

SENATE*Tuesday, January 29, 2008*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**INTERPRETATION OF STANDING ORDER 18(1)**

Mr. President: Hon. Senators, at the last sitting of the Senate held on January 22, 2008, Sen. Wade Mark requested an interpretation on the last sentence of Standing Order 18(1). The first sentence of the Standing Order reads as follows:

"At the time appointed for the oral asking and answering of questions under Standing Order No. 10 (Order of Business), the President shall call in turn upon each Senator in whose name a question stands upon the Order Paper, in the order in which the questions are printed, or in any such other order that the President may on any particular occasion (by leave of the Senate) determine."

And the last sentence:

"Each Senator so called shall rise in his place and ask the question by reference to its number on the Order Paper, and the Minister questioned shall give his reply."

The penultimate line of this particular Standing Order provides guidelines for the procedure to be followed by Senators during the period provided under the agenda item, Questions to Ministers. Basically, it means that according to the order in which questions appear on the Order Paper, the Senator in whose name the question appears would rise and ask the question referring to it by its number, and accordingly the Minister questioned shall reply.

Hon. Senators, one has to be careful when interpreting Standing Orders of this august House. Interpretation of the Standing Orders cannot be conducted in isolation of the contents of other paragraphs of the same Standing Order or other related Orders. The Standing Orders must always be construed in a holistic context and in a manner encompassing the circumstance which prevails at the time, and in accordance with the established practice in Commonwealth Parliaments.

While the last sentence of Standing Order 18(1) states, and the Minister questioned shall reply, it does not mean that the Minister is compelled to answer a question.

Interpretation of Standing Order 18(1)
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Our own Standing Orders anticipate the non-answer of a question by:

- (a) the Minister declining to answer;
- (b) a Minister requesting a deferral; or
- (c) a Minister being unable to answer due to his absence.

Senators, I wish to bring to your attention the rulings of two former Presiding Officers, one given in this honourable Senate on February 06, 2007 by the then President of the Senate, Sen. The Hon. Dr. Linda Baboolal and one given in the Parliament of Australia by President Barker on August 26, 1902. Both rulings stated that there is no obligation on a Minister as a Member to answer a question, and pointed out that there are no Standing Orders which can force a Minister or a Senator to do so. My reading of Erskine May's, *Parliamentary Practice 23rd Edition*, clearly confirmed the rulings of Dr. Baboolal and President Barker of Australia.

In light of the foregoing, I want to emphasize to Sen. Mark and all other Senators, that the Presiding Officer cannot compel a Minister to provide an answer to a question. A Minister may formally decline to answer a question, in which case the question cannot be asked in the same session or the question may be deferred.

I so advise.

PAPER LAID

The report of the Tribunal to His Excellency the President of the Republic of Trinidad and Tobago in the matter of an enquiry under section 137 of the Constitution of Trinidad and Tobago. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]

ORAL ANSWERS TO QUESTIONS

Chinese Immigrant Workers

3. Sen. Wade Mark asked the hon. Minister of Labour, Small and Micro Enterprise Development:

Could the Minister inform this Senate whether:

- A. Foreign companies which utilize the services of Chinese immigrant workers to execute a large number of Government's construction projects are subject to and governed by all relevant labour laws in effect in Trinidad and Tobago?

- B. Would the hon. Minister also inform this Senate of the measures used by the Ministry of Labour to ensure that all relevant labour laws are complied with by these foreign contractors/companies?

The Minister of Labour and Small and Micro Enterprise Development (Hon. Rennie Dumas): Thank you, Mr. President. Foreign companies which utilize the services of Chinese immigrant workers to execute Government's construction projects are subject to and governed by all labour laws in effect in Trinidad and Tobago as follows:

1. The Minimum Wages Act. There are several requirements under the Act as well as offences. Some of the offences can be found at sections 22(5), 23, 24(1) and 26(2). Under the amendments to the Act namely, section 22(a), the Minister may, after the examination of a report submitted by an authorized officer where there is a breach, deem the report to be made pursuant to section 51 of the Industrial Relations Act, that is, as a trade dispute.

Where a complaint is made by an employee and the issues have not been rectified, the worker or the recognized union may report it to the Minister in writing. Where a breach has been identified, the Minister may treat with the matter under section 51 of the Industrial Relations Act, Chap. 88:01.

Section 51 of the IRA provides for conciliation of a trade dispute, and where the dispute remains unresolved for referral to the Industrial Court for determination.

To date, the legislation has allowed nine matters in respect of minimum wages to be brought before the Industrial Court.

2. The Maternity Protection Act. Where there is non-compliance with the provisions of the Maternity Protection Act, No. 4 of 1998, for example, termination on the ground of pregnancy, the employee, the employer or trade union may report the matter to the Minister, and the matter shall be deemed to be a trade dispute and be dealt with as such under the IRA section 12(1).

Section 12(3) states that nothing in this section shall preclude the Minister from recommending to the employee, employer or trade union a reconciliation of their differences through mediation or conciliation.

To date, the Maternity Protection Act has allowed six cases to be brought before the Industrial Court.

3. The Occupational Safety and Health Act. The Minister is empowered to appoint inspectors to make orders and regulations. The inspectors are authorized to enforce the provisions of the legislation.

To date, there are 11 charges filed before the Industrial Court arising from an accident where several breaches were identified.

In addition, the Occupational Safety and Health Agency (OSHA) has embarked on a comprehensive inspection programme to monitor and regulate Trinidad and Tobago's construction industry. This programme was initiated in response to recent critical accidents and fatalities in the sector.

The current phase of the inspection programme commenced on October 15, 2007 and will continue until March 14, 2008. All construction sites, both private and public, including projects owned by State and quasi state bodies will be subject to inspection. OSHA inspectors are not required to give prior notice of these inspections.

4. The Industrial Relations Act. Sections 53 to 56 cover the Minister's powers and actions in the case of a trade dispute even before it has been reported.

Section 65 makes provision for an ex-parte injunction application against industrial action where it is threatened or taken, whether in conformity with the Act or not, and the Minister considers that the national interest is threatened or affected.

This has been utilized on more than seven occasions.

5. Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007. This legislation sets the minimum age for admission to employment. While it does not empower the Minister to take any action, it does empower him to appoint inspectors who have responsibility to investigate non-compliance with the provisions of the Act to which there are penalties prescribed on summary conviction for non-compliance.

The Ministry's mandate is to ensure that all labour laws are complied with by contractors or companies both local and foreign. The Ministry of Labour and Small and Micro Enterprise Development manages the

system of labour inspection for work places in Trinidad and Tobago through two separate units, namely, the Labour Inspectorate Unit and the Occupational Safety and Health Agency.

These units are responsible for the enforcement of legislation, adjusting terms and conditions of employment, specifically: minimum wage; overtime pay; hours of work, vacation leave and sick leave for employees governed under the sectoral orders of the Minimum Wages Orders; maternity benefit; occupational safety and health; and minimum wage for admission to employment.

Such terms and conditions of employment are accorded to all persons considered as workers under the Industrial Relations Act, Chap. 88:01 and include migrant workers.

The Labour Inspectorate Unit at this time has a complement of 17 labour inspectors—13 Labour Inspectors I; and 4 Labour Inspectors II based in Port of Spain and San Fernando.

The Labour Inspectorate Unit is responsible for the following:

- enforcement of the national minimum wage in accordance with the Minimum Wages Act, Chap. 88:04 and its Orders;
- enforcement of the provision of overtime pay, working hours, meal and respite for workers earning TT \$13.50 or less per hour set out in the Minimum Wages Order, 2005.
- enforcement of the terms and conditions of employment, such as hours of work, vacation and sick leave eligibility for employees who are covered under the sectoral orders of the Minimum Wages Act, namely: household assistance; petrol filling station employees; catering industry employees; shop assistants; and security industry employees; and enforcement of maternity leave provisions contained in the Maternity Protection Act, 1999.

Additionally, labour inspectors are required to educate and advise employers, employees and the general public about the laws of Trinidad and Tobago as they relate to wages, terms and conditions for workers who are not usually represented by a trade union and who are covered under the Minimum Wages Act.

- Check for compliance by employee, employers with the Minimum Wages Act and Orders. Routine checks are done and complaints are also investigated.

They also recommend litigation in cases where employees ignore warnings of breaches.

- ensure that the provisions of the Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, No. 3 of 2007 are being complied with, in that no person under the age of 16 is employed in any undertaking other than a family business;
- supply information and give advice to employers concerning the most effective means of complying with the legal provisions.

The current pieces of legislation that govern the operations of this unit are:

- The Minimum Wages Act, Chap. 88:04, 1976;
- The Minimum Wages Catering Industry Order, 1991;
- The Minimum Wages (Household Assistant) Order, 1991;
- The Minimum Wages (Shop Assistant) Order, 1991;
- The Minimum Wages (Security Industry Employees) Order, 1995;
- The Minimum Wages Petrol Filling Station Order, 1982;
- The Maternity Protection Act, 1998;
- The Minimum Wages (Amdt.) Act, No. 11 of 2000;
- The Minimum Wages Order, 2005;
- Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, No. 3 of 2007.

The steps and the conduct of a labour inspection place labour inspectors as responsible for advisory and enforcement functions regarding legal provisions relating to the conditions of work.

Sections 21 and 22 of the Minimum Wages Act outline the enforcement powers of the labour inspectors in the Labour Inspectorate Unit. This includes the power to require any employer or any person authorized by an employer, except those engaged in a confidential professional relationship with such an employer, to give information concerning remuneration and terms and conditions of service of workers; and to allow the inspector to inspect any records or pay sheets.

Additionally, such inspectors can search, with the assistance of any other person at all reasonable times, any building for books, records and documents which may afford evidence as to the violation of any provision of the Act and seize and take away such items.

1.45 p.m.

Inspections may arise from a complaint reported by a worker or as part of a routine exercise. In either situation, the inspection is conducted under the following guidelines: A complaint is received in person; the information provided by the complainant is kept strictly confidential. In a case where the complaint is not specific to the matters under the purview of the Labour Inspectorate, this unit refers the complainant to the respective units or divisions of the Ministry, such as the Consultation Unit to deal with trade disputes or an occupational safety and health agency to deal with occupational safety and health matters; a labour inspector is then assigned. He presents his or her precepts, identifying himself or herself as the inspector to the employee or agent before commencing the inspection.

In practice, the inspector would notify the employer or his representative of his presence when conducting an inspection. Interviews with the workers are held. These are workers who fall under the purview of the Minimum Wages Act and sectional orders of the Minimum Wages Order. In some cases, all the workers are interviewed, and in other cases, at least 20 per cent of the labourers are randomly selected.

In the interview workers are questioned about work performed, pay rates, overtime, days off, break periods, vacation leave, et cetera. Pay records are examined to identify any breaches of the Act. If any breaches of the Act are identified, the inspector informs the employee or agent of same. Copies of the relevant pieces of legislation are supplied to the employee or agent through a means of educating him on the provisions of the Act. Discussions are held with the employee or agent about a suitable time frame to eliminate breaches of the Act, at which time the inspector will conduct a follow-up visit.

Moral suasion is used to encourage employers to institute changes; however, if breaches are not addressed by the employer and a trade dispute arises between the employer and the workers, the matter is then referred to the Labour Relations Unit for conciliation under the Industrial Relations Act.

The number of complaints received by the Labour Inspectorate Unit for 2005, 2006 and 2007, were as follows: In 2005, 226; in 2006, 189; in 2007, 145. It should be noted that all complaints received were investigated, and follow-up visits were conducted.

The Occupational Safety and Health Agency is the enforcing body for the Occupational Safety and Health Act, No. 1 of 2004, as amended by the

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Occupational Safety and Health (Amdt.) Act No. 3 of 2006, or OSHA. The OSHA was proclaimed on February 17, 2006, and has been operational since that date. This Act is of significance given that as of August 17, 2007, it repealed and replaced the Factories Ordinance, Chap 13:2, which had governed safety and health in Trinidad and Tobago since 1948, and which was left operational for a few months after the new Act was proclaimed.

On that date, the 32 inspectors of the former Factories Inspectorate Unit of the Ministry were contracted by the OSH Agency to commence its operation. The OSHA confers legal powers on inspectors to access every industrial establishment to require any information needed to carry out investigations and to use their legal intervention powers, such as issuing improvement notices, prohibition notices and starting prosecution procedures in the Industrial Court or, in specific cases, the Criminal Court.

The inspectors operate in the following six teams, with Inspector IIs as team leaders: oil and gas industry; ports chemical and petro-chemical industry; general manufacturing; construction and quarries; agriculture and public services and occupational health.

The OSH inspectors are responsible for enforcement of all occupational safety and health provisions under the OSH Act in all industrial establishments. The inspectors perform several roles in carrying out their enforcement duties; these include the regulatory, preventative, advisory to state agencies, the investigative and the informational.

It should be noted that joint labour inspections are conducted by the Labour Inspectorate Unit and the OSH Agency. All are subject to the labour laws of Trinidad and Tobago.

Sen. Mark: Mr. President, could my hon. colleague, the hon. Minister of Labour and Small and Micro Enterprise Development, tell us whether there have been any violations brought to your attention of breaches of the relevant labour laws, as it concerns Chinese immigrant workers on various construction sites in the Republic of Trinidad and Tobago? Can you tell us how many have been referred to your Ministry?

Hon. R. Dumas: Mr. President, there has been no specific record of breaches by employers categorized between Chinese labourers or others. I am quite willing to find such a categorization, if the question is asked formally.

Sen. Mark: Mr. President, may I ask the hon. Minister whether he is aware of the deplorable conditions that Chinese immigrant workers labour under in this country, and whether he is satisfied that the Ministry of Labour and Small and Micro Enterprise Development is doing all it could to ensure that the labour laws are adhered to by those construction companies that hire these Chinese labourers in Trinidad and Tobago.

Mr. President: Minister, before you answer. Senator, the question that you asked presupposes a set of facts. You asked whether the Minister was aware of the conditions under which the Chinese labourers work. It presupposes the fact that the conditions are as you have described.

When you ask a question that has facts either stated or implied, you are responsible for the accuracy of that statement. If you have information to that fact, I ask you to cite the fact that you have that information. If you have read this in a newspaper, that is not information that can be stated as a fact in terms of a question. The rest of your question is fully allowed.

Hon. R. Dumas: I am not aware of any deplorable conditions that exist. I am aware, however, that wherever workers are used on construction sites in Trinidad and Tobago, they are subject to the activities of OSH and the Labour Inspectorate. This can come to the attention of the Ministry, either from public sources or by specific reference. I am sure that if that specific question is asked about the conditions, I will certainly put the Ministry to work to determine whether any such categorization can be determined.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I wish to advise that questions No. 4, No. 6 and written question No. 1, are not ready today. The rest of the questions are. According to the information I have, they are on the Parliamentary Question Committee's agenda and they have been referred back to the ministries for additional information.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

**Licensing Authority
(Computerization of)**

4. Would the hon. Minister of Works and Transport inform this Senate when the Licensing Authority will be fully computerized in order to bring relief to the drivers of this country and particularly to protect against any fraudulent activities within the Authority?

**Former Senator, Joan Yuille-Williams
(Accommodation at Trinidad Hilton, 2002—2007)**

6. Would the hon. Minister of Community Development, Culture and Gender Affairs inform the Senate of:

- (i) The total cost of hotel accommodation and meals expended in Trinidad and Tobago to accommodate the former Minister, Senator the Honourable Joan Yuille Williams at the Trinidad Hilton during her term as Minister viz: 2002–2007?
- (ii) Whether all Ministers, similarly circumstanced are entitled to this facility as the former Minister?

Questions, by leave, deferred.

Sen. Mark: Mr. President, I was advised by the hon. Minister of Works and Transport two weeks ago that he would crave my indulgence to allow the question to be deferred for, at least, two weeks. The hon. Minister, Sen. Enill, was kind enough to allow one week. This is the second week. I think it is passing strange that a commitment given by a minister is not being honoured. I will really view any further commitments with very grave skepticism.

I will like you very early in this particular session, to, at least, when we get a commitment from a minister, insist that commitment is honoured and the questions are, in fact, answered.

Mr. President: Sen. Mark, as I said when I started this session, I shall do no such thing. Furthermore, I caution you against making speeches when there is no opportunity to do so in the Standing Orders. We are very well aware of the situations with regard to questions, so let us move on.

Sen. Mark: Mr. President, I—[*Interruption*]

Mr. President: No, no, no; let us move on.

Sen. Mark: Mr. President!

Mr. President: Sen. Mark, we will move on.

Sen. Mark: Could you tell us—I am asking. Could you advise this House—

Mr. President: Sen. Mark, if you wish to see me, you can see me in my chamber, but we will have no more discussion on this matter. You have put question No. 5 to the Minister of National Security.

Sen. Mark: I am seeking clarification.

Mr. President: You can come and see me in my chamber afterwards. Put your question to the Minister of National Security, please.

Sen. Mark: Do I have to seek clarification in your chamber?

Mr. President: Correct. Sen. Mark, you are in your seat. You can rise to ask question No. 5 to the Minister of National Security.

Sen. Mark: Could you tell us, hon. President, when would question No. 4 be answered.

Mr. President: Question No. 5 to the Minister of National Security, please.

Deportees and Criminal Arrests (2002 – 2007)

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

- (i) Would the Minister inform this Senate of the number of persons who have returned to Trinidad and Tobago as deportees from the United States of America and other foreign jurisdictions over the period 2002, 2003, 2004, 2005, 2006 and 2007?
- (ii) Would the Minister also inform this Senate of the number of deportees who have been arrested for criminal offences for the period 2002, 2003, 2004, 2005, 2006 and 2007?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, according to the information provided by the Immigration Division, a total of 2,000 persons were returned to Trinidad and Tobago as deportees from the United States of America and other foreign jurisdictions over the period 2002 to 2007. It is as follows: 2002, 220; 2003, 287; 2004, 356; 2005, 427; 2006, 360; 2007, 350. Of that figure, 156 have been arrested for criminal offences committed in Trinidad and Tobago over the period 2002 to 2007 as follows: 2002, the number of deportees charged in Trinidad and Tobago, eight; 2003, one; 2004, 27; 2005, 23; 2006, 51; 2007, 46.

Sen. Mark: Could the hon. Minister indicate to this Parliament what measures or steps are being taken to monitor the activities of these deportees in the Republic of Trinidad and Tobago.

Sen. The Hon. M. Joseph: Mr. President, if that question is asked I will be in a position to answer it.

**Trinidad and Tobago Police Service and Defence Force
(Number of Persons Killed)**

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

Would the Minister inform this Senate of:

- (i) The total number of persons killed by the Police and Defence Force for the period 2002—2007 in the course of their duties;
- (ii) The status of any subsisting enquiries into these matters?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, hon. Senators, according to the information provided by the Trinidad and Tobago Police Service, a total of 104 persons have been killed by members of the Trinidad and Tobago Police Service and the Trinidad and Tobago Defence Force during the course of duty over the period 2002 to 2007.

Of that figure, 102 relate to the police service and two to the defence force.

2.00 p.m.

In response to 7(ii) with respect to the status of those matters, hon. Members are advised as follows:

Awaiting the outcome of an inquest, number of cases 52, enquiries ongoing, number of cases 42; police officers charged, two; officers sentenced, two; officer action vindicated through inquest, one; case against officers dismissed by court, two; file sent to the Director of Public Prosecutions, two.

**Nelson Island Heritage Project
(Status of)**

18. **Sen. Dr. Adesh Nanan** asked the hon. Minister of Community Development, Culture and Gender Affairs:

Would the Minister advise the Senate on the status of the Nelson Island Heritage Project?

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. President, in response to the question posed by Sen. Dr. Adesh Nanan, I now wish to advise as follows:

The Vision 2020 Operational Plan 2007—2010 has listed the Ministry of Community Development, Culture and Gender Affairs among 10 ministries or departments as champions for the achievement of four goals in respect of developing innovative people.

The first of five pillars on which Trinidad and Tobago's development thrust has been built in particular, goal number four, the richness of our diverse culture will serve as a powerful engine to inspire our innovation and creativity. This is expected to be realized via several strategies which include preserving and enhancing cultural infrastructure and major projects including the establishment of a National Heritage Site at Nelson Island.

Topographical surveys have been completed on Nelson and Lenigon Islands and hydrographical surveys on all the islands in respect of the project. This has been the basis of developing the design of the entire Heritage site. The Caribbean Industrial and Research Institute (CARIRI) has completed scientific analyses of the building materials from the site and has already submitted its report.

The findings of the analyses provided information on the specific types of material as well as the composition of various mortar mixes and render use in the original construction of buildings on the site. This information will be used for the actual restoration of buildings on this site.

The design and project management team, Synthesis, has already completed the final designs for the entire facility. These designs are general arrangement drawings showing the layout of all buildings as well as the elevation and floor plans. They identify the specific use to which each building will be put and provide the basis for construction drawings.

The construction drawings are detailed drawings which give very precise specifications for certain fixtures and finishes and will be used by the contractors in the construction and/or restoration of the buildings.

Mr. President, the final designs were presented to and accepted by the National Trust Council and preparation of the construction drawings will begin by the end of January 2008. It should be noted though, that construction drawings for one component of Phase 2 of the project, that is the reconstruction of the butler's cottage and walkways have already been completed and a contract has been awarded to Welch/Morris & Associates for the work which is expected to commence by the end of February, 2008.

When completed, the cottage and walkways will house a resident caretaker during the construction of the rest of the project. The design and project team, Synthesis, and the Historical Restoration Unit of the Ministry of Works and Transport are now assisting the National Trust Council in reviewing the project budget.

Mr. President, following this review, a proposal would be submitted to the Minister and thereafter for the consideration of Cabinet. The projected completion date of the Nelson Island Heritage Site Project is December 2009.

Mr. President, I want to assure this honourable House that this Government, my Government, remains committed to the completion of this project which is of tremendous significance as part of the built heritage of our country.

I thank you, Mr. President.

Sen. Dr. Nanan: Mr. President, could the Minister give us an idea of the cost of the value of the contract given to Welch/Morris & Associates?

Hon. M. Mc Donald: Mr. President, that will form the basis of a new question and once posed properly, I will respond.

Thank you.

Sen. Mark: That is arrogance on behalf of the PNM.

WRITTEN ANSWER TO QUESTION
Trinidad and Tobago Police Service
(Vehicles owned by)

32. Sen. Prof. Ramesh Deosaran asked the hon. Minister of National Security:

With respect to the responsiveness and mobility of police officers in the Trinidad and Tobago Police Service, would the Minister inform this Senate:

- (a) What is the total number of vehicles, motorcycles and bicycles purchased by the Government and given to the Trinidad and Tobago Police Service for each of the years, 2002, 2003, 2004, 2005, 2006 and 2007;
- (b) What is the total cost for the various items in each year of purchase;
- (c) How many usable vehicles, motorcycles and bicycles are now available for the Trinidad and Tobago Police Service; and
- (d) How are they distributed among the various Units, Departments and Divisions of the Trinidad and Tobago Police Service?

Question, by leave, deferred.

**BASEL CONVENTION (REGIONAL CENTRE FOR TRAINING
AND TECHNOLOGY TRANSFER) BILL**

Bill to establish the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region in Trinidad and Tobago and for related matters [*The Minister of Planning, Housing and the Environment*]; read the first time.

**PRIVATE SECURITY INDUSTRY
(UNPRECEPTED SECURITY OFFICERS)**

Sen. Wade Mark: Mr. 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 which may be inconsistent with the provisions of the Occupational Safety and Health Act (OSHA);

And whereas many guards are remunerated at low rates of pay thereby requiring many to work excessively long hours;

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

And whereas the Government has not established 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; 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.

Mr. President, the framework I would like to adopt for this very important Motion would examine first of all the philosophical and ideological contexts of this Motion. I will then proceed to look at some of the initiatives outlined by the hon. Minister of National Security to address this issue of the security industry and I will then look at the challenges still facing the security industry in Trinidad and Tobago today consistent with the Motion that is before us. I will be making reference to copious notes that I have before me on this very important matter.

Mr. President, as you are aware, there has been a phenomenal increase in the number of protective service agencies operating in Trinidad and Tobago and this has occurred more or less over the past three and a half decades. As you know, these protective security agencies are quasi military law enforcement organizations, and I want to let you know that they have grown from a registered

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number of two in the year 1970 to roughly 90 by the end of 1990 to some 300 private security firms in Trinidad and Tobago as of December 31, 2007.

Mr. President, in this industry, the hours of work are long and unacceptable, the employers are savage and oppressive, the conditions of employment are brutal and exploitative and the vast majority of employees belong to single female-headed households. Education essentially is of a primary school leaving level and there are a few with a certified secondary education in that industry.

The growth of these security firms signifies the worsening in the quality of life in this country over the period. I have not made reference to the growth in burglar alarms which are used by almost every business entity in our country; I have not referred to the installation of security alarms which are used by citizens in various parts of our country, mainly to protect their property and family.

Mr. President, we have to determine what is behind the growth of these firms. Why is there need to protect private property from those who might seek or wish to inflict some kind of attack on those properties? With the growth of these security firms, the realization is that private property is more likely to be attacked today than ever before; it is a manifestation. What is even more disturbing is that this growth is taking place side by side with the general effort at socio-economic development in our country. It is therefore necessary to question the entire development process if planning for development results in a concentration in economic expansion and a generation of profits for further expansion, and if such development ignores the human condition or aspect of the experience of society, then what is bound to occur is the development and the generation of deviant social behaviour.

2.15 p.m.

It is not that as a people we are prone to crime, but it is the crime experience which is a reflection of the fallout of the development process and the growth of criminals and potential criminals of more and more citizens. The growth of the security industry represents the symptom of a much greater malaise in our nation. It is really about the kind of development strategy that the Government has chosen to pursue in our country. The strategy of development should place people at the centre of the entire process. It should generate productive, meaningful, well-paid and permanent jobs.

Crime and mounting unemployment, in spite of the figures issued by the Central Statistical Office saying that unemployment is 6.5 per cent—there is no evidence of any underemployment figures in our country, where people would

like to work for 40 hours a week but they are being forced to work for 20 or 25 hours a week. Therefore, when you combine crime with chronic unemployment and inhumane employment opportunities and arrangements that we have in this country, it tells you that those factors contribute a lot to the number and the phenomenal increase in the growth of the private security industry in our country. As I said, it is aimed essentially at protecting private property from intrusion of persons who are either unemployed or underemployed or who might have chosen to engage in a life of crime.

As such, I would like to say from the very outset that a new development strategy is obviously needed in this country which would put people first, which would put at the centre of development, the generation of productive, permanent and well-paid jobs at the centre of Government's focus and one that would generate an economy and a society that is based on social equity and justice in our land.

So we have to look at the growth of this industry, not in any airy-fairy manner; it must be contextualized and located in the economic development process in our country that has generated and perpetuated crime at a rate and at a level that is so uncontrollable that people have to sleep and check their guns under their pillows every night to make sure they are in working order in the middle class communities in this country. Therefore, when this matter was raised in the last Parliament, the hon. Minister of National Security, who was then the Minister of National Security and still is the Minister of National Security, placed on record on Tuesday, December 05, 2006, certain initiatives that he said were aimed at streamlining the operations of the private security industry in Trinidad and Tobago.

The first initiative outlined by the hon. Minister was the development of specific guidelines for persons applying for permission to operate a protective service agency. He gave us a detailed outline of what these guidelines were. He indicated that the Commissioner of Police would recommend and he would either approve or disapprove, given the recommendation coming from the Commissioner of Police. I do not know, since December 2006, if the Minister can tell us how far this initiative has been implemented and effected, because we still have 300 and more growing private security firms in the industry and as you know, close to 60 to 70 per cent of these private security companies are operating illegally in Trinidad and Tobago. So I want to know from the hon. Minister: What has been done to effect this particular measure that he outlined about a year and a few months ago to this Parliament? Where are we with this particular guideline or initiative?

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The second area that he mentioned was the upgrading of the regulatory mechanism. At that time he said that the mechanism involved an Assistant Commissioner of Police who is now being mandated to submit a written report to the Commissioner of Police on a quarterly basis on the affairs of the supplemental police. He went on to outline the areas that would be contained in that report, for example:

- “(1) the name and addresses of every supplemental police agency...;
- (2) the actual strength in each division;
- (3) the names, addresses and contact information of each precepted officer.”

And he went on and on.

Again, I would like to ask the hon. Minister to account to the Parliament on this matter, because as far as I am concerned—I am calling on him, Sir, to table in this Parliament or to report to this Parliament, whether this Assistant Commissioner of Police is actually doing his job or whether he is sleeping, like the Minister, on the job. I would like to know, because I have seen nothing to indicate to us in the Parliament that this particular mechanism is being pursued by the particular individual.

The third area that he mentioned was the establishment of a database to store information pertaining to the private security industry. I would like, again, the hon. Minister to share with you and this honourable House: Has this database been established since December of 2006? Could he share with us, as far as it is practically possible, the information pertaining to the private security industry? Could he tell us how this database is helping him at the Ministry of National Security to monitor the private security firms operating in the industry today?

The final commitment he had given to this honourable Parliament was his commitment to pursue legislative amendments to ensure that all security officers are covered under the Supplemental Police Act. He admitted in this document here in the *Hansard* of December 05, 2006, that there were some 45,000 persons employed in the industry; he suggested that only 11,000 were precepted and he went on to say that 66 per cent of those employed in the industry were outside the provisions of the Act—66 per cent.

The Minister had promised faithfully, that his ministry was currently working with the Ministry of Labour and Small and Micro Enterprise Development and the Chief Parliamentary Counsel on the issue of amending the Supplemental Police

Act to include all security officers, as well as on the formulation of rules to enhance the Act. He said a draft Bill is now being reviewed in light of the many developments that have occurred since its original draft. He indicated, finally, that:

“We anticipate that the Bill will be included on the parliamentary agenda for the second half of 2007.”

These were commitments given to the Parliament on December 05, 2006 by the hon. Minister based on a matter on the Motion for the Adjournment that I had raised. It is now one year and almost one month later and there has been no amendment to the Supplemental Police Act. We have seen no evidence of a database being established. So it appears that all the initiatives that the Minister outlined to you and to this honourable House may have been good intentioned—he might have had good intentions, but it was really “ol’ talk” and mamaguy in order to quell the concerns of the workers and their families in the private security industry.

So this is a dangerous kind of development. I am sorry he did not make this statement and this Parliament was not an extension because I would have brought the relevant Motion to bring him before the Committee of Privileges on this matter. You cannot mislead the Parliament in that way. He cannot tell the Parliament he is going to do X and Y and give a commitment and a year and one month later there is nothing before us. I think that is unfair; I think that is unkind, and we are talking about close to 50,000 persons who are employed in this industry and who are depending on the Government for protection and for salvation, and the Minister of National Security who is charged under the Supplemental Police Act to regulate that industry, has done absolutely nothing to protect those workers and their families in the industry today—nothing!

Mr. President, you know that there is a litany of woes that confront that industry and the workers in that industry. Many of these companies have been operating for the last two and a half to three decades without satisfying several prerequisites that must be attained before approval is granted for their operations.

2.30 p.m.

As I said, one such prerequisite is a valid public liability insurance for minimum coverage of \$500,000 including liability for damages caused by negligence of officers at the premises of clients. There is another insurance coverage that is required for liability in respect of injury sustained by officers in the execution of their duties. Nothing has happened.

[MR. VICE-PRESIDENT *in the Chair*]

In this country, 66 per cent of the 300 private security firms is operating illegally. They are employing citizens of this Republic and are unable to satisfy these basic prerequisites, Mr. Vice-President.

What is the hon. Minister of National Security doing to protect the innocent and defenceless workers and more so, most of them who are female and from single-headed households? Where is the love and care for the women of our country? I will like Sen. Laurel Lezama to speak on the matter of how we are protecting our women who are being mercilessly exploited! That is being executed under the watch of this administration. What more brutality can you unleash on a population?

I feel very sorry for these workers and that is why I am raising this issue in their defence. We know that there is little hope for salvation and liberation under this new, conservative, reactionary and backward administration.

Mr. Vice-President, as I indicated earlier, this Supplemental Police Act speaks of the command and superintendence of the Commissioner of Police with respect to estate constables, but the regulations have not been promulgated in a way that is necessary to protect those workers. I must tell you that not only has the Minister of National Security failed us, but also the Commissioner of Police who is on borrowed time. He should have been home already, but he is still here with us. He has failed in his duty to command and superintend properly the supplemental bodies and the protective service agencies. Some unscrupulous owners and managers continue to exploit those loopholes and opportunities that have been given as a result of the Government's inability to address this particular question.

The Commissioner of Police is supposed to give consent to people who are employed in a private security firm and yet still, today, out of 45,000 to 50,000 persons only 11,000 are precepted. What does that tell you? Close to 39,000 security officers are working in an industry that the Commissioner of Police is supposed to supervise and superintend and they are being mercilessly and savagely taken advantage of by unscrupulous employers, because of the failure of the Government of Trinidad and Tobago, first of all by the Minister of National Security and now, the Commissioner of Police. There can be no excuse in 2008 for such brutality of our citizenry by citizens who are posing as employers but they are nothing short of criminals! They pose as employers but their behaviour is tantamount to that of criminals in the way that they treat our citizens in this country. How can we sit and allow these things to take place and to continue in our country?

There is no training for these workers. There should be a standardization of training. Just as when you join the police service you go to the training centre and get a common standard of training, you should get a common set of training for your security personnel. We should establish an academy of training for that particular industry, where either the private owners or the Government and the private owners finance it. The whole recruiting process leaves a lot to be desired. It is not only the training of these officers but also the question of the recruitment of these officers. "People comin' to protect your private property and dey just came out from jail and dey give dem a gun to come and protect you and your family." You could be the next victim of banditry and criminality in the country because this Government has allowed 40,000 persons in the industry to be unprecepted and they have armed them. They have guns! Where are we going with this? It is the lives of citizens that we are playing with here and the Government takes it lightly.

I believe that unlike Sen. Dr. Lenny Saith—I want to mention something and I would talk about it later. I want to warn the Prime Minister of this country to be very careful about employing private security personnel and replacing personnel of the Special Branch and defence force to protect him. A lady called Indira Gandhi made that mistake and one morning in her garden, two Sheikhs pumped about 30 bullets in her. I warn the Prime Minister of the people of this country that no head of State and/or office simply disses his security agency. I am just making that point. I would come to that later. *[Interruption]* If it is the wrong information you would correct me at the appropriate time.

I have information that there are 90 to 100 persons called agents who are providing protection to the Prime Minister of this country, Whitehall, his residence, the diplomatic centre and they are part of his security detail. I will like the hon. Prime Minister or his agent here to tell this country whether he has employed private security agents to protect him at the expense of the police and the defence force. You will say that at the appropriate time. Tell the country! We will like to get clarification on that because it has very serious implications.

I know that in the Office of the Attorney General there is a little private security company called Innovative Technology Services Limited. A "fella" called Mr. Peter Carrington is heading that. He is providing private security for the Attorney General. It is a firm registered and incorporated under the Companies Act. We have to be careful that we do not create private armies and another Ton Ton Macoute like in Haiti or a Mongoose Gang like what we had under Papa Doc and Gairy in Grenada.

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I am advising and warning the Prime Minister not to undermine the institutions that have been created by the people of this country to protect him and his Government. Give the police the confidence that they require and do not ditch them or ditch them as we are hearing. I ask the Minister in the Senate who seems to be the proxy for the Prime Minister to respond at the appropriate time, so that we could get information on this matter.

A short while ago, my hon. friend spoke about occupational safety and health, a whole epistle on how they put into law or deal with relevant legislation, as it relates to persons who are exploited or employed by foreign firms. I am surprised that the Minister of Labour and Small and Micro Enterprise Development has 16 to 17 labour inspectors to police a workforce of close to 630,000 persons. If you have 150 in trade union you have plenty. You are talking about close to 500,000 or under 500,000 persons who have no trade union representation and they are at the mercy of the private sector employers. You have 17 persons for this whole workforce, but the Prime Minister has almost 100 private security guards for his family and he cannot provide 100 labour inspectors to ensure that workers are not exploited by those employers, whether on Frederick Street, Chaguanas or San Fernando. They are being exploited mercilessly in this country. The Government sits and fiddles while the people in this country suffer.

We have observed that the protective service agencies continue to violate the provisions of the Occupational Safety and Health Act by failing to ensure that their employees are provided with adequate and proper drinking water. Is the Minister of Labour and Small and Micro Enterprise Development aware that proper toilet facilities; clean and sanitary conditions; proper shelter and adequate lighting at night are not provided? The Government needs to do something about the safety and implementation of the Occupational Safety and Health Act.

I bring another matter to your attention as it concerns these workers. They provide cash in transit services for clients. This means that they transport the cash of client companies that sometimes amounts to millions of dollars, yet these agencies are not equipped properly to conduct such services. Who is there to monitor these people? In this country, security officers are being murdered because of the poor equipment and material with which they have to work. Who is there to monitor when you have to transport cash that it is done in an armour-plated vehicle?

2.45 p.m.

You send people in pick-ups and 4x4 vehicles that bullets can penetrate and bandits pounce on them and the rest is history. They do not care. To date, there have been 38 murders in 28 days. They are numb to people's suffering in this country. The PNM has become numb. So, Mr. Vice-President, I advise the Government to monitor these agencies to ensure that the lives and limbs of these workers are not sacrificed unnecessarily.

The hon. Minister talks about the Minimum Wages Act. I do not blame him; he has just arrived in the Ministry. I advise him that the minimum wage is used as the maximum wage in many industries and firms operating in this industry in this country and there is no one to monitor these people. Workers are afraid to speak out. They live in fear. This Government should have amended the Industrial Relations Act almost 10 years ago to ensure that workers have the right to join trade unions, even if they are in a minority position. They make it difficult for workers to join trade unions and the workers are fearful to report matters to the Ministry, fearing they may lose their job even though the rate of pay is minimal.

[MR. PRESIDENT *in the Chair*]

Some companies like KFC demand five O levels to sell chicken and chips. You must have Maths and English, so I advise that there is need to do something about the low wages and the excessively long hours that workers have been subjected to in this country.

Sometime ago there was an advertisement—I think it was under your watch before you were elevated to the lofty position you now occupy—in the *Express* dated Wednesday, June 13, 2007. The Ministry of Labour and Small and Micro Enterprise Development, of course, issued it. The headline was:

“National Minimum Wages and Terms & Conditions Relating To Security Industry Employees.”

At that time, the Ministry was advising that Legal Notice No. 88 of 2005 applied to the security industry employers and employees and went on to say that in the following areas the normal working day is eight hours. The normal working day for workers in the private security industry is eight hours. What is the Minister of Labour and Small and Micro Enterprise Development doing to ensure that employers stick to this particular legal notice? I do not think they are doing anything.

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If you go to any private security firm today and talk to any worker, they will tell you that they work 12 hours a day minimum. Some work 18, some 36 and some have worked for three consecutive days without seeing their family. This notice says eight hours a day; the normal working week is 40 hours; the normal working month is 173.33 hours; the normal working day for businesses that schedule employees to work only four days a week shall not exceed 10 hours and they go on to outline the others. Who is monitoring this? Who is making sure that these 300 private security firms are brought under “manners” to adhere to the laws of Trinidad and Tobago? You cannot have 17 inspectors in a Ministry to monitor an industry with 50,000 employees. You need more.

What is worse is that some of these companies are the financiers of the PNM, so we understand now if you scratch my back, I will scratch yours. At whose expense? At the expense of the blood, sweat and tears of the ordinary people in this country. What is taking place is unfair.

Mr. President, you were on that side at one time. I have been pleading this case since 1990. I pleaded it in 1991 when a gentleman called Alloy Lequay used to occupy Sen. The Hon. C. Enill’s chair. We raised the matter then with the hon. Minister of National Security. We moved motions to provide protection to innocent and defenceless workers and have gotten no positive response.

Some agencies demand about 266 hours of work when you are saying 173 is the maximum allowable, unless you pay overtime. Just to qualify to earn \$3,000 a month, they are saying you must work a maximum of 288 hours in some private security companies. Where is the protection for these workers? Who is protecting them? I believe that the Minister of National Security is empowered, under section 12 of the Supplemental Police Act, Chap. 15:02, to make regulations for the duties to be performed by the estate police generally and for the good order and government of the estate police. That is what he is charged with.

What has happened is that the PNM has been in power for six years; they have a new term now. I hope they will learn from their errors, but the Minister has failed the workers miserably. There are no regulations for proper order and conduct for the private security industry. There is no pension plan for the workers; no severance payment arrangement for them. Some women do not get maternity leave even though there is a law. They do not pay overtime. They do not get sick leave or casual leave, so we have a slave zone that is being buttressed and supervised by the Government of the Republic of Trinidad and Tobago. The modern slave owners are on that side of the Senate. If they were not slave owners,

why would they allow workers who are the salt of the earth and without whom we cannot have output and generate wealth to be exploited so mercilessly and shamelessly and do nothing in their defence?

In this Motion, I appeal to the Government to take it seriously. Let us move with some speed to bring about what the Motion calls for. It calls on the Government to take all necessary steps to ensure that unprecepted private security guards are not exploited by virtue of the high demand for security services. It calls on the Government to take all the necessary measures to enact the relevant legislation to establish the necessary standards and regulations that would govern the private security industry. Is that asking too much—simply to regulate and standardize the industry, to monitor the situation, to ensure that workers who give a fair day's work get a fair day's pay? Is that asking too much? Why is the Government not listening and coming to the rescue of those workers who are suffering for so long?

Mr. President, you will have read in the newspapers how many workers have been brutally slaughtered in this country. *Newsday*, page 3, Saturday, August 04, 2007: "Kiss guard shot dead..." Kiss Baking Company, one security guard called David Taylor, 45, shot dead whilst guarding a van that was transporting KISS products and his gun stolen.

"Guard gunned down in central robbery

Estate inspector Ameer Mohammed was never supposed to be on guard duty yesterday."

He was shot dead. This is *Daily Express*, page 3, dated January 05, 2007. My information is that over the last four years about 18 to 24 private security guards have been gunned down in this country. It goes on:

"HDC guard shot dead at work

Estate Constable Don Duncan lived for his children and died defending his employers at a Housing Development Corporation office yesterday.

Duncan was attacked by a thief with a gun and wrestled the weapon from him."

In the altercation he was shot dead—two bullets.

The last one I was able to retrieve is dated June 29, page 5, *Trinidad Guardian*:

"Guard gunned down

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Police launched a massive aerial and land search last night as they combed south Trinidad for three robbers who killed a security guard in cold blood, before fleeing with six bags of money.”

People are being murdered and their guns stolen and what is being done about it? I call on the hon. Minister of National Security in particular and the Government in general and I also make reference to my hon. friend who is now in charge of the Ministry of Labour and Small and Micro Enterprise Development—I hope he does not labour there without producing; I would like him to produce and leave his mark—no pun intended—when he leaves that Ministry and his first duty is to ensure protection for those unorganized workers in our country. They need protection.

I think the time has come for the Government to consider a minimum training standard for persons who are interested in becoming security guards. There should be a minimum entry qualification which should include a pass in English Language and maybe experience in numeracy. There should be some entrance proficiency exam. You cannot take people off the street and put them into a firm; they must go through some process as in the defence force. This is something that the Minister of National Security has to pay attention to. I saw in the newspapers this morning where two soldiers, 22 and 24 or 25, were found with 200 rounds of 5.56 ammunition used by the Galil rifle and other high calibre weapons.

3.00 p.m.

Where were they going with that; 200 rounds of ammunition? And the police were able to catch them in a roadblock. These are people who are placed in a position of trust.

You have seen what has happened over the last two weeks. We have found bandits wearing army uniforms and bulletproof vests. Where are they getting these things from? Bulletproof vests have gone missing in the police service. Maybe that is why the Prime Minister decided to—“but I eh support it at all.” Maybe he has his reasons, but I do not support it. I believe that the security service of our country should protect all of us, including the Prime Minister.

We on this side are advancing that the Government needs to deal with some matters urgently. They must move with expedition, in amending the Supplemental Police Act, Chap. 15:02, with specific reference to include all security officers. They must establish clear guidelines for the operation of the private security firms. They must develop specific guidelines for persons applying for permission

to operate a protective service agency. They must upgrade their regulatory mechanism. There must be provisions for comprehensive background investigation on all prospective recruits. They must establish a database—which I know has not been established, based on information reaching me, maybe the Minister can correct me if I am wrong—to store information pertaining to the private security industry. They must ensure that all security agencies are registered with the Ministry of National Security.

I have again risen in defence of the workers in the private security industry. I will always defend honest, decent, hard-working and committed employers. I will never defend criminals posing as employers and exploiting workers in this country. There must be no support for those elements. In fact, they must be rooted out and exposed.

We are supposed to have a democracy in which there must be social justice and equity for all of the citizenry of our country. Labour, in our preamble, should not be exploited. They should be properly remunerated. What is the Government doing about it? Today I have presented an opportunity once more, to the Government of this country to take action and regulate the industry; to take action and standardize the industry; to take action and protect those workers and safeguard their rights, to ensure that we have the personnel to monitor, police and supervise these companies in the industry. That is what our responsibility is as parliamentarians. We are here to pass laws to ensure peace, good order and governance of our country.

I would like to implore, appeal and cajole if it is necessary, the Government into that particular direction, where we can in fact provide dignity, decency and civility in the workplace once more. We must be able to have the agenda of decent work; of which you are aware, as the ILO has advanced and that the Ministry of Labour, Small and Micro Enterprise Development and the Government of Trinidad and Tobago has endorsed.

Mr. President, I know I have three minutes more. I started at 2.07 p.m. I would not allow you to rise. I would allow you to remain seated. I want to appeal to the Government—in the interest of the families of those workers, the people of the Republic of Trinidad and Tobago and in the interest of decency, dignity and civility—to take all the necessary steps and measures to expeditiously bring legislation, either to amend the Supplemental Police Act or to bring a new Act, which they tabled in 1995, called Security Agencies and Security Officers Bill of 1995. This was tabled by the then PNM government in 1995. What has happened

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since then? I do not know. All I am asking is that we collectively resolve, at the end of this debate, to intervene and give these workers the protection and safety they have been crying out for over the last 30 years. We have failed them. The time has come, not for anymore talk, but action on the part of the Government.

Mr. President, I beg to move.

Mr. President: Can we have a seconder?

Sen. Dr. Adesh Nanan: Mr. President, I beg to second the Motion moved by my colleague, Sen. Wade Mark and I reserve my right to speak.

Question proposed.

Sen. Professor Ramesh Deosaran: Mr. President, I consider this Motion a very relevant Motion, given the existing conditions which the society faces. It is, of course, quite useful for the workers employed in this industry. There are, of course, implications for the employers in such industry, as the last speaker clearly and quite forcefully articulated and, therefore, I will not repeat a lot of what he has said; some of it I do agree with, in terms of the conditions and the allegation of unwarranted exploitation.

I would like to refer to some experiences which these security officers have had, both in terms of their commission of certain offences themselves, but also refer to the dangers to which some of them are also exposed. I would like to move the issue into one that will be helpful, if the Government so decides to enact legislation.

I would like to see how this industry of security officers by the private sector can be used really to corroborate with the rural police and the estate constables, together with our Trinidad and Tobago Police Service, to assist in crime prevention at the community level and in addition to securing private premises, to see whether their function could stretch somewhat beyond that. In other words, I would like to make a case later on, for a triangulation amongst the rural police, the estate constable and, as I have said, if the Government so agrees to enact legislation for the private security industry sector, to bring in these private guards into that triangulation. It calls for some imagination, but I am quite sure that the Government could provide such.

Before I proceed, I wonder if you could allow me a minute to make reference to those who have served in this Independent Bench before. I would like to express our deep appreciation, at least on my own behalf and I am quite sure on those who have been here before, for the very sterling service which those

Independent Senators who have been here in the last Parliament have rendered, not only to this Parliament but the country as a whole. Some of them have chaired joint select committees, which required a tremendous amount of work, in terms of time and competence. Some of them have been members of various parliamentary committees and given that service voluntarily, diligently and consistently, in spite of a number of obstacles that were in their way. I wish to express appreciation in particular, to former Senators: Mary King who chaired one of these select committees; Parvatee Anmolsingh-Mahabir who also chaired another committee; and the other Senators on the Independent Bench who have served this country so well.

I say so for a lot of reasons. Too often we find that when the moment comes for appointing persons to the Independent Bench, there is a very peculiar enquiry as to who will be returned and who will not and casting an unfair aspersion that those who are not returned, something is wrong with them. I find that a very unfair insinuation in the public domain, especially by the press sometimes. I believe once you have served five years, that should be it and if you are invited well, perhaps, it is up to you to consider that renewed request. I am very disappointed by the kind of aspersions made on those splendid servants of the public who have been here on a previous occasion. For that reason I wish to express, as you have allowed me, our deep appreciation for their services.

Mr. President, there is a Supplemental Police Act which provides for rural and estate constables. That Act is No. 11 of 1906, almost 100 years old. I take Sen. Mark's argument, not only for a new legislative package for these private security guards but we also need a fresh, comprehensive look at that exiting legislation. The question is: Are we going to insert the required legislation for private security guards into the existing legislation, the Supplemental Police Act, or are we going to create a fresh package of legislation as we did for special reserve police? That is the first public policy hurdle that should be considered.

I will refer, of course, to Bill No. 3 of 2001, which reached Parliament in 2001—an Act to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto, by the Government of that time. I do not know how this disappearing Act takes place so frequently, that you have important pieces of legislation and it does not follow through by being approved and proclaimed in the public interest.

We have a situation with this private sector industry which—apart from hearing Sen. Mark, is my own consideration—a large part of it, is like a private sector CEPEP. It contains a lot of newly arrived immigrants who

have been all over the world and are quite vulnerable to labour exploitation. It contains a large number of school dropouts who have displayed the capacity to turn English into a second language. You cannot understand what they are telling you at the gas stations. You cannot understand what they are telling you at the restaurants. The language is so deformed.

3.15 p.m.

Mr. President, Sen. Mark mentioned how many such officers were killed in the line of duty. This could also be due to the fact that they are so untrained and unskilled in terms of handling themselves and other security aspects of their function that they are quite vulnerable and open to criminal incursions. This is quite possible, and it raises the question of training.

In this particular proposed Bill, No. 3 of 2001, which caused widespread controversy at the time, involving security establishment in the bank, private sector and disputes over licensing fees, there was a commendable recommendation in that Bill for training, as initiated and administered by the Commissioner of Police. Where have these things disappeared? Why was this initiative in 2001 not followed through in the public interest?

What do these security guards do? One would see them heavily armed, and some of them carry two or three guns. Their presence and function were brought sharply into public focus in what you would call “the Tabaquite Phenomenon”. You had four or five guards standing in the streets, prepared and instructed to defend the Tabaquite community against criminals.

The question arose, at least in my mind, what is the scope of authority these security guards really have? Is it in fact that they are participating in an exercise of vigilantism or is it an element of a neighbourhood watch group enterprise? It did raise the question.

The questions are quite obvious, because if you had standards to regulate the private sector industry, the people would know more sharply—the Attorney General would have known, the Minister of National Security would have known, the country would have known, the people in Tabaquite would have known and parliamentarians like myself would have known what the exact functions of these security guards are, and the allegation of vigilantism might, therefore, be accurate or not accurate according to the situation. We really need standards.

I also believe that the Minister missed an opportunity. I believe, as we have all taken the oath, especially as Ministers, that when you are a Minister you are a Minister of the whole country, including those constituencies which, perhaps, did

not support your political party, but after taking the oath, you become a Minister of the entire country, and you should, therefore, express your interest, concern and involvement across all constituencies. Nobody should intimidate you. In fact, you should not have the fear of entering any constituency as long as your interest, involvement and intention are in the public interest. Why do I say so?

Mr. President, this Tabaquite matter got out of hand with the security guards, perhaps because of lack of standards or, perhaps, inevitably it became too politically driven and, perhaps, to every action there is a reaction. But I believe the Minister should have seized the opportunity since security guards are involved, and since those who are precepted and are carrying arms, the commissioner has a direct role to play in terms of supervision, and that “commissioner” in that context, according to the legislation, is also accountable to the Minister.

In my view, this incident will not be an isolated phenomenon. It has already gone to Chaguanas West. I have a very disturbing feeling that the involvement of security guards in this kind of activity will spread from constituency to constituency, possibly stimulating some degree of social and civil unrest, given the inevitable political dimension to it.

I would wish to alert our distinguished Minister to preempt such eventuality and move with alacrity in neutralizing such endeavours; capitalizing on the public willingness to involve themselves in crime prevention; and then as a capable Minister to mobilize the community behind the legitimate forces of the country. In essence, that is dynamic community policing, in this case, initiated by a Minister of Government and properly so, because that is part of his role, especially if he is accompanied by the Commissioner of Police, because nobody could and nobody should stop him. He will be going there at the request of a community that sees itself in distress, and that kind of action and intervention will build the creditability, not only of the Minister himself, but of the Government responding to a national issue in a very public interest manner. Yesterday was Tabaquite, today is Chaguanas and I am afraid of what will happen in the future, especially since security guards are involved.

That action and the way it was configured hit the public like lightning. In the Government quarters and in the police service there were accusations of vigilantism. In defence, the Member for Tabaquite and his supporters said that it was not, and it was an exercise using security guards just as the Prime Minister did, and any other private entity is supposed to do in defence of their safety. We

need to have that matter cleared up immediately or as soon as possible because of imminent dangers in having such initiative getting out of hand. We cannot continue shooting from the hip, or shooting first and asking questions after with public safety and, especially, with the involvement of private security guards.

Mr. President, there was a letter that caught my attention today on page 24 of in the *Trinidad Guardian* written by one David Ragobar. It speaks about the admission by the Minister of certain failures by the Government in dealing with crime, but the paragraph that attracted my attention contains something that some of us, particularly myself, have been pleading with this Parliament over the years to look at, and that is the system of accountability.

There has to be a refurbished determination for the Government, its agencies and, in particular, respective Ministers to be accountable. The letter writer asked:

“At what point after implementing a plan should it be reviewed for effectiveness and relevance? If a battle is being waged against crime, at what point does the commander determine that changes are required?”

Who exactly are the advisers and experts that are developing the plans and who is assessing and analysing the outcomes? While the minister has the responsibility, others supposedly have the expertise.”

Without belabouring the point, the letter writer was saying that when things have failed, somebody should be accountable. Crime has gotten out of hand in certain districts in this country, and yet no one has been called to account. I find that is a violation of the spirit of the Westminster system of government. This is a violation of the Westminster system of government.

Mr. President, the Supplemental Police Act does give the Minister and the Commissioner of Police widespread powers to heal, prevent and control crime across the country. Sections 2, 3, 7, 8 and 12 in the regulations, for example, provide for the Minister and the Commissioner of Police to use these rural and estate constables to heal the fears of these various communities. Do not wait until things reach a crisis that it could be exploited for any kind of political gain, if that is the case. I think the Minister and his agencies have enough room to preempt any runaway endeavours that may confuse the public more than really solve the immediate problem.

Even in the Act itself, sections 4, 5, 7, 14, 15, 29 and 31 do give the Minister extensive powers which compel me to make the point. Even in existing conditions, whereas you may want to regularize the security industry, there are

many provisions in existing regulations that can be used, and are not used for a vibrant community policing programme across the country so as to preempt public fear from getting out of hand.

I would implore the Minister and the Commissioner of Police, with great respect, to examine these provisions and see how they could activate them under the general rubric of community policing, to which I would come in a short while.

Mr. President, let me just refer to section 7 of the Act itself just to consolidate my point and it says:

“Their power and authority under this Act shall extend throughout the division to which they are appointed;”

I would like to ask, while we are dealing with security officers, in this context: What has happened to the establishment functions of these rural police? It continues:

“the Estate Police employed on any estate or by a protective service agency...shall have the power and authority of members of the Police Service...”

So, you are really talking about a supplemental police service. How are they used in the fight against crime? We have to rely so heavily on a depleted force in the Trinidad and Tobago Police Service. This is what I meant by the triangulation of the resources that we have.

If we are moving into legislation, do not only look at the establishment of the private security guards as a separate establishment, but revisit the existing legislation and come up with a more creative piece of legislation that will involve the private security guards, alongside the rural police and the estate constables. Do not tell me that the legislation prohibits it. Change the legislation! Let the private sector people understand that the security guards that they hire should also have a role not only to protect the narrow private premises, but to have a look at the streets and the districts nearby in collaboration with the other agencies I have mentioned.

Even in reviewing the existing Act, so as to move forward with this appeal for legislation for the private security sector, we have to examine the breaches, gaps and deficiencies in the existing legislation, particularly the Supplemental Police Act.

When one looks at section 8 it is astounding. In a piece of legislation established as far back as 1906, the appointment of constables in the supplemental police sector, one only has to be over 18 years, able-bodied and of good character.

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No skill, no relevant competence; no idea about their judgment, their vigilance and their aptitude. And that is what compels me to refer to their vulnerability to getting killed and attacked, possibly because of the lack of appropriate skills in defending themselves, and notably too, they also have the power and authority of members of the police service in respect of all offences committed throughout the division in which the estate—estate here means private property too, buildings and matters of that kind.

3.30 p.m.

There are a lot of pieces of legislation and laws which need to be activated or revised before jumping into another legislative excursion, if only for avoiding the mistake that we made in the original Acts. I am asking when last did the Minister upgrade these things, as he is expected to do under section 12? It says that the Minister is required to make regulations, the training and discipline of the rural police; the good order and government of the rural and estate police.

If these things were done, I do not believe that we would have had such a crisis with private security, as explained by Sen. Mark and known to many of us. Even when these rural police and estate police officers under the Supplemental Police Act—and I hope it will not be the case with the private security guards, if the required legislation is enacted—break rules, indiscipline, their deficiency in duty and breaches of that kind; this is a joke for Tommy Joseph really. If they commit any such breach of any of the regulations, their punishment will be a fine of not exceeding \$100; that is just two "doubles" and a soft drink. Thereby making sanction, which is a requirement for discipline, especially as Sen. Mark described it, "a quasi-military force", is really an astounding piece of humour in this day and age.

Further on, there is a list of duties that are also required, section 13, and here too the fine could not exceed \$5. So, you have three categories of punishment, a fine not exceeding \$5, reduction in grant or you can be dismissed. This is a bigger joke than the one with a \$100. I am therefore making the plea by looking to these dramatic examples, for a revision of the existing legislation in such a way so as to accommodate the fresh insights that we have before running into legislation for private security guards. I hope we do not hear another narrative when all these responsibilities come the way of our hon. Minister for him to say that the job is too big and he did not understand the complexity of the responsibility. That just will not wash anymore.

It is of course uncomfortable, I know that, we all know that. One of the most uncomfortable aspects of being a minister of Government is the imperative for accountability. That is what the Parliament is about. The Minister is a nice gentleman, with good intentions, but at the same time, whether it is he or anybody else; whether it is Sen. the Hon. Rennie Dumas; I am saying so because in the ruling party there are a number of young Members of Parliament and the more quickly they understand they have to learn to answer questions robustly in the Parliament, and the more quickly they understand they have to come to account—If you cannot fulfil those Westminster imperatives, you better go and open a parlor somewhere else and do not come to Parliament. It is not always a pleasant exercise; it is a necessary one, and that is what we are engaged in here, because even those who ask for accountability in this area of security and the hiring and conditions for private security, we ourselves who ask for accountability, do not find it a pleasant task, but it would be remiss of us if we do otherwise.

Mr. President, the selection is critical. In 2001, when this Bill was about to be brought to Parliament for a full debate—the Bill I just alluded to in 2002—many senior officers in the police service put it to the Government that the selection process for hiring security guards is a critical step. I therefore want to refer to some of the sins of commission and the crimes that so many of these security guards commit. It is astounding that they carry the name security guards.

In the *Newsday*—I have a number of incidents here, both from the court documents and the newspapers. I will not recite all of them; I will just be selective to establish my concern. The *Newsday*, October 28, 2001, page 7. The headline was: "Security guard held with weed". This is not an isolated case; there are a number of incidents similar to this one. It says:

"A security guard was arrested yesterday after Matura police searched a bag that he was carrying and found more than three pounds of compressed marijuana..."

This other one in the *Express*, Monday, July 23, 2001:

"The manager of the security company and an employee were charged for having firearms illegally."

That is a point that Sen. Mark was referring to. I will not call the name of the company, neither will I call the owner and employee; all those details are of course given in this story. It continues:

"A security guard on \$25,000 bail for committing arson."

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Apparently burning down the business house he was supposed to protect. So when you think as these and many more such incidents indicate, you are hiring a security guard to protect your premises and to look after your safety, you would have found that some of them are the biggest culprits. And in my view, as I have heard so many people say, when you lose anything as a private company, you better start thinking first whether it is an inside job, as many banks have learnt to their astonishment.

Training, vigilance, standards, I think that is what is needed. Sanctions and the selection process are very critical. It is true that these security guards work many long hours without interruption because of the pressure from the employer, but there is a risk. If you leave your home for two days on a stretch—This security guard left his home for working long hours. This was in the *Newsday*, July, 30, 2001, page 7. This security guard came home after long hours and when he opened the door, he found another man with his wife at bed. The wife said she did not think he was coming back so quickly and it led to a murder. Of course, I do not have to tell you who killed who in these circumstances. And that could be attributed, to some extent, to the working conditions. If he were home on time perhaps, the temptation would not have arisen in the mind of the spouse.

A security guard robs a store he was supposed to protect; *Newsday* again, December 29, 2001. There are other more recent stories which bring us up-to-date. So when he was found guilty he told the magistrate, "I did not have a cent for Christmas because of the low wages", Devon Modeste, age 20, a security guard explained to the magistrate.

Mr. President, it goes on. "Security man in court for ammunition charge"; "Guards charged after \$.2 million stolen from business place"; "Guard gets four years jail for trafficking". It goes on and on and on. Standards are required; sanctions are required and it cannot any longer be a free-for-all, having these recently arrived immigrants who cannot speak English well; school dropouts. In other words, it cannot just be a labour intensive industry without proper quality checks. The dangers are too serious, both for public safety and the property of the private businessmen themselves.

Sen. Mark did make another interesting reference, serious one as well. There is also the dangers that these security guards face. This is a story of another incident from the *Daily Express*, November 23, 2003. This guard while on duty

was stabbed in the back when he stopped a man for shoplifting at the NP Quik Shoppe at Morvant Junction. This one, *Daily Express*, November 01, 2003:

"Security guard chopped to death while working the graveyard shift at a foreign used car dealership."

There are many, many such incidents; "security guard robbed and raped"; "shooting in Sando; Security guard bandit shot in early morning robbery"; "guard gunned down while on duty" and so on.

I believe Sen. Mark does not have to do much to convince the Government, neither do I wish to do much more, except to try and see if we could move this industry forward either through legislation or through regulation, accompanied by legislation, but some form of triangulation. Take the question of gangs for example, in the existing legislation, the role of rural police and estate constables—and I hope as I am trying to persuade the expanded role of the private security guard—should be gathering intelligence for the Trinidad and Tobago Police Force and its related intelligence agencies, by the strategic agency services and so on. Because gangs are going to penetrate almost all parts of the country in the next year or two. They have already started settling down and creating a culture of violence and intimidation in certain fixed spots, whether you call the spots hotspots or whatever you call them.

Gangs can be quite epidemic because they are very attractive to young people, especially young males who have a tendency for adventurism, taking risk to demonstrate their toughness and their rank among their peers; a technique for attracting the members of the opposite sex too. It is an easy way to make money; it gives them a sense of identity as misguided as it is. All these factors converge to make gangs a very attractive institution for young people. But you know when the gangs are being formed; you have certain signs and I think the private security guards by the way they are located and what their duties are, just like the rural police and the estate constables, could enhance the intelligence network for the protective services as a whole.

3.45 p.m.

Two years ago or so the Minister told us there were 66 gangs, I think last week he said there were now 86 gangs. I am tempted to ask as I might ask in a more formal way, who collected this information? Is it from the police? Is it from Mastrofki and partners? Is it the strategic agencies, and how did they know when a gang is a gang? By the number of people? By the acts they commit? If you

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found out that there is a gang because of the criteria of having committed a crime, why did you not arrest them and diminish the numbers from 66 to 36, rather than having it moved from 66 to 86? If they are known gangs—and this is what puzzles me and the national community; but I am quite sure the Minister would have an explanation as to what is a gang and how he knows it is a gang; because I will tell you.

I have a feeling that these figures were given to the Minister by somebody from the Mastrosfki team, and entering there is a place I never wanted to go, but I think too much is being done against the public interest and I cannot stand idly by anymore, as a professional in this area of some kind, and see my beloved country becoming misguided as it seems to be under the hands of this Mastrosfki team, and I will elucidate in a short while. Not only misguided, it is about the most expensive enterprise under the Government hand today in terms of the sums of money spent alongside the results, and you were telling me three/four years ago that the transformation had begun. The only transformation we are seeing is how the criminals are transforming this country into a frightened den of iniquity.

So we have to straighten up and if you do not face the facts and you keep on deluding yourself—we are hoping for this and we are putting this in place—whilst you are saying so it is not very fair in the public interest, especially when so much taxpayers' money is being used. If you are going into private security guard, please keep these things in mind, and there are other things you can do apart from spending so much money by chasing what seem to be ghosts. A member of the Mastrosfki team in a paper given—

Mr. President: Excuse me, Senator, I would be obliged if you could make some nexus between that issue and the Motion at hand.

Sen. Prof. R. Deosaran: That is why I said that the use of the security guard would be to gather intelligence to dampen the formation of gangs by providing intelligence. Is that satisfactory or—[*Laughter*] If it is satisfactory I would feel assured, but—

Mr. President: Let us see how it develops.

Sen. Prof. R. Deosaran: It has developed already, I would suppose, but I take the hint. I am merely encouraging the Minister to take another look at this phenomenon, and we have the ammunition, ammunition as it were in terms of the legislation and in terms of the personnel. And if we are speaking about adding security guards to this portfolio, I am saying that one of their roles as exist in existing legislation should be to gather intelligence for the protective services,

because this member of this Mastrofki team said it is 95 gangs not 86. She did the research in Trinidad at Government's expense, 95 gangs, over 80 per cent were afro-Trinidadians and so on.

So it is a matter of some concern, because, Mr. President, security guards also have a community function for the private industry and I am making a policy case. The policy must precede the legislation. Any future legislation governing security guards must be broadened so as to assist in community policing. If, for example, community policing is an abandoned project by the Government and the police, well, then my concern is perhaps irrelevant, but I am assuming that community policing and the safety of our communities could be enhanced by the presence of security guards.

Mr. President: Hon. Senators, the speaking time of the Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. B. Ali*]

Question put and agreed to.

Sen. Prof. R. Deosaran: Thank you, Mr. President, and let me assure you I am taking your hint in mind. I do not want to stick to the narrow sterile part of just looking at conditions and salaries for security guards. I want to see how this can bring wider benefit to a very distressed national community and I believe that is quite a relevant matter in today's circumstances.

If community policing is not a policy because—I read something by Mastrofski, interviewed by Irene Medina, which had the police service confused as to whether they are coming or going with community policing. That matter needs to be cleared up. I mean, he is confusing the whole Trinidad and Tobago Police Service from what they have been telling me week after week. They do not know if they are going or they are coming. He mentioned two projects here in the interview which, perhaps I would say at another time, is a kind of plagiarism now being involved in what he is doing, because those proposals he has given to the Government came from a university seven or eight years ago. I am going to pursue an enquiry that would suggest, if at all possible, that some kind of plagiarism or duplicity and a violation of intellectual property is taking place and we need to get that cleared up.

So all in all, I think the matter of having private security guards is a necessary one and I think it is a mistake to have allowed the matter to lapse for so long, both

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by the previous administration in 2001 and as we are witnessing by this present Government.

I think the Minister already has the formula but I would encourage him to revisit that formula and not to stick to the straight and narrow path of hiring private security guards as just ordinary employees to guard certain premises. Revisit it and see how it can be triangulated to fit into a broader spectrum of service to the community, and I said, to provide some relief to the affected communities in which these premises are located, especially taking part in community policing.

So I find Sen. Mark's initiative a welcome one. It is a message to the Government and I hope the hon. Minister and his Government take it up with an expeditiousness that is required in the public interest.

Thank you very much, Mr. President.

The Minister of Labour and Small and Micro Enterprise Development (Hon. Rennie Dumas): Mr. President, I would just like to say thanks for accommodating this, hopefully humble, relevant response to a Motion which, on reading, I am quite perplexed as to exactly whether the statement of the Motion is reflected at all in the contribution of the mover of the Motion. Of course, I will make sure that I behave myself and say nothing at all about how it felt in the extremity of the triangulation that was exposed to us as he spoke to the Motion.

I cannot understand how we can start from a Motion that is worded: "*Whereas* there exists in Trinidad and Tobago a privately run security industry..." to what seems to be developing into a debate on crime and crime management techniques and the scholarship of crime management, et cetera, where we seem to be going.

But again as a guest, Mr. President, I think I just have to trump and follow suit.

Sen. Dr. Saith: Yes, you are a guest. [*Laughter*]

Hon. R. Dumas: If you are in Rome then you got to follow it. As I say that, Mr. President, allow me to congratulate you on your ascension to that position, and of course to congratulate all my colleagues from the last Parliament, Professor, Senator, Senator. [*Points to the Senators*]

Sen. Joseph: And Sen. Mark too.

Hon. R. Dumas: And of course to welcome Sen. Mark back to that Chair [*Laughter*] and of course Dr. Jones-Kernahan.

We suggested that Sen. Mark would survive all of this. He did. *[Laughter]* I would like to congratulate him once more for taking charge of the responsibility on that side. But some of his old tricks persist, so we will come to that. I would like to congratulate all Members on this side for agreeing that I could stand and represent the Government on this matter. First, we start with the first line of—

Mr. President: Excuse me, Minister. I would be happy if you would not refer to “tricks” on the part of any Senator here. I think that all Senators here are acting truthfully and honestly. That is what they are sworn to do, and we must at all times preserve and protect the character of all Senators. *[Desk thumping]*

Hon. R. Dumas: Mr. President, of course I will take note of the style rather than the tricks of the worthy Senator here.

In the first case, the insistence that there are 50,000 security guards who are unprecepted will find no support in any study, any census or any way of counting that we have. I think 50,000 is an attempt to enlargen the number and therefore, is running us down a road that, maybe, we should reconsider. Certainly, the question that says that these unprecepted security officers are required to work under conditions that treat with OSH and in the rate of pay, the length of hours, the protection of the rights and exploitation, the question of standards and regulations to govern the private security industry, hardly seems to lend itself to the arguments with which we were faced.

I would like to start by saying from the outset that the Government really expected the type of triangulation that we are all so advised by the goodly Professor we should seek. We thought that we would be able to come to this Table and agree that there are issues in which the working conditions of employees of various security services, the conditions under which they work and the management of those conditions, could bear some scrutiny and could be resolved in certain ways using some public processes to which we could have all contributed. Because we know that Sen. Mark is peeping over our shoulders.

4.00 p.m.

We know that Sen. Mark is aware that the Government has met with the representatives of the security agencies and representatives of one group of security guards; he is aware that the legislation is in review and that the processes are all in place, so that when the argument comes that the Government should proceed, what he is saying is that the Government should continue to proceed. He

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is aware that the legislation required cannot be patchwork legislation. The legislation to treat with the relevant terms and conditions of workers in the security services requires significant review. But in seeking to be the champion of the working class and making those wild allegations against the integrity of this Government in treating with labour, Sen. Mark, I think, went over board and overstated his case. The reality is the Government cannot come to this Senate with legislation without appropriate consultation.

The Government will be accused of bringing its own picture of the world to this Parliament, and certainly, if you are treating with legislation of the type of which we speak, we must know and bring to the Parliament, the conversation that the country is having with the employers on the question of terms and conditions of service for the employees relevant, as well as the means by which these agencies are to be regulated. And certainly, to suggest that given the new set of conditions under which we operate, the discussions of last year can guide the discussions of this year in the legislative process, is not to take into account the relevance that we must give to change.

Mr. President, what exactly are we asked to address? The mover of the Motion speaks to unprecepted guards in privately-run agencies in the security industry and the terms and conditions of employment in the context of the country's legislative and institutional framework. In that context, what do we mean by the private security agencies? Currently, the private security industry is addressed under the Supplemental Police Act, Chap. 15:02, which defines a protective service agency as a body corporate registered under the Companies Act, whose principal object is the protection of persons and property by providing guards and escorts and approved for that purpose by the Minister responsible for national security.

The Act defines who is a constable and it speaks about members of supplemental bodies of police established under section 3. Then it speaks about persons appointed as special constables under section 29.

Section 3 speaks to estate police and rural police; while section 29 provides for a Justice of the Peace to appoint by precept, any person to be a special constable for the preservation of peace and protection of property in the event of riot or unlawful assembly.

Mr. President, if we stop there to take note of an argument that was made by the mover of the Motion, and we take note by putting that together with the statement that was made by the goodly Professor Senator, when he suggested that

policy must precede legislation—and I take it that all things have to be put into context. I note that I saw a picture in the newspaper in which the mover of the Motion was accompanied by three other persons, walking through streets of this country with guns, and I add to that the fact that this Motion is not a spontaneous activity that happened today. I am suggesting to you that there is a deliberate set of activities that join the haste to face this present administration with that discussion, as to exactly how we could manage security organizations with the promulgation of guns on the streets of Trinidad and Tobago.

Sen. Mark. Mr. President, on a point of order. Section 35(6), improper motives, Sir. I was never on any street, Sir, with guns and I think it is highly dangerous the road that he is going on. So I would like you to rule because he is imputing improper motives, that I was walking through streets with guns. I was not in that, Sir.

Mr. President: Well, I do not think that is an improper motive. I do not see that there is anything wrong in that action. If it is that you dispute the facts, you can certainly have an opportunity to deal with that at some other time, but as you know, there is not much that we can do if he is misleading the Senate; you can have one of your colleagues try to deal with that at some other point.

Hon. R. Dumas: Mr. President, if the mover of the Motion assures this country that he is not willing to walk through the streets of Trinidad and Tobago bearing arms or supporting those who bear arms, I would gladly correct myself. I will then say that maybe the issue is, that given the linkage of the statements in support of the Motion with other statements that spoke to the question of political management of the carriage of guns as mongoose gangs, and employment of guns for political purposes, maybe he is making sure that in the administration of proper procedure, we protect him from some of his colleagues in his party who are doing the same. If he is willing to accept that interpretation, then I have no problem.

Mr. President, policy must precede action and when policy precedes action and we recognize the action, I think we have no problem. The mover of the Motion speaks to context, the context that we see in terms of the management. The mover of the Motion then goes on to say that these security firms are owned by financiers of the party of the Government. I go to my list of registered companies that own security firms and I see SWAT and I ask who is the owner of SWAT? Is the owner of SWAT one who finances the party of which he is the Leader of the Senate? I am suggesting that maybe what is known about the activities within the party of which he comes, he then seeks to transfer it to this

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lofty party, 50-year-old party that forms the Government of Trinidad and Tobago. I want to assure the goodly Senator that this party does not stand by any employer who abuses the workers of this country for the purpose of getting into office. We have never needed to and we never will need to stand with employers who abuse the workers of this country. [*Desk thumping*]

The history of this country will show that the industrial relations framework that serves the workers of this country has been put in place by this party of which this Government emerges. The context that suggests that things are happening in the country now, that includes and involves the provision of security services for the purpose of protecting property, as if it is a modern phenomena; a phenomena of this administration in this term, the lie is told to that when we examine the fact that these laws that we are told we need to update, long precedes the coming into existence of this administration. Therefore, the reason the private security firms have come into being cannot be the context of the present development programme of this Government.

The development programme of this Government has sold itself as demonstratively clear. It speaks to growth; it speaks to the greater access of all workers in this country, all classifications of workers in this country to an enhanced quality of life; to an increase in income, and to an increasing flow of benefits that improves the quality of the lives of the workers of this country. That is the reality over the last 20 years. And if we must take any credit for non-action, I think we should also be given the credit for the activities of governance that have led to the unprecedented growth, to the development and benefits which our country enjoys at this moment, and in particular, the workers.

Mr. President, on that note, and in the full spirit of fair exchange, because we took some chiding when we were told that we must stand and account in the context of making sure we deliver on interest, on concern and on involvement in public policy in the public interest, nothing could be better said. Therefore, when we come to speak to the question that has been asked in the Motion, we come with interest; we come with concern; and we come to demonstrate involvement in the public interest on these matters and it is in that context, we can suggest that the Government is not guilty when it is charged with not providing a regulatory framework for treating with the problems of unprecepted officers.

The Supplemental Police Act sets out comprehensive standards of operations with regard to appointment and promotion of constables; the powers and duties of constables; the issue of resignations; the remuneration; the authority and

disciplinary procedures relating to supplemental police bodies. The Act calls for the Commissioner of Police to have the command and superintendence of supplemental police, and speaks to him being responsible to the Minister and the question of making regulations, et cetera. Yes, the Act speaks to the Minister ensuring through the Commissioner of Police.

4.15 p.m.

I remember in the discussions across the table, this Government was told quite clearly that in making rules, regulations and laws for management of the police, the one feature that should emerge is the total independence of the Commissioner and the total independence of the Government from appointing the Commissioner and from regulating his actions. That is something that the Minister should have no role in.

I remember one goodly Senator saying that the direct control of public authorities should not be a matter for ministers of Government, and while every minister would want to stand and be accountable and responsible, he should do so through an agency and that we should hold the agency's leading public authorities responsible for their actions. We cannot have both.

We cannot have a situation in which you say that the minister shall not, and then you come and say that the minister shall. You cannot be so eager to jump on the failure of the minister, when you know that the active agent is the leader of the police system. [*Crosstalk*]

Sen. Mark: That is a "duck and run".

Hon. R. Dumas: I am not ducking anywhere. [*Crosstalk*]

Mr. President, the reality is that there is no blame falling to the Commissioner of Police, because we can assert that he has, in fact, established a regulatory mechanism in which the private security industry is being monitored. The Senator said that he was not aware of the database. I really want to know if the Senator expected that he would have the database that was being used by the Commissioner of Police to monitor.

Sen. Mark: Has it been established?

Hon. R. Dumas: Yes, the regulatory system has been established. I heard the Senator say that he would refer extensively to notes. He was reading data which came from one report. I was tempted to say that if I was a Member here I would ask him which report he was really quoting from. The data all came from the

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same report. [*Crosstalk*] He could tell us what the report said; that the companies employed 45,000 persons; he said he knew that. He had this number wrong, but he said that he knew there currently existed 300 private security agencies and that just about 11,000 of those persons were precepted. He knew that his number of 50,000 was not correct.

Sen. Seetahal SC: Mr. President, which report is the Minister referring to? I am hearing about he knows; he may know, but I do not and I will like to know.

Hon. R. Dumas: Unfortunately the goodly Senator spent some time outside, so all the figures I am using were provided by Sen. Mark. I was just saying that his figures were so consistent that he must have been reading from a report. [*Crosstalk*]

Sen. Dr. Kernahan: That was not what you said. You said that he was reading from the same report. You are misleading the House.

Hon. R. Dumas: Mr. President, I repeat my statement which said that the figures were so consistent and they flowed so smoothly, that all must have been coming from one report.

Hon. Senators: Oooh good!

Sen. Dr. Kernahan: "Yuh hear lie; that is lie." [*Laughter*] [*Crosstalk*]

Hon. R. Dumas: The commissioner has established a regulatory mechanism. It is not correct to say that he has not established a database or a regulatory mechanism. The promises made by the Minister of National Security in 2006 are already bearing fruit and are already in the system. [*Crosstalk*]

Mr. President, the Minister of National Security has a statutory responsibility and he has seen it prudent to develop guidelines for persons applying for permission to operate a protective service agency. The application has a prescribed form which is now available. I am sure that any individual who wishes to apply to run a security firm will find that he has to fill out the prescribed form. This form is then forwarded to the Commissioner of Police who conducts enquiries on the suitability of the company and its executive.

The guidelines set a high standard to ensure that persons who are at the helm of these private security agencies are knowledgeable in the area of private security and are capable or likely to run a legitimate business. Therefore, it is again doubly startling to hear that these owners and managers of more than 300 businesses in Trinidad and Tobago are criminals. [*Interruption*]

Sen. Mark: I never said that. I thought when you went downstairs you would have become more truthful, but you continue to lie. [*Crosstalk*]

Hon. R. Dumas: Mr. President, I wish that all words were as well regulated as mine.

Sen. Mark: I never said what you said.

Hon. R. Dumas: We sat in this Chamber and heard—[*Interruption*]

Sen. Mark: I said that I did not support persons who were exploiting workers.

Hon. R. Dumas: Some of the prerequisites on the application form include a certificate of good character with respect to each director, as senior executive officer of the agency; a certificate of registration from the Registrar of Companies; a certificate from an insurance company certifying that the agency has a valid public liability insurance policy; a certificate from an insurance company endorsing that there is in force a policy of insurance indemnifying the agency against the full amount of the liability in respect of an injury, and a certificate from the National Insurance Board that the agency is registered as an employer. Based on the commissioner's recommendation, the Ministry of National Security would approve or reject the application. Another relevant piece of legislation that ensures the basic level of welfare of the private security officers is the Minimum Wages Act, Chap. 88:04. The impression was given that these firms were "fly by night" entities and that only exploiters of labour make up the list of employers.

The list of employers includes the University of the West Indies, RBTT and TSTT, some of the major organizations running businesses in this country. [*Interruption*]

Sen. Mark: Registered firms?

Hon. R. Dumas: I am asking if we are to put a broad brush against all these firms that are registered.

Sen. Mark: Who is doing that? He is not flowing. He is making a lazy contribution. [*Laughter*] He is not making sense.

Hon. R. Dumas: Mr. President, I have the choice of defending myself or being defended, which one should I adopt? [*Laughter*]

Mr. President: If you would simply address me, you would stay out of trouble; just talk to me; do not listen to anybody. [*Laughter*]

Hon. R. Dumas: I just wanted to know. I am a guest here, so I want to make sure that I do not break the rules.

Sen. Mark: Something wrong Stretch; you are not flowing.

Hon. R. Dumas: Mr. President, the Minimum Wages Act aims at providing minimum wages, terms and conditions for all workers in Trinidad and Tobago, including security officers. It is a well-known Act; the Orders are well established. In the earlier part of this sitting in answer to question No. 3, we outlined a number of benefits that come from this Act.

When we tried to put things into context as to how labour was managed in Trinidad and Tobago, we recognized that we had three possible situations. We have a situation in which we assume that a group of workers are disadvantaged in their relationship to the employer and, therefore, we are putting minimum levels; this is one case. Another case exists in which we agree that these workers can so organize themselves that as a body they can face the employer or a group of employers and ensure that the working conditions are appropriate.

Another situation is one in which they can form themselves into unions and associations, or in which if they exist in unions and associations, they can seek to represent them by making sure that there is identification of a bargaining unit and recognition of the organization to treat with the body of workers. But somehow this is all forgotten and the workers seem to be helpless, although they constitute a large number. They are not encouraged to form organizations. They are not encouraged to organize themselves. [*Crosstalk*] Nor do the unions take the responsibility to organize these workers.

I would want to suggest that the philosophy we exist by, the one which we place fully, in terms of the management of the labour market and the labour force, is that we encourage the workers to organize themselves; we encourage the workers to represent themselves.

This Government is guilty of concluding more than 100 pieces of labour contracts with different organizations in all the companies which the Government has a part, is a majority owner or the sole owner. That is our philosophy. When we recognized that in a situation where you are continually improving the lot of your people and you have this group of persons, we expect some triangulation. We expect the unions to work on this matter, as we will work on the minimum wages, but we also expect that there will be a dialogue between the workers and the employers.

When the subsistent Minimum Wages Order 2005 was enacted, do you know what problems we had? When the Government in its last budget suggested that the minimum wage should move upwards, by a very small amount, \$1, which, of course, constituted a change, the objection to that came from some of the very people who are now proposing that we should intervene here again. We want to ensure that we bring the living standards of the workers, which is now under reference are the security officers, upwards.

I noticed that the mover of the Motion was reading the public interpretation of the Minimum Wages Order that was published in November. [*Interruption*] You know that the Ministry stepped in and identified to the industry what were the minimum terms, and that, therefore, eight hours would constitute the rule; 12 hours would constitute your allowed overtime and you should pay your overtime rates, and you should not have persons working for more than 12 hours.

We would remember that the very workers raised a problem; we would remember that the employers raised a problem, and a consultative process was begun. We suggested that consultative process continue. [*Interruption*]

Mr. President: Senator, at this point we will take the tea break. We will come back at 5 o'clock. This sitting is now suspended.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. R. Dumas: Mr. President, we were just pointing out before we took the break that what we were doing is coming to the table to speak to the terms and conditions of service of all the workers in Trinidad and Tobago including security officers. We were pointing out that the advisory that was put to the public laid out how the minimum wage ought to be applied to the security officers, and urged the compliance with the Act and the Orders, and when in June the ministry saw it necessary to publish the notice, it was because workers had pointed out that they were meeting some challenges in having the Order implemented.

I am pleased to say that the effort to ensure compliance with the employers saw some results and while we are not happy with it, we are able to note that discussions have occurred. We went on to point out that consultations and discussions were held with the Estate Police Association as well as the Association of Private Security Firms, all with a view to improving the legislation and to reinforcing the rights and benefits to which private security employees are entitled.

Private Security Industry
[HON. R. DUMAS]

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The latest position with that matter is that both groups have been requested to make appropriate recommendations to the Ministry of Labour and Small and Micro Enterprise Development and these suggestions are now awaited. Of course, the ministry is also relooking its policy in the specific provisions of the law on the Minimum Wages Order as relevant.

At the time, the Minister of National Security had pointed out that this was a collaborative effort between the Chief Parliamentary Counsel, the Attorney General, the Ministry of Labour and Small and Micro Enterprise Development, and, of course, the Ministry of National Security.

Mr. President, there was another wild allegation that I think we must also state for the record. The goodly Senator called me “the proxy”, so let “the proxy” put on record what the reality is. The Prime Minister’s personal security is provided by the Special Branch of the Police Service. There is an Executive Security Service that has been created in the Office of the Prime Minister which treats with the security at the compound of the Prime Minister’s residence. This unit does not belong to any private security firm, but is composed of specially trained security personnel who are hired by the Office of the Prime Minister. This security unit is not the subject of any tendering or private arrangement, the unit was created by, and reports to the Office of the Prime Minister under suitably qualified contracted security personnel. [*Crosstalk*]

Mr. President, these are wild allegations that seek to impute improper motives of other people. He must not do that, he knows better. [*Interruption*]

Mr. President, there was this allegation that this administration has no respect for women's rights. We could look around and know there is a difference between this and other parties when there are other levels of representation in the House.

The issue of the maternity leave—and the Maternity Protection Act of 1998 provides a minimum level of maternity benefit. We have gone to great extent to have the public understand that there is a unit in the ministry within the Labour Inspectorate that treats with issues of this kind and we in the ministry are quite avid that any report that suggests that an employer is seeking to dismiss a worker because of maternity issues, et cetera, has the full protection of the ministry. That is something in which we put special resource.

There is the question of the private security firm deciding to wind up. Previously the security officers would not have enjoyed the benefit of the Severance Act, but we now have a procedure to be followed in the event of redundancy that provides for severance pay to retrenched workers including

dealing with the method of calculation. This is one case in which the security officer is not discharged as a worker under the Industrial Relations Act (IRA) but a case in which the individual has access to the Industrial Court on the matter of severance, and that is one that is followed closely.

When one looks at the legislation, I think the two previous speakers did not notice that the Estate Police Association has a special status under the rules and the argument that arises is what is the role of the Estate Police Association and how its role and function can be widened to include the unprecepted security officers, and this is one area in which the change could be wrought and which we can trade with dispute as going on to the Industrial Court because the Estate Police Association is specifically debarred from acting as a trade union but can act as an association under specific rules. Our argument for the draft legislation is that you must get the policy right, and you cannot come to the Parliament without some concurrence, and full consultation with both the workers involved and the employers.

Mr. President, it is quite interesting to know that some time within the last 10 years, other people had responsibility for this and they did not do their work either, we are now doing it. So let us understand that we stand on this point, this place and we are going forward.

We came here Tuesday after Tuesday for the last year and every Tuesday we had legislation; the legislative agenda was being pushed forward and we were bringing laws that benefited the population of Trinidad and Tobago. I just want to thank you for allowing me to contribute to this Motion and to ensure that I do not overstay my welcome as a guest.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Tuesday, February 12, 2008 at 1.30 p.m., when it is our intention to complete the debate on the Copyright (Amdt.) Bill and also to debate and complete the Legal Profession (Amdt.) Bill, 1986.

Mr. President: Hon. Senators, leave has been granted for a matter to be raised on the Motion for the Adjournment of the Senate by Sen. Wade Mark.

Sen. Mark: [*Inaudible*]

Mr. President: Sen. Mark, there is an Order Paper and there is a procedure for doing things and we will conform to the Standing Orders and deal with the matters to be raised. You may see me in my Chamber later. Please start.

Adjournment

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Sen. Mark: Mr. President, which one do you suggest that I deal with?

Mr. President: Well, the Minister of Social Development is here.

Sen. Mark: Mr. President, I will certainly see you in your Chamber at some point in time.

Distribution of Senior Citizens Grant (Perceived Discrimination)

Sen. Wade Mark: Mr. President, the Motion I have on the Order Paper here, deals with the perceived—and that is why I was very careful in my language so that the hon. Minister would have the opportunity to bring the facts to the Parliament's attention—discrimination in the allocation and distribution of the Senior Citizens Grant by the Ministry of Social Development.

Mr. President, it has been brought to my attention that there are, what is called “local boards,” whose responsibility, among other things, is to assess persons who apply for public assistance, old age pension, now called Senior Citizens Grant or disability grants. They adjudicate on applications and make recommendations.

It has been brought to my attention that sometime last year December in their local course of meetings, the local board—and I would not call the particular area—approved approximately 200 applications for Senior Citizens Grants, several disability grants and several others for public assistance grants.

Out of the 200-plus pension grants that were approved, it was later discovered that senior officials of the Ministry of Social Development proceeded to examine these applications for old age pensions and drew lines over several prospective pensioners, most of whom were former Caroni (1975) Limited workers and it involved about 100 or thereabout former workers whose names I have.

As you are aware, the current ceiling to access the Senior Citizens Grant is \$30,000 per annum and, of course, with the new NIS pension of \$2,000 per month most Caroni (1975) Limited workers are in receipt of \$650 per month and, therefore, when we add the new \$2,000 to that \$650 you will arrive at \$2,650 which these workers would be able to access.

Now, these workers prior to this \$2,000 increase or \$1,000 increase by the National Insurance Board sometime in January 2008 were in receipt and were enjoying some \$1,000 NIS benefit and they also enjoyed \$650 from Caroni (1975) Limited.

5.15 p.m.

Now, with that kind of sum, they were able to access old age pension, or what is known now as Senior Citizens Grant, amounting to about \$850. So, essentially, what the workers would have enjoyed would have been \$1,000 from the NIS; their measly \$650 from Caroni and they would have been able to access another \$850 a month from the Senior Citizens Grant. From January of 2008, these workers, because of the increase from \$1,000 to \$2,000, are going to be receiving the \$2,000 and the \$650 which again would bring them up to \$2,650. That, of course, would place them above the ceiling of the \$2,500 per month because the overall ceiling is \$30,000 per year. Therefore, that would have prohibited them from accessing the Senior Citizens Grant.

Now, there is where the discrimination comes in, in the distribution process. It has also been brought to my attention that the Minister of Social Development has issued no instructions to the Ministry of Social Development, Social Welfare Division to disapprove applications that were approved by the local boards as it relates to former Caroni workers. However, senior public officials have taken it upon themselves to strike off some 100 names without any notification to the effect that effective from the January 08 this is the position of the Ministry of Social Development, resulting in a situation where other workers in the system are now enjoying a disproportionate amount of moneys when you tally the sums and when you compare what the Caroni workers are experiencing on a monthly basis and what other workers are experiencing.

Let me elaborate further. At the moment, there are workers who have retired who are now in receipt of \$2,000 NIS. That is one. They are also in receipt of \$1,550 as a result of the Senior Citizens Grant, giving them a tally of \$3,550 a month, whilst you have former Caroni workers in receipt of \$2,650. Why the discrepancy? Why the discrimination? They are all retirees. They all have access to Senior Citizens Grant; they are all accessing NIS. Why do you discriminate against one set of workers as against the other set of workers?

I thought it was necessary, because people are hurting as a result of this decision taken by the Ministry of Social Development and it therefore means to say, as we speak today, there are workers who are receiving \$3,550 a month and there are other workers in the system—retirees—receiving \$2,650. I want to ask the hon. Minister whether his office has issued instructions to the effect that this kind of distribution should be the practice in his ministry. Why do you have this situation existing and there has been no rectification of that development? There has been no official notification by your ministry to that effect.

Distribution of Senior Citizens Grant
[SEN. MARK]

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So I think it is something that is crying out for rectification; it is crying out for justice, because the last thing you want people to believe in this country is that there is a policy pursued by this Government to deny some citizens equality as it relates to the distribution of their entitlement. I would like the hon. Minister to clear the air because, as I said, I was very careful in my language, the perceived discrimination in the allocation and distribution of social benefits as it relates particularly to the Senior Citizens Grant. It is up to the hon. Minister to clear the air on this matter and to bring comfort to hundreds of former Caroni (1975) Limited workers who believe that they are being unfairly dealt with. So I thought it was necessary to indicate to the hon. Minister this particular development that is taking place.

Whilst I am on this particular subject, I would like the hon. Minister to tell this Parliament whether the Government has taken a decision to really disallow citizens from accessing Senior Citizens Grants, or given the abolition of old age pension as we know it, whether the NIS pension of \$2,000 is now going to be used as a basis for removing thousands of workers who are entitled to access their Senior Citizens Grant; whether the Senior Citizens Grant is a scheme on the part of the Government to deny citizens of this country who have reached the age of 65 years of acquiring and accessing their entitlement that is called Senior Citizens Grant.

I think it is important for him to clear the air because one is getting the distinct impression that there is a scheme afoot by this Government to deny senior citizens of their entitlement and they are using the cover of the NIS—the \$2,000 increase—in order to, in a disproportionate way, determine if you are going to get \$350, or \$1,500, or \$2,000 in terms of Senior Citizens Grant. We need to clear the air on this matter because it is causing a lot of disaffection in the society, especially among our retirees. They believe that the Government is discriminating against them and that there is a scheme on by the Government to deny senior citizens of their entitlement which is known as old age pension and now being converted into something called a Senior Citizens Grant.

So I would like the hon. Minister to clear the air on these matters and give the country and those senior citizens the assurance that it is not the Government's intention to do so. Whatever is taking place in his ministry does not have his official sanction and that he will investigate these matters. I have the names here; 100 persons who were approved and they were struck off by your senior officers without any explanation, without any notification and right now people are receiving moneys in terms of higher amounts and others, lower amounts.

I think I have made my case. I do not want to call the names of these people, but I would like you to investigate this matter and if you can give the Parliament that assurance that you know nothing about this matter and you will investigate it so we can rectify the situation.

I thank you very much, Mr. President. [*Desk thumping*]

The Minister of Social Development (Hon. Dr. Amery Browne): Mr. President, I thank you for the opportunity to respond to the issue of how the Senior Citizens Grants are allocated and distributed and I take this opportunity to congratulate the Senator on his manoeuvre. Some might call it sleight of hand. I observed in the title of the Motion on the Adjournment what I had on my Order Paper was: "The perceived discrimination in the allocation and distribution of Senior Citizens Grants by the Minister of Social Development." And I notice at the beginning of his presentation that was changed to the Ministry of Social Development. So I took a note of that, and I have been advised that this is not the first time that wild allegations have been made and emanating from a particular source. I have been also advised that these serve as useful opportunities for us to educate the public about the Government's programmes and policies, so I shall take the opportunity as it has been generously granted. [*Desk thumping*]

Mr. President, the Minister of Social Development does not allocate or distribute Senior Citizens Grants in Trinidad and Tobago. The Senior Citizens Grant was formerly called the old age pension grant and the change of name was given effect by Act No. 17 of 2007. This Grant, as has been indicated by the hon. Senator, is administrated by the Social Welfare Division of the Ministry of Social Development. This Social Welfare Division also administers a very wide range of additional grants and programmes of financial assistance to persons in need across the spectrum across Trinidad and Tobago. Some of these additional grants are: the public assistance; disability assistance; special child grant; free bus pass facility; micro enterprise and training grant; home help; household help; housing grant; house rent; burial assistance; medical equipment grant; clothing grant; dietary grant; school text books grant; education grant and urgent temporary assistance grant.

The Senior Citizens Grant is payable to persons age 65 years and older who satisfy two additional criteria. These are residential and income criteria. So there are three criteria for access to the Senior Citizens Grant: age, residency and income. The residential criterion to be met in respect of the Senior Citizens Grant requires that the applicant must have been resident in Trinidad and Tobago for 20

years prior to the date of his or her application for said grant. Period of absence from Trinidad and Tobago must not total more than five years during this 20-year period. Or the applicant must have lived a total of 60 years in Trinidad and Tobago to qualify.

The income criterion—and I see this is where the hon. Senator was having some challenges absorbing the information that has already been disseminated on this issue. The income criterion stipulates that the applicant must not earn an income that exceeds TT \$30,000 per annum. This income ceiling was established by Act No. 30 of 2007 which gave effect to amendments of Chap. 32:02 of the Old Age Pension Act.

The sliding scale principle was first introduced by Act No. 17 of 2007 and allows for a measure of equity in the disposable income enjoyed by our senior citizens. The sliding scale was adjusted in terms of the ceilings and the quantum by Act No. 30 of 2007 and the current figures are as follows—note carefully.

First of all, a person whose income does not exceed \$1,200 per annum will be entitled to a monthly Senior Citizens Grant of \$1,650, provided that the other two criteria are met. A person whose income exceeds \$1,200 per annum but does not exceed \$12,000 per annum, will be entitled to a monthly grant of \$1,550 per month. Thirdly, a person whose income exceeds \$12,000 per annum will receive a monthly grant of one-twelfth of the difference between \$30,000 and that income that he or she receives.

5.30 p.m.

Notwithstanding what has been stated already, a person whose annual income exceeds \$28,200 but does not exceed \$30,000 per annum would receive a monthly grant of \$150. The application forms for the Senior Citizens Grant are available at the offices of the 12 local boards located throughout Trinidad and Tobago.

Claims are investigated by social welfare advisors who are required to conduct home visits, as well as obtain and examine documents that support any claimant's testimony with respect to qualifying criteria. It does not matter where they live or who they are. The documents that are required are birth certificate; national identification card; both past and current passports; national insurance information; bank passbook or fixed deposit certificate; information from past and present employers and other relevant documents. Reports prepared by these social welfare advisors along with supporting documents, form the basis for decisions made by the local public assistance boards, which comprise a supervisor of the board and community members of good standing, from areas within the district under the jurisdiction of the particular local board.

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The local board meets on a monthly basis and claimants whose documents are deemed not to be in order are required to appear before the local board for a particular interview. Citizens are advised in writing of decisions of the local board and have the right to appeal any decision to the central board within a 30-day period, if their applications are rejected.

The central board is chaired by the Director of the Social Welfare Division and comprises eight members from across the national community who are selected to represent the various geographic areas of Trinidad and Tobago. If the decision of any particular local board is upheld by the central board and a claimant is still not satisfied, the claimant may appeal to the Minister of Social Development within a 60-day period.

The allocation and distribution of the Senior Citizens Grant for January 2008, for each of the 12 local boards are as follows:

Location	No. of Recipients	Amount (\$)
St. George Central	8,026	13,422,587
St. George East	11,084	18,554,126
St. George West	9,980	16,700,000
Caroni	8,714	14,688,323
St. Andrews	3,512	5,851,524
St. David	412	687,750
Nariva/Mayaro	2,096	3,400,000
San Fernando	8,920	14,500,000
Princes Town	4,349	7,200,000
Siparia	5,136	8,450,000
La Brea/Cedros	2,846	4,700,000
Tobago	3,102	5,000,000
Total	68,177	113,305,343

Those are the sums allocated and received specifically for senior citizens deemed vulnerable by the society of Trinidad and Tobago. I would say money well-spent and well-allocated by this administration.

Distribution of Senior Citizens Grant
[HON. DR. A. BROWNE]

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The procedures for the allocation and distribution of the Senior Citizens Grant are governed by statute and therefore, do not allow for discrimination or any type of interference by the Minister of Social Development. There has been some misunderstanding and subsequent public education around the issue of residency. This may require ongoing communication and education, even to some Senators who should be experienced enough to know better.

Given the fixed criteria established by statute for the Senior Citizens Grant—we have established those three criteria—it is impossible for the Minister of Social Development to micro manage or discriminate the allocation for distribution of this grant. This fact does not change when administrations change.

At a recent meeting, I had the opportunity to ask the members of the central board if they had received any allegations of discrimination within this grant and the unanimous response was no. Of note, the central board is balanced based on ethnicity, gender and geographic area of residency. The step by step process engaged which aids the determination of either acceptance or rejection of any claimant's application for the Senior Citizens Grant is prescribed in the old age pension regulations. The specific criteria must be met in each and every case.

The officers in the exercise of their duties are simply obeying and applying the law of the land as it stands today. The law does not discriminate but makes provision for each person who is making a claim for pension or the Senior Citizens Grant to be equally treated on the basis of the three criteria outlined in the Act, whether he or she is from Caroni or Carenage, Cocorite or La Romain.

A person applying for the Senior Citizens Grant is treated no less favourably than any other person. No individual is disadvantaged by this system which assists these individuals to sustain themselves financially. This Government is committed to promoting equality through its advanced social programmes, in concert with a range of agencies that seek the improved welfare of our citizens. We reject any attempt that may be made to ascribe discrimination to the administration of the Senior Citizens Grant. We assure all citizens of an even-handed approach, as we work to strengthen and improve our systems for social service delivery. All this is in the honest, passionate pursuit of a more productive and caring society.

Thank you.

Mr. President: Hon. Senators, leave has been granted for another matter to be raised on the Motion on the Adjournment by Sen. Wade Mark.

**Ministry of National Security
(Failure to Protect Citizens)**

Sen. Wade Mark: Mr. President, Trinidad and Tobago is under siege by criminal elements. Citizens live in fear and criminal gangs flourish throughout the land. According to the hon. Minister of National Security, their numbers have now increased from 66 to 86 and 500 members to close to 1,700 members. There appears to be no solution in sight for a beleaguered and terrified population. There are many causes which generate crime, violence and deviance in our nation. Among those are the failure of the education system; poor and non-existent parenting skills; rampant poverty; insensitive government housing policies over the years and most of all, a total lack of political will by the Government to arrest the problem.

Crime and violence constitute one of the most urgent concerns facing the people of Trinidad and Tobago. Not only does it degrade the quality of life for most citizens, but it also impacts negatively on the country's economic and social development. The homicide rate has more than tripled from 9.2 per 100,000 persons in 2000, to 28.2 per 100,000 persons as at the end of 2006, the highest in the Caribbean with the exception of Jamaica. Trinidad and Tobago is fast becoming the murder capital of the region. That is not a very good record and image for our nation.

Robberies have increased since 1998 from 210 per 100,000 to 375 per 100,000. Firearms were used in 74 per cent of homicides in our country, with 60 per cent of the victims being male and between the ages of 15 and 34 years.

Fear for personal safety is widespread with almost four in 10 persons feeling very unsafe in their neighbourhood at nights, negatively impacting on the quality of life of those citizens and in the country as a whole. Under this Government, crime and violence have assumed epidemic proportions. The Government has done little to curb the growth of the criminal industry in this country.

In 2000, there were 190 murders; in 2005, that number escalated to 386, a rise of 225 per cent in five years. In 2006, the number of murders was 369 and by the end of 2007, we have conflicting information. The official figure is 388 and the media's number is 398 or thereabouts. This has been the third straight year that the number of murders has exceeded 350 and the rate at which we are going with 38 murders in 28 days, everyone is coming to the conclusion that we are bound to cross the 500 mark. That is very frightening for our country.

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5.45 p.m.

Mr. President, even as the murder rate spirals out of control, what is even more alarming is that the detection rate continues to decline drastically. The conviction rate is even worse. We understand that the detection rate is under 18 per cent today; the conviction rate is just 1 per cent and then the Prime Minister says he is going to reintroduce hanging. He must detect and convict the criminals first.

The criminal justice system appears to be completely broken down, Mr. President. We understand there is a backlog of over 400,000 cases in the Magistracy and it is growing exponentially every day. There is almost a revolving door approach when it comes to crime. By contrast, Chicago, with a population of almost 3,000,000 persons, had 448 murders in 2005. The number for Los Angeles, with a population of 4,000,000 persons, was 489 and for New York City, with a population of 8,000,000 persons, it was 539.

The reality is that the murder rate in Trinidad and Tobago, at the end of 2005, was three times the rate for Haiti, five times the rate for the United States and a shocking 20 times the rate for the United Kingdom. So while the trend for violent crime in the United States, Canada and Europe has been moving downward, the trend in Trinidad and Tobago continues its steep upward climb. We know that the Minister needs help. We know that he is hapless, weak and at times totally hopeless; that he needs a law enforcement intelligence system because he is not getting the intelligence on the ground. He needs to overhaul the administration and management of the police service. He is not getting the results. He has to bring back retirees because Prof. Mastrofski introduced a system in which experience, performance and ability does not matter any longer in the police service. You just have to be qualified, go to the University of the West Indies, get a Master's degree and you get 40 points immediately. You need to revise that system; he is misleading you. You should fire that fellow.

In addition, you need to engage in a massive recruitment drive and put policemen on the streets. Eradicate corruption in your police service. I would like you, hon. Minister, to implement a variety of specific anti-crime measures and tactics. The Attorney General, Sen. The Hon. Annisette-George, should encourage the establishment of citizens' watch groups to help the police and stop calling them vigilantes because the idea comes from the UNC. We want to help you. You cannot govern. We are governing for you.

We advise the Minister to enhance the morale of the police service. That is needed because they are demoralized. There are two police services as you know,

Mr. President—one led by Brigadier Peter Joseph and the other led by our commissioner, Mr. Paul. So I would like to suggest to the hon. Minister of National Security that there should be a refocus of the police service to foster good relations within the communities they serve. We need the professionalization of the police service and we need to restructure the office of the Director of Public Prosecutions with particular reference to the quality of human resources. We need to attract, reward and retain professionals within the system.

Mr. President, most importantly, if these two measures are to succeed, the Minister of National Security and his police commissioner should tender their resignations forthwith. They are not capable and they do not have the capacity. They have failed the citizenry and no amount of excuses and story telling will absolve them from their collective responsibility to secure the lives of the citizenry, their families and properties. There must be no experiment or trial and error with the lives of people of this republic.

We cannot support this approach that the hon. Prime Minister took recently where he said if this strategy fails, he would try B, C or D. He is using people's lives in an experimental way. My life and your life cannot be based on trial and error. He cannot experiment. Either he knows what he has to do or he does not. It cannot be based on an experiment. If the Prime Minister cannot take the heat, he should get out of the kitchen.

I would like, in the interest of the citizens, to call on the Minister of National Security, if the job is too big or too complex for him, to tender his resignation. To the Commissioner of Police, if he wants to fete, dance and have a good time, he should resign. To the Prime Minister, who is responsible for both of them, if he is in the kitchen and cannot stand the heat, he should get out of it. We are quite ready, willing, available and capable of taking the reins of authority and running the country, providing security and safety for the citizens of Trinidad and Tobago.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, I am responding to the Motion that says "the failure of the Ministry of National Security to protect, safeguard and secure the lives of the citizens as enshrined in section 4(a) of the Constitution of the Republic of Trinidad and Tobago."

The Constitution does spell out as an enshrined right of citizens:

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

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[SEN. THE HON. M. JOSEPH]

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I do not agree that either the Minister of National Security or the Executive has failed to secure or safeguard its citizens. I absolutely reject the Motion.

In order to address this problem of crime, it mandates the active involvement and participation of the Parliament, the Judiciary, the Executive, business and civil society; all working in concert to deal with this problem. It is clear that all of these institutions must come together to ensure the safety and security of all our citizens. The Ministry of National Security, as part of this system, has direct responsibility for the law enforcement agencies, which includes the police service. Insofar as the Ministry of National Security is concerned, this is what we have accomplished so far as we continue to seek new initiatives and strategies to lower the level of crime and criminal activity.

The facts as they are presented in our most recent statistical data tell us that homicides and narcotics are our main problems. For this reason, we have:

- strengthened law enforcement capacity to investigate, arrest and prosecute suspected perpetrators of homicides;
- improved law enforcement capacity to investigate, arrest and prosecute offenders since a large number of homicides, in 2007, over 50 per cent, was gang related;
- enhanced the data gathering and analysis capability of the law enforcement sector in keeping with our thrust towards evidence-based policing; and
- maintained vigilance in the area of border protection to prevent the entry of illicit persons and goods, narcotics in particular, into the country.

In this regard, the Ministry will continue, during fiscal 2008, to pursue the professional development of the police service. Beginning with the recruit level, the Ministry is adamant about exposing officers to training in operational best practices and the development of managerial and leadership skills through an in-service training programme and, with the assistance of SAUTT, the Ministry will ensure that every police officer is exposed to the requisite skills, knowledge and competency and that adequate opportunities for refresher training are provided.

The Gang (Repeat Offender) Unit will intensify its activities to ensure that the most violent repeat offenders are identified and targeted for arrest and prosecution. Increasingly the officers are attesting to the value of the work of the Crime and Problem Analysis branch (CAPA). Police interventions are now being guided by reliable analytic data, a resource that was unavailable or marginally

available to the police service. Whereas previously the police service engaged primarily in data collection through its Modus Operandi Unit, the creation of the CAPA branch allows for greater crime data analysis and higher levels of efficiency and accountability.

The CAPA branch is now responsible and accountable for all aspects of collection and collation of crime data and their analysis. Developing this systematic capacity for analyzing patterns in crime and other substantive crime issues is now a crucial skill for police organizations worldwide and CAPA has effectively satisfied this need in Trinidad and Tobago by increasing the capacity of operational units to use information and intelligence to act more effectively against crime.

With respect to border protection, during this year we will redouble our efforts through the full implementation of the Immigration Division's Integrated Border Management System, together with additions to the fleet of the Trinidad and Tobago Coast Guard. The Immigration Division's Integrated Border Management System involves a number of new and upgraded mechanisms to booster the Immigration Division's capacity effectively to monitor and manage the influx of persons entering, remaining in and leaving Trinidad and Tobago.

To further strengthen this country's border protection system, very shortly the coast guard will take receipt of two modified vessels to enhance its maritime surveillance capability. We are also in the process of acquiring other equipment, such as the six fast patrol vessels, six interceptors and four helicopters; all designed to curb the inflow of drugs and guns and to intercept drug runners.

We have also put in place legislation, adequate and appropriate human resources and are currently upgrading physical and technological infrastructure for law enforcement and support services. Good governance requires that we continuously scan our environment and evaluate our strategies to determine their relevance and effectiveness in a rapidly changing environment.

6.00 p.m.

It requires that we recognize the initiatives that are working and those that have outlived their usefulness, due to the constantly changing security environment.

Because we rely so heavily on the performance of our human resources, the journey of transformation is one which law enforcement officers must be willing and able to take. Law enforcement personnel must be open to new developments

Failure to Protect Citizens
[SEN. THE HON. M. JOSEPH]

Tuesday, January 29, 2008

and to the importance of continuous training. They must be able to internalize the importance of their contribution to obtaining bottom line objective and to the role of ethics and integrity, if the law enforcement community is to immunize itself against the threat of corruption. It is only in this way that they will be able to restore public confidence and trust.

As I have mentioned before, changing the culture of leadership in the police service is a work in progress. Greater commitment must be paid to the transformation of the police service.

More of the upper echelon leaders in the police service must demonstrate this level of commitment to break with past habits, try innovative strategies and to manage and motivate their subordinates to pursue the required changes with vigour. If we are to achieve success, we must overcome this obstacle.

The effective implementation of Government's policies and programmes are dependant on the corporation and collaboration of our entire human resource base, including operational and support staff, internal and external partners. The importance of collaboration and cooperation cannot be overstated.

It is the Government's intention to move further outward by extending this ethos of corporation to include our external partners such as the Judiciary and other key stakeholders sectors. At the same time, the Ministry will continue to undertake research, devise strategies and monitor and evaluate their effectiveness. We will continue to keep the citizens abreast of our progress. We remain confident that our efforts will bring down crime levels in the near future.

I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.02 p.m.