7) completed copies of this form along with the following..."

Under the Immigration Regulations you have to submit around 14 copies. The hon. Minister has unilaterally reduced that to seven. I want to know if you have an interest in this. [*Laughter*] Why are you trying to undermine national security in your capacity as the Minister of National Security? Right now in the Regulations you have to submit 12 copies to him and the Work Permits Committee; he now reduces that to seven copies without any explanation.

It says that you have to provide:

- "a. a comprehensive covering letter;
- b. a copy of the contract of employment;
- c. police certificate for each employee..."

That is the employer.

"...(if the contract exceeds three months)..."

Hon. Minister, who will issue this police certificate, the police station in China? [*Laughter*] And they will send you a police certificate in Chinese that you cannot read? "Yuh study Chinese?" [*Laughter*] "Yuh have Chinese in yuh Ministry?"

Madam President: Talk to me.

Sen. W. Mark: Sorry, Madam President. This is a very serious matter. I want to know if this Minister is trained in Chinese. Who is going to issue the police certificate in the case of persons making applications? How would you know that from the People's Republic of China with 300 million people looking for "wok". And they feel that we have plenty work in this country for them. How would you know that criminals are not being imported here as workers?

The People's Republic of China wants to dominate the world now. They come like America; they are the new imperialists. They want to take over the world. You know what? We are willing tools and stooges of that particular imperialist design. You know what? The police in China would sign a certificate and send it to the Minister of National Security. How are you going to verify that it is not a criminal coming in here?

This is what it goes on to say in d:

"in cases of extensions for a period of more than six (6) months—

- i. proof that all income tax (PAYE) due has been paid;
- e. a copy of previous Work Permits;"

What are the arrangements being put in place to validate the police authenticity of the certificates issued for employees who are submitting original work group permit applications?

I understand that in Barbados they do not pay taxes; I will say more about that in a short while,. They do not pay corporation tax. They do not pay income tax. "Yuh getting Shanghai company to pay income tax here?" "Gimme de proof." "Yuh getting dem to pay NIS here?" Bring the proof. Are they paying taxes? Let us know.

We want to know if these workers coming here under a group application are going to be covered or subject to our income tax laws; whether when they come here they are going to enjoy the \$60,000 personal tax allowance that citizens are entitled to. These are things we need to know.

For a group application coming to the Minister there must be seven copies; and he wants 500 Chinese in that group application. I understand he likes Chinese; "he like dis ting;" the hon. Minister. [*Laughter*] I will like the hon. Minister to tell us whether the employees coming in under this group application will sign their contracts of employment which would be submitted to his Permanent Secretary (PS) or whether the group application will be signed by the employer. I saw in this document a provision on page 2 reading:

"Signature of Employer"

Where is the provision for the signature of the employees? If you bring slaves from China, if you bring indentured labourers from China, if they are forced to come against their will, you have a Chinese employer signing for 200 Chinese to come in here without consent forms from each of these workers. We are not a slave zone, Mr. Minister. This is a liberated and emancipated country.

Madam President: Speak to me.

Sen. W. Mark: We do not want the Minister to foist slavery on this country by bringing immigrants out of China, who may have no freedom in determining their destination point. In order to be valid, this contract should be signed by employees. We are saying to this Minister that this particular Regulation he has brought is flawed. There are too many loopholes in these Regulations. You have to withdraw these Regulations, have them further amended and bring them back to us.

China is looking to protect its national interest; we must look to protect our national interest. We must avoid employers, whether from China, India, Nigeria, or wherever, submitting bogus documents on employees to the PS and the Minister of

National Security. You could get a form coming into the Minister of National Security that is totally bogus. How will the Minister know it is bogus? These are serious matters.

Look at page 2 of the document. The Minister signed this document since June 21, 2007. Signature in big, "Martin Joseph, Minister of National Security", supporting the invasion of Chinese. [*Laughter*] How can you go on the platform and justify these Regulations?

Look at No. 5:

"List of particulars of permits required.

Name, nationality, position, period of employment, Passport No., Date & Place of Birth, Accompanied by:"

Accompanied by whom? Look at the language in this document, does it enable persons who accompany workers who have been granted work permits in this country?

When the Chinese come here, "dey come by deyself or dey bringing dey wife and dey mother and dey fadder and dey grandmother?" We do not know. We in the UNC Alliance need to know. There seems to be a lot of schemers in this world today and in Trinidad and Tobago, scheming, scheming, and scheming. [*Laughter*]

3.30 p.m.

Could the Minister explain to us this section "accompanied by"? He said give details of persons accompanying including names and dates of birth on additional page if necessary.

So we are asking the question: What is going to be these persons' status who will be accompanying these persons seeking work permit? Does the Immigration Division Authority have the resources to monitor these persons? They cannot even monitor Chinese coming through Pier 1.

Madam President: Senator!

Sen. W. Mark: All right, not Pier 1, down Chaguaramas. I understand they come through that area; prostitutes from Colombia come through there. That is what I understand, I could be wrong, not Pier 1, but in Chaguaramas. If the immigration authority cannot monitor prostitutes coming into this country from

Colombia and Venezuela, will they monitor these Chinese who will be coming in droves? Where are the resources to back up this plan, and why are you bringing this on the eve of a general election? You have a plan to “tief” the election.

Madam President: Sen. Mark—

Sen. W. Mark: Sorry, Madam President, to steal. [*Laughter*]

Madam President, I support the people of China in terms of their struggle for liberation against imperialism. I support them. I think they are very strong people; self-determined, self-reliant, and I love them. I love that struggle they engage in, but China today is competing for world dominance. I know that. They have a right to compete for world dominance. Who does not want to be on top? Everybody wants to be on top. I see the hon. Prime Minister got a doctorate. I congratulate him; he wants to be on top.

Sen. Seetahal QC: Not a doctorate.

Sen. W. Mark: Well, a doctor of letters.

Sen. Seetahal QC: Laws—[*Inaudible*]

Sen. W. Mark: Okay. I congratulate the hon. Prime Minister.

Madam President, it is an established fact that China is a known country for human trafficking, it is a known country for bribery, and the number one bribe taker and giver in the world is China. That is why we want to know what the link between this particular legislation and this Government is. We want to know if moneys are shipped to China so that there is no invasion. Lindquist cannot go to China you know, he cannot go to investigate money across there you know. The Chinese authority will tell him to get out, but if they put the money in America, Bush will say: “Come in, take them.” “So yuh know where dey going?” China.

This is a sinister piece of legislation here. You pat my back, I pat your back. I open the doors for you to come in here, you open your vaults so I could put money there. “I ain’t accuse nobody you know, I say money, we could be investing here.” “I aint accuse nobody for anything, except if people have cocoa in de sun.”

Madam President: Come back to the Motion.

Sen. W. Mark: Madam President, I am on the Motion. I am telling you that as far as I am concerned whether they come from China, India, Africa, Europe, wherever, you must ensure that there are proper regulations in place.

Madam President, go to clause 6.

“6. If a visa is required in addition to the work permit, I hereby make application for a (single entry or multiple entry) visa in respect of the person/persons for whom the work permit or permits is/are required.”

So Madam President, we are not only dealing with work permit now, the Government has gone a step further. “Yuh ain't coming to work for six months, yuh coming for a little longer.” So if you want a visa, you can also apply for that too.

Sen. Dr. Saith: Streamlining.

Sen. W. Mark: This is a nice sweetener, you know. A nice arrangement is going on. Streamlining, that is how streamline processes?

Madam President, if you want visa in respect of the person you can apply, and hear what is the payment. Is this Government serious?

“7(i) Single Entry Visa \$200

(j) Multiple Entry Visa \$400”

In this day and age. [*Interruption*] Fifty dollars, that was 60 years ago. “That is for yuh friends, boy, yuh bringing yuh friends here.” “Dey ain't paying much, dey coming in nice, easy.”

Madam President, and it says “signature of employer, so yuh sign, he gih yuh de date, de company stamp.” The Minister cannot read the application because it is in Chinese.

Sen. Dr. Saith: Madam President, nowhere in these Regulations I see it mention Chinese. In fact, the largest number of work permits that are processed in this country are in respect of the energy sector, and I think the hon. Senator is less than honest when he seeks to make these regulations about Chinese.

Sen. W. Mark: Madam President, there are close to 4,000 or 5,000 Chinese in this country. I want to know how they came in.

Hon. Senator: How do you know that?

Sen. W. Mark: I am estimating because I see them all over the world in this country called Trinidad and Tobago.

Sen. Dr. Saith: All over the world?

Sen. W. Mark: Yes, Trinidad and Tobago is my world. I would like to know if the Minister can tell you, Madam President and the hon. Minister of Energy and Energy Industries who is quick in defence of his Government—with which I have no problem—tell the country how many Chinese are here and how they got in.

Sen. Dr. Saith: Put it as a question.

Sen. W. Mark: No, I am asking it now. Madam President, I am saying that this Government is trying to pull wool over our eyes; it cannot be trusted with these Regulations. And we will say more about you on the trail, including the Attorney General; we have a lot to say about him.

So here you have a waiver, visa waiver is \$400, so in other words we are being told by this Government that you can come into this country with a work permit and stay for as long as you want because there is a provision that says if all is well they can waiver that visa requirement of \$400.

When it says a visa waiver what you are telling us in this Parliament and the country is that you do not have to pay for your visa, you will get it free, just as you get free birth certificate, you get free visas. We want to know on the basis of recommendations, who are the people being exempt or targeted for exemption from obtaining a visa. You have a plan and trying to use us in the Front Bench as guinea pigs in your experiment.

This Government has already done what it has done already and if I did not pick up this, it would have gone through without the people knowing that the Government is using its power as it was used in another place—but we have a report coming on that, and we will see the group of conspirators from the top to the bottom. *[Interruption]* “Yuh look like yuh heading out, I agree with you, yuh cyar come back.” “Manning ent want you back, why yuh think he drop yuh and he put Enill to manage the campaign?” “He done dump you, you gone, you was de campaign manager for years.”

Madam President: Sen. Mark, leave Dr. Saith alone.

Sen. W. Mark: Sorry, sorry. That is my friend you know, Dr. Saith is my friend.

Sen. Kangaloo: Where you going?

Sen. W. Mark: “You doh worry, Christine.” I see your brother now in the court, like he is a Family Court man. Is it a “Kangaloo Court” or “Kangaroo Court”? Kangaloo or kangaroo? Anyway, Madam President, let me continue and tell this lady to leave me alone, I will deal with her on the campaign trail. *[Interruption]* No, I am not going against her, I will be campaigning against her, and I have all the evidence for the people to see why they should not support her and she should lose her deposit.

Madam President, I will continue. When I deal with them on the trail, it is war you know. We want to know what the rationale for these things is, we want to know why the Government is seeking to alter our immigration laws in order to permit these things. I would like the hon. Minister to tell us which jurisdictions are involved and are going to benefit from this? I have suggested China, India, Nigeria and European workers, let them tell me if I am wrong. Which country is he targeting to enjoy the single entry or multiple entry visa?

Madam President, in April of this year Yang Fang Hong was arrested in Princes Town trying to bribe Superintendent Maharaj by giving him \$10,000. I am talking about people who have entered this country illegally.

Madam President: You said that already, you are repeating yourself.

Sen. W. Mark: I want to know if there is a place called the Laughing Buddha Restaurant and if it has a contract for importing Chinese labour. I want the Minister of National Security to tell me this. I want to know if Tony Lee—not the fella from 95.5—is the owner of this Laughing Buddha Restaurant. Because there is a scheme somewhere in south that the Government is aware of, and the Ministers of Government are aware of, in which people are being brought into this country illegally from China and when they come into the country they bring regulations like these to civilize and sanitize the whole process.

Madam President: Senator, nobody objected, but I really think I need to object. When you say that Ministers are aware of something illegal, then you are imputing improper motives against the entire Cabinet. Please. *[Interruption]*

Sen. W. Mark: *[Inaudible]*

Madam President: You said Ministers are aware—*[Interruption]* But they are individuals involved in the Government, Senator. You cannot say people are aware of illegal matters. *[Interruption]*

Stop arguing with me and move on.

Sen. W. Mark: Madam President, I am not arguing, I am just standing up for my rights. Are Ministers aware of this particular transaction, Madam President?

Sen. Dr. Saith: No.

Sen. W. Mark: I know, I understand, and I need to be told that there are some senior Ministers who frequent this particular location where illegal Chinese are imported. Quite a few of them and Chinese are coming here today illegally. If you go to Chaguanas right now, or south Trinidad, these people are living like

animals, like when they brought down the indentured labourers back in the 19th and early 20th Centuries. They have them in barrack-type organization and accommodation where the labour laws are being violated in this country and I want to know if the Minister of Labour, Small and Micro Enterprise Development is aware that there are people who are labourers sleeping in containers in this country, and I want to know if these are the people who you brought these Regulations to legitimize.

Madam President, as I said, I have no problem with the people of China, I have no problem with them. I have a problem with anybody trying to exploit and undermine the national interest of Trinidad and Tobago. I am a nationalist, I am a patriot, I will defend my country and I will die for my country.

Madam President, I want to share with you what has happened with the invasion of Chinese workers in Barbados to show you what has happened in terms of what is happening here and the link between what is happening there and what is happening here and these Regulations that are before us.

We were told by the hon. Minister of Community Development, Culture and Gender Affairs a few weeks ago that there is a national academy for the performing arts that is being constructed by a company called Shanghai at a cost of \$378 million. We were told by the hon. Minister that we got a loan at a fixed rate of 2 per cent, for 20 years with a five-year moratorium.

When we asked if there was any tendering of this particular contract, we were told that the Government of the People's Republic of China nominated a Chinese contractor by the name of Shanghai Construction Group General Construction since they had constructed 11 such facilities in the past. When I asked the hon. Minister what is the labour component, and if nationals of Trinidad and Tobago are going to be employed in this industry, the hon. Minister said that is another question, she did not come to deal with that.

I just raise these points to let you know that it appears that our negotiators go back to training. I do not understand how we can negotiate a 20-year contract for a concessional loan and then spend \$378 million to build a centre and we cannot be told by our Government the terms and conditions of the contract, and how many local contractors are going to be sub-contracted. I want to tell you what is going on in Barbados so I can raise alarm bells, so you can understand.

Madam President: Does it have anything to do with the Regulations?

Sen. W. Mark: Yes, the Regulations.

Sen. Dr. Saith: Madam President, these Regulations seek to define how people would apply for work permits and the process to be used in giving them. It has nothing to do with illegal people coming here, it has nothing to do with Barbados, and we listen to 45 minutes of this. Please, can we return to the Motion? What is it in the Regulations does he object to?

Madam President: This is what I was just saying because I have been allowing Sen. Mark, but I think it has gone too far now. From reading the Regulations, I really think, Sen. Mark, that you have gone way outside of what we have here. Can you come back to the Regulations?

Sen. W. Mark: We are dealing with the Immigration Regulations, Madam President, and I want to ask the hon. Dr. Lenny Saith, who seems to be very jittery as if he has cocoa in the sun and he is expecting rain.

Madam President, I would like to ask the outgoing Leader of Government Business who is going to retire shortly, whether in the Regulations—when I look at the Second Schedule, Chap. 18:01, countries for which visas are compulsory, I see the People's Republic of China falling under it. *[Interruption]* I just want to know when I see the waiver—remember there is a section called “waiver”? I want to ask the hon. Minister whether he will have flexibility in addressing these matters when people are applying from that particular country.

Madam President: Do you want the answer now?

Sen. W. Mark: No. He will answer when I am through.

Madam President, what is the importance of these Regulations for our national development? My concern is our national interest in this country and I am asking if the hon. Minister could tell this Parliament how many work permits have been issued by his ministry to the various Chinese construction firms that are coming into this country and are working on Government projects, and whether these hundreds of persons as we speak are applying as individuals or whether group applications have taken effect already.

We would like to know because when we take over the Ministry of National Security, if you mislead us we would know. I have asked the question and I want to reiterate my concern. I would like as we deal with these Regulations for the Minister to be very up front on this matter. Let him tell this Parliament what is the real purpose of these Regulations. *[Interruption]* We would like Sen. Dr. Saith to keep quiet when I am speaking. *[Laughter]*

Hon. Senator: “Who is we?”

Madam President: Senator!

Sen. W. Mark: Well, can you keep him quiet for me? Sorry Madam, you know I tease my friend. He is my friend you know.

Madam President, these are the issues that I would like to have clarification on. I believe that the people of Trinidad and Tobago need answers on these matters, I am concerned whether the immigration authorities who are responsible for effecting and monitoring these measures through the Ministry of National Security, if the Minister is satisfied with the level of competencies in that particular division.

I would like the hon. Minister to tell us whether he is aware that there are senior personnel in the Immigration Department at very high levels who are linked to this particular matter. Because we can pass something here today and at the end of the process, if he does not have the personnel to properly monitor this matter, these Regulations are going to be flouted and, therefore, I call on the Government not to subject this country to an invasion and to the development of what I see as the modern slave trade. I am concerned about a modern slave exercise that is being facilitated by the Minister of National Security.

So I would like him to clear the air on all the matters I have raised and I am going to just deal with point 4 of the Regulations. It says:

“Notwithstanding Regulations 13(5)—”

Madam President: Senator, you have seven minutes.

Sen. W. Mark: Yes, of course. Madam President, it says:

“13(5) Subject to subregulation (8), the passport or other travel document of every person who seeks to enter Trinidad and Tobago shall carry where required, the visa of a diplomatic or consular officer of Trinidad and Tobago or, where Trinidad and Tobago is not so represented, of a diplomatic or consular officer of the country that acts on behalf of Trinidad and Tobago in the country of issue.”

Madam President, you must have a visa in your passport when you are coming into this land. Hear what (5A) says under Item 4 of the Regulations.

Notwithstanding this particular proviso which is law—

“...where a person holds a valid work permit issued under regulation 10 and seeks entry into Trinidad and Tobago that person may be issued with a visa by an immigration officer.”

Madam President, this is the invasion I am talking about. How can you violate the law of the country with such impunity? The law says that you must not only have a passport when coming here, but before you enter, you must have a visa. If I want to go to Panama, I have to go to the Panamanian Embassy with my passport and they will stamp a visa because when I arrive in Panama, if I do not have a visa they can deport me.

Sen. Seetahal QC: Or the US.

Sen. W. Mark: Or the US. Hear what this Government is doing to our country and our sovereignty as an independent Republic. They are telling us that any Chinese, any Indian, any Nigerian, any person from the European Union where that person holds—and where we do not have a visa exchange arrangement or agreement—a valid work permit.

So Madam President, you have a valid work permit which has been issued under Regulation 10 and you are seeking entry into this Republic of Trinidad and Tobago, this Government is seeking to give the immigration officer the flexibility to issue a visa to that person when he comes to this country. On what basis are we doing this? This is sinister and dangerous and we cannot support this measure. We call for the annulment and withdrawal of this measure. [*Desk thumping*] This is an invasion of our country and if you had any doubts in your mind about the invasion theory that I mention, just go to clause 4 and you will see where we will have an invasion of personnel from different parts of the world who are not validly organized to come into this country, but when they do come, the Minister of National Security will issue instructions to the Chief Immigration Officer telling him to let all the Chinese come in free. Give them visas, visas, visas. Who say so? The Minister of National Security.

Madam President, we cannot support this. We call for the withdrawal of this measure, it is a dangerous on the eve of an election and we call on the Parliament to have this particular set of Regulations annulled.

Madam President: You need to start winding up.

4.00 p.m.

Sen. W. Mark: This Government is evil and we cannot trust this Government. Therefore, this package here that came like a thief in the night without anyone looking at it properly, when you look at the contents, the consequential dangers that contained within this document, you see where our country is up for grabs. Trinidad and Tobago is not for sale and we will not, in the

UNC Alliance, allow this administration to sell our country out to foreigners and immigrants! I do not care what their complexion may be. You cannot sell out our country to immigrants, wherever they come from. They must come in, in an orderly fashion and in accordance with the immigration regulations and the laws of the Republic of Trinidad and Tobago.

This Minister ought to resign! The hon. Minister of National Security should tender his resignation for bringing this kind of abomination to this Parliament and putting his signature to that document.

I beg to move.

Madam President: May I have a seconder, please?

Sen. Dr. Gopeesingh: Madam President, I rise to second the Motion and reserve my right to speak.

Question proposed.

Sen. Dana Seetahal SC: Madam President, I have some concerns with the regulations before us. The Immigration Act, in its long title is stated to be:

“An Act respecting the admission of persons into Trinidad and Tobago.”

And the regulations before us seek to extend the current law in respect of the granting of work permits for the admission of persons into Trinidad and Tobago. The proposed regulations change the current regulations in three aspects that I have concerns about. The first is in relation to regulation 10 which deals with the current procedure for obtaining a work permit. Regulation 10 states:

“Subject to sub-regulation (14), no person other than a citizen of Trinidad and Tobago or a resident shall engage in a profession, trade or occupation...”

Except with a work permit.

Then sub-regulation (3) continues to provide for “an employer who desires to employ a person who is not a citizen or a resident of Trinidad and Tobago”, to apply to the Permanent Secretary of the relevant ministry in 12 copies, or in a form set out in the regulations. That is the current procedure. The employer employs through the permanent secretary; the Minister may grant that work permit and the employer will furnish security for the repatriation of the proposed employee, and matters that are taken into account would include whether or not Trinidad and Tobago has persons who can satisfy that job. You would usually have to show that there is some need—bottom line; basic.

The proposed amendment, or addition, I should say, to the regulations, now permits an employer to make a group application. So whereas before you would make an application for an individual—you have earmarked this particular person

as an expert engineer, contractor, lawyer, or whatever—now you can make group applications of persons when you are talking about bringing in persons of 10 or more. It also provides that you can submit this application electronically through the Internet.

Now, the thing is, when we are talking about 10 or more persons, one has to imagine in what kind of industry, or for what purpose would you be bringing in 10 or more persons. I know Sen. Mark referred to the employment of Chinese persons in this country and he based his contribution to a large extent on that. The reason for that, I expect, is that we have heard of late in this Parliament no less, that there have been employment of groups of Chinese nationals and we are told that they, in fact, built the Prime Minister's residence. I heard it here and I heard it officially elsewhere—and the Diplomatic Centre. And there were a lot of compliments given to the quick construction in eight months of that whole building, if you like; a whole centre, whatever it is to be called, and the work of the Chinese labourers was highlighted and complimented.

The reason that many persons may feel that this regulation is being changed is to facilitate, as it were, the bringing into Trinidad and Tobago of further workmen, or labourers, or technical persons, to complete additional work that the Government has indicated it will do in a year. I heard the Minister of National Security say that in the next year they intend to construct 18 police stations, even though in the last several years, I believe they are still in the process of constructing some five. So this might be the reason that many persons are saying that there is this move afoot to bring in Chinese labourers. Whether that is so or not, my concern at this point is that the ability to make group applications and to submit such applications electronically, might negate the provisions in this very legislation and that is, in particular in the parent Act, because we are talking about subsidiary regulations and the parent Act makes provisions to deny certain persons coming into this country. I refer to section 8 of the parent Act at the outset. Section 8 lists a number of persons who are prohibited. The point I am now making is that the parent Act prohibits certain persons from entry into this country, or having entry.

Sen. Dr. Saith: It continues to do that.

Sen. D. Seetahal SC: I know, but my point is this, Sen. Dr, Saith, through you, Madam President. If you are going to have masses of applications of more than 10 persons, according to this, how can you really check that? How can you make proper enquiries? How can you monitor these people to ensure the number of classes of persons that are prohibited from entry?

Sen. Dr. Saith: Madam President, as I understand the present system, if I wanted to bring 15 people, I would submit 15 single applications with 12 copies and then they would be individually assessed and either accepted or rejected. All this says is, instead of sending 15 in 12, send all 15. The process remains the same. The Work Permits Committee will go through each application individually and accept or reject. This is merely a method for efficiency in the system. It does not change the original Act which says that each applicant must be evaluated and rejected or accepted. All it says is, instead of coming with a big file—15 by 12 which is 180 forms—send it one time and we will do it.

Sen. D. Seetahal SC: Thank you very much, through you, Madam President. That does not quite satisfy me for these reasons. The current regulations provide that the employer would apply with 12 copies in respect of each. What is now being submitted—and it is true that you will have fewer forms—you will have seven copies for group applicants. So if you have 10 persons, what Sen. Dr. Saith is saying, I take it, that if you are talking about 12 copies and you are talking about 10 persons, you will have 120 forms, whereas now, if you have 10 persons and you have a group, you will have only seven forms, so you would be saving more trees—I have no problem with that, you know—and you save more trees again if you come through the Internet.

That might be a laudable mission for the Government which, I am sure cares about the environment, despite some statements that the environment must give way to industry. But I am talking about the security issues. Here are the security issues. Under the proposed regulations—and one can glean that from the application form which is appended to these regulations; the specific application form, Form 3A—you will have had to, under the previous form, provide, apart from a fee—which is no longer included—three photos, a police certificate of good character for five years before and two written character references. What you need to provide now, or what is stated for these group applications are: no fee, no photos and a police certificate only if the contract exceeds three months, and there is no mention of how far the good character goes back. That, clearly, is a security issue. You can have somebody where the check had not been made for five years—and you have no character references. So those are serious issues.

Sen. Dr. Saith: I take your point Senator, of the amount of information that is being requested, but on the other hand, there are mechanisms now of checking much easier than having two character references. I heard you in this Parliament mention Dubai recently and, presumably, you went to Dubai and I am sure you got your visa by just applying on the Internet and getting it on the Internet,

screened. It is using technology that they were able to determine whether you were a security risk. You did not have to supply any certificate of good character. They used the integrated border management system.

Sen. D. Seetahal SC: I did not get what country you said that I went to.

Sen. Dr. Saith: Dubai.

Sen. D. Seetahal SC: I never said that, you know, I am sorry. I think Sen. Dr. Saith mixed me up with himself. He went to Dubai; I did not.

Sen. Dr. Saith: I assumed when you made those comments—

Sen. King: She read about it.

Sen. Dr. Saith: Oh, she read about it on the Internet. But if you were going—and I hope you go—you can sit here, make your application on the Internet and send the information, and the next thing you know, they will process it, send it back; you will print it on your printer and that is your visa. They will make all the checks on the integrated border system.

Sen. D. Seetahal SC: Thank you very much for the information, Sen. Dr. Saith, through you, Madam President. I know that Dubai is supposed to be one of the fastest developing countries in the world, as Sen. Dr. Saith would testify. They have the tallest buildings and everything; matters of that kind, and I expect that they would have systems in place to protect their national security, because they would not want the tallest building in the world to fall down at the drop of a bomb, or anything of that kind.

We need—and it is provided for in our regulations—to protect ourselves from sabotage and terrorism and all of this. What I am saying, however, in this very country where the police officers, not through their own fault, cannot access criminal records easily for prisoners—we have adjournments of matters for tracing; Sen. Dr. Saith may not know this; a lot of Senators may not know this—because there is not updated technology yet. The Minister must know that. We hope that there will be. But if this is not yet available here, how can we speak of all these checks being made efficiently? I have no problem in dealing with the technology, eventually, but we need to be careful; we need to have something in place.

It is one matter entirely of being overrun with, whether it is Chinese or Cubans, or whoever they are in this country—that is a whole other issue—but I am dealing with the security concerns and if we are not having photos, we could have someone applying and another person entirely saying he is this person, because you have no photos. The written character references, yes. The immigration officer

has someone come up to him; this person is John Brown; no photos and he comes there, presumably with a passport in the name of John Brown—passport photos are notorious in terms of what they look like—and takes him at his word.

Now we have an additional thing. We have a provision in these regulations for the immigration officer to give a visa. Not often do I find myself agreeing with Sen. Mark on so many matters, but it just may be that today I really find it passing strange and not really permissible, that an immigration officer should be giving out visas in this country. It happens in very few places, if any, that I know, in the world. It does not happen in the United States, for instance. We are talking about Vision 2020 and First World countries and we are allowing our immigration officers to be handing out visas in this day and age when we are talking about terrorism and the need to be careful. We had all that advance information provision which we passed earlier on this year; all these security information and everything—

Sen. Joseph: Madam President, the only way that the immigration officer is going to be allowed to give a visa is given the fact that the person who is coming in is coming with a work permit. So he would have gone through a form of checking.

Sen. D. Seetahal SC: I appreciate that, but this whole thing is in the context of a person sending an application electronically. This is not the whole thing, in the new regulation of a person not sending a photo; this is in the context of a person not having written reference. In the light of all of that now, he is coming to the country and is being granted a visa. We are talking about the other way where persons are sending photos, written references, five-year good character certificates; those persons come to the country and the immigration officer says: “Okay, you do not have a visa; I will give you one.” That is different.

Now we are loosening up the whole system every way: no photos, no written character references; no five-year police good character certificate, and you come here and the immigration officer, who has a lot of other things to do, gives you a visa. It is in that context that I find that the national security of this country will not be protected. This visa requirement, in any event, in Trinidad and Tobago, is only for 20 countries at present. Only 20 countries need visas. Now what we are saying is that an immigration officer can give visas to nationals of these countries. Among these countries are included China, Taiwan (Nationalist China) and Cuba. But we also have places such as Albania, Bulgaria, Hungary, Indonesia, North Korea—

Sen. Dr. Saith: India.

Sen. D. Seetahal SC: Not India. India is a Commonwealth country and for Commonwealth countries you do not need visas. It is there in the regulations, if I may point it out. It says if you are a Commonwealth country member, you do not need a visa. Regulation 13(8) says:

“Subregulation (5) shall not apply—

(a) to citizens of Commonwealth countries”

There are 50 Commonwealth countries; all of those English-speaking countries, and they do not need visas. It should be India, New Zealand, Canada; Nigeria as well. Subregulation (8) (b) states:

“nationals of countries with which Trinidad and Tobago has concluded Visa Abolition Agreements.”

In some cases, such as the United States, they do not need visas; we need it. But if one looks at the Second Schedule to the Immigration Rules, countries for which visas are compulsory are listed and that is Cuba, China, Nationalist China; only 20 countries. This is why people will say and feel that it is to enable the workforce from these countries to come here.

My major concern, as I said, would be the weakening of the whole security protection, as it were, for persons coming to this country and also enabling these groups of workers to just people Trinidad and Tobago, in my view, all over the place. Right now we still have—although we say employment is very low—a lot of people who are just working in jobs, such as CEPEP, URP and the OJT. Many people do not have sustainable jobs. They work there. That is a whole other issue. But when they are boasting of all this employment and we could therefore afford to import labour, we have to bear that in mind.

I have a question. If one of the purposes of the regulation is to facilitate the employment of foreign labour—which it seems to be, because it talks about the work permit and enabling groups, therefore, of persons to come here to work—and if the most prolific industry that employs most people right now is the construction industry, and maybe the energy—I do not know, but if we are talking about persons there, what I really want to know is—why is it necessary to have all these groups of people coming to build our police stations; build our diplomatic centre; build our schools and so on, when we have all these people for tens of years in the Unemployment Relief Programme, which as is said, trains people? They cannot be trained right now to mix some mortar and pestle?

I mean, the bulk of those people are labourers. They climb up on scaffolds and pour cement, plane things and do things like that. I cannot tell you all because I do not do it, but I have seen them. That is the bulk of workers. What about CEPEP? What about all the graduates? What about MuST? I have seen some of the MuST workers—they wear a thing marked “MuST”—who work there, but they work under supervision. What are we saying? We are spending money for all of these people in URP; we are spending millions of dollars—it is billions, you know—and we are training these people and they are not producing. There must be a reason. They are not becoming properly trained. You cannot say that they have achieved any technical qualifications because why do we have to import very small, young looking, slightly-built Chinese men who seem to be working 16 hours a day—not that I am saying that you should breach OSHA, but they work very long—and our people are not doing it?

The reason I feel so is because for too long a lot of them in programmes like URP and other things, have been given contracts, and so on; a lot of money with no work being done, which is why I am sure the Minister of National Security could explain to this Parliament why it is taking five years to build five police stations. It is because the contractors are not producing. And who are these contractors? I heard in the news—I am sure like every other citizen—that someone called “Fresh”—Kerwyn Phillip—was shot from “high up”, which is ridiculous nonsense. But in any case, he had a contract and this contract, his brother said, was one of several contracts given to keep them out of trouble, so that they would have contracts now and they would not murder again.

Is it those kinds of contracts that the people are being paid to build these schools, and so on? [*Desk thumping*] If that is so, that is reprehensible! But it also accounts for the fact that none of these—whether it is—schools, police stations, whatever it is—are being built, because the people are doing no work. The wrong people are getting the contracts and they are not doing the work and then we have to go and import foreigners on whom we could depend. Is it not a national shame that we in this country cannot depend on our young men who are getting all these contracts for free? I was talking to someone today whom I know and who works with the URP and he was telling me: “You know, you get the money—\$536—and you have to give away half.” He still has to give away half every month to the people who come to collect. And he does not work. He signs on and he is telling me: “It is a waste of time; they should abolish the programme.” So he is convinced of it. So that is my point here.

I have two concerns, really. Half of my concern is with the regulations and the security aspect; how we are managing it and checking it; the photos and everything there and the visa. The second one is, if we are bringing in people, as we say, mainly from China or even Cuba—it is two of them, because the

regulations seem to facilitate that—I have real concerns for this country that we do not have people whom we could rely on and also that jobs have been given and money wasted in funding some kind of persons just for them to refrain from activity. I really feel that those are questions that need to be answered.

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

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, hon. Senators, before I get into responding, I sat here this afternoon and it really pained me to listen, to a large extent, to the contribution made by Sen. Wade Mark, my colleague.

Hon. Senator: It pained you more than normal.

Sen. The Hon. M. Joseph: It pained me more than normal, I am reminded, because the Senator spent almost 80 to 90 per cent of his contribution attacking the Chinese. When I think of the distinguished members of the Chinese community who are here in the Senate, and when we just recently celebrated 200 years of Chinese contribution to the country, together with a national holiday to recognize that, and then to listen to—

Sen. Mark: Who Chinese I attacked? Do not mislead the Parliament! Madam President—

Sen. The Hon. M. Joseph: I am not giving way! [*Crosstalk*]

Madam President: Please sit both of you! I was speaking to Sen. Dr. Saith. What is he misleading the Parliament on?

Sen. Mark: He is accusing me of attacking the Chinese community of T&T. I never said that! So I want him—[*Crosstalk*]

Madam President: All right! I heard you!

Sen. Mark: Withdraw that statement! Withdraw that statement! [*Crosstalk*]

[*Madam President pounds gavel*]

You have to withdraw it!

Sen. The Hon. M. Joseph: I am not withdrawing it!

Madam President: Minister, at some point in his contribution he did say that he was not speaking of the local Chinese but that he was speaking of people coming in, and I think it is only fair that you give him that, please. Continue.

Sen. The Hon. M. Joseph: Madam President, I am still maintaining that I said it pained me this afternoon to listen to the contribution made by Sen. Wade Mark—[*Desk thumping*] in terms of being insulting to people—

Hon. Senator: Do not insinuate.

Sen. The Hon. M. Joseph: Insinuating what? People sit at home and they would have heard the contribution.

Sen. Mark: They will know what I said.

Sen. The Hon. M. Joseph:—whose parents came from China. He even went after my colleague—

Sen. Mark: I did not go after anybody!

Sen. The Hon. M. Joseph:—in all kinds of indirect ways; innuendoes, as it related to the attacks—veiled attacks—typical of the contribution of the Senator. [*Desk thumping*]

Madam President: Minister, speak to me, please. [*Crosstalk*]

Here we go again! You interrupt everybody when they are speaking! Please, could I have some quiet on your side? Please continue, Minister.

Sen. The Hon. M. Joseph: Thank you very much, Madam President. Let me, from the outset, indicate that the amendment to the regulations, the Immigration (Amdt.) (No. 3) Regulations, 2007 basically is designed to streamline and simplify the processing and issuing of visas and work permits by the immigration department. Secondly, the office of the Attorney General was responsible for the preparation of the regulations and the laying of those said regulations in the Parliament at the earliest opportunity.

Madam President: Senators, we will take the tea break and when we come back the Minister will continue. So we will suspend for tea and come back at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Continue. [*Desk thumping*]

Sen. The Hon. M. Joseph: Madam President, as I said earlier on, I listened to Sen. Mark go all over the place.

Hon. Senator: Not here as usual.

Sen. The Hon. M. Joseph: He raised all kinds of questions and issues; asked for all kinds of information as it relates to the number of different kinds of nationalities in Trinidad and Tobago. I am not in a position to provide that information. That information could easily be provided because we have records in the Ministry of National Security as they relate to the duration of the work permits.

A couple times when Sen. the hon. Dr. Saith intervened, the whole intention is to streamline and simplify the processing and issuing of visas and work permits by the Immigration Department. In doing that we looked at the economic circumstances that the country now faces and the need to be more efficient and effective in the way in which the Ministry of National Security now processes work permits. All the sinister motives that Sen. Mark said that the Government is up to—and on the question of election, persons who are here on work permits cannot vote. The fact that we are unpatriotic and selling out the country and those other things, nothing could be further from the truth.

When all is said and done, let me indicate the justification made for the various amendments to the regulations. The amendment in clause 3 says:

“(3A) An employer who desires to employ a group of persons comprising ten or more persons may submit a group application in the form set out in Form 3A of the First Schedule.”

In making the case to the Cabinet we indicated that in terms of the construction sector where there is a heavy demand for skilled construction workers, the revised mechanism proposes the submission of a group application which will require the companies to vouch for the prospective employees. This application will contain all the pertinent information that is currently captured on the individual forms.

The benefits to be derived from this arrangement are threefold. Firstly, it will effectively reduce the time consumed in reviewing individual applications and so expedite the process of issuing work permits.

Secondly, the companies will no longer have to deal with the bureaucracy involved in sourcing supporting security documents, such as the certificate of good character, a requirement which in fact has to be waived, since it is not available in many of the countries.

Thirdly, it will reduce the role played by third party representation in the application process.

Madam President and hon. Senators, I do not know if you realize that there is a whole industry developed around the issue of work permit applications. It is similar to an industry that developed when we had negative lists and you needed to get ECO. If there is any fallout from what we are doing is that—the whole industry is in place dealing with the question of filling out applications and making representation to the ministry.

Concerns were raised with respect to the question of security as it relates to some of these changed arrangements. To accompany these changes we have the Advanced Passenger Information System (APIS) legislation on the Order Paper. For Cricket World Cup, Trinidad and Tobago was the only country in the Caribbean that came here with sunset. You will recall that given some of the discussions that took place during the debate and in order to ensure its passage, we agreed that it was going to be sunset. Of course, the sun has set on it already. It is on the Order Paper because it needs to come back because it is part and parcel of the security arrangements that will provide the kind of information on persons coming to Trinidad and Tobago. As a result, it is a security measure to ensure that the persons who will be coming would have been screened and vetted. The APIS legislation will also support that.

Some concerns were also raised with respect to residency. In making the proposals to Cabinet and Cabinet accepting them and for which we have to change the immigration policy, we saw the need to delink work permit exemptions from residency. As it exists now, the arrangement is that work permits are provided for not more than two or three years and they have to be renewed because a practice has developed that that is now used as a means of applying for residency. We have to delink it so that it can no longer be used as the means for making applications for residency. There is an expectation that when the period for which those persons who have come to work for us is over, it is back home as is done in other places. We are following along similar lines. That is answering the first concern raised with respect to the question about group.

Immediately after that was the question of electronically, the Internet. When we debated the APIS we heard a similar type of argument. Sometimes if we listen to ourselves, it is about talking of our incompetence. It is about questioning our capability to step to the next level and literally saying to us that we are not capable of embracing new technology. It pains you because in one breath we are accused of not being progressive and not moving forward. In order to be progressive you have to take risks; do things differently and take some chances.

When we do it they say, “doh do it.” You hear “de ministry eh have the capacity and we backward.” We said the same thing about Caribbean states when we were looking at APIS.

I recall questioning how this will work and if it could work. The thing worked and it worked well, so much so that the Caribbean was singled out as the only region to have implemented certain security measures. This was coming from Interpol. That is the reason I say that sometimes we do not give ourselves credit for making advances.

You hear how you will do this electronically. Sen. the hon. Dr. Saith intervened a couple times. The question of the submission of work permit applications via the Internet. Currently, applicants are required to submit one original and seven copies of the application forms that are purchased from the government printery. Currently, the ministry is in the process of finalizing arrangements with the Ministry of Public Administration and Information through government portal to facilitate the submission of work permit applications on line. This user-friendly option which is expected to come on stream will allow easier access to application forms and eliminate the associated cost. Additionally, on line applications will reduce the processing time by removing the need for data entry function that currently applies when applications are submitted manually.

In preparation for this debate, I tried to get the latest as it relates to where we are. Following our discussions on the captioned topic “IT Readiness for Electronic Work Permit Form”, I am pleased to advise that the Ministry of National Security is completely ready to make available any electronic forms which pertain to the ministry on the Internet. There are two locations where this form is made available. These are the government portal at www.ttconnect.gov.tt and the ministry’s website at www.nationalsecurity.gov.tt. My understanding is that we are now ready electronically, to process these applications. Sen. Mark asked where. You can check both locations to see the extent to which these systems are in place to treat with the electronic applications.

Again the concerns with respect to the security arrangements, as I said, we expect the security counterbalance will take place with respect to the APIS. An impression is being given that the people who will be sourcing persons to come to work will not exercise certain types of constraints and professionalism. Yes, one understands that it is likely that one or two may slip through the cracks, but one hopes that that will be the exception. The APIS legislation and the other measures in place are designed to reduce the extent to which there will be a huge inflow of undesirables in Trinidad and Tobago.

The third one states:

“(5A) Notwithstanding regulation 13(5), where a person holds a valid work permit issued under regulation 10 and seeks entry into Trinidad and Tobago that person may be issued with a visa by an immigration officer.”

Sen. Mark made heavy weather of that. Work permit approvals are normally required to be presented at the ports of entry for admission into Trinidad and Tobago. The work permit process is only completed when the official documentation is in the hand of the applicant. Further, there is a legal requirement that the Chief Immigration Officer be given seven days notice prior to the arrival of the intended employee. However, there have been numerous instances when persons arrived at the ports of entry without a work permit certificate. With the introduction of the integrated border management system in March this year and the appropriate software, immigration officers at the ports of entry will have realtime access to work permit information originating from the work permit secretariat and would be able to make an informed decision on admission.

The IBMS will allow immigration officers to view data relative to visa, work permits; student permits and a person's immigration history as well as advanced passenger information. This interconnecting mechanism will facilitate ease of admission at ports of entry and the ability to check on the bona fides of the individuals. That is being implemented with the machine readable passports. I think that sometimes it is necessary to bring Parliament up to date as to where things are along these continuum. With the integrated border management system you have the ability in place to deal with some of those security issues that have been raised.

The fourth area to which I want to respond and which Sen. Mark made heavy weather of, is whether we are serious about the cost. The Fourth Schedule of the regulation is amended in paragraph (a) by deleting item 7 and substituting the following: visa/waiver, \$400.

The Seventh Schedule of the Regulations is amended by deleting item (i) and substituting the following items: single entry visa, \$200; multiple entry visa, \$400.

In making these proposals it was necessary for the Ministry of National Security through the Immigration Department to justify to Cabinet the reasons for the increases and the quantum of the increases.

For the information let me tell you what obtains right now and the countries that we looked at. For Canada it is single entry, Can. \$75 and multiple entry, Can. \$150. The equivalent is TT \$417.75 at an exchange rate of \$5.57 for single

entry—I do not know what it is now—multiple entry is \$835. For the United States single and multiple entries are the same US \$100; TT \$632. For the United Kingdom, single entry is £50 and multiple £85. The equivalents are TT \$630 using a \$12.70 exchange and multiple TT \$1,079. For Barbados it is US \$50 for single entry and US \$60 for multiple entry. The equivalents are TT \$316 and \$379. For Jamaica single entry is £25; they do not issue multiple entries.

The question of multiple entry in Trinidad and Tobago is new. Multiple entry is for business people who come to Trinidad and Tobago on regular business and every time they come they need to get a visa. If you are talking about competitive and stepping up in terms of international trade and encouraging business investment, it is too cumbersome. You cannot be serious and other developed countries have these types of arrangements and yet at the same time you are still operating with this restrictive type of thing.

Sen. Seetahal SC: Through you, Madam President, the Minister is making a point. Seeing that it is only 20 countries we need to have visas from, I do not see that all these restrictions apply to the people we normally do business with.

Sen. The Hon. M. Joseph: I do not understand.

Sen. Seetahal SC: The visa requirement under the Act does not apply to any Commonwealth country. We have visa arrangement in terms of no visa requirement from the US. Under our regulations only 20 countries are listed and most of them are not Eastern European countries. If the Minister is making the point about dealing with business, I want to know how that will affect business, since we do not deal with these countries on a regular basis.

Sen. The Hon. M. Joseph: We did not have in place multiple entries. It meant that in order to visit Trinidad and Tobago, every time you came it was necessary to make some kind of arrangement for those countries.

In making recommendations for the increase in the cost—as exists now, the visa waiver fee caters for a national of a country not included in the Second Schedule who may arrive at a port of entry without a visa. To access the visa waiver facility an individual is required to give a satisfactory explanation for the failure to obtain a visa under regulation 13(9). The visa waiver is now \$50, the same as the current cost of a visa which has resulted in the abuse of the visa waiver facility over the years. If the cost for a visa is \$50 and the cost for a visa waiver is the same \$50, it does not make any sense going through the process of applying and getting a visa.

As part of a deterrent the recommendation was and accepted that it was proposed that this be increased to twice the proposed fee of a single entry visa, \$400. The increased cost is intended to deter persons from circumventing the requirement for having a visa prior to arrival by applying for a visa waiver upon arrival.

These are the changes that are recommended in the Regulations. We do not have any sinister intent. All this thing about “designed” to bring Chinese to vote is certainly not the intention of the Government when these Regulations were brought to Parliament. It is designed to streamline and simplify the process and issuing of visas and work permits by the Immigration Department. I hope that I have provided sufficient explanation to hon. Senators so that they would see the wisdom in approving the Immigration Regulations.

Thank you.

Sen. Dr. Tim Gopeesingh: Madam President, my contribution will be relatively short. There are some issues and concerns that my colleagues have expressed, namely Sen. Mark and Sen. Dana Seetahal SC. Some of our concerns relate to what is the intention of passing these Regulations particularly in the aspect of the bulk granting of work permits and visas. We are wondering whether it is being done surreptitiously in an effort to facilitate—*[Interruption]* No, Madam President, I am not repeating. Is it to facilitate easier access of workers from countries abroad who are in the construction industry? I am saying this in the context of what has happened to our Caribbean partners who have suffered that fate in the past. What they have experienced and are experiencing, we regret that experience. I will base my comments on these Regulations in terms of what is happening in the construction industry.

If these Regulations are to be enacted it means then, that the construction companies in Trinidad and Tobago, instead of having to apply on an individual basis, it is made easier for them to apply in bulk. The regulation says who desires to employ a group of persons comprising 10 or more persons. That could be 50 or 100. The controversy surrounding these regulations is not an issue about the work permits or illegal immigration, but about money, nationalism and giving up your sense of national pride and national sovereignty.

As we see it as the Opposition, this issue relates to the grant by this Government of a number of contracts to Chinese companies operating within the Caribbean and Trinidad and Tobago and whether these regulations are meant to facilitate easier entry. I will give some examples.

This was a report in the BBC World News:

China has 200 million people who live below the poverty line and most of them live in the countryside and have no education or any particular training. It was the intention of the People's Republic of China to use their huge human resource to earn foreign exchange and sell the building products and materials that the people of the Republic of China manufacture. It is not by coincidence that they are in the Caribbean. The China State Construction and Engineering Company is based in Beijing as a People's Republic of China owned company. China became a member of the World Bank in order to have access to projects funded by the World Bank.

I am relating this to the regulations.

Madam President: I am waiting.

Sen. Dr. T. Gopeesingh: All these companies from the People's Republic of China sought to get into the IADB, the Central Development Bank.

Sen. Dr. Saith: We went through this with Sen. Mark. He is repeating what Sen. Mark has said. There is nothing in this regulation which talks about China. If somebody is coming from Malaysia or Guyana to work he or she needs a work permit. This is about work permit and the process for speeding up work permits. It has nothing to do with China. Chinese companies are working all over the world.

Madam President: I agree. Sen. Dr. Gopeesingh, I was just about to tell you that you are being irrelevant again and repeating to a certain extent, if not in the same words but the same context what was said. Please talk about the regulations.

Sen. Dr. T. Gopeesingh: The whole question is whether these regulations are being brought to facilitate the invasion of workers from the People's Republic of China.

Madam President: I think that the Minister tried to explain that just now. So we are going back. I do not know.

Sen. Dr. T. Gopeesingh: The answer is yes. These regulations are meant to facilitate that invasion. Let me ask the Government: Who applies for these work permits?

Sen. Dr. Saith: The employer.

Sen. Dr. T. Gopeesingh: Who are the agents of the employers in these companies operating in Trinidad and Tobago, like the Shanghai Group of Companies? Is it UdeCOTT?

Sen. Dr. Saith: The employer is the employer of the people. Right now, if no regulation was being amended and you wanted to bring 50 workers, you would have to fill 50 forms and supply them. This has nothing to do with bringing in hordes. Hordes can come in under the existing regulations. *[Interruption]* “Hordes eh, nothing else.” You said hordes of people. This regulation does not facilitate that because right now you get 80 forms; fill them and send them. This is trying to streamline the process by which those applications reach the Ministry of National Security. The Work Permit Committee will then look individually at those 80 applications.

Sen. Dr. T. Gopeesingh: Sure, Madam President. We have heard the hon. Minister mention that it is a process by which they are trying to facilitate an easier application fee. We are saying that it is a process to facilitate hordes of people coming very easily into the country and making it easier for them to facilitate these foreign companies that are operating in Trinidad and Tobago to the detriment of the nation.

5.30 p.m.

Secondly, Madam President, the Minister said it was the employers of the Shanghai Company operating in Trinidad and Tobago. Is it UDeCOTT or the Shanghai Company and who makes these applications?

Sen. Dr. Saith: The employer in a work permit application is the company that employs the person. If Shanghai is employing the person, it would be Shanghai; if BP, it would be BP; if British Gas, it would be British Gas; if it is Gopeesingh and Associates, it would be Gopeesingh and Associates. It does not matter whom they work for.

Sen. Dr. T. Gopeesingh: Who are the agents of these companies? *[Interruption]* We have these foreign companies being granted work permits. Who from the Work Permits Committee makes the assessment to determine whether these jobs are available in Trinidad and Tobago? If they are, preference should be given to citizens rather than foreigners, particularly in the construction industry. How does the Work Permits Committee operate in that context? Do they put out advertisements?

Sen. Dr. Saith, do you mean to tell us there are over 100,000 semi-skilled and unskilled labourers working under CEPEP and URP and we are bringing in people to take their jobs? How does the Work Permits Committee determine whether there are local people to take these jobs? Why do we have to bring foreign people? That is the crux of the matter.

Sen. Montano: The Work Permits Committee is represented by a number of persons from a number of different ministries and one of them comes from the Ministry of Labour, Small and Micro Enterprise Development. When the application is made, usually they are required to advertise the post in the first instance and if they do not, they would have to substantiate that there is no one available here to do the job. We do not let it pass. All the applications come to my desk and I see exactly what happens every fortnight when the committee meets. There are no situations, to my knowledge, where persons in any field are granted permits where someone says they can fill the job. There was one instance where a representation was made to the Ministry and we corrected it.

Sen. Dr. T. Gopeesingh: We are not aware of any advertisements made by the Shanghai Company for local labour. [*Interruption*] Point out the advertisements.

Sen. Dr. Saith: Madam President, the Work Permits Committee is a committee of public servants. It is drawn from various ministries and chaired by the Permanent Secretary of the Ministry of National Security. There is a representative from the Ministry of Labour, Small and Micro Enterprise Development and the Ministry of Energy and Energy Industries. It is the same committee that has been in existence for as long we were in government in 1975. I believe it was the same committee that was under your regime and the process has remained the same. In evaluating a work permit application, they have to be convinced that there is no citizen of Trinidad and Tobago available for the job. It is the same process.

Sen. Dr. T. Gopeesingh: I heard what Sen. Dr. Saith said. If a committee has been operating badly, do we allow it to continue? Where were the advertisements by the Shanghai Company for technical and semi-skilled people and labourers in the construction of the Prime Minister's resident and the Convention Centre? If they can show us that, we will sit now and pass the regulations; if they can give us a semblance of where the Work Permits Committee has advertised these positions in Trinidad and Tobago so that the local people could have been part of the process. They have no answer and that is the problem we have. Local people are being deprived of a livelihood at the expense of cheap labour from abroad. Local contractors are being deprived of contracts because they cannot bid with foreign companies like the Chinese companies, which are using cheap labour to underbid in the processes. The local content in the construction industry is being deprived of gaining any ascendancy and these regulations will continue to facilitate that nepotism and bad aspects of governance. The local construction sector is suffering.

Sen. Montano: Madam President, let me just disabuse the Senator of that idea. One of the things that the Ministry of Labour, Small and Micro Enterprise Development does, is that we talk to all the companies that come in because we have the National Employment Service. We tell them that we have a database with several thousand persons and, before they try to bring anybody in, we try to fill their demands. For the types of people they are looking, we cannot; not with the skill levels they are looking for. There are other skills we can supply at a lower level and we do that on a limited basis. That is one of the things that happens—we are unable to meet the demands for the type of skill that they are asking for and it is not generally available.

Sen. Dr. T. Gopeesingh: Let us hear from the hon. Minister of Labour, Small and Micro Enterprise Development what types of skills they have been asking questions about. What shortages do we have and what is our labour supply? Are you telling me that in this age in Trinidad and Tobago we do not have thousands of people unemployed that cannot be employed by the Shanghai Company?

Let me draw an analogy that happened in Barbados. In the mid-1980s, the People's Republic of China made a decision that it had to make inroads into the construction industries of poor and underdeveloped nations to gain foreign exchange and to place its poor unskilled population to work. Do you know what they did in Barbados? They donated a gymnasium with the condition that it be built by the nationals of the People's Republic of China. The company, the China State Construction Company, formed to build the stadium, paid no national insurance and no corporation tax, but if we have local companies, they have to pay. The locals employed by the China State Construction Company paid no national insurance or PAYE. They were exempt from local health and safety laws and labour laws.

We are asking: If we pass these regulations and grant these companies work permits, will they pay PAYE and will they be exempt from these things we are speaking about? If they will be exempt, that will be fundamentally wrong and we should not allow the regulations to be passed to give them the ability to process these regulations.

Sen. Dr. Saith: These regulations do not give anybody the right to get a work permit. They say how they will apply. If you pass them, it does not mean that people will get work permits differently from how they get it now. If you have any labourer who is looking for a job, please send him to me, I am sure I will find a job for him. Everybody on this side knows how difficult it is to get a labourer to do their work.

Sen. Dr. T. Gopeesingh: That is not the issue. The issue is that there are people who really do not want to work, but there are others who do not know the mechanisms to get a job. There are hundreds and thousands of people in these semi-skilled areas who are unemployed because they are unable to get jobs.

I am asking Sen. Dr. Saith to clear the air on whether these companies operating in the construction industry in Trinidad and Tobago, particularly the Chinese companies, pay PAYE, VAT, Health Surcharge or NIS.

Sen. Dr. Saith: I do not know if any company, Chinese, Malaysian, Japanese or French, can come into this country and not follow the laws of the country. If the laws say they do ABC they must comply as everybody else. There may be companies owned by citizens of Trinidad and Tobago who are not paying—I do not know—but I am saying that the laws of this country do not exempt any entity working in this country from not following the laws.

Sen. Dr. T. Gopeesingh: The Barbados government allowed the exemption of these companies and regretted it, so we are just asking if these foreign companies, like the Shanghai and the other Chinese companies, are being exempt. We are not satisfied this is operating well in Trinidad and Tobago.

I want to go to a little article before asking Sen. Dr. Saith another question on the energy sector. The same Shanghai Construction Group, in an article dated February 10, 2007—to justify my point—confirmed that over 20,000 construction workers were going to be repatriated to China over a weekend. The workers were assigned to the US \$370 million Ministry of Education tower located at St. Vincent Street. A group of Chinese workers, who were protesting short payment and poor living conditions, staged a demonstration outside their living quarters at Saddle Road, San Juan on Thursday. Why did that happen? Were they not given work permits? When Michael Zhang, Managing Director of the Shanghai Construction Group—

Sen. Dr. Saith: On Tuesday, you all read that.

Sen. Dr. T. Gopeesingh: Fine! You got the message that people were working under substandard conditions and they must have been given work permits by the 20s and 30s. They have sent home 20 of them who were not satisfied with their work conditions and who had demonstrated. Obviously things are going amiss and we are not going to assist the Government with the nefarious activities in facilitation of something that is morally wrong to the detriment of the people of Trinidad and Tobago and to the national sovereignty. We will not participate in that.

There are many people in the energy sector who have tremendous technical expertise, yet we find ourselves giving work permits to a number of foreign people working with the foreign companies in the energy sector. They can come in and work for 30 days without a permit and at the end of that time they leave for a short period and come back for another 30 days. With that process, they do not have to apply for a work permit.

Some of these energy companies are operating in that context, moving away from the regulations and laws which govern work permits, bypassing that procedure, to the detriment of a number of people in Trinidad and Tobago. The energy sector only employs about 5,000 technical people. We want an explanation from the Government. I am sure they have heard complaints on this issue. I am sorry I do not have one of those letters with me, but I have been made aware of these issues from a number of people in the energy sector.

We would like some clarification of that issue, in terms of the abuse of the work permit regulations which allow them to come in for 30 days, leave and come back for another 30 days.

Sen. Dr. Saith: The 30-day exemption for work permits was introduced in 1991. [*Interruption*] We introduced it; you continued it. People were coming on business to work. We had a lot of equipment, especially sophisticated equipment, where a technician was required to come down for a week and repair the equipment, not only in the energy sector, but right through. It was done to avoid the filling out of 12 forms and the process taking two months.

When I was in private practice, we had joint ventures where people needed to come down and spend a week with our people on a design and we would get the work permit sometimes six months after. It was done because of that. Yes, there is the potential for some abuse and the Ministry of National Security, because they can now keep track of some of this, is taking steps.

It has also been drawn to my attention that this happens; not so much in the onshore, but on the offshore. With any rule you put, there will always be small portions to be dealt with. I was making the point at tea that when you put in a green line, it is not to inconvenience 100 per cent of the people. If you run the green line as a red line and you check everybody, if 10 people out of the 100 are trying to break the law, you inconvenience 90. You then try to find a way of dealing with that 10, throwing the book at them when you find them, rather than have a system in the country, whether green line or work permit, where the wider good of trying to have efficiency and effectiveness in the country is hampered because you are trying to catch 10 people and inconveniencing 90. Yes, it is

corrupt and we will continue to look at it. You know how inventive man—every time you find some way of doing something, somebody tries to find loopholes and you deal with it. That does not negate the fact that it is a good system if you want to move forward with what you are trying to do. As you said, even during your time, you realized the benefit of the system.

Sen. Dr. T. Gopeesingh: I am happy the hon. Minister indicated they are trying to find a way to monitor these issues, particularly offshore. That leads me to the question: How are we going to monitor the expiration of these work permits and ensure that these people leave the country?

Sen. Joseph: The Ministry has available to it a database that allows it to monitor all the individuals here on work permit. We have a system where we are able to deal with the organizations for which the work permits have expired. In some instances we are informed. For example, a work permit may be granted for three years and the person leaves within one. Many organizations will inform us and, as a result, the necessary immigration matters are put in place for the person to leave the country. As I said earlier, part of what we are doing is delinking work permits with the residency, which could be cause for concern.

Sen. Dr. T. Gopeesingh: I do not think you have answered the question. You said it is a reactive thing—they inform you. What proactive approach do you use to monitor it?

Sen. Joseph: Hon. Senator, I gave you an example. I am saying that our records indicate that Martin Joseph has been granted a work permit for Gopeesingh and Company for three years. The work permit starts so-and-so and expires so-and-so. There is a system in place now that says by so-and-so Martin Joseph ought to be exiting from Gopeesingh and Company. Because we do not see an extension of the work permit, steps are put in place to locate you and make sure you go. Given now the integrated border management system, it allows us to do that in a much more efficient and effective manner.

Sen. Dr. T. Gopeesingh: I am sure that is more theory than practice.

We have been worried about the invasion of some of the People's Republic of China companies. The granting of these work permits via these regulations facilitates the execution of projects in Trinidad and Tobago at lower prices because they do not use local labour, materials and sub-contractors. We remind the Government that it is doing this at the expense of Trinidadian workers who support their local construction industry. They are doing this at a great loss to the Treasury. They may be able to save 15 or 20 per cent labour cost, but the

humility we are suffering as a people, after 45 years of independence, cannot be expressed in dollars and cents. Local contractors live and buy in Trinidad and Tobago. They support the enterprises and the organizations offering contracts. They pay taxes. They invest in profits and they are truly 100 per cent Trinidadian.

We shall not use these regulations to facilitate a wide entry of people from abroad to the detriment of our people. I do not think we can support the issue of more than 10 persons applying and granting one large work permit. That is making it too easy to facilitate the massive importation of people.

We cannot support that. I am sorry.

Sen. Dr. Jennifer Kernahan: Madam President, my mandate is 10 minutes. I will say what I have to say in that time.

I do not know anybody else in this Senate who is totally petrified by the Government's admission that, in spite of the billions of dollars they have spent in the alleged training of young people in construction skills—they have stood here for the last five years and bombarded the Senate with a lot of propaganda about the thousands of young persons they have trained—they stand here this afternoon, with a straight face, and tell us that they have to bring the regulations to facilitate multiple immigration application forms because there is not any Trinidadian who can fill the vacancy in the construction industry. That is a paradox.

The issue then is that the immigration policy underlying the regulations is retrograde, shortsighted, counterproductive and will not solve in the long run the structural deficiencies that we are experiencing in our economy. A Central Bank report of 2006 has stated very clearly that there has been a great deal of growth in the energy sector. It says that in 2005 the GDP grew by 6½ per cent; the energy sector grew by 11 per cent and the non-energy by 4 per cent, but as Sen. Dr. Gopeesingh said, the energy sector only employs about 5 per cent of the employed in this country; therefore, the underemployment and unemployment that we are experiencing must be linked to the immigration policy. You cannot have an immigration policy and regulations that are not linked to what is happening in underemployment and unemployment. This is a problem and they have not solved, the problem of structural unemployment in our economy in spite of all the money they have spent.

We cannot deny the fact that this policy comes to Parliament in the context of a construction boom in which the Government stated that its intention is purportedly to build schools, roads and infrastructural projects and to change the

skyline in Port of Spain. It is obvious that the regulations are based on the fact that the growth in the non-energy sector was led by the construction industry which grew by 8 per cent, according to the Central Bank report. This is why they have to import all this labour, Madam President, to satisfy the demands of the construction sector, which is fuelled by the mega projects they have decided to cram into a short space of time. We have seen and spoken about the negative effects that this has had on the whole economy—this mad rush to change the skyline and to impress someone with all those construction projects.

Hear what the Central Bank had to say about what happened consequent to that growth in the construction sector fuelled by the Government spending. They said that wages in specific sectors in construction had gone up and that this had exerted upward pressures on wages in the service sector. It went on to say also that wages for skilled labour and salaries for professional and managerial grades had shown the largest increases.

It is so sad that the Central Bank is saying that because of the pressure in the construction industry wages have gone up. What we see, by the influx of Chinese and Malaysian labour is that our construction workers are not going to be the beneficiaries of that upward increase in income. Given the Government's policy, they are going to bring in these workers and they will depress the wages and our workers will feel the brunt of it.

Government's policy ensures that there is a massive transfer. Our construction workers will not enjoy the benefits of increased wages and because of the regulations what will continue to happen is that there will be a massive transfer of wealth; our monetized oil and gas resources will be transferred out of the country via remittances to these foreign workers to countries much more developed than we are. That is the paradox of this situation. I do not know how this Government can justify something like that.

6.00 p.m.

Remittances are big business to a country's source of labour. Remittances are very important to the growth and economic well-being of these countries. It is a source of foreign exchange for them. They have increased national income. It finances imports and contributes to their balance of payments. Wire transfer companies grow out of these remittances. It is very, very beneficial. It is not just a question of workers coming here and earning money. It is a source of economic development to the source countries.

What we are actually doing, with our monetized oil and gas resources, is helping to develop the economies of huge countries such as China and all the other countries that will come down here for their piece of the pie. There is a saying that a fool and his money are soon parted. That is what is happening in this country. Everybody is coming here for a piece of the pie because they realize that this Government greets them with open arms and allows them to bring their workers and not employ local workers. They allow them all sorts of benefits that redound to our detriment. Clearly, this Government has—[*Interruption*]

Sen. Dumas: Point of order.

Madam President: What is your point of order?

Sen. Dumas: Is the Senator suggesting that we are going to build a wall around Trinidad and Tobago and that transactions across borders are going to be denied by the UNC government?

Madam President: Is that your point of order?

Sen. Dumas: Yes, Madam President.

Madam President: I see you have reviewed the Standing Orders.

Sen. Dr. J. Kernahan: You have to fight for every nation in this country. That is why the WTO talks broke down, because people in less developed countries are saying that they are not going to allow themselves to be rolled over by these WTO rules that are detrimental to the development of their economies. The talks have broken down. It is only people like this Government who are saying: “Everything is fine and dandy. Come in here and do us what you want and we do not care.” Other countries are standing up against WTO rules, which they deem unfair and prejudicial to national development. They are standing up against it.

Why can they not stand up? That is why we have to get them out, because they are not standing up against the international bullies and they are acting in detriment to the people of this country. What are you telling me about walls and that you are going to build a wall? We do not have to build any walls. We have to have some grit and strength to stand up and deal with what is happening on the international scene and tell them: “We are not about to lie down and be rolled over. We will stand up to defend our workers and our national economy.”

This Government clearly has no policy on sustainable development, because if it had, they would have come to this Senate and would have tried to link what is happening, in terms of these regulations, to how they are going to sustain this.

How are you going to bring regulations, which purport to allow hordes of workers to come into this and country and take jobs that purportedly we do not have skills for? How is this going to be linked to sustainable development?

Sen. Dr. Gopeesingh made the point. They have to come and tell us that there are several categories of workers in this country: professionals, skilled, semi-skilled and unskilled. How many workers in all these categories do we need to develop our economy? What are the shortages like? Therefore, what are we doing to fill the gap in these shortages? If, in the short term, you have to allow the immigration of workers, you have to tell us: Within this time frame we will allow certain categories of workers to come here and do a specific job within a specific time frame, because within that time frame we expect to train so many local workers to take their place. This is the context in which you have to tell us to bring these types of regulations; otherwise you are just leaving the door open for the outflow of all our resources. When we do not have the resources to bring them, what next? We have not trained anybody. We do not have the workers. They have stood here and told us flat that we do not have any trained workers to fill these jobs. When the money is finished and there are shocks in the international economy—because the Central Bank continually warns, in this same report, that we are very open and vulnerable to shocks because of the large part that our energy income placed in our development and the rising expenditure that we are experiencing.

If we experience a shock and we can no longer afford this development, everything will stop and stand there because there is nobody here to do anything. Is this what they are telling us? They have no control over what is happening in the international market. If today or tomorrow there is a shock and we do not have the incomes that we would have expected, everything would stand still. We would not be able to fill the gaps and do anything here ourselves. They must tell us how they intend to deal with that situation and the issue of sustainable development, because this has implications for future development.

They must tell us what the Government is doing in the context—if you tell us that you are going to bring people, talk to us about our nationals in the diaspora. There are so many trained and talented people in the diaspora in the United Kingdom, Canada and all over the place, who left, over the years, for greener pastures. Many people want to come back home. Tell us what policies you are

implementing or intend to implement, to attract those people. When you do that, and you attract these people back home, your economy flourishes because that money is not going outside to develop someone else's economy. It will stay here to develop our own economy. This is an important point, to attract nationals in the diaspora. What are you doing about that?

We do not have to reinvent the wheel. People have considered—I have read, in preparing for this debate, that the Jamaicans had the same problem and they were looking at the different means of attracting people in the different sectors back home. You have to identify what sectors you need to attract, how you will attract them and develop your economy on a sustainable basis. Everything is not just about money, you have money now and you can spend and fling it all over the place and other countries will come and grab and send all those remittances back home to their own countries. What are you doing? That is not sustainable.

Clause 3 of these regulations states:

“An employer who desires to employ a group of persons comprising 10 or more persons may submit a group application in the form set out in Form III of the First Schedule.”

What category of employee are we talking about? Are we talking about employers in all sectors? I know we have the construction sector, which is the sector most visible now. This is very clear and open. The question arises: Are we going to see all these multiple forms being filled out for agricultural workers, for these huge farms that they are going to set up where international people will come here? Clearly, this is related to the fact that Government policy—*[Interruption]*—let me finish this point—has clearly stated that they will have these big mega farms. Obviously, they are going international and regional. Big agri-business companies will come here very soon and bid for the development of these farms. Does this mean that we are going to see agricultural labour being imported? The regulations will allow these big multinational companies to bring their labour with them when they are coming—*[Interruption]*

Sen. Dr. Saith: Madam President, for the umpteenth time, these regulations have nothing do with the granting of work permits. If there are new regulations and somebody wants to bring in 15 agricultural workers, they would fill out the forms. This debate is going into work permits. This debate is not about work permits. This debate is about a system of application, not of issuance, awards or monitoring. The fact that a person could apply with one form for 10, does not change the price of cocoa, because you could have applied for 10 people with 10

separate forms. This regulation is about a process of application. It has nothing to do with work permit or manpower planning. All that is for when we get into a debate on amending whether we need work permits or not. I am sure we can have an excellent debate on that matter.

Sen. Dr. J. Kernahan: Madam President, the system of application clearly has to do with what kind of policy you have in mind and what is the plan you have. You analyzed a policy. You did not pull that from the air. This whole new system of facilitating and fast-tracking the application for work permits has to do with what kind of policy you have and what kind of plans you have for labour in this country. Do not feel you can stand there and fool the people and make us think that one is unconnected to the other. We are filling in the dots and getting a picture that is very frightening and very detrimental to the people of this country. Do not think that you can get away with: We keep ourselves blinkered. This is just about—and then we go the next step—work permits. We are not following you down that road. We are reading you way in advance. We understand where you are coming from and we are letting the people of this country know where you are coming from.

Why do you think we went to school for approximately 20 odd years, which we spent in secondary school and university? Is it for Sen. Dr. Saith to come and tell this has nothing to do with that and when we get there we will talk about that? No, it does not work like that. We have to project and understand where this Government is coming from because we are not going down the road with them. We know when they call the election the people will boot them out, because they know that they are agents of recolonization of this country.

It is not everybody doing this. I have seen a paper on the United Kingdom's immigration rules and these people are still very stringent about the way they allow people into their country and the rules that they have. They have said:

“A work permit holder, whose permit is issued for 12 months or less, will, in future, only be admitted to the UK by an immigration officer if he can satisfy the officer that he intends to leave the UK at the end of the period of his approved employment.

The production by a work permit holder of a letter from his overseas employer, confirming that he has a job to return to abroad upon completion of the UK assignment is necessary.”

They do not let you into the United Kingdom with a work permit and make it easy for people to come in and stay in their country. It is very, very hard to get into these countries and we do not understand—at least we understand— why it is

that they are facilitating the issuance of work permits and the hordes of people to come into this country. They have no gumption to stand up to the international bullies who have insisted that they do this to facilitate what they have planned for us in the future.

I thank you.

Sen. Wade Mark: Thank you very much. I want to begin my small, unlimited submission, as I try to wind down this debate. It was Otto von Bismarck, a former German Chancellor of the British Empire, who said that political judgment is the ability of one to hear from a distance, the hoof beats of the horses of the streets. When Sen. Dr. Saith made his point earlier and said: “We doing this now and we go do something later”; my friend, Dr. Kernahan said: “We connected all the dots and we saw a picture. We doh have to wait until you come next year or next week to tell us. We know.” We have heard, from a distance, the hoof beats of the horses of the streets and we know where you are coming from.

May I first of all express on record, my profound appreciation to the various speakers, even though they were limited, who contributed to this debate on this particular Motion standing in my name, seeking to negate the Immigration (Amdt.) (No. 3) Regulations, 2007. Several concerns have been advanced by several speakers, which I have noted with the gravest concern.

In spite of the hon. Minister’s attempt at justifying these regulations, we on this side are not moved, nor are we persuaded by his feeble and unconvincing arguments. It is incandescently clear that there is more in the mortar than the pestle. We do not buy cat in bag. We do not take the point that the Minister is making, about streamlining the operations, as it relates to entry qualifications.

I would like to reassure my colleague, Sen. The Hon. Howard Chin Lee, who felt somewhat hurt when I spoke, as if I was assaulting or attacking his community and the people of Chinese descent or origin, who are citizens of this great Republic of Trinidad and Tobago. I want to tell my friend, through you, that no offence was meant and if your sensibilities were in any way offended, hurt or damaged, I humbly apologize to my friend and to the community of Chinese origin in Trinidad and Tobago. It was never meant. I want to put on the record of this Parliament that it was never my intention to assault or attack the sensibilities of the local Chinese community. I want to put that on public record. Also, Sen. Prof. Picou, if you felt offended in any way, I also want to humbly apologize to you and the community of Trinidad and Tobago. I am a big-hearted person. If I did something wrong, I am man enough to say I apologize.

First of all—[*Interruption*] Althea was not offended. I want to make it very clear that our concern is Trinidad and Tobago. Our first love is Trinidad and Tobago. We put the people of Trinidad and Tobago first. I am not concerned whether they came from India, China, Nigeria, the European Union or America. Our view is Trinidad and Tobago first, jobs for Trinidadians and Tobagonians first and foreign labour must always be subservient to national labour. Our labourers must be given preference first.

Therefore, when we invite foreign labourers here, it is our view that they are human beings and they are God's children. It is my view that when we invite these people here, they must be treated as human beings. We have noted the extent of exploitation, oppression and brutality meted out to these workers who are in Trinidad and Tobago and we call the Minister of Labour, Small and Micro Enterprise Development, to make measures that there is equity, justice, fair play and the application of the ILO Convention and recommendation to ensure that all these citizens are treated fairly and equitably.

My brothers and sisters—I am thinking I am on the platform. Madam President, we have pointed out to the Government, in our deliberations today, some of our fears and concerns. It is our role to do so. We want to tell the Government that it must not be party to the establishment of a slave zone in our country.

We are telling the Government of Trinidad and Tobago do not become part of a tool or do not be a willing tool of the neocolonialists. There are modern neocolonialists in the world. They want to subjugate us. You must always stand. We are for Trinidad and Tobago. We are for nationalism. Therefore, we must all join in ensuring that Trinidad and Tobago remains pure and sovereign.

What we have seen in our discussions this afternoon—we have not been able to be convinced by the hon. Minister of National Security—is that he has not provided us with any evidential documentation or any convincing arguments to tell us what kind technologies would be transferred to our national economy when we import foreign labour or foreign technicians. He has not been able to convince us.

Sen. Dana Seetahal SC, raised some very critical points on national security issues and the absence of photos. He has not, to my mind, given an adequate response to that, except to talk about APIS and an integrated border security. That is all I heard him say about that.

Where is the new learning, new knowledge or transfer of knowledge that we will gain from the importation of labour from abroad? Whether it comes from China, Africa, Europe, Canada or Australia, we must be able to gain learning and knowledge from that exercise.

We are still not convinced that sufficient checks and balances have been put in place to ensure the national interest. These workers who are coming here will challenge our institutions in a way that they have never been challenged before. What will happen to the education and health of our institutions that are already stretched to the limit when you bring in all these foreign labourers into our country?

I also want to tell the hon. Minister of National Security that we must not undermine our local contractors. Our local contractors have a role to play in national development. We will know shortly because we will be seeing the vaults of the Government very shortly. We will be seeing all the documentation. We will go to the Attorney General's office and see exactly what is happening because, Lord Mustill cannot get to see you. You are running and ducking. He reminds me of another "fella" from COP. "He does duck an run all de time, boy!" I do not know why he is hiding. What do you have to hide, hon. Attorney General? We will know because it is a—

Sen. The Hon. Dr. Lenny Saith tried his best—and I can understand—to say that the laws are there and that no one is supposed to break the law. What we were telling Sen. The Hon. Dr. Saith and the Government is that the experience in the other jurisdiction is that these Chinese companies that come from China have a sweetheart arrangement with the Government and the end result is they do not pay NIS, corporation tax, PAYE and health surcharge. They violate all the labour laws of these countries and, therefore, workers are left at their mercy. We will soon find out because Sen. The Hon. Dr. Lenny Saith is on record as saying that these companies and the labourers honour and obey all our laws. We will know very shortly.

In closing, we are nationals of Trinidad and Tobago. We are patriots of this great land. We put our country first. We put our people first. We believe that the Government has failed us in this particular matter. We believe weak and poor negotiating skills, on the part of the Government, have resulted in a wholesale sellout to certain forces and are not in the national interest.

I believe, in the instance of some of these Chinese firms, they have outsmarted, outfoxed, "out-Chinesed" and "out-negotiated" this feeble and weak administration in several departments. I believe when they are negotiating with

them, the Chinese bring the thing in Chinese and they “cyah” read it and they are English. They confused this Government—totally confused. “Dey cyah deal with the Chinese at all. Yuh better bring us across quickly so that we can help you.”

I would like to thank all the Senators of this honourable Senate for facilitating this particular Motion. I thank Sen. The Hon. Dr. Saith, in particular, for allowing us the opportunity to debate this particular Motion.

I also would like to bid a sincere farewell to all my colleagues because we do not know who will be back. The people, in the final analysis, have the say. The people will decide. Maybe Sen. The Hon. Dr. Lenny Saith will be here and I will be there. I do not know. The people will have the final say. I wish all my colleagues—I wish you, even though at times I might have been a bit robust and sometimes I might be a bit troubling to you; my heart is weak, when it comes to the President.

I sincerely thank you, because this is out last sitting. I do not know if Sen. The Hon. Dr. Lenny Saith is going to come back when the Parliament is prorogued. We will be back. If we do not come back, I wish all my colleagues sincerest greetings for the future. I want to ensure that when we come back, we are able to start a new dispensation. I hope that there will be a new order and a new direction, as the people are seeking change.

We have offered ourselves as the alternative. We present ourselves to the people and we hope that wisdom would prevail, the UNC Alliance will form the next government and we would be able to rule and give direction to this country in way that we started in 1995—2001. We shall, therefore, continue.

Madam President, I thank you and I beg to move.

Madam President: You nearly brought tears to my eyes there.

Question put.

Sen. Mark: Division.

The Senate divided: Ayes 10 Noes 18

AYES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Phillip, R.

Ramquar, S.

Ramchand, Prof. K.

Deosaran, Prof. R.

Rocke, A.

Picou, Prof. D.

NOES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Titus, R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

King, Mrs. M

Anmolsingh-Mahabir, Mrs. P.

Cropper, Mrs. A.

Motion negatived.

Adjournment

Thursday, September 27, 2007

**ADJOURNMENT
(Felicitations)**

The Minister of Public Administration and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, before I move the adjournment of the Senate, as you know, tomorrow will be the last day of the Fifth Session of the Eighth Parliament. The prorogation of the Parliament takes place on October 16. While we will be ending this Fifth Session, the possibility always exists that there could be a Sixth Session. But, on the odd chance that there may not be a sitting of a Sixth Session, I take this opportunity, if there is one, I do not have to repeat it, to express my thanks to all Senators over the last five years. Some of them have not been here for five years, but those who have, on this Fifth Session, for the contributions that have been made, in the context of politics, as they are.

There have been good times, bad times, good contributions and bad contributions. I am not ascribing it to any particular group but, at the end of the day, I think, given as you understand, the spirit in which we are ending this session, there has never been personal animosity. There has been a lot of acting. People pretended to be vexed. People pretended to be otherwise. I firmly believe that deep down, we do have respect for each other and when we leave the roles that we have been ascribed to play here, and we go outside, there is that goodwill.

I think Sen. Mark made the point that he thanked me for having this sitting. It really is in the spirit of cooperation. We did not have to have it. Therefore, it has always been my style to work with people, because I sometimes think in the end the people will judge, not by what we do so much, but how we do it. The broadcasting of television has done that. I think people will have some rude awakening as to what the population has seen and how they will judge us, when the time comes.

I thank the parliamentary staff. I thank you for your chairing of this Senate. I would like to move that the Senate do now adjourn to a date to be fixed.

Madam President: Anybody wants to say anything before I move the Adjournment, seeing that everybody is saying goodbye? Anybody? No? Before I do, let me say thanks to all of you for having given me the opportunity, over the last five years. As Sen. The Hon. Dr. Lenny Saith has said, there have been good times and there have bad times. There have been noisy times and there have been quiet times. I think in these last five years, I have learnt patience, as somebody just said, and I have learnt to listen, maybe more than anything else, because I had to listen to every one of you as you spoke.

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Adjournment

[MADAM PRESIDENT]

Thursday, September 27, 2007

I think, altogether, it has been a wonderful experience. When we leave here, wherever we may meet, whether it is here again or somewhere else, I think we will meet as old pals and friends and people who got to know each other in many different ways, over the five years.

I thank you very much.

Sen. Dr. Gopeesingh: You have to thank the Vice-President as well.

Madam President: Oh yes, I thank the Vice-President for having sat so often in the Chair, especially on the numerous times I have had to act and be out of the Chair. He has done a fine job. Thanks.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.35 p.m.