

SENATE*Tuesday, April 22, 2008*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**PAPERS LAID**

1. Tenth Annual Report of the Police Complaints Authority for the period October 01, 2005 to September 30, 2006. [*The Minister of National Security (Sen. The Hon. Martin Joseph)*]
2. Annual report of the Central Bank of Trinidad and Tobago for 2007. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago House of Assembly for the year ended September 30, 2003. [*Sen. The Hon. M. Browne*]
4. Annual audited financial statements for the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 2006. [*Sen. The Hon. M. Browne*]

ORAL ANSWERS TO QUESTIONS**Tertiary Education****(Grant of Financial Assistance/Scholarships)**

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

- A. Could the Minister inform the Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at universities in Trinidad and Tobago, the Caribbean region and/or internationally?
- B. If the answer is in the affirmative, will the Minister provide this Senate with the following information:
 - (i) a list of the names of persons who have benefited from such assistance for the period 2002 to December 2007;
 - (ii) the amount of financial assistance provided to each person; and
 - (iii) the names of the institutions involved?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. I wish to advise that questions Nos. 11, 12, 13, 15, 19, 25, 26, 28, 34, 42 and 43 are now not available. We would continue to make our best efforts to have them ready on the next occasion.

Question, by leave, deferred.

**Mr. Douglas Mendes SC
(Details of Retention of Services)**

12. Sen. Wade Mark asked the hon. Attorney General:

Could the Attorney General provide the Senate with:

- A. A detailed list of the matters in which Mr. Douglas Mendes SC has been retained by:
- (i) the Government of Trinidad and Tobago;
 - (ii) the Integrity Commission;
 - (iii) the National Lotteries Control Board;
 - (iv) the Telecommunications Authority of Trinidad and Tobago; and
 - (v) any other state enterprise and/or statutory authority during the period January 01, 2002 and December 31, 2007?
- B. Could the Attorney General also provide a detailed breakdown of the fees paid to the said Senior Counsel during the same period?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Government is today prepared to do Nos. 44, 54, 57 and 63. On the last occasion we went through this particular exercise and we ran out of question time. I am therefore suggesting to Sen. Mark that there is no purpose to be served by going through the questions for which the Government has already indicated that we have absolutely no answer at this point in time. I am therefore suggesting for the consideration of the Senate that the approved question No. 44—and the Minister is here—be now taken.

Question, by leave, deferred.

**Ministry of Community Development, Culture and Gender Affairs
(Funding/Grants and/or Financial Support to Organizations)**

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

Could the Minister provide the Senate with:

- A. A list of all organizations that have received funding/grants and/or financial support from the Ministry of Community Development, Culture and Gender Affairs during the period January 02, 2002 to December 31, 2007?
- B. Could the Minister also provide the details of the amount provided and for what purpose?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, as we did on the last occasion, question No 13 is now not available and will be available, we believe, on the next occasion.

Question, by leave, deferred.

**Granting of Scholarships/Funding
(Committee Members)**

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

- A. Could the Minister provide the Senate with a list of the Members who comprise the committee in the Ministry of Community Development, Culture and Gender Affairs charged with the responsibility for determining the grant of scholarships/funding to needy individuals?
- B. Could the Minister provide the Senate with copies of the brochures/pamphlets containing the procedure and criteria adopted by the committee for determining the eligibility for scholarships/funding?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, question No. 15 to the hon. Minister of Community Development, Culture and Gender Affairs as posed by Sen. Wade Mark is now not ready and we would make our best efforts to have it ready on the next occasion.

Question, by leave, deferred.

**V.T. Shipbuilding International
Interim Facility Contract
(Details of)**

19. Sen. Basharat Ali asked the hon. Minister of National Security:

- A. Could the hon. Minister inform the Senate whether the two interim vessels procured under an interim facility contract with V.T. Shipbuilding International were delivered in October, 2007 as promised by the hon. Prime Minister in his statement to the House of Representatives on April 20, 2007?
- B. If the answer to (A) is in the negative, could the Minister outline the reason or reasons for the delay?
- C. Could the Minister state what is the revised delivery date of these vessels?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, unfortunately, question No. 19 is not now ready to be answered this afternoon.

Question, by leave, deferred.

**Multimillion-Dollar International Waterfront Project
(Status of)**

25. Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

With respect to the multimillion-dollar International Waterfront Project, could the Minister inform the Senate:

- (i) how many contracts were signed between the State and UDeCOTT, for the management of the project;
- (ii) the names of any other company that signed contracts with UDeCOTT for project management and construction from the commencement of the project to December 31, 2007;
- (iii) the details of the amount of money paid to each of these contractors;
- (iv) whether these contracts were the subject of competitive tendering or a sole selective basis; and
- (v) if the contracts were on a sole selective basis, what were the rationale and reasons for same?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. President, my question is not ready for a response. It is still before the Parliamentary Questions Committee, so it is not ready for presentation.

Question, by leave, deferred.

**Official Residence
(Details of Payments)**

26. Sen. Wade Mark asked the hon. Minister of Finance:

- A. Could the Minister provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, question No. 26 is not yet available.

Question, by leave, deferred.

**Conduct of the Chief Justice
(Legal Advice Offered on)**

28. Sen. Wade Mark asked the hon. Prime Minister:

- A. Could the Prime Minister make available the official legal advice offered to him by Dr. Lloyd Barnett, QC and Mr. Mark Strachan, QC from Jamaica and the United Kingdom respectively on which his decision to have the President of the Republic establish a tribunal to investigate the conduct of the Chief Justice?
- B. Could the Prime Minister also provide the Senate with details of the legal costs and fees paid to both Dr. Lloyd Barnett, QC and Mr. Mark Strachan, QC for the said advice?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, question No. 28 is not now available.

Question, by leave, deferred.

**Todd's Road
(Status of Land Distribution)**

34. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Marine Resources:

- A. Could the Minister provide the Senate with the rationale, if any, for the allocation and distribution of the 3,000 acres of land cultivated with citrus located at Todd's Road?
- B. Could the Minister also state whether these lands were sub-divided and if so, by whom?
- C. Could the Minister further inform the Senate whether the final distribution and allocation exercise was approved by Cabinet and if so, when?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, this question is not yet fully available for a response to the Senate.

Question, by leave, deferred.

**Securities and Exchange Commission
(Government's Measures to Strengthen)**

42. Sen. Wade Mark asked the hon. Minister of Finance:

Could the Minister state the measures, legislative or otherwise, the Government intends to take to strengthen and support the Securities and Exchange Commission in its efforts to ensure that companies listed on the Trinidad and Tobago Stock Exchange submit annual reports on a timely basis to allow shareholders to be better able to monitor and protect their investment?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, question No. 42 contains matters of policy which have not yet been decided. The question is not available at this time.

Question, by leave, deferred.

**Hi-tech, Closed-circuit Television (CCTV) System
(Implementation of)**

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

Could the Minister inform the Senate whether the Government plans to implement fully a hi-tech, closed-circuit television (CCTV) system in urban areas in Trinidad and Tobago to facilitate proper and timely policing in these areas?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, the answer to question No. 43 is not yet available for today's sitting.

Question, by leave, deferred.

US Dollar Value in the Global Market

44. Sen. Wade Mark asked the hon. Minister of Finance:

- (a) Could the Minister state whether the Government is aware that the value of the US dollar is on the decline in the global market?
- (b) If the answer to (a) is in the affirmative, could the Minister advise the Senate of the effects of the decline on:
 - (i) the foreign reserves of Trinidad and Tobago;
 - (ii) the Heritage and Stabilization Fund; and
 - (iii) the foreign debt of Trinidad and Tobago?
- (c) Could the Minister also advise what steps the Government intends to take to protect the Trinidad and Tobago dollar?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, in answer, this is a four-part question with some subsections. I should take them in turn.

- (a) With respect to whether the Government is aware that the US dollar is on the decline in the global market: Yesterday's press briefing from the Central Bank which was published at 2.30 p.m. yesterday afternoon indicates that the US dollar has depreciated by 11 per cent against the euro and 6 per cent against the Japanese yen over the course of 2007. In short answer, the Government is aware that the value of the US dollar is on the decline in the world market.
- (b) With respect to question (b)(i), its effects on foreign reserves of Trinidad and Tobago: The bulk of Trinidad and Tobago's external reserves are, and come from the payment of taxes by energy companies. Trade in oil and gas is denominated in US dollars and the tax payments are made in US dollars. The weakening of the US dollar in the international market has not impacted on the nominal level of reserves which is denominated in US dollars. However, to the extent that the US dollar is depreciating against some other currencies, it could be argued that the opportunity cost associated with continuing to hold foreign reserves denominated in US dollars is increasing.

- (ii) With respect to the Heritage and Stabilization Fund: Currently, the Heritage and Stabilization Fund is invested in US dollar denominated assets. However, the strategic asset allocation for the fund provides for a portion of the funds to be invested in non-US equities. This diversification will take place over the next few months when external managers have been contracted.
- (iii) With respect to the foreign debt: As at September 30, 2007 total Central Government debt stood at \$21.5 billion. Of this amount \$8.6 billion or 40 per cent is due to external parties, mainly in the US. Only 20 per cent of the external debt is denominated in non-US currencies and is therefore subject to fluctuations as these currencies appreciate or depreciate against the US dollar.

With respect to foreign reserves of Trinidad and Tobago: Trinidad external reserves in order to minimize the opportunity cost associated with continuing to hold foreign reserves denominated in US dollars, the Central Bank has now invested a larger part of the external reserves in instruments denominated in non-US currencies, for example, the euro and the yen.

- (c) With respect to the last part of the question: The principal reason for the current alignment with the US dollar is the fact that an overwhelming concentration of Trinidad and Tobago's trade is denominated in US dollars. By way of illustration, 90 per cent of the total exports is denominated in US dollars. Similarly, approximately, 70 per cent or more of imports are denominated in US currency. The bulk of our trade, therefore, both imports and exports, is in US dollars. Accordingly, the Trinidad and Tobago dollar does not need to be protected from fluctuations in US dollar against other currencies. Furthermore, realignment of our currency will not be prudent at this time since that would expose Trinidad and Tobago to undue risk of currency volatility.

Thank you, Mr. President.

Sen. Mark: May I ask the hon. Minister whether it is the intention of the Government to realign the US currency and move towards the establishment of a basket of currencies in an effort to protect the national interest?

Sen. The Hon. M. Browne: I wish to repeat the last sentence of my answer. Furthermore, realignment of our currency will not be prudent at this time since that would expose Trinidad and Tobago to undue risk of currency volatility. That is the answer.

Sen. Rahman: Thank you, Sir. I would very much appreciate the comments of the Minister with regard to the fallout effect of the cost of living and the cost of goods in general in Trinidad and Tobago. In light of the fact that we are aligned with the US dollar because our trade is denominated in US dollars, there is a consequent fallout to the cost of living which exacerbates the rising food prices. I would like to suggest and ask you whether the Government would consider in those circumstances, either revaluing our currency against the US dollar to offset the loss of the US dollar on the world market or realigning it with another currency so that some relief can be brought to the national community in the present straitened circumstances in which we find ourselves?

Sen. The Hon. M. Browne: The last sentence of my reply answers that question as well. Realignment of our currency would not be prudent at this time. The answer, as we said at the beginning, is that 90 per cent of our exports are denominated in US and 70 per cent of our imports are denominated in US, therefore it translates and it nets out.

Thank you.

**United Nations Development Programme
(Status Report of Funding)**

47. Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

- (a) Could the Minister inform the Senate whether the Government of the Republic of Trinidad and Tobago has been able to access funding from the UNDP's programme for critical development and technical projects?
- (b) If the answer to (a) is in the affirmative, could the Minister provide the Senate with a status report on the funding accessed from the programme during the last three (3) years?
- (c) If the answer to (a) is in the negative, could the Minister inform the Senate:
 - (i) whether Trinidad and Tobago has graduated out of the programme; and
 - (ii) whether projects that could have been funded by the UNDP must now be financed by the Government?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. President, the response to that question is still being investigated and it is not yet ready for answering.

Question, by leave, deferred.

**Judges of the Industrial Court
(Disparity in Retirement Benefits)**

53. Sen. Mohammed Faisal Rahman asked the hon. Attorney General:

- A. Could the Attorney General please inform this Senate whether there is a disparity in retirement benefits between judges of the Industrial Court and that of similar officers of the regular Judiciary?
- B. If the answer is in the affirmative, could the Attorney General state what steps are being taken to rectify this discrepancy?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, the response to that question is not yet ready. It is being worked on and should be delivered in short order.

Question, by leave, deferred.

**Medical Treatment Abroad for Citizens
(Government Underwriting of Cost)**

54. Sen. Mohammed Faisal Rahman asked the hon. Minister of Health:

Could the Minister advise this Senate whether the Government has any plans in place to underwrite the cost of medical treatment abroad for citizens suffering from diseases or injuries which cannot be treated locally?

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. President, the cost of medical treatment abroad for citizens suffering from diseases or injuries which cannot be treated locally is handled by the Medical Aid Committee of the Ministry of Health. The committee operates under the following guidelines:

- need for investigation and treatment;
- availability of treatment in Trinidad and Tobago;
- inability of patients to afford treatment either partially or wholly;
- good prognosis with good prospects of cure.

**Air Pollution Rules and Hazardous Waste Rules
(Time Frame for)**

55. Sen. Dr. Adesh Nanan asked the hon. Minister of Planning, Housing and the Environment:

Would the Minister indicate a time frame for the Air Pollution Rules and the Hazardous Waste Rules to be laid in Parliament?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. President, this question, the response should be ready within the next two weeks. It is not ready now.

Question, by leave, deferred.

1.45 p.m.

**Doppler Radar in the Central Range
(Status of)**

57. Sen. Dr. Adesh Nanan asked the hon. Minister of Public Utilities:

Would the Minister give a status report on the Doppler Radar facility in the Central Range?

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Thank you very much, Mr. President. Tropical storms and hurricanes are primary causes of natural disasters in the Caribbean, therefore, it is imperative that the region be equipped with state-of-the-art equipment which will provide accurate and early warnings of these meteorological events.

Through the initiative of the World Meteorological Organization (WMO), the Caribbean Meteorological Organization (CMO) in 1994 commenced work on the development of a Caribbean Radar Network project. This project later became the Cariforum project for a radar network warning system in the Caribbean.

The Government of Trinidad and Tobago in 2004 took a decision to be part of this project, which aimed at installing four doppler digital weather radars in Barbados, Belize, Guyana and Trinidad and Tobago to complete a network of nine such centres in the Caribbean region.

This new radar system is to replace the obsolete and non-functioning one acquired more than 30 years ago under the United Nations Development Programme, World Meteorological Organization arrangement. After a detailed technical study of six potential sites in Trinidad and Tobago by the Caribbean Meteorological Organization and the French Meteorological Service, a site at Brasso Venado on the Central Range was chosen for the construction of the doppler radar.

The project is being funded by the European Union, and when completed will provide an early warning system for Trinidad and Tobago and the Caribbean, through the creation of a virtual radar fence which will monitor tropical cyclones and other weather systems in the region. The components of the doppler radar facility project at Brasso Venado in Central Trinidad are as follows:

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- infrastructural works and construction of a building to house the necessary staff and equipment for the operation of the radar;
- the installation of the doppler radar with appropriate software, equipment for telecommunications and training of staff both locally and at factory level.

The status of the project is as follows:

- a certificate of environmental clearance was obtained in 2005;
- the access road to the site was completed in 2005;
- training of local technicians to maintain the radar began in 2007 and is continuing;
- a local contractor was engaged to construct the tower, and work on that building was completed in January 2008;
- the radar was shipped from Germany in December 2007 and engineers from the Radar Manufacturing Company completed the physical installation of the radar in March 2008;
- training of local meteorologists in radar image interpretation began in March 2008;
- testing of the radar began in early April 2008;
- discussions are ongoing between WASA, the Water Resources Agency and the Meteorological Services Division for the provision of rainfall data to facilitate the calibration of the radar.

The radar is expected to be functional by June 2008, which is the official start of the 2008 hurricane season.

The doppler radar at Brasso Venado will provide real time coverage of weather events in Trinidad and Tobago. Through colour images, it has the capability of signalling to the meteorologist, that a particular cloud has the potential to produce unusually heavy rainfall and wind. It can also detect gusty winds, rotating winds, the position or centre of a storm and even tornadoes.

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

Sen. Dr. Nanan: Thank you, Mr. President. In the answer given by the Minister, the Minister said a policy decision was taken in 2004. I would like to ask the Minister if what he said there is correct or if he made an error, because this particular project started 2001. He said also in his answer, that the site was identified late in 2000 and the site was already identified in 2001, so I just wanted to get some clarification with respect to that answer.

Hon. M. Abdul-Hamid: Mr. President, the Government of Trinidad and Tobago in 2004, took a decision to be part of this project which aimed at installing four doppler digital weather radars in Barbados, Belize, Guyana and Trinidad and Tobago to complete a network of nine such centres in the Caribbean region.

**Employee Injury and Disability Compensation
(Delay of)**

58. Sen. Michael Annisette asked the hon. Minister of Labour and Small and Micro Enterprise Development:

What is the reason for the delay in bringing legislation for the Employee Injury and Disability Compensation before Parliament?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to that question is now not available and we would attempt to have it ready on the next occasion.

Question, by leave, deferred.

**Eco-lodges
(Details of)**

59. Sen. Dr. Adesh Nanan asked the hon. Minister of Tourism:

- (i) Would the Minister inform this Senate, how many eco-lodges have been constructed from 2002 to present in Trinidad and Tobago?
- (ii) Would the Minister also identify the location of the said eco-lodges, the local or foreign investors involved and the estimated investment in the said eco-lodges?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to that question is not available and should be ready on the next occasion.

Question, by leave, deferred.

**South West Regional Health Authority
(Scrubs)**

60. Sen. Dr. Adesh Nanan asked the hon. Minister of Health:

- (i) Would the Minister inform this Senate whether a decision has been taken for doctors attached to the South West Regional Health Authority to be supplied with scrubs on a daily basis for use outside of the operating rooms?

- (ii) If the answer to (i) is in the affirmative, would the Minister indicate:
 - (a) whether any cost benefit analysis was done before instituting this measure;
 - (b) the name of the supplier of the scrubs; and
 - (c) whether any other health facility has adopted this measure?

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. President, that answer is now before PQC. I spoke to Sen. Dr. Nanan and I said that maybe in two weeks we should have that answer.

Question, by leave, deferred.

Beverage Containers (Legislation on)

61. Sen. Dr. Adesh Nanan asked the hon. Minister of Planning, Housing and the Environment:

- (i) Would the Minister inform this Senate whether legislation dealing with beverage containers is on the Government's legislative agenda?
- (ii) If the answer to (i) is in the affirmative would the Minister indicate a time frame for the said legislation to be introduced in Parliament?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Gaynor Dick-Forde): Mr. President, that answer should be ready within the next three weeks. It is still being formulated and then it has to go through the approval process.

Question, by leave, deferred.

Highway Patrol Unit (Details of)

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

- (i) Would the Minister tell this Senate whether there is a functioning Highway Patrol Unit?
- (ii) If the answer to (i) is in the negative would the Minister indicate when the said unit was disbanded and the reasons for the decision taken?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, the answer to that question is not available today.

Question, by leave, deferred.

Community Policing Unit

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

- (i) Would the Minister tell this Senate whether there is a functioning Community Policing Unit?
- (ii) If the answer to (i) is in the negative would the Minister indicate when the said unit was disbanded and the reasons for the decision taken?

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you, Mr. President. In response to 63:

- (i) Hon. Members are advised that at present there is no community policing unit within the Trinidad and Tobago Police Service.
- (ii) The community policing section was disbanded by the then Commissioner of Police in 2002. This action was taken based on the realization that the anticipated impact and wide-ranging embrace envisioned for the community policing philosophy did not materialize even after the development and implementation of the Community Policing Plan 1996 to 1999.

By the year 2002, there were two basic positions taken by officers. One group completely embraced the philosophy and was able to apply it appropriately, while the other perceived their roles strictly in the traditional law enforcement realm and could not internalize or apply the philosophy which they regarded as "soft policing".

In an effort to more effectively immerse the community policing philosophy in the police service, so as to ensure that the potential benefits were achieved, the decision was taken to disband the community policing section and units and to introduce community policing as a component in the training curriculum with the aim of all police officers being trained to operate using the philosophy of community policing.

As part of the police transformation project, an assessment of the feasibility of community policing was undertaken and it was agreed that for community policing to work well in Trinidad and Tobago, it should be much more than a new programme or police unit that carries the name, community policing. Rather, it should define a new way of making decisions about policing, a new way of police behaving when providing services and a new way for the police to relate to their

communities. Following the recommendations of some of the leading authorities on the topic, it was concluded that community policing should be defined, not as a simple unit or product, but rather a process, a new way of doing policing.

Drawing again on international experts, knowledge of the topic, the focus of the approach for developing community policing was placed on three distinguishing elements, both here in Trinidad and Tobago, as well as abroad:

1. citizen involvement in decision-making and the delivery of police services;
2. problem-solving, developing and executing crime control strategies, based on sound evidence of what works, and evaluating the success of the strategies implemented; and
3. decentralization of decision-making so that the organization is more efficient and responsive to the needs of the public.

Stated in these terms, it was determined that community policing could be very beneficial to the Trinidad and Tobago Police Service. In fact, the police service is currently undertaking efforts to change the organization to conform to these basic principles. The transformation process involves a number of important steps to move toward a truly effective implementation of community policing in Trinidad and Tobago. Some of the measures being taken include the following:

1. Implementation of a model station programme that changes the culture and behaviour of the ordinary police officers who deal with the public on a daily basis. The aim is to infuse these officers with the philosophy and habits of policing for people. Policing for people gives priority to accomplishing the following:
 - police attentiveness and accessibility to the public;
 - timely responsiveness to assist citizens with their problems;
 - competence in doing police work;
 - reliability;
 - meeting acceptable standards;
 - respect;
 - treating the public with dignity and appropriate force; and
 - fairness.

It is anticipated that as a result, the public will over time increase their trust and willingness to work with the police to treat more effectively with the crimes and disorders that plague so many communities.

2. New civilian victims support specialists are also being introduced in the divisions of each model station. These specialists are civilians trained in helping crime victims deal with the trauma of their experience by providing counselling and referral to other human services. Eventually, every division will have a victim support unit staffed with these specialists, better known as “victim support officers”. They are deliberately not referred to as community policing officers, so as to avoid the misperception that they are the only ones responsible for doing community policing. They simply do not; they simply do one aspect of it.
3. A Crime and Problem Analysis Unit called CAPA for short has been created and is now being expanded. This unit is developing a capacity that the police service simply did not have, the ability to gather and analyze information on crime and the police response to crime. CAPA enables police to rely on evidence rather than guesswork in identifying crime problems and choosing the most effective ways to respond. With this information, problem-solving too becomes part of the culture and practice of policing in Trinidad and Tobago.

CAPA staff is now able to generate crime maps that note where and when crimes occur and to track changes in crime patterns over time. When crimes cluster in hotspots, police managers can now designate these hotspots for timely intervention. These maps are being used by the model stations and in the weekly department wide-meetings, where middle managers report to top department executives about crime and law enforcement strategies.

Additionally, CAPA staff is also being recruited, trained and equipped. CAPA personnel are being assigned to the divisions, as well as working at headquarters. The commanders in the divisions and stations are being trained on how to use this valuable new resource effectively. CAPA staff members are not called community policing officers because although theirs is an important role in delivering community policing, it is not the only role.

Also being implemented is a process to strengthen the capacity of middle managers and first-line supervisors in the police service to accept more responsibility for the operations of the police service. The old colonial era culture of the service was highly centralized and ineffective, because so many decisions

could not be made at lower levels in the organization and were referred to headquarters. People at headquarters were more removed from the problems than those working directly with the communities. When all of the divisions send their requests for approval to headquarters, those few people at headquarters become overwhelmed and making a large number of decisions about problems for which they lack detailed first-hand knowledge, the result is that important decisions take a long time to be made and are sometimes not as sound as they ought to be. The transformation, therefore, is laying the groundwork to decentralize decision-making so that initiative and good decisions can be taken at levels in the organization that are closest to the affected people and the problems they encounter.

It is clear, therefore, Mr. President, that the transformation process on which the police service has embarked, embraces the three basic principles of community policing, those being community involvement, problem-solving and decentralization of decision-making.

2.00 p.m.

This approach was selected over the shallow one of simply creating a specialist unit that is given the title "community policing"; instead, the Ministry has opted to bring something that will permeate the culture and practices of the TTPS, something that would deliver a truly meaningful community policing reality, rather than simply another symbolic box on the organization chart. Creating such a reality takes time, but it will yield far greater rewards for the public. The ultimate goal of this transformation is a police service that is attentive, accessible, responsive, competent, reliable, respectful and fair, and safer communities in Trinidad and Tobago.

I thank you.

Sen. Mark: Mr. President, given the new integrated approach to community policing, as outlined by the hon. Minister, could he indicate to us what visible or measurable impact this new approach has had on the national community, particularly given the cycle of crime and violence?

Sen. The Hon. M. Joseph: The answer to that is best shown in the five model stations for which this initiative is being introduced, and all I ask is that you talk to the people in those communities: West End, Morvant, Arouca, Chaguanas and San Fernando.

Sen. Mark: Mr. President, could the hon. Minister indicate to us, given the new policy of decentralization in decision making, how has decision-making been impacted upon as a result of this new measure that has been introduced in the police service?

Sen. The Hon. M. Joseph: Mr. President, I have indicated that the initiative for which it is being done is a cultural change. With these major changes it is best to do it on a pilot basis. It is being done in the five model stations; the impact of it on these five stations is being replicated in the other divisions. So gradually we are ensuring that the initiative is able to bear fruit and, eventually, as the answer indicated, we will start seeing across Trinidad and Tobago the results.

STATEMENT BY MINISTERS

Rising Food Prices (Global Issue Of)

The Minister of Legal Affairs (Hon. Peter Taylor): Mr. President, hon. Senators, I am authorized by the Cabinet to make this statement on the global issue of rising food prices.

The Government of the Republic of Trinidad and Tobago continues to be concerned about the availability as well as the rising cost of basic commodities; therefore, as Minister with responsibility for consumer affairs, permit me to apprise this House of the following:

- A. the reality facing the nation with respect to rising food prices;
- B. the global issue of supply of and demand for food;
- C. the main reasons for increases in food prices both locally and internationally; and
- D. the Government's strategy to minimize the impact of spiralling food prices.

The issue of rising food prices is, without doubt, one of the most pressing challenges confronting us all: the Government, the people of Trinidad and Tobago and, indeed, governments the world over. There are several factors currently contributing to the world food price challenge; I itemize these as follows: increasing fuel costs; the emerging biofuels market; reduced exports by grain producing countries; weather conditions; animal diseases and changes in land use.

These factors when closely examined would show, *inter alia*, that, one, there has been a fundamental shift in food producing land usage, particularly during the period 2003—2005. Russia and Ukraine, in particular, removed some 23 million hectares of arable land from production, 90 per cent of which was formerly used for grain production. Moreover, Russia and Argentina now retain their wheat stocks for their own domestic use, rather than using them for export.

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A second factor is the food for fuel dilemma, which is evident in the fact that the emerging biofuels market is now a new and significant source of demand for agricultural commodities such as sugar, corn, cassava, oil seeds and palm oil. These commodities, which have been predominantly used as food, are now being grown as feed stock and are being used to produce biofuels in the USA and, particularly, Brazil. Biofuels such as ethanol are being used in motor cars as a substitute for gasoline.

Thirdly, the emergence of China and India, each with a population of 1.3 billion and 1.1 billion respectively, on to the world economy, is causing an unprecedented increase in the demand for wheat, corn and other staples, a direct consequence of the improvement in living standards of persons in those countries.

Fourthly, the high price of crude oil to over US \$110 per barrel is a double-edged sword for Trinidad and Tobago; for while this price is expected to affect national revenues positively, it, no doubt, results in higher manufacturing and transportation costs with the resulting effect of increasing food prices both locally and globally.

Fifthly, global warming and the accompanying ill effects of climate change have all adversely impacted the availability of staples. Severe drought, on the one hand, has affected wheat production in Australia, and winter floods have devastated that country's rice crop in China; also Australia and New Zealand, two of the major producers of milk in the world are experiencing severe droughts, and have done so over the last two years, causing significant reductions in the stocks of cattle for milk production.

Lastly, there has been a gradual reduction by approximately 3.5 per cent annually in the level of global stocks of cereals since the mid-1990s. Further, the Food and Agricultural Organization has indicated that by the close of the 2008 season, world cereal stocks would have declined by a further 5 per cent from their already reduced level at the start of the season, reaching the lowest level since 1982; indeed a cause for concern.

Not surprisingly, these factors have had far-reaching implications for both developed and developing countries alike, and have been the main cause of escalating food prices. Unquestioningly, consumers worldwide are being forced to confront an international food crisis. May I remind this honourable House that Trinidad and Tobago is a small open economy and is inevitably exposed to the vagaries of the international marketplace as it relates to the price of food, in particular.

Our vulnerability is compounded by the fact that we have always been a net importer of food. Over the past three years we have experienced constant increases in the price of food. Data from the Central Statistical Office (CSO) suggest that for the 12-month period ending November 2007, food price inflation in Trinidad and Tobago had registered an increase of some 18.7 per cent. This is significantly below that of the world food price inflation index of 23 per cent. Locally, food price inflation registered an increase of some 20.7 per cent in the 12 months to January 2008, as compared with 16.8 per cent in December 2007.

Mr. President, the Government is aware that the three main food groups which form components of the national diet and which are affected by this global price increase are as follows: dairy products, which increased on average by nearly 80 per cent over the two-year period 2006—2008; oils, which increased by some 50 per cent over the two-year period 2006—2008 and, lastly, grain, such as corn and wheat, which increased by 40 per cent over the same period. From as early as 2002 and predating this current food price crisis, the Government embarked on a number of measures aimed at making food more affordable to every citizen, while continually striving to strengthen the nation's food security by way of significantly enhancing our food production capability.

From 2002 and continuing thereafter, the Government has been removing the value added tax from many foods, so that at this time some 29 basic food items are zero rated, including bread, flour, rice, sugar, milk, cheese, soya bean oil and pasta. I wish to repeat that there has been no VAT for several years on many of these basic food items, yet still the intended benefits to the consumer have not always materialized in the way that the Government would have hoped.

In order to ensure that our socially and economically disadvantaged citizens receive relief, the Government in August 2006 launched a debit card system, now known as the "TT Card Programme". This programme provides protection by providing food security to vulnerable households by allowing recipients to receive monthly cash credits towards their grocery purchases, thereby not only enhancing the security and dignity of these households, but also ensuring that adequate food is available to these families.

At present, some 22,000 persons benefit from the programme, which is being supported by over 150 supermarkets. In 2006 Cabinet appointed a ministerial task force on prices with a mandate to create measures to expand agricultural food production and thereby curtail the continuous rise in prices. This task force developed a work programme for implementation by several ministries and state agencies, such as the National Agricultural Marketing and Development Company,

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commonly called NAMDEVCO, National Flour Mills, the Chaguaramas Development Authority and the Rural Development Company of Trinidad and Tobago. In August 2007, the hon. Prime Minister presided over a national consultation on food prices. Arising out of this national consultation, the Government has since been actively engaged in establishing mechanisms and policies for addressing the food price issue.

These mechanisms and policies include: one, a ministerial committee for food prices and inflation was established in December 2007, chaired by Sen. Dr. Saith, to ensure that there was a timely realization of the recommendations emerging from the consultation. Two, a prices council and a consumer advisory board were established by Cabinet to advise the Minister with responsibility for consumer affairs on all matters pertaining to the issues surrounding prices in general and food prices in particular. In that regard, Cabinet has, in principle, approved the membership of the Prices Council, under the chairmanship of Dr. Sharon Hutchinson, and the Consumer Advisory Board under the chairmanship of Mr. Brian Moore.

Three, a praedial larceny working group comprising officials of the Ministry of National Security, the Office of the Attorney General, the Ministry of Legal Affairs, and chaired by the Ministry of Agriculture, Land and Marine Resources, has been established. That group has already met and is to submit a first report to the ministerial committee by May 2008.

2.15 p.m.

Mr. President, this Government's strategy is to address the challenges which can be divided into three broad categories namely; short, medium and long term. I turn to the short term. In the short term, the Government through the National Flour Mills will continue distribution of key commodities already imported such as lamb, beef, sardines, ham, turkey, chicken, fruit juices, milk, cereal, frozen processed meat and oil. At the same time, the Government continues to actively seek out cheaper sources of imports particularly from our South and Central American neighbours.

At the regional level, the Government is actively pursuing the Guyana initiative through a combination of market-driven and private-sector-led processes and government-to-government arrangements. In this regard, the Ministry of Agriculture, Land and Marine Resources has already completed a pest-risk analysis on some 15 agricultural items, 12 of which are food crops which have been approved for importation into Trinidad and Tobago by anyone so interested.

These food crops are as follows: dried coconuts, eddoes, ginger, pineapples, green plantains, pumpkins, rice, rice brands, bodi, limes and sweet potatoes. Additionally, Caricom remains committed to addressing the negative effects of the global food price crisis through the continuous review of the common external tariff (CET) regime.

At its 24th special meeting in March of this year, the Council of Trade and Economic Development, commonly called COTED, approved the suspension of the CET on some 34 product lines for a period of two years ending March 04, 2010, as well as the range of juices for infant use for a period of six months until September 05, 2008.

I now turn to the medium term. As part of a medium-term strategy, the Government through the Ministry of Agriculture, Land and Marine Resources is exploring a partnership with the Farmers Association which has proposed a mixed-crop enterprise to cultivate, among other things cassava, sweet potato, pumpkin, sorrel and hot peppers. At this time, the proposal entails use of some 500 acres of land.

The Government is also addressing the needs of the fishing industry as a small ruminant factor in Trinidad and Tobago. To this end, the Ministry of Agriculture, Land and Marine Resources is assessing a proposal relating to the provision of affordable breeding stock for the sheep and goat sector. Also, discussions have been held with the Tilapia Commodity Committee concerning its National Tilapia Industry Development Plan.

Also, Mr. President, the Rural Development Corporation is spearheading a project for constructing a new fishing facility at Gran Chemin in Moruga and design work is well advanced with an expected commencement date of August 2008. This facility will no doubt significantly increase the supply of fish to the nation.

Mr. President, the Government of Trinidad and Tobago and Caroni (1975) Limited have also undertaken to provide some 7,700 two-acre size agricultural plots to former employees of Caroni. As I speak some 2,000 leases have been approved and 1,000 farmers have already commenced production on the plots assigned to them. This is a fact that is not widely known to the national community. Other plots are at varied stages of development and the Ministry of Agriculture, Land and Marine Resources is currently seeking Cabinet's approval to have the remaining leases executed. By June 30, some 5,000 of the 7,700 plots would have had the necessary infrastructure requirements in place enabling many more farmers to commence full-scale production which would consequently result in more food being available to the nation.

Mr. President, the Government in the same breath wishes to give the assurance to all small farmers that their continued support is required and remains integral in the fight to ensure food security and, therefore, all possible support will be afforded them to ensure their continued viability. One such support mechanism

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currently in place at five locations is the Farmers' Market established by NAMDEVCO, the most recent of which was launched at Point Fortin in conjunction with the Point Fortin Borough Council and the Ministry of Agriculture, Land and Marine Resources. This facility has the capacity of some 70—80 farmers and from all reports both vendors and purchasers were quite pleased with the facility, the prices and the variety of items on sale.

By bringing farmers directly into contact with consumers, these farmers are now able to demand a higher price for the produce, while the consumers are still able to pay a substantially lower price than would normally obtain to the mutual benefit of both farmer and consumer. Farmers' Markets were launched last year at Debe, Macoya, Diego Martin and Valencia and they all continue to be well patronized.

NAMDEVCO intends to launch three more such markets this year and to this end they have held preliminary discussions with the Mayor of Chaguamas who has already identified a tentative site for the Farmers' Market in that district. Discussions have also been held with the Mayor of San Fernando with a view to expanding the Sunday morning market at Marabella. Similar discussions are continuing apace with the Chairman of the Sangre Grande Regional Corporation to establish a similar facility.

Mr. President, the establishment of these Farmers' Markets throughout the various municipalities is consistent with the thrust of the Ministry of Local Government to develop holistic and economically sustainable communities to provide market access and facilities for local products and services. So, very soon the concept of the community Farmers' Market would become part and parcel of our social and cultural fabric.

As far as the long term is concerned, Mr. President, the key to reducing food prices is quite simply to increase supply. As part of its long-term strategy therefore, the Government will significantly increase the amount of land available for agricultural production. To this end, the Chaguaramas Development Authority and the Ministry of Planning, Housing and the Environment have cooperated to establish a demonstration farm at Chaguaramas utilizing the Cuban agricultural model. This large farm project involves the operation of a 200-acre farm in Tucker Valley using three types of technology over a period of time.

Mr. President, the first batch of Cubans is due to arrive in Trinidad by July 2008 and the farm is expected to bring to market its first produce using conventional agriculture by November 2008, all things being equal.

Additionally, the Rural Development Company of Trinidad and Tobago is responsible for the infrastructural development of some 13 commercial farms averaging between 100 and 300 acres on six sites throughout the country to produce a wide range of crops. Currently, submissions from interested investors for managing and operating these farms are being evaluated by a team chaired by the Ministry of Agriculture, Land and Marine Resources.

Also, PCS Nitrogen has embarked upon the establishment of its 75-acre demonstration and training centre with start-up operation expected in September 2008. This private-sector-driven model should serve to inspire the replication of similar operations throughout the country. Crops to be harvested under this project include sweet potato, cassava, tomatoes and paw paw.

Mr. President, this Government's approach to finally sustain any far-reaching problems of food supply, is rooted in the philosophy and understanding of what constitutes a balanced meal to which every citizen is entitled. A balanced meal essentially is comprised of six food groups, mainly, carbohydrates which include our flour, rice or ground provisions; proteins, our meats, peas and beans; vegetables; fruits; milk and milk products; fats and oils.

The Government is positioning the agricultural industry to increase the supply of food in each category in sufficient quantities to be able to feed the entire nation adequately. For instance, it is necessary that we increase substitutes for flour and rice since they are among the largest of the food groups necessary for adequate human nutrition.

As we locate the food supply challenge within the context of the major food groups the strategies being pursued will undoubtedly address the challenge. For example, under carbohydrates, the Caroni initiatives will see a substantial increase in the domestic production of root crops and starchy foods such as cassava, sweet potatoes, eddoes, dasheen, breadfruit and plantains over the next three years.

This thrust will in the main bring some 20,000 acres of land into production inclusive of the 3,000 acres under the Government's large farm programmes; 14,000 acres under the Caroni (1975) Limited Land Distribution Programme and another 3,000 acres comprising private farms under the aegis of the Government or sponsored National Agri-Business Development Programme, which is being executed jointly with the Trinidad and Tobago Agri-Business Association.

The increased use of root crops for processing by-products, such as flour, as substitutes for the traditional carbohydrate staples of wheat, rice, white potatoes and pasta will of necessity require shifts in our taste and consumption patterns.

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It is imperative, Mr. President, that we both accept and realize if we are to continuously remain vulnerable to the vagaries of the international market, we must quickly readjust our focus towards the consumption of more locally produced foodstuff. We must, as far as it is possible, eat what we produce and produce what we eat. The question we must ask ourselves is simple: Are we prepared to modify our eating habits and taste preferences? For example, can we move from the use of wheat flour to cassava flour which we can readily and economically produce in Trinidad and Tobago?

Mr. President, initial steps have already been taken by the Consumer Affairs Division of the Ministry of Legal Affairs towards the foundation of the food and nutrition policy that would foster greater appreciation and consumption of locally grown products all of which will soon become available in large quantities and at affordable prices as a result of the Government's initiatives which I have outlined.

With respect to proteins, while we are reasonably self-sufficient in poultry, this industry relies heavily on imported feed, mainly corn and soya bean meal and, therefore, remains vulnerable to price and supply shocks in the international grain markets. I wish to commend the Poultry Association which over the past six months has stood resolutely with the Government to find creative measures to keep the price of chicken within affordable limits.

Mr. President, the Government is happy to report that the price of chicken has fallen over the past few weeks, and based on the prices collected by officers of the Consumer Affairs Division, the average price of chicken has dropped by some 20 cents per pound from \$5.93 over the weekend of April 12 and 13 to \$5.73 on the weekend of April 19 and 20. The Government continues to actively pursue the use of cassava as an appropriate substitute for corn for poultry feed, as is the practice in Europe and South America. Therefore, over the medium to long term, sufficient acreages of cassava will be cultivated to replace corn as the energy source in poultry feeds and, invariably, this will exert downward pressure on the price of chicken even further.

2.30 p.m.

The Government's current local food production drive will also generate substantial quantities of peas and beans which would make available to the population, a ready source of high quality non-meat protein. Emphasis will also be placed on the tilapia fish industry, so as to ensure a ready source of protein to consumers.

As it relates to fruits and vegetables, the Government is confident that over the next 18 months or so, the country would witness a considerable increase in the supply of local fruits and vegetables and, therefore, more stable prices than obtain presently.

Already, there are reports of significant reductions in some vegetable prices. In that regard, the retail price index prepared by the Central Statistical Office shows price reduction for tomatoes, pumpkin and melongene for the month of March 2008. Price stability would be achieved as production begins to increase gradually, due in large measure to the 20,000 additional acres of land to be brought under cultivation. This new production thrust will also see the production of broccoli, lettuce, cauliflower, cantaloupe and honey dew melon, among others. There is no overemphasizing the fact that the need to rely on locally produced food has increased, as global realities make imported foods increasingly scarce and expensive.

The Government is proceeding apace to implement the necessary measures to expand domestic food production. In the meantime we would continue to adopt measures to alleviate the current hardships faced by consumers, particularly through our collaboration with the National Flour Mills in respect of the timely and widespread distribution of flour and other products to all parts of Trinidad and Tobago.

Permit me to say a word about the recent difficulties we have experienced in accessing flour. The shortfall in the supply of flour on the shelves of the supermarkets has had more to do with the temporary closure of the Nutrimix Flour Mills at Point Lisas for expansion than anything else. Nutrimix, we will recall supplied 45 per cent of the total market in the domestic consumption of flour. With this unexpected temporary closure of Nutrimix, National Flour Mills once again had to become the sole supplier of flour which they did previously. The company has given the assurance that it has the capacity to supply the local market. There were initial constraints since there was a need for it to expand its distribution capability which from all appearances, it has now done successfully. We are informed that Nutrimix is expected to be back in production by the year's end at the latest.

I wish to inform the national community that currently, there is no real shortage of flour in the country. There is no need for persons to purchase greater quantities than they would have done normally. There is no need for sellers to hoard their supplies and thereby create an artificial shortage. The Ministry of Legal Affairs, particularly the Consumer Affairs Division, will continue to be a sleepless guardian in its quest to ensure that our citizens are spared the most devastating effects of the international food crisis.

As a nation and a people, we must accept and acknowledge the inescapable reality that the world as we have come to know it has changed irrevocably and there is no turning back the hands of time. While we enjoy the benefits of living in a world of market liberalization of free trade in goods and services, where

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every conceivable item is available to us virtually at our doorstep, so too must we accept the attendant cost that accompanies such market liberalization. We are not immune to the negative aspects of living in a global village, where what affects one affects all as is the case of the world's food price crisis. The challenge confronting a mother in Trinidad and Tobago of budgeting her fixed income is the same faced by mothers the world over.

As consumers, we have a vital role to play in treating responsibly with this complex problem of food price inflation. We must not lose sight of the fact that ultimately, it is our responsibility to manage our finances by budgeting; shopping wisely; making clear distinctions between needs and wants, luxuries and necessities and of course, saving. Many of our parents on smaller incomes than we enjoy today, were able to care for the family; educate their children and still save for a rainy day. We must now adopt many of those self-same values of thrift and economical spending.

Are those of us with undeveloped land space around our homes willing to embrace the traditions of our grandparents and develop kitchen gardens for growing lettuce, cabbage, chive, parsley and other vegetables and legumes? Are those of us who cultivate ornamental flowers disposed to increasing our food self-sufficiency utilizing some of that space for growing tomatoes, spinach, ochros and pigeon peas, for instance? Such home-grown foods are not inconsistent with our family traditions. By so doing we would be making an invaluable contribution towards containing this relentless rise in food prices. The Consumer Affairs Division through its Consumer Outreach Programme has been distributing packets of seeds as pigeon peas, pumpkin, bodi, ochro, corn and hot pepper which were obtained from the World Food Day Committee.

In this regard, I wish to commend to the population the grow box initiative of the Ministry of Agriculture, Land and Marine Resources which is an outreach programme where the ministry has been training and encouraging persons who have limited land space to start their gardens by providing them with seedlings, bagasse, sharp sand and concrete blocks, all the paraphernalia they would need to start their backyard garden. This programme has been having tremendous success. Currently, the Ministry of Agriculture, Land and Marine Resources is seeking alternatives to bagasse, for example coffee hulls. The public is invited to contact the Ministry of Agriculture, Land and Marine Resources, Regional Administrative North Office located at Farm Road, Curepe for further details.

Those of us who are vendors also have a responsibility to each other and the nation. The Consumer Affairs Division has recently been inundated with reports from consumers who have complained bitterly that some supermarkets are

making it a condition of purchase of flour and rice that they must spend a minimum quantity in order to purchase a ration of rice and flour. Today in one daily newspaper, there was a report that a taxi-driver from San Juan went to a supermarket to purchase a pack of rice. He was told that he could not purchase the rice unless he purchased a minimum of \$200 worth of groceries. This means that persons are being forced to buy items that they do not need or that they can ill afford. This behaviour reflects the more distasteful aspects of our human nature. This Government wishes to inform all concerned that Chap. 82:34, section 8 of the Consumer Protection and Safety Act defines consumer trade practice as:

“...any practice...carried on in connection with the supply of goods to consumers...and which relates [inter alia]—

- (a) to the terms or conditions...(under) which goods or services are...supplied;
- (d) to methods of salesmanship employed in dealing with consumers; and
- (f) to methods of demanding or securing payment for goods or services supplied.”

Section 12 of the said Act provides that where it appears to the Director of Consumer Affairs, that a consumer trade practice is likely to have the effect of subjecting consumers to undue pressure to enter into transactions or where the terms and conditions are so adverse to them as to be inequitable, the Director is empowered to recommend to the Minister of Legal Affairs that he make an order to prohibit the practice of imposing conditions for the sale of goods and services as specified in the order. This Order shall be subject to affirmative resolution in Parliament.

The Government serves here, notice to all concerned that it will not hesitate to implement the necessary legislation as it is empowered to do, to discourage any such adverse trade practices which are inimical to the best interest of consumers.

Make no mistake about it the international food price crisis is real. There can be no escaping the pervasive nature of this problem. The crisis is being driven by new sources of demand for food in burgeoning middle classes of India and China, numbering in their millions who are demanding foods that they were not able to afford previously.

I have already mentioned the impact of climate change which is causing unprecedented droughts in some areas and sustained floods in others. The Government of Trinidad and Tobago, nevertheless, refusing to be distracted by those who as

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we have seen, only have solutions when they do not have the responsibility for managing the nation's affairs, is determined to respond to the challenge posed by high food prices by promoting assiduously its policy initiatives which by the very implementation would contribute to sustained national development. More onerous to our citizens, than the global factors over which we have no control, is the troubling issue of profiteering that is taking place to the economic and social detriment of us all.

There is no denying the fact that for some time now, the price of food at the retail end of the spectrum has been increasing by leaps and bounds, in a manner that bears little relationship to the increases in the imported price of these food items. For example, why should the price of a soft drink at the retail end increase from \$3—\$5 in the space of a mere four months? Why should the price of indigenous foods such as doubles and bake and shark increase by 75 per cent in the space of three months, when there has not been a corresponding increase in the price of raw materials and other inputs such as labour, equipment and overheads to this extent?

In the Government's view, this naked profiteering cannot be countenanced and is indeed, an objectionable practice. There are many who have come to the realization that the average citizen now has a greater disposable income to spend on consumer items and as such, are prepared to go to unreasonable lengths to exploit the volatility in the food industry for their selfish aims. This unfortunate state of affairs suggests that such persons do not appreciate or understand that in times of adversity we have a civic and moral responsibility to protect the more vulnerable in our society. We must understand that there is a price to be paid for social peace and that social peace can be attained only when all recognize and accept the responsibility to be each other's keeper. The Government issues a call to all stakeholders, to every citizen of Trinidad and Tobago, to place the national interest above profiteering and the desire for unreasonable personal enrichment.

In the face of this international food price crisis, we must be resolute and responsible to enable Trinidad and Tobago to surmount this challenge effectively. Above all, this nation needs faith and courage. The citizens must have the faith because rest assured, this Government has the courage.

Thank you.

2.45 p.m.

TOBACCO CONTROL BILL

Bill to prevent tobacco use by young people; enhance public awareness of the hazards of tobacco use and ensure that consumers are provided with information to make more fully informed decisions about using tobacco; protect individuals from exposure to tobacco smoke; prohibit or restrict promotional practices; prevent illegal conduct, including but not limited to smuggling; provide for regulation of tobacco products to mitigate against the harmful effects of tobacco; provide for sufficient regulatory flexibility to respond to new technological and scientific innovations and findings and to changes in consumer behaviours; create a national coordinating institution for tobacco control and provide for other related matters and purposes [*The Minister of Health*]; read the first time.

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

[Third Day]

Order read for resuming adjourned debate on question [January 29, 2008]

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. [*Sen. W. Mark*]

Question again proposed.

Mr. President: Following is a list of persons who spoke: Sen. Wade Mark, the mover of the Motion, Sen. Prof. Ramesh Deosaran, Hon. Rennie Dumas and Sen. Dr. Adesh Nanan.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. I am pleased to join this debate on this private Motion moved by Sen. Wade Mark with respect to the issue of the private security industry in Trinidad and Tobago.

I want to respond to some of the issues raised on January 29, 2008 by Sen. Mark, who moved the Motion, and Sen. Prof. Deosaran and Sen. Dr. Nanan, who contributed to the debate.

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Let me start by speaking to the development of the private security industry. As was indicated by previous speakers, the security and investigations industry is a \$100 billion business worldwide that has been in existence for the last 125 years. In the United States, there are approximately 11,000 such businesses that make up \$11 billion contract security industries annually. The industry was placed even more into the spotlight after the events of September 11, 2001.

The phenomenon of sudden and rapid growth is not only new to the United States, but also to countries such as Australia, whose industry has been described as matching or exceeding the size of its police forces. That level of growth in the Australian context is attributed to high demand and commercial success. Business, it is said, accounts for almost 80 per cent of the industry's overall revenue and 78 per cent of its employment in New South Wales, Victoria and Queensland.

In South Korea, a study was done to explore the contributing factors of the rapid growth of private policing. This study also attempted to explore the nature and implications of private policing within the broad context of political, economic, legal and cultural systems. It was found that several factors contributed to the popularization of private policing in recent years, namely, the decentralization of the policing authority, which provided the political grounds for the growth of private policing; the economic affluence in the late 1980s and early 1990s also paved the way for the wide availability of private policing and its specialization in Korea. The findings of the study also revealed that the changing nature of the legal and cultural, from mediation and reconciliation to litigation, contributed to the rapid growth of private policing in Korea, in addition to fear of crime and some historical events such as the Olympic Games.

The United Kingdom experienced a similar type of increase. A snapshot of the British Security Industry is said to be some £3 billion to £4 billion annual revenue and some 500,000 security personnel as against 136,000 police officers. It is a substantial industry. Staff turnover is up to 150 per cent; within some sectors, up to 25 per cent of staff on minimal wages, competing on price, not quality, a business model that cannot work. Margins under unsustainable pressure; quality driven out of the product; suspected contracted and contracting promiscuity; contract swapping for minimal savings, the security industry is often forced to provide cheap solutions and cannot pay enough to recruit and maintain quality people. This is in the United Kingdom.
[*Interruption*]

As a result, Mr. President—to whom I will speak in my entire contribution; I will look straight at you, as I am supposed to do—it is estimated that in the Private Security Industry Act, there are between 300,000 and 500,000 persons working in the business within the United Kingdom and the number is said to be

growing hugely as demand for reliable security increases. In the past, a small criminal element, opting in and out of the security industry, has given it a poor reputation and, despite its size, the industry has never been properly regulated under the law. That, of course, was changed with the implementation of the Private Security Industry Act, 2001.

Mr. President, coming back home, as was said by previous speakers, especially my hon. colleague, Sen. Mark, we find that all of the factors mentioned above have influenced this phenomenon whether to a greater or lesser extent. No matter what the reason, this growth in the industry is cause for concern internationally, regionally and, of course, locally for various reasons. Many are concerned about the competence and quality of the services offered by security providers and consultants. The issue of poor communication skills and lack of physical fitness are some of the other problems cited globally.

Others are also concerned about the individual that established the security company and whether the organization exploits its staff. Whatever the nature of the concern, this Government recognizes the changing world of private security firms and that the security industry needs to be more stringently regulated and held accountable. There is no question about that. But, as my colleague indicated, we find, as it stands now, that it is only over-licensed and registered security companies for which the Government has any say or control. Clearly, that is unacceptable, but to move from where we are to what is more acceptable requires a structured approach to how we move.

Sen. Prof. Deosaran and Sen. Dr. Adesh Nanan queried the demise of the 2001 Bill. That Bill described as an Act to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto was passed in the other place on March 16, 2001. Unfortunately, that Bill lapsed upon the dissolution of Parliament before it could be debated here. The provisions of the Bill, therefore, could not be implemented. However, it is this Government's intention to draft legislation that treats exclusively with the private security industry.

Sen. Prof. Deosaran stated that we need a fresh, comprehensive look at the existing legislation. Sen. Mark complained that despite promises made, no Bill has been tabled, and Sen. Dr. Nanan has alleged that the Government has done nothing from 2002 to present, with respect to the Private Security Agencies Bill.

As my colleague, the Hon. Rennie Dumas, Minister of Labour and Small and Micro Enterprise Development and Member of Parliament for Tobago East pointed out in his response to the Motion, the legislation cannot be patchwork

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legislation. I wish to advise that the Ministry of National Security and the Trinidad and Tobago Police Service have been seeking to treat with the security industry from three different aspects, which include:

- (1) dealing with the legislation;
- (2) consulting stakeholders; and
- (3) improving the current mechanism.

With respect to the legislation, a committee, comprising the Commissioner of Police, the Director of the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT), the Commissioner of Prisons and senior officials within the Ministry of National Security was established to formulate a framework for regulating the private industry in Trinidad and Tobago. That committee was set up in July 2006. Two subcommittees were created; the first to create a framework document for the regulation of the security industry and the second to meet the stakeholders concerned.

The second committee is to formulate policy documents that will specifically address the burning issues examined in previous government initiatives, which were given further verbalization by hon. Senators during the debate in January 2008. A final report was submitted to the Ministry of National Security and its contents are being reviewed. Further, some interim measures have been formulated and a determination is currently being made with regard to their implementation.

Mr. President, the committee set out addressing this task by embarking on a series of ventures that both involve and engage the various stakeholders in the security industry. One of these initiatives, as I said, was the creation of two subcommittees. The first of these subcommittees was involved in the creation of a framework document for the regulation of the security industry and met with various stakeholders. Among these stakeholders were the American Chamber of Industry and Commerce (AmCham) and the Security Managers Association. The second was charged with the express purpose of formulating policy documents which specifically address these issues.

The Ministry of National Security has recognized that there are issues that challenge the private security industry from the labour/management perspective, a security protection perspective, and an employer/employee perspective. Some of these challenges which are deficiencies include, but are not confined to, low wages, minimum or no recruitment standards, high turnover rate, low levels of education, minimal or total lack of training, operational health and safety, community policing, inconsistency in quality of service, use of force and ethical

standards. It is this Government's objective to ensure that the private security industry is regulated, which will allow for community safety, protection of innocent third parties and clients as well as the instilling of confidence in the security industry's operations.

To this end, minimum standards will be established to protect workers and the reputation of service providers. The framework will allow for the charter of operations, oversight structures, enforcement of laws and regulations, as well as personnel requirements. The underpinning principles are ground in governance and human rights.

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It is anticipated that the application process will be more stringent, as proposals incorporate the following:

- an inspectorate for the security industry;
- the formulation of industry standards and codes of practice;
- a statutory licensing system with conditions of licence;
- the periodical renewal of licences;
- the power to revoke or suspend a licence;
- inspection and audit oversight schemes;
- prescribed forms of identification cards and prohibited business practices;
- the establishment of approved training schools; and
- a complaints and adjudication department.

The committee reviewed legislation for a number of jurisdictions: Trinidad and Tobago; the United States of America; Great Britain; Australia; Iraq, believe you me, as developed by the Iraqi Government to regulate the operations of foreign private security companies presently operating in Iraq as organized by coalition forces; European countries and Canada.

The members have also to consider theoretical perspectives on private security including the labour/management perspective, public interest perspective and competition perspective.

There has been consultation with Dr. Smuter who is an associate Professor in the Department of Sociology and Criminal Justice at Old Dominion University in Norfolk, United States; the Chief Executive Officer of the National Association in Criminal Justice in the United States and an Executive Officer of the American Correctional Association, as I said earlier on.

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The American Chamber of Commerce allowed for discussions with committees and managers of security companies in Trinidad and a presentation was made by the Security Managers Association and a draft document prepared by them, with respect to setting standards for the operation of the private security industry. Information from this presentation was utilized by the committee in establishing its policy document.

I have met with the Estate Police Association and the President of that Association, Mr. Dardaine, recently forwarded some proposals for the amendment to the Supplemental Police Act, which incorporate provisions to treat with the private security industry. Research, collaboration and consultation are, of course, key features to the work we are doing, geared towards regulating the private security industry and all contributions are welcome.

Also, the Estate Police Association recently had a meeting with the Minister of Science, Technology and Tertiary Education, Hon. Christine Kangaloo, to make proposals with respect to the training issues. That meeting was held on March 26, 2008. I am also aware that the Ministry of Science, Technology and Tertiary Education is also in receipt of proposals from eminent and distinguished personnel in Trinidad and Tobago, with respect to how to improve the private security industry, by offering training. The Academy of Criminology and Public Safety of the University of Trinidad and Tobago has also made proposals, as they relate to increasing training for personnel in the private security industry.

Sen. Prof. Deosaran queried whether regulations under section 12 of the Supplemental Police Act were ever made.

Mr. President, my apologies. I should have started by—I am very, very sorry—seeking your approval to be allowed to quote extensively from a prepared document, especially after attending the CPA this morning. One of the former CPA members raised the question of Members reading. Mr. President, I know it is kind of late, but better late than never. Can I seek your approval and that of the Senate for me to quote extensively?

Mr. President: Minister, I have indulged you so far and you have been doing all right. This time around I will let it slide.

Sen. The Hon. M. Joseph: Mr. President, this is not normally my style but, because of the nature of the presentation—[*Interruption*]

Sen. Rahman: Would you give way for a second, Sir?

Sen. The Hon. M. Joseph: Sure.

Sen. Rahman: I am wondering whether the hon. Minister is supporting the Motion. If he is, he simply has to say that he is going to support it because we have moved a motion, and if he is not objecting to the Motion surely he should say that he is simply supporting it. I do not know that this extensive government propaganda advances his cause.

Sen. The Hon. M. Joseph: I beg to differ. I do not know if it is extensive government propaganda. I am in the debate. Persons raised certain issues and as a result, I am responding. As I have indicated, Sen. Prof. Deosaran queried whether regulations under section 12 of the Supplemental Police Act were ever made. Although the Ministry of National Security has not made any regulations under section 12 of recent, the Commissioner of the Police, who is responsible for the efficient conduct of the supplemental police, has embarked on a number of initiatives aimed at strengthening and streamlining the operations of the private security industry. These are as follows:

1. Development of specific guidelines for persons applying for permission to operate a protective security agency, which I will outline later in this response.
2. Upgrading of the regulatory mechanism whereby the Assistant Commissioner of Police, North-West in particular, is mandated to submit a report to the commissioner on a quarterly basis as to the state of affairs of the supplemental police.

The report contains the name and address of every supplemental police, the agency or security company in the division, the actual strength in each division, the name and a contact number of each precepted officer, number of visits and inspection of supplemental police activities in respect of ammunition and compliance with operational rules, regulations and procedures, refresher training programmes conducted by the respective organizations and precepts reconciled every two years, with the records of the Trinidad and Tobago Police Service.

The Assistant Commissioner of Police, North-West is entrusted with the responsibility for receiving monthly or quarterly reports from heads of divisions pertaining to all supplemental police agencies conducting business in their divisions.

Quarterly meetings are held amongst the Assistant Commissioner of Police, North-West, the directors of private security agencies, as well as heads of security of municipal corporations. Performance, training and other issues are discussed at these meetings, especially with regard to recruitment procedures.

3. Establishment of a database to store information pertaining to the private security industry.

I wish to report that all of these initiatives have been implemented in various stages. The guidelines are in use and are in fact posted on the Ministry of National Security's website: www.nationalsecurity.gov.tt. The database is in existence and allows the Commissioner of Police to access pertinent details of a registered private security company in realtime. These details include the reference number, the company's name, the names of managers, directory of the company's address, the company's telephone and fax numbers, the names of the precepted officers, the addresses of those officers, their precept numbers and their firearm users employees certificate number. The regulatory mechanism was upgraded and is indeed functioning. The reports are tabulated for the attention of the Commissioner of Police and will reflect that bi-monthly visits are made by the commanders to determine operational matters. Also, general meetings are held with the industry and the ACP to discuss administrative issues.

On the basis of that, I have before me—just for the information of the Senate—the information in tabular form for Central Division with all the registered companies and all the precepted officers. Again, as I have said earlier and underscored, it is those matters that we have control over.

For example, on the basis of the latest information we have, there are approximately 5,116 precepted officers: Central, 419; North Eastern, 2,212; Northern, 499; Port or Spain, 1,185; South Western, 27; Southern, 587; Tobago, 45; and Western, 68. As I have said, we have the number of precepted officers, the training programmes, the company addresses, et cetera.

It is clear, therefore, that the Ministry of National Security is not sleeping and the Commissioner of Police is not sleeping. We are exploring the issues holistically and will not be making recommendations that treat with regulatory issues solely. In fact, we are looking at health and safety issues, protection against terrorism and a security regime for air cargo, mail and courier shipment. It is now the Ministry's intention to collaborate with the Ministry of Labour and Small and Micro Enterprise Development to settle the various proposals and submit an appropriate policy for Cabinet's approval.

For Sen. Prof. Deosaran's benefit, I would like to have the opportunity to highlight some pertinent details of the supplemental police. The supplemental police consists of the estate police and the rural police. The estate police comprises such constables as are employed on any estate in the maintenance of order on, and in the protection of the estate and such constables as are employed

by the protective service agency. The rural police acts as an auxiliary to the police service during times of peace but assumes the ordinary duties of the police in time of internal disturbance or external aggression.

The private security officer is therefore not a distinct entity to the estate and rural police, as suggested by Sen. Prof. Deosaran in his introduction. The private security industry can be distinguished however in that it exists to serve private, not public interest. Notwithstanding that, what this Government will attempt to do is standardize the screening and training required as well as ensure that oversight and disciplinary systems are applied.

The Minister of National Security is responsible for approving applications for protective service agencies that have as their principal object, the protection of persons and property by providing guards and escorts. When their officers require precepts we again are involved. This is a fundamental concept that is being ignored by my colleagues on the other side. The Ministry of National Security has no power, no remit, no control, no involvement or no input over, or in the affairs of private security companies that do not submit applications for approval. In fact, there is no penalty clause in the Supplemental Police Act, vis-à-vis those agencies that do not seek the Ministry's approval. It is therefore disheartening when frequent attacks are launched on the Ministry of National Security in relation to this issue of the private security industry, without a full understanding of how the private security industry operates within the ambit of the law.

As I have said, it is the intention of the Government to change that, as has been done in other jurisdictions. We are well on our way, as it relates to moving in that direction.

Although I may have previously outlined the process for obtaining permission to operate as a protective service agency before, I do want to refresh the Senate's memory. The approval entails the following:

- submission of an application on a prescribed form, which is forwarded to the Commissioner of Police for determination as to suitability of the company and its executives;
- a certificate of character in respect of each director and senior executive officer of the agency must be submitted;
- a colour photograph of the uniform worn by the employees of the security agency must be produced;

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- the certificate of registration or incorporation from the Companies Registrar must be provided;
- the Board of Inland Revenue file number confirming that there are no outstanding taxes, interest or penalties other than those amounts which are the subject of an objection or an appeal is sought;
- certificate from the National Insurance Board that the agency is registered as an employer under the National Insurance Act and that there are no outstanding amounts payable under that Act, by the agency up to the month in which the application is made;
- of utmost importance is the production of a certificate from an insurance company endorsing that there is in force a policy of insurance issued by that company insuring or indemnifying the agency against the full amount of its liability in respect of any injury sustained by a security officer in the discharge of his duties;
- there must also be a public liability insurance policy for an amount not less than \$500,000 and must include liability for damages caused by the negligence of security officers at the premises of customers. This allows some measure of redress for members of the public.

The Commissioner of Police reviews applications and makes the necessary recommendations to the Minister of National Security who in turn will approve or refuse accordingly. In fact, some applications were not recommended and, subsequently, rejected by the Ministry of National Security for some of the following reasons:

1. Applications on persons holding managerial positions did not possess the required skills, experience and knowledge to successfully manage a security firm.
2. Applicants could not provide evidence of financial viability and did not submit the requisite public liability insurance policy coverage.
3. Registered business addresses were actually the dwelling houses of the firms' directors.
4. Applicants were not residing in Trinidad and Tobago and were unable to provide financial records to illustrate the requisite cash flow.
5. Firms were not registered with the Board of Inland Revenue as required.

Mr. President, before an application is approved, the police service seeks to ensure that there is the requisite basic knowledge and skills required to operate a protective service agency; that the company must be financially viable; that there is business management expertise; that the employees are skilled; the type of equipment used is identified; and the Certificate of Character is provided.

What I have just highlighted reflects that the Commissioner of Police and the Ministry of National Security are not simply rubber-stamping applications, but do seek to ensure that there are responsible private security agencies in existence.

Mr. President, Sen. Prof. Ramesh Deosaran spoke of the power of the Minister and the Commissioner of Police to heal, prevent and control crime via regulations 2, 3, 7, 8 and 12. I would like to refer to those regulations cited by Sen. Prof. Deosaran as it is my understanding that those sections principally deal with the structure within which the supplemental police must operate rather than a mechanism to prevent crime.

Regulation 2 states that a rural and estate constable shall be directly under the orders of magistrates and police officers of or above the rank of corporal. Every estate constable shall also be under the orders of a senior member of the estate police.

Regulation 3 directs that every rural and estate constable shall obey all magistrates, police officers of or above the rank of corporal and any senior member of the estate police in matters of official duty.

Regulation 7 makes it mandatory for every rural and estate constable to report as soon as possible to the police officer in charge of the station to which he is attached, any serious crime or unusual event occurring in his district.

Regulation 8 states that:

"when an arrest is made by a rural or estate constable, he shall forthwith take the person or persons arrested to the police station to which he is attached or to the nearest police station to lay the necessary information as may be directed by the police officer in charge."

Finally, Regulation 12 makes it compulsory for every rural constable on appointment to be attached for seven days for training at the police station of his district.

It is respectfully submitted that those regulations do not directly speak to preventing crime, but rather underscore that the supplemental police must operate within a law enforcement framework and, therefore, there must be interaction with senior police officers.

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Sen. Prof. Ramesh Deosaran has made a recommendation for the police service, estate police, the private security industry and the rural police to join forces to deal with crime. Mr. President, whilst the concept of collaboration is laudable, the police service can only operate within the confines of the Supplemental Police Act.

The Commissioner of Police has informed me that the police service collaborates with supplemental officers in terms of processing precepts, training and evaluation of officers desirous of being precepted. Again, Mr. President, I have to say that the Ministry of National Security only has input where protective service agencies seek our approval to operate as such, and have sought precepts for their officers. And even then, we must operate within the confines of the law.

Sen. Prof. Ramesh Deosaran has referred to specific pieces of legislation, namely sections 4, 5, 7, 14, 15, 29 and 31, that allow for a vibrant community policing programme, which he stated would allow the Ministry of National Security to create a conjoined police force. I think it is important that we review these sections.

The Supplemental Police Act, namely section 4, as mentioned by Sen. Prof. Deosaran, allows for the rural police to act as an auxiliary to the police service in the performance of its ordinary duties. During a time of internal disturbance or external aggression, they can assume the ordinary duties of the police service to such extent as may be found requisite by the commissioner. It should be noted that this power relates to the rural police and not estate police. Further, my information is that there are no rural police so this clause cannot be enforced. To reiterate, the clause only relates to rural police and, as such, the estate police, including some private security officers, cannot perform as this section envisaged.

Section 5 highlights the fact that the Commissioner of Police has the command and superintendence of the supplemental police.

Section 7 details the composition of both the rural police and the estate police.

Section 14 treats with lawful instructions.

Section 15, a critical section, deals with the call out of rural police for active service, even in cases of great emergency. Again, this is not applicable to the estate police/private security officers. This call-out provision is, indeed,

invaluable in any voluntary or supplemental force, and it will be reviewed when the legislation is reformulated. However, at present, the law does not cater for protective service agencies being called out to assist in emergency situations.

Sections 29 and 31 refer to the appointment of special constables. This is not currently done and, again, will be looked into against the backdrop of the initial intention as well as future purposes.

Mr. President, the Supplemental Police Act is an enactment to allow for supplemental bodies of police, ensuring at all times, however, that the primacy of law enforcement resides with the police service. The estate police is a vibrant entity in our country, and there are occasions when there is collaboration between the police service and the supplemental bodies. Collaboration must however occur in accordance with the law and, currently, the law does not allow us to use the resources of the protective service agencies to combat the criminal elements.

As was stated before, the private security industry is about protecting private properties and private rights. The law does not allow for the kind of involvement that Sen. Prof. Deosaran is proposing. Rest assured, Mr. President, this Government is in the process of ensuring that the laws relating to supplemental police now take into account the policing realities of today.

Sen. Prof. Deosaran: Minister, thank you very much. Maybe it was my fault, but I wish to reemphasize that we are in agreement, in a sense, in that I was asking for the laws to be changed to accommodate the kind of collaboration that you are talking about. Thank you very much.

Sen. The Hon. M. Joseph: Even though the needful is being done with regard to revamping the laws, the public should be aware that community policing is not being ignored. Earlier on, I provided a complete response to the whole question of community policing. I do not think that I need to bore hon. Senators anymore with the whole question about the fact that it is a philosophy and the movement from a unit or a department.

Mr. President, at the time when the Community Policing Unit was disbanded in 2002, there were those persons who cried howl and foul and thought that the Commissioner of Police did not know what he was doing. I was not around then and, as a result, I had no knowledge, but from where we sit now, let me just say something here. Mr. President, in many of the jurisdictions, community policing started like a department or a unit, and then there was a recognition that it was insufficient and, as a result, there was need to embrace the whole question of

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community policing. In other communities that embracement took place quicker and faster. People were talking and saying that the police are confused and they do not know whether they are coming or going.

Mr. President, we need to understand—today is not the day or the time—but I am sure most of us remember the genesis of our local police. In many instances, it is about criticism, but it was about us against them, because of their whole historical perspective. We are now trying to change that embedded culture, and in terms of policing that has to be changed—the way in which policing relates to the community—especially as we are talking about developed society status.

There must be collaboration and it is taking a little while. That is the reason for the introduction of policing for people and the model station initiative. We would love to go and put it in the entire police organization, but it just will not happen because it requires a certain type of paradigm shift. [*Interruption*] I am not going anywhere. Where am I going? All I am saying is that it requires a paradigm shift and a paradigm shift requires a major change.

Mr. President, when we talk about transformation of the police service, I think sometimes people underestimate what it means. When you are talking about transformation, you are talking about going into the internal ways—the way we are accustomed to doing business. For persons who have been accustomed to doing things a certain way for so long, one could imagine how challenging it is going to be. One understands that. So, for those persons who are saying that they are confused and they do not know whether they are coming or going, as it relates to the community policing philosophy, it is being embedded on a firm basis.

The police service is slowly but surely changing the way it does its business and officers are being trained and supervised to deliver a service that has the community as its priority.

Mr. President, all speakers expressed concerns on the qualifications for appointment as a constable as well as the need for a training academy. Notwithstanding that section 8 of the Supplemental Police Act specifies only three requirements for appointment, that is, age, being able-bodied and of good character, there is now in place a list of 15 requirements that must be satisfied before a precept application is approved. This list includes, but is not limited to, the passing of a supplemental police examination, the review of an investigator's report on the applicant, a psychological report, a drug test report, a discharge

letter from the previous employers as to the reason for separation and a medical certificate of fitness and vision. As I mentioned before, you will see an evolution of the law in this regard.

Sen. Prof. Deosaran has asked about the authority of a private security officer. He said earlier that he was raising this within the context of the changes. For a security officer who is not precepted, he only has the authority to effect a citizen's arrest as provided for under the Criminal Law Act, which gives any person the authority to arrest without warrant, anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence, or has been committed, any person may arrest without warrant, anyone who is, or whom he, with reasonable cause, suspects to be guilty of the offence. Again, such officers are not under the supervision of the Trinidad and Tobago Police Service.

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A precepted officer has the powers of arrest of a police officer and it is for this reason an applicant for a precept has to undergo a stringent assessment, which I have mentioned already.

Sen. Dr. Nanan had asked what is the Government doing with respect to unprecepted officers. With regard to the Ministry of National Security, the current law does not provide us with the tools to do anything with unprecepted officers, as those on the other side are well aware. The police service has no role to play with unregistered firms and unprecepted security officers, and as I said, new legislation will indeed treat with this problematic area.

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. The Hon. B. Annisette-George*]

Question put and agreed to.

Sen. The Hon. M. Joseph: Thank you very much, Mr. President and hon. Senators, for extending my time, I will not be much longer. Sen. Prof. Deosaran raised a couple of issues in his contribution at the time. He mentioned two things; first of all, he talked about the difference in terms of Prof. Charles Katz talking about 95 gangs and then my talking about 86 gangs; why are the gangs expanding; why are the gangs not under control; what is the criteria used for the establishing of gangs. I am not going to respond to that directly.

Let me just indicate, Mr. President, hon. Senators, that just recently—as recent as April 03 and 04—the Council of Ministers of National Security and Law Enforcement had a meeting in Port of Spain, Trinidad, as a precursor to a meeting of the 13th Special Summit of Heads of Government to treat with the question of crime. There is a technical team that feeds information to the Council of Ministers. That meeting which I just referred to was the Fifth Meeting of the Council of Ministers of National Security and Law Enforcement.

At that meeting, the Ministers of National Security and Law Enforcement—and just for the information of the honourable Senate, it was the best attended meeting of the Council of Ministers. Every single Minister of National Security and Law Enforcement was in attendance. For the very first time, Haiti was also in attendance. I am saying this because there were presentations made by the Organization of American States (OAS) and in particular, Dr. Christopher Hernandez-Roy, the Director of the Department of Public Security of the Organization of American States, addressed the Council of Ministers.

Basically, he was talking about this new department, because of the current environment, the OAS saw there was a need to establish this Department of Public Safety. The Department of Public Safety was created two years ago; there were three departments: The Office of Humanitarian Demining, Transnational Organized Crime Division and the Public Security Policies Division. Among other things, in making his presentation to Ministers of National Security, he talked about the Public Security Policies Division, and permit me to quote from it. He said:

"The Public Security Policies, more of an internal OAS policy shock, less programme oriented in its studies. Areas of focus: prisons, gangs, private security."

Interesting, and of course, they talked about training. Interestingly enough, he talked about dealing with private security.

"Private security is playing an increasing role in the areas where there is little or no police presence, but there are few appropriate means to control, monitor and evaluate private security operations."

This is a presentation made on April 03, 2008. He also talked about the fact that the second area could be on the subject of gangs. I am quoting here:

"We believe that there are four general types of gangs, ranging from the relatively harmless to the extremely violent gangs with ties to transnational organized crime. These four areas are what we call one, irregular gangs; two,

delinquent gangs; three, violent gangs and four, criminal gangs. For each type, we look at what actions or policies should be undertaken in three distinct areas: prevention, rehabilitation and control. Some solutions targeted for the least to the most violent..."

And they talked about it. Quoting again:

"In three weeks' time, we will be sending a four person multi-disciplinary team to conduct a gang assessment in Antigua and Barbuda at the request of the Government. The team will be expected to produce a report outlining the causes and effects of the problem and offering recommendations to the Government for addressing the situation. We can offer this to other Caribbean states with the emerging gang problem, should they so be desired."

They were talking about this emerging situation in the Caribbean. You know interestingly enough, Prof. Katz was quoted because I understand Prof. Katz is one of the experts in terms of the whole question about gang, gang tracing, gang development, et cetera, et cetera. I just thought that I should say that.

There were some other remarks made and I am not—the Tabaquite phenomena for example, and how as Minister of National Security, we ought to respond. I take all of the comments made by my hon. colleague, Sen. Prof. Deosaran in stride, because I see them all as constructive criticism designed to improve how we do business and where there are shortcomings, that those shortcomings are intended to be addressed. The comments made by my colleague, Sen. Wade Mark, are also taken in that context and so are the comments made by Sen. Dr. Adesh Nanan.

I want to conclude, Mr. President, that AmCham, in its Volume 4, 2007 article on private security standards makes some interesting points and again, permit me to quote:

"The way forward

A fantastic opportunity exists for Trinidad and Tobago to emerge as a world leader in establishing private security standards. A crime-supporting environment exists due to the convergence of law enforcement organizations in transition; a dynamic growing economy with suitable targets; potentially willing offenders and an insufficient private security industry.

Therein lies the opportunity for Trinidad and Tobago to embrace the challenge and emerge as one of the few nations in the world that is able to slow down the growth of crime while at the same time develop performance standards for

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the private security industry. Security performance standards are not common in many other countries of the world.

A set of standards considered as best practice and considered worthy of emulation by Trinidad and Tobago are enshrined in the United Kingdom's Private Security Act, 2001 and monitored by the Security Industry Authority."

In other words, Mr. President, an opportunity exists clearly for the Government to look at what currently obtains or does not obtain as it relates to the private security industry and put measures in place to treat with same. It is the intention of the Government, Mr. President, hon. Senators, to take up that responsibility and treat with it, the introduction of the necessary regulations/legislation to treat with the private security industry.

I thank you very much, Mr. President.

Sen. Dana Seetahal SC: Thank you very much, Mr. President. The Motion before us is based on about five assumptions of significance. The first is that there are about 50,000 workers in the industry—security guards—and that they enjoy poor working conditions. They are paid low rates; they engage in long working hours and the Government has not established the necessary standards and regulations for this industry.

The Minister of National Security has effectively said that under the current law, the Government cannot regulate unregistered security firms; that basically is what he said. So, these firms that register or hold themselves out to be security firms; employ security guards and charge people money for security guards; if they are not registered under the Supplemental Police Act, the Government really can do nothing. That is the bottom line and I am sure the Minister agrees with my interpretation of what he said.

Mr. President, one therefore needs to look at what the law is, insofar as security guards or security agencies, and it is, as the Minister and other speakers identified, the Supplemental Police Act, Chap. 15:02, and it is very short. Under that Act, which covers rural police, who no longer exist and estate police, who are really protective security persons, a protective service agency is defined as a company "whose principal object is the protection of persons and property by providing guards and escorts and approved for that purpose by the Minister". So, that is what a protective service industry under the law of Trinidad and Tobago is, one that is approved by the Minister to provide guards and escorts.

If someone has an agency and that agency is not approved by the Minister, by simple reason of this person not coming to the Minister, then they would not fall under this Act and then the Minister, even if tomorrow he were to make regulations under the Act, would not be able to enforce those regulations, because those people are just practising willy-nilly. There is no law in this country, which says a person cannot establish a security firm and go and charge persons money for having security guards.

What the law says is that persons who must use a firearm, in essence—I am summarizing it—would have to have a precept and that precept is given by the Commissioner of Police. So, the assumption is therefore, that the Commissioner of Police would not give to ordinary security guards these precepts. The Commissioner of Police, one imagines, would give precepts to security guards who are engaged by companies approved by the Minister. That is really the current control that the Minister or the Ministry or the police—using that as one organization—has over willy-nilly private industries or private firms. It is that their guards would not easily get weapons, because the Commissioner of Police would not give it to those who are not registered under the Act.

If I may indicate, Mr. President, about eight months ago, there was a matter which was before the Court of Appeal in which I was involved. There was a security guard who had been charged for possession of a firearm, and at that time he was employed by a very well-known supermarket in Barataria and also, he acted as a bodyguard for a dentist, I believe, and someone else. He was charged with possession of a firearm because he had no licence to carry a firearm; he was not precepted.

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He was actually said to be responsible for the security in this grocery. He was convicted to three years imprisonment and lost his appeal and is currently doing the time.

It seems to me that his employers had something to do with that, because if they had done the proper thing and engaged the services of a protective service industry or agency that was registered, or had him form such an agency, then he would not be in a position of holding an unlicensed firearm. So, that is the situation that we are looking at in Trinidad and Tobago.

In Trinidad and Tobago there is said to be—according to the Minister of National Security in December 2006—some 50,000 persons involved in this industry. Today he has said that there are 5,100 security guards, but he had said there

were 50,000 in the industry. I guess there would be many other people other than actual guards; I do not know exactly what functions they perform but I suppose if you have an agency and you have people in-house and so. If one counts those numbers against the regular police service, one would realize that it is at least seven or eight times the number of persons in the regular police service. Fifty thousand as the Minister said in December 2006; 55,000 as Sen. Mark says, at any rate, it is a significant number and in a population of 1.25 million one can see that it is possibly the largest service industry, probably the only competition will be the construction industry. It is clear that if one in this country is to have such guards who are exercising power whether legally, having been registered and authorized by the Minister or without such authority, it is clear that there ought to be some regulation of it.

Under the current law there is only regulation if one registers. So the end result of that is if persons form themselves into companies and engage persons as security guards, only if they wish to be, will they be regulated. Only if they wish to be, will they have to satisfy those data that the Minister talked about. What is the response of the Government, through the Minister, to that? The response is that we have established a committee, the committee has met and the committee has established certain data, and this is since 2006. December 2006 is the last report we had on it and today is April 2008. The Minister said we are not rushing into these things, but I will remind you that insofar as the DNA legislation, it took four years to bring that to Parliament; and other pieces of legislation like the Prison Regulations which we have heard about four years now, I have heard nothing further. I have not seen them.

My point here is, in this country where there is a murder rate currently of about 31 per 100,000, which is rivalling that of Jamaica and as theirs stabilized ours is increasing, and where security is of extreme concern to the average citizen, personal security, where persons not only through jobs, but privately as well are contracting security, one would think that it is vital that one has a legitimate, recognized and regulated private security. In other words, one must have private security which one could rely on as being reliable, that they do not have previous convictions themselves.

Mr. President, there are numbers of persons who have functioned as private security and have been shown to be involved in crimes against their employers, this is not uncommon. There was a matter some years ago where you had a private security in the dump and they ended up killing one of the persons there, so, you need to have this kind of control immediately. So, my question, as it were,

to the Minister, is, are we to wait that length of time? Are we to wait an undefined length of time in a country where security is the second—some people say the first concern, I thought traffic was the first concern—of citizens? We should not have to wait three or four years to see any positive change in the law as we would wish.

My suggestion, therefore, is that the current legislation could be amended, the Supplemental Police Act could be amended by an insertion in that Act just to say that “every protective agency functioning as such in Trinidad and Tobago should have the approval of the Minister before so functioning”. And that is not a question of regulations that would take time, it is just a question of requiring that to happen and providing a penalty if it does not. So, if in fact any company, any group, any body—you can include individuals in that—were to function as a protective service agency or person and did not have the approval of the Minister, that person could be liable to be charged with an offence and sentenced to \$50,000 or three years. There is nothing impossible with amending the Act. The Act already has provision for penal consequences, so that really is my position on the matter.

I agree with the resolution in essence. I think that we do not need to go over what is already established, that a lot of these security guards are exploited. Those are the ones who function or work under agencies that are not approved by the Minister, that are not registered and so do not have to satisfy his stringent criteria. So, we have a lot of these people who work—I have been told by them personally that they work 24 hours and 48 hours because there is no one to stop it. If they are sick they dock their wages, or if they come in late for an hour, things like that, and these people are paid sometimes \$1 up the minimum wage and they are paid no extra for working nights. So, you have that kind of situation in Trinidad and Tobago with the, probably, largest single industry, and really, that makes it imperative that the State step in.

What kind of example is that for the rest of the industries? Lawyers: there are 3,000 of us and there are all these stringent criteria: there is a code, doctors, nurses, teachers, police officers, all of these are about 2,000 3,000, 5,000, to 7,000 and you are talking about 50,000 to 55,000 people in the private security industry and the majority of them—two-thirds of them, I do not think it is disputed—are functioning without approval and nothing under the current law can be done. So the current law could be immediately amended; immediately as within a couple months, while we work on the regulations and that should be done without delay, otherwise we will be at risk and at the mercy of unscrupulous protective agencies, and we do not know what they will be up to. Who knows, some of them could very well be part and parcel of the crime situation.

If you are so bold that you are functioning without being registered, with unprecepted guards and probably some of those guards would have firearms, I am sure and they would have been illegally acquired because the commissioner would not give such persons firearms if they are not with approved agencies. Therefore, that has to stop now and the Government cannot wait indefinitely to pass these regulations or even if they wish to wait for a long time until they have it perfect—which I do not think, we should—because nothing is ever perfect. They can come here and they can work on clearing it up but we should amend the law immediately to bring every person, every group functioning as a security firm, under the ambit of the law.

Thank you very much, Mr. President.

Sen. Mohammed Faisal Rahman: Thank you very much, Mr. President. I rise to support the Motion brought by Sen. Wade Mark, my colleague and I wish sincerely to congratulate him for bringing this Motion which has comprehensive significance to the society in which we function in Trinidad and Tobago. It is a multifaceted issue that we are dealing with here and I am very happy that many of the points have been made by the Minister of National Security at the time that he made them—because since he spoke ahead of me he gives me an opportunity to address some of the issues which he has raised.

One of the things I have found about this Government is that it does not think outside the box. It thinks in a very furrowed, single-track method of thought. Nothing is tied in to anything else and we treat everything in a vacuum. With utmost respect to Sen. Seetahal SC, she has made some very good points, but my experience has shown me—and this is just the beginning of what I have to say—that we have laws in this country to deal with the issues that are confronting the security companies and the issues that the security companies present to the nation. We have labour laws and those labour laws are not toothless.

When Al Capone was making money in drugs and he could not be apprehended for his illegal activities, they got him on taxation evasion. It is so simple. Now we have, the last time I was forming companies before the new companies law came into effect and I do not believe that this has been removed from the new law, but I recall that every day that a company functions without being registered it is subject to a penalty in law; \$100 per day. In one year of functioning you are paying \$36,500 for having been functioning as a company unregistered, unless that law has been changed. We have means to ensure compliance. If we are saying that simply because these people have not registered themselves, have not subjected themselves to the requirements of the law they are

therefore free of the burden of the law, I cannot see how any government—except a ministry that thinks that it is the government and there is no other ministry that can enter into the picture—can view matters like this. You cannot form a company, you cannot acquire firearms and you cannot offer services and escape the law that says you must register.

We have a National Insurance Act; you think that not registering gets you off the hook? No! There is a compliance unit and they go and they ferret out the people who have not registered. The VAT situation, if you do not register, you do not escape the law. Not at all! You have a compliance division that goes out and seeks out the companies that qualify under the VAT law and they rope them in. Not to talk about the very efficient inland revenue. If we have companies that are functioning, making money, charging money and not keeping books, it is an easy matter to enter into the picture and demand accounting. We have laws where all of your properties are confiscated if your gains are ill-gotten. We have laws that are functioning; we have laws on the statute books, but do we have the will to implement the law?

4.00 p.m.

We are being told by the Minister of National Security—he gave a very beautiful picture of the responsibilities of the police commissioner and some of the things he said about the pilot programmes that are being done right now, but what we are seeing here is a continuing burdening of the police force, particularly in the last several Bills that have passed through here. We are bringing in additional burdens under the copyright law and others that have escaped my mind right now, and we are increasing the responsibility of the police department and now we are thinking about pilot projects. I see this is a pilot project in a vacuum and this one is going to work out perfectly!

Mr. President, I am really appalled at the way we are, it is either the Government Ministers do not think or we are being taken for fools. This is an absurd situation. I remembered when Bill Clinton was going up for elections the first year, his slogan was, "Its the economy, stupid." You got to think. You must think. You do not say, "Well, if they did not register like good little boys, they can do what they want and they are outside of the law." No, they are breaking laws left, right and centre. I do not know if I am speaking revolutionary ideas here, but to me it sounds so simple. Go out and enforce the law. Get compliance units and go and find the 50,000 people, operating under 300 companies—and we do not know where they are. No wonder we cannot find criminals. For God's sake, there are laws that—[*Interruption*]

Hon. Senator: [*Inaudible*]

Sen. M. F. Rahman: No, no, I am relating it to how we cannot find criminals, when we know we have 95 gangs and how many hundreds or thousands of people belonging to the gangs. We cannot do anything because the law says this and the law says that, but here you have people in a non-criminal situation breaking civil laws.

Hon. Senator: [*Inaudible*]

Sen. M. F. Rahman: Do not get me wrong, I am not saying they are committing criminal offences, but they are breaking laws for which they are liable in law to fines. If you have to pay—and this is a very archaic penalty, \$100 a day, but if a company has been operating for three years, \$36,500 times three, that is a sizeable fine to face. And if you have been making people work more—when I used to run a little shop, I remembered the labour department coming to see whether we had seats for the female employees; we had proper amenities; that we were paying the people reasonable wages; and we had reasonable working hours. Not because a company can operate any day and any time, you can exploit labour and have people working 24 hours and 48 hours without break. You do not have robots, you have human rights. You have all these different aspects of the law. What you need is a coordinating unit to look at everything that is going on all around you, left, right and centre. No wonder we cannot control anything. We are having the whole country collapsing left, right and centre and the left hand does not know what the right hand is doing. We do not know how to address the problems that the country faces.

Mr. President, I had planned to speak in a particular sequence, but when I heard all of this going on, I have to address this. I have to marshal my thoughts again, but there is one thing that I must comment upon before I go further. We have an abuse of the system in this honourable Senate. We have Private Members' Day and we have a limited amount of time to address the issues and once a month we are allowed to address this. We have the House of Representatives sitting tomorrow and Friday, and we have a statement taking up 46 minutes on 26 pages being imposed upon this Senate to prevent the debate of the issues that pertain to the business of the Senate under Private Members' Day. I would like to protest that this is not the way that we show respect to the other side. This is not the way that we should go and if it is not commented upon, this is going to continue.

Mr. President: Senator, you are out of order. That has nothing to do with the matter at hand and apart from anything else, I recall an occasion when it was

Private Members' Day and we spent the entire afternoon debating whether or not to send the Standing Orders to a committee. So that has no business in this debate, please press on.

Sen. M. F. Rahman: Yes, Sir. Mr. President, I do apologize if I have gone astray on this particular issue, but it has been rankling that we are sitting here waiting and we had to face it, but I would certainly toe the line here.

I have learnt from the debate that since 2001, we had an attempt to grapple with this situation and the absolute brilliance that has been displayed by the Minister of National Security, particularly in his final moments when he quoted the American Chamber in their pronouncement. I wish I had that to read back, it would be very nice because it is the theme of what I really wanted to say. Everything that this Government faces today is reflected in the syndrome of the security company malfunctioning in this country.

Perhaps one of the reasons this matter has gone unattended for so long, is because the growth of the security companies in this country, even though according to the Minister of National Security who uses the experience of Great Britain and all of these countries to say that we are not doing so badly after all, I believe the growth of the security companies in Trinidad and Tobago has a direct relation to the growth of crime. Not only a direct relation to the growth of crime because if the protective services and the security services and the other departments were functioning properly, particularly the police, we would have had the matter of crime handled properly. But the reality is that we have a police service where there is an admission of corruption within the ranks and all sorts of things taking place and a reduction in the police force.

These things—what is happening with security companies, is that our local entrepreneurs have seen an opportunity to make money, to function because of supply and demand. The country needs protection, so the good and the bad come up and offer to protect. To me, it is a clear case of the Government seeing its embarrassment, because it has been a long time since we have been told, “We are working on it, give us more time”, and in the interim from the first day that this debate started, when the—I believe the murder to that date in January was something like 38, has crossed 130 today.

Now, not only is crime reflected in the growth of the security companies, but crime is a symptom of another cause. People do not embark on a life of crime and say okay, I am choosing a career, so I am going to go into crime. People in the main are forced into crime and they are forced into crime very often by socio-

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economic circumstances and the socio-economic fabric of this country has been neglected, I will say to a very large degree. Why do the 50,000 people find employment in security companies? Because the areas where people can go out and earn a livelihood, the employment in those areas is being given to foreigners. We are bringing in—I have nothing against bringing in labour if we had the need for it, but here we have a situation where the Government handles the entire economy in a way that actually breeds the malaises that occur.

As a consequence, if all of the menial bricklaying jobs are being taken up by foreigners, our people have to find work in any way they can find it. And when we have crime being allowed—it is only in recent times that we have had an admission that you know it is possible that crime could be URP related. That was very nice to hear, that there was that possibility being admitted, but the reality is—at one point we were even told it is only 40 people in the URP programme who were killed. Fifteen or so people got massacred in Guyana and we have an international uproar of 40 people killed in a single—you know, if we have 40 dengue cases in one little group, we will say we have an epidemic. Now it is 130 and I think it is very significant that in the run-up to the last election, we had a sabbatical nearly on murders. I do not know what is the sociological significance of that syndrome.

For some odd reason there appeared to have been a possibility in the minds of some people that the Government might be changed, crime and murders dropped. The minute the current Government returned to office, it shot off again. There seems to be—[*Interruption*]

Hon. Senator: [*Inaudible*]

Sen. M. F. Rahman: No that happens—that there is an interconnecting link between all of these aspects of governance. Now if we are not going to recognize that poverty, deprivation, lack of opportunity for jobs and all of these things, if you are going to say that they have nothing to do with crime, then we have to say that crime has nothing to do with security companies, but we are burying our heads in the sand.

My sincere belief is that we have to look at this whole matter holistically, if we are concentrating on a structural development such as high-rise buildings and so on, and we are trying to develop from the east part of Port of Spain to the west which is all well and good if we were in a position to do it, but here we have a social problem and we have a people problem and I want to remind ourselves that people is what a nation is about and people is what forms a nation, and the human is the greatest resource of the nation.

When we neglect our people, everything falls down, and when we try to tie in the cost of living increase to the decline in the US dollar which is self-evident, we are told that it is not—I forget the term the good Minister used, but we are denominated in US dollars, forgetting the cost of living going up. Every time the imported commodities go up, 20 per cent increase, Barbados only faces it to half the extent that we do because we have to pay twice the amount that Barbados is paying when we are importing goods.

So, Mr. President, what I want to say is, all of these things are tied in and when we paper over the cracks, we are going to slip through them. The paper is not going to hold. We must look at everything holistically and say what is really—not just handle the question of security companies with new law. We have existing law, not just say, "Let us look at this thing in a vacuum. Let us see the problem England is facing." Okay, okay, so their problem is greater than ours, so we are doing well. We are doing fine. I think that we are being short-sighted and we are not going to solve our problems this way.

Mr. President, if this Government would recognize that a good can come out of this security company mushrooming, what you need to do and I would suggest this to the other side, is to form an effective compliance unit and go out and ferret out these companies. If you have 300 companies and three-quarters of them are not in compliance, are not registered—you have a Small Business Development Company (SBDC) in Trinidad and Tobago; you also have NEDCO—*[Interruption]*—the Business Development Company; the Government has an opportunity to instantly create 300 new companies to contribute to the employment of nationals to enhance the insurance fortunes and tax revenues of the country and to regulate the society along structured lines. Why do we not look at this, and let the Government have a security company template, so to speak, and give these persons some training?

4.15 p.m.

We think nothing of taking \$400 million and putting it you know where.

Hon. Senators: Where?

Sen. M. F. Rahman: Shall I tell you? It seems to be a secret.

We have no problems spending \$148 million on a new palace or \$300 million and \$400 million on a jet aircraft—and they are still thinking about it—but we do not realize that investing in the human resource would help this country, not today, but down the line. We do not think down the line.

One of the ways that this Government overcomes its problems is by passing the buck. We are going to face a national insurance crunch in 25 years time, so you make the contributions greater at this point, when the Government has a role to play. The citizens of this country have been paying taxes from the time we were born; now we are paying VAT on everything, except some items of food. The employee and the employer contribute to national insurance, why can the Government not also contribute—I do not want to use Sen. Mark's term—a little piece of thing, to add to the kitty, so that the actuarial benefit will accrue? Why does the Government have to say, "Okay, we are looking at a situation down the line, so you guys pay more?" The Government does not behave as if the national patrimony belongs to the people. The Government behaves as if the national patrimony is its own little kitty that it can spend as it wants. I am very, very concerned.

This matter of security companies mushrooming has ramifications, some of which I am bringing up here. There is a whole lot to say, but my voice is going. If I were to continue to talk, I could talk for a pretty long time about this matter. We can harness these 300 companies like small farms; you organize it, get all the produce together, have a distribution point and you benefit everybody.

If the Government shows them the way, regularizes them, has forgiveness for all the past issues, and you come now into compliance, you are going to have a situation where you have 50,000 people virtually there to augment the beleaguered police service. Do you know how wonderful that would be? Right now we have 50,000 "fellas" skulking around behind closed doors trying to eke out a little livelihood and using stolen guns. We are wondering where they are getting the guns from; we are getting guns from all over the place. Anybody can lay his hands on a gun, if he is stupid enough. We are not approaching this matter in an intelligent manner.

I suggest that the Government look at this challenge which it has been trying to duck since 2001, and convert it to a good cause. Take the matter in hand; show the security companies how to function. Until we can get crime under control, the security companies are a fact of life. If we want them to disappear, solve the crime problem; take care of the police service and do some of the things that you are supposed to. But then you are going to have persons on your hand who you have to give work to build your buildings; so it is a win-win situation.

You use the existence of the security companies as they are today, put them to good use, mould and nurture them. This is going to be an investment. We have had industrial estates; we have had small businesses. We used to have the Industrial Development Corporation (IDC). I do not know if it still functions as the

IDC, but we have had organizations set up by the Government in the past to develop enterprises. Here we have spontaneous enterprise, entrepreneurship, some of it shady. We could look at that and start to mould it. We are now trying to sell people seeds to grow backyard gardens, and we have edifices of economic—what shall I say—entrepreneurship, and we are not realizing that there is a gold mine for the social welfare of the people.

If persons are working 24 and 48 hours, it means that those security companies, even paying basic wages, could, in fact, take up a lot more employment, soak up a lot more unemployment, because you would not have to work persons two and three days in succession.

Mr. President, I am getting tired. [*Laughter*]

We are not looking at the benefits that could come out of this security debacle, if you wish. It is a goose that is laying golden eggs. My recommendation is that you pay regard to the last paragraph that the Minister read from the American Chamber (AMCHAM), and see what is tied in with security companies. The Government has a golden opportunity—I think that was the phrase they used—to take this matter in hand and develop it. Implement the laws that we already have; bring the security companies into compliance; give them a template to work on; have a supervisory body to monitor them to make sure that they function properly.

I believe that we will praise Sen. Mark, at the end of the day, for having brought this Motion, which has catalyzed the Government to address the situation and caused this very interesting debate to take place.

I thank you, Sir.

Sen. Helen Drayton: Thank you, Mr. President, for this opportunity to join the debate. I want to support this Motion and certainly congratulate Sen. Mark for bringing it to the House. I also take the opportunity to say how impressed I am with all the plans that the Minister of National Security put forward or said that his Ministry was working on.

I am, however, very amazed in that I also heard in the same breath that a Private Security Act of 2001 was brought to the other place and lapsed. So we heard the Minister of National Security quoting a lot of worldwide and very detailed statistics, information on the US, information on the United Kingdom (UK), information on Australia, but what has happened between 2001 and 2008? You have so much information on the industry worldwide, and you have no information on the industry in Trinidad and Tobago. [*Laughter*] One must be

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very astonished by that fact—and also to state that you have no control over the industry and that a Bill was brought since 2001. I submit that we do need a paradigm shift. The paradigm shift that is needed is not how the public of Trinidad and Tobago perceives our ability to deal with crime. The paradigm shift that is needed is from the talk, from the inertia and the inefficiency, to productive action, where security is concerned.

The US has 300 million people; we have 1.2, with eight counties, and we do not know how many security companies exist. We have had more than eight years to research it. If they are not registered with the Ministry of National Security, because they have not applied for arms, then they should be registered under the Companies Act. If you do not find them there, it is not difficult to check T&TEC and the Telecommunication Services of Trinidad and Tobago (TSTT); it is not rocket science.

I am concerned that you have 5,100 precepted officers with the ability to carry firearms, rivalling the number of police officers; in eight years nothing has been done, and you have no control over the private security industry. So those who are not registered with you, you have no control over, but what about conscientious oversight over those for which you have control? How often and when last were there thorough inspections and audits to account for the licensed arms in the private security industry?

At one stage you heard about 5,100 precepted officers, and I think sometime ago we heard a statistic about 11,000 firearms out there in the private security industry. Are there forensic examinations of licensed firearms and are there ballistics reports to facilitate investigations when crimes are committed with firearms? The paradigm shift is not needed on the part of those who have raised questions, or the public, but a paradigm shift is needed with respect to the Ministry of National Security.

With respect to the Motion, a few things struck me. In the first instance, the Motion calls for the Government to take action with respect to unprecepted officers, to protect them from exploitation by virtue of the increasing demand for services. This is happening at a time when there is a high demand for service, and there is a scarcity of qualified resources. So normally on the market curve, working conditions should improve and the cost of labour should go up.

If there is exploitation, it would certainly endorse what has been said in the foreword to the Motion and by other speakers before me that persons are being recruited who do not meet minimum standards in terms of the training and education, putting a lot of people at risk. You say that you have no control over this.

In the second instance, the resolution calls for legislation, which I certainly support, with respect to standards and regulation of the industry. But there is not a body of information, after all this time, as to what the size of the industry is, as to what is the contribution to the gross domestic product (GDP). We know what the contribution is to GDP in the US, Australia and the UK. What is the actual number of employees and, very importantly, what is the relationship between one private security industry that has been growing very rapidly and that of national security?

Let me indicate here that an unprecepted officer is a normal employee and, therefore, would be covered under the Industrial Relations Act, the Minimum Wages Act, the Minimum Wages (Security Industries) Act, the Maternity Act and the Occupational Safety and Health Act, etc. So where the terms and conditions of employment are concerned, that is not a question of legislation; that is a question of enforcement of current legislation. If you do not know the industry, you really do not know how to enforce it. That whole issue of inefficiency and competencies, again, comes into play.

I want to make a quick recommendation. I have no doubt that the Government must be the largest single consumer of private security services: hospitals, schools, all the government buildings, public utilities, et cetera. [*Interruption*]

Mr. President: Senator, if you can wind up within five minutes, I will let you finish; otherwise I will suspend.

Sen. H. Drayton: Yes, I can wind up, Mr. President.

It can be a catalyst with respect to the enforcement of standards and improving standards through a simple mechanism. The mechanism is that in its tendering policies it would only consider proposals from institutions operating in accordance with the law, including industrial relations law, and that is not difficult to do. That should be a standard practice with respect to all government service contracts, in any event.

4.30 p.m.

So that we can start there, while the Ministry of National Security is trying to gather information on exactly who and what constitutes this industry.

Let me wind up very quickly. I need to put in a word for the proprietary security departments and divisions of many companies throughout Trinidad and Tobago because by and large they run a very efficient security service. All those conglomerates' employees are covered under pension plans and health plans so these workers, I think, enjoy reasonable benefits, at least no less than their counterparts in the very companies.

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I close by once again saying that I support the Motion, and to urge that the Government takes immediate action to bring about the appropriate regulation and ensure that all private security companies are operating within the laws of Trinidad and Tobago, in the interest of the public good.

Thank you.

Mr. President: Hon. Senators, we will take the tea break and suspend until 5.05 p.m.

4.32 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. Dr. Jennifer Jones-Kernahan: Mr. President, as I rise to contribute to the Motion before us, I would like to recognize that today internationally is being celebrated as International Earth Day and, therefore, I would like to salute and congratulate all our environmentalists, artistes and activists for working so hard to ensure that we can conserve, preserve and protect our little piece of earth here in Trinidad and Tobago and that we have something to bequeath to subsequent generations and we are unequivocal in our denunciation of this mantra by this neo-liberal regime, “industrialize or die”.

Mr. President, I am happy to speak on this Motion this afternoon because I believe it is timely and it gives us an opportunity to deal with a lot of misinformation that has been out there with respect to security officers and the role they play in the society.

Before I get into my substantive contribution, I really share the horror that many Senators seem to express this afternoon, after the contribution by Minister Joseph, and the fact that a Minister of Government could actually make the sort of admissions the hon. Minister has made. Based on Sen. Mark’s Motion which says that there are a number of privately-run security agencies that are actually not registered with the Ministry of National Security and the Minister does actually admit it, and literally throws his hands in the air saying he can do nothing about it.

Mr. President, it struck me again as I listened to the Minister and the previous Minister who spoke in this Senate, that this Government is never short of studies, papers, meetings, committees and proposals. Their presentations to this honourable Senate are always what they have “intention to treat with”—they love that term—and what they will do in the future, and what they thought about doing in the past, and what they were just about to do. It is never about “what have I done or

accomplished”. “How have I impacted on the horrific situation in the society with respect to the issues that are burning with respect to personal security and security of families?”

There are people who are operating in this country with impunity. They are firebombing people's cars, burning people's homes, citizens are being shot in broad daylight at weddings, christenings and while playing cards, and there is an impunity and a strength with which the criminal element is operating in this country, and the Minister is here frankly engaged in a lot of discussion with committees and plans and nothing is impacting on what is happening.

Mr. President, the role and function of private security as supplemental to the bodies of the police have been in the spotlight over these past months and private security services have really taken a beating in this Parliament and also outside, in terms of their ability, training and professionalism. They have also been accused of abuse of office, involvement in criminal activities and so forth. Some of it may be true, but we have to understand that the private security industry has played a pivotal role as supplement to the undermanned and beleaguered police service as my colleague said, and they are providing a service under the most difficult conditions as outlined in the Motion before us.

Mr. President, there are thousands of women who are involved in private security as alarm monitors and so forth, because as you know, these companies not only engage people who are actually on the field in armoured cars and vans doing patrols, but there is a whole army of persons who operate behind closed doors, who monitor alarms for all the agencies that utilize their services and lots of them are women in the main and they work very hard.

Sometimes they work three or four shifts straight and they are required to run their households practically on the telephone; some do not see their homes for two to three days because of the conditions of work and because of some of the things they are required to do to keep their jobs.

So there is a serious need, as the Motion points out for monitoring and regulation of these private industry security services that are offered to the population. I am saying that if there is a deficiency in terms of training and professionalism as outlined by Sen. Prof. Deosaran when he made his contribution, then clearly there is need for regulation and need for the sort of monitoring that would correct the situation. There is also need for standardization of a basic training programme that will ensure that they are equipped psychologically, physically and with the necessary tools to do their jobs.

The Minister mentioned that there are training programmes in place and these officers are very tightly controlled and regulated by regional heads in the police service. He mentioned that there are refresher training programmes and quarterly and monthly meetings. He was very strong on the meetings and programmes and so forth.

I want to make the point before I go on that if, as the Minister purported this afternoon, there is this very tightly knitted organizational relationship between the private security services that are registered with the ministry and the regional police heads and so forth, why is it that a few months ago when the question was raised by the Opposition Leader and the Chief Whip, Mr. Ramesh Lawrence Maharaj SC, of employing private security agents to protect citizens of Macaulay and different areas, there was this hysteria about vigilante groups and unlawful elements? Why was this hysteria promoted by high-ranking Members of the Cabinet including the Attorney General?

The Minister said this afternoon that these groups are recognized to be under the direction of the police and they are closely controlled and monitored and are at regular meetings and so forth. So why were you purporting to the population that there is this risk of vigilantism and lawlessness when you knew perfectly well that these precepted, registered private security officers were under the complete control of the police service?

You cannot have it both ways; you cannot go out one minute to the population and create a lot of hysteria and misinformation, and then come here and say you have all these meetings and everything is under control. You have to make up your mind which it is.

5.15 p.m.

Based on some of the issues that were raised by Sen. Prof. Deosaran, I looked at the Supplemental Police Act, Chap. 15:02 under which the private security officers operate. I bring this to the attention of the population. Section 5 of this Act says:

“Subject to the general order and direction of the Minister, the Commissioner shall have the command and superintendence of the Supplemental Police, and he shall be responsible to the Minister for their efficient condition and for the proper carrying out of the provisions of this Act.”

The estate police, private security agents are currently operating under this Act. They do not operate in a vacuum. They operate under the commissioner who is responsible to the minister.

Section 7(b) of the Act which refers to the role of the estate police says:

“the Estate Police employed on any estate or by a protective service agency shall consist of such number and ranks of constables as the employer may, subject to the approval of the Commissioner, require and shall have the power and authority of members of the Police Service in respect of all offences committed on the estate to which they belong and throughout the division in which the estate may be situated. However, constables employed by a protective service agency shall have the power and authority of members of the Police Service in respect of all offences committed in relation to any person whom or any property which they are employed to guard or protect.”

Clearly, based on this Act, the estate police have the authority and the power of members of the police service with respect to all offences committed on the estate to which they belong. The private security agents who were employed to guard the residents of Macaulay are operating totally within the law and ambit of the Supplemental Police Act.

This Motion before us speaks to the question of security guards working for minimum pay and under difficult and unsafe conditions. These issues have been in the public domain as early as Wednesday July 12, 2006. These are not new issues. Within the last few years the issues of the conditions of work of private security guards; the protocol under which they operate and the manner in which they carry out their duties have been coming to the fore. This letter was written to *The Trinidad Guardian* dated Wednesday, July 12, 2006. It says:

“The recent death of a security guard in a pick-up highlights this fact. Here is a situation whereby two armed guards are sent in a pick-up (sometimes a normal car) to collect cash for deposit in the bank. If one guard goes into the business place and the other stays in the vehicle, then who is protecting who?”

This particular writer raised these issues regarding the manner in which security guards operate. One of the issues raised in the Motion before us is about the protocol that private security is expected to instill in their workers to have a proper relationship with the persons and properties that they are supposed to protect and at the same time, safeguard themselves from criminal attacks.

Another issue that this person brought up in this letter is:

“And what about the lone gunman on delivery trucks and in business places? Why are these lone rangers prominently placed at the entrance? Can these security guards, usually one, prevent a robbery?”

We know of so many cases of security guards being gunned down while doing their legitimate jobs of protecting persons and properties. This raises the issue for some standardization of training and protocol procedures that are necessary to safeguard the guards and make them useful in safeguarding lives and properties.

Based on Sen. Mark's presentation, apparently, there are hundreds of private security firms in Trinidad and Tobago that are operating illegally and it aggravates this problem. If you are not legally registered with the Ministry of National Security there is absolutely no way that you can expect these firms to have any rules, regulations or protocol for the guards to follow to safeguard their lives and property.

There is an element of brutal exploitation in this industry. The workers are expected to risk their lives to protect lives and property. They lose their lives very often in the process.

Sen. Mark brought some numbers which have not been clarified by the Minister of National Security. In his contribution in *The Trinidad Guardian* dated Friday 28 September, 2007, it says:

“...Mark said some 50 per cent of these organisations had not sought approval from the Minister of National Security to operate, and therefore operated in direct contravention of the provisions of the Supplemental Police Act.”

We are talking about over 200 firms based on Sen. Mark's information that operate outside of the law in Trinidad and Tobago. That is unacceptable given the fact that we are in a situation of a spiralling crime wave in this country, where criminals have no fear of being caught or punished by the authorities. More and more workers who are entering this industry are entering paradoxically, the security industry, where their lives are very insecure because this industry is not properly regulated and monitored by the persons who have the authority to do so. They are the Commissioner of Police and the Minister of National Security.

The private security industry has been recognized since 2001, when the then UNC administration brought a Bill to Parliament to deal with the regularization of this industry. The legislation that was brought to Parliament was a Bill to regulate the licensing and operation of private security agencies; the employment of security officers and matters incidental thereto. In this particular sitting in the other place, the then attorney general who brought the legislation in 2001 recognized and said:

“The private industry is a growing industry in Trinidad and Tobago and over the years it has operated a range of services, from manned guarding to alarm

systems...it has been shown that the legislation which has governed this industry has not been reformed in order to meet this growth.

In the over 200 security firms operating in Trinidad and Tobago—where over 20,000 persons are employed as security guards, patrol men, night watchmen, gatekeepers and other relevant types of guard related work—there is a situation where the estate constables employed by both private security firms and government agencies, have been denied, and continue to be denied, their basic fundamental rights to representation.”

We introduced this Bill in 2001, because we recognized even then, that in this industry which employs over 20,000 persons and controlled by over 200 firms, there was discrimination and injustice in the Act of 1906. This was an antiquated colonial law which was passed long before the 1937 riots by workers in this country for the right to join and be represented by trade unions of their choice. In the Act of 1906 estate constables were forced to be part of a statutory body which would represent estate constables. This organization was unable to bring any issue of remuneration or conditions of work. Section 22 of the Act of 1906 deals with the conditions of employment of estate constables and the need for the commissioner to be informed of any termination of employment. Section 35 is relevant to the point I am making on prohibited associations. It says:

“...a ‘prohibited association’ means—

- (a) any Trade Union as defined by the Trade Unions Act, whether the Union is registered or incorporated or not;
- (b) any league or association or body of persons, whether registered or not,...
- (c) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of an estate constable, and which the Commissioner shall, with the approval of the Minister, declare to be a prohibited association.”

Sections 35 and 36 say that no estate constable could be a member of a prohibited association. We recognized that these sections discriminated against workers and their right to join and be represented by trade unions of their choice. We sought to bring these issues to an end when we brought the Bill in 2001.

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, April 29, 2008 at 1.30 p.m. We intend to complete Motion No. 1 under

Adjournment
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Government Business and time permitting, Bill No. 3 entitled the Immigration (Advance Passenger Information) Bill.

Mr. President: Hon. Senators, I have granted leave to Sen. Mark to raise two matters on the Adjournment.

5.30 p.m.

**University of Trinidad and Tobago
(Lack of Accountability)**

Sen. Wade Mark: Mr. President, earlier today I sought information from the Parliament's library in respect of audited financial accounts for the University of Trinidad and Tobago (UTT). There was none. Since its establishment, Mr. President, some three years and eight months ago, there have been no audited financial accounts or statements coming to the Parliament as it relates to the UTT. This lack of accountability by this university, which appears to be fully supported by the current administration, is truly frightening and very dangerous. Mr. President, there appears to be a culture of expediency and complete disrespect for public accountability insofar as this organization goes.

The UTT was set up, according to my information, as a non-profit, virtually non-transparent company with Prof. Ken Julien as the incorporator and director. It was incorporated on September 14, 2004 and there were three named directors. One was Prof. Ken Julien, a Mr. Robert Riley, Chairman and CEO of BPTT, and a Mr. Ian Welch, Managing Director of PCS Nitrogen.

This particular institution is being run as the private "tiefdom" of its president and chairman and there exists a culture of financial recklessness and irresponsibility on the part of the management of that structure. When I did some research, I came upon the fact that even though there were some 15 members on the board of directors, the Government of Trinidad and Tobago, at the time of the research, had only five, although this particular university gets almost 90 per cent of its funding from the taxpaying population of the Republic of Trinidad and Tobago. At the time of the research, there was some difficulty in discerning the precise nature of the shareholding structure of this organization.

It is my information that the UTT has been allocated, in the last three or four years, between TT \$500 million to TT \$1 billion. Even though that sum has been allocated, there has been no accountability, no audited financial accounts coming to this Parliament as they relate to this particular institution. It is noteworthy, Mr. President, for you to take account of the fact that in an article in

the *Sunday Express* dated December 17, 2006, by Camini Maharaj, it was stated that apart from public funds that go into that organization's operations, it is also in receipt of funding from private sector enterprises, multinational corporations.

For example, in this article, we are told that this university received a donation of US \$120,000 from EOG Resources (Trinidad) Limited in August 2005 and that almost all the multinational corporations are contractually obliged to make generous contributions to training of nationals. The article continues:

“UTT was an early beneficiary of corporate financial gifts and pledges from several energy companies, including a US \$10 million pledge by Lord John Brown from BPTT. The university has also collected the first tranche of a \$9 million commitment from the National Gas Company. Frank Look Kin, president of the State-owned gas company, is a director on UTT's board of governors.”

Apart from the taxpayers funding the operations of this organization, the organization also receives moneys from multinational corporations and state-run entities.

We understand that this particular organization has been spending money, taxpayers' money, in the most reckless of ways and nobody is bringing the energy czar to book. For example, we are told by Camini Maharaj, in an article dated Sunday, November 26, 2006, that information revealed that the University of Trinidad and Tobago spent \$2.8 million of taxpayers' money refurbishing and sprucing up the Kennesjay building to accommodate UTT's administrative office. We are also told by the same Camini Maharaj, in the same article, that the University of Trinidad and Tobago had signed licensing and other agreements worth well over \$104 million with a number of foreign institutions. This is a serious matter.

We know they are about to build their headquarters in Tamana, somewhere in Wallerfield, for over \$8 billion. We are concerned that there is no accountability; there is no transparency; there is no public scrutiny into the financial affairs of this company that is running on taxpayers' money. [*Interruption*] The bulk is public taxpayers' money. There is a percentage coming from the private sector, but that is miniscule compared to what the taxpayers are putting out.

To date, the Prime Minister of this country, the former Minister of Science, Technology and Tertiary Education and the present Minister, who I am happy to see here today, have all collaborated and allowed Prof. Ken Julien—no aspersions being cast—but he is the president and chairman of the UTT and, therefore, he has a fundamental duty and responsibility to ensure that the moneys allocated for the operations of UTT are properly spent and accounted for, and that there is value for the dollar.

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That body has not submitted any audited financial accounts and statements since its inception in September 2004. That cannot even happen in the private firm from which my good friend, the hon. Minister in the Ministry of Finance, came. It cannot happen in Trintoplan where the Hon. Dr. Lenny Saith was managing director. That cannot happen in Trinre, in which Mr. Jerry Narace is the big man—he has now put his funds in trust.

Mr. President: Senator, may I remind you to refer to the Ministers in accordance with their portfolio.

Sen. W. Mark: The Minister in the Office of the Prime Minister with responsibility for everything, including the Prime Minister. [*Laughter*] I am saying that there is complete failure on the part of this administration to bring this particular individual to book. The moneys are taxpayers' moneys. I emphasize it because people in this country cannot even buy flour, rice, oil, or chicken, and there is a non-profit organization benefitting to the tune of hundreds of millions of taxpayers' dollars and there is no accountability. We have the Government, headed by the Prime Minister of this country, talking about Trinidad and Tobago being a beacon of integrity and here we have a gentleman, who is described as the energy czar, doing whatever he wants.

All kinds of allegations have been made by this lady called Camini Maharaj. I do not want to bore you with those allegations about some luxurious Riviera apartments being built at taxpayers' expense; a juicy contract being given to his brother-in-law to call Advance Dynamic, to deal with some activity.

Mr. President, it goes on.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: This is not gossip. I believe I have raised an issue that may hurt Sen. Dr. Lenny Saith because they are friends. Sen. Dr. Lenny Saith and Dr. Ken Julien are friends.

Mr. President: [*Inaudible*]

Sen. W. Mark: Minister. Sorry, Sir. I take full responsibility for that slip. [*Laughter*] Sen. Dr. Lenny Saith, former managing director of Trintoplan and Prof. Ken Julien worked together for years so I can understand.

5.45 p.m.

Mr. President, I have raised this issue in the national interest and I am hoping that the hon. Minister can tell us today when those financial audited statements and accounts would be brought to the Parliament and whether the time has not

come for a forensic investigation and audit into the operations of the University of Trinidad and Tobago to take place.

I call on the hon. Minister to take measures and steps in order to deal with this issue of the lack of accountability, transparency and public scrutiny into the affairs of the UTT.

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Thank you very much, Mr. President. Let me say at the outset what a pleasure it is for me to be in this Chamber this afternoon. I have to say that it feels as if I am coming home. I am very happy to be here. I thank Sen. Mark for the opportunity that he has given me to be here again.

I also have other things to thank Sen. Mark for. [*Desk thumping*] I really have to put it on record that among the things for which I have to thank Sen. Mark was his ill-fated decision to contest the Pointe-a-Pierre seat in the last general election. [*Desk thumping*]

Let me just say, once again I have to thank Sen. Mark for giving me the opportunity to be here to refute what he has said about the University of Trinidad and Tobago and to put on the record, once again, that this Government, the Government of Trinidad and Tobago, regards the establishment of the University of Trinidad and Tobago as a major success story. [*Desk thumping*]

Sen. Mark has spoken about the failure of the Minister of Science, Technology and Tertiary Education and the lack of accountability on the part of the Minister, in respect of the financial accounts of the University of Trinidad and Tobago.

Let me give the history. The University of Trinidad and Tobago, as we know, was incorporated in September 2004. We have different accounting periods. The first one is from September 14, 2004 to September 30, 2005. We have September 30, 2005 to September 30, 2006. The firm of Ernst & Young, chartered accountants, has been engaged by UTT to audit the accounts for these two periods. A comprehensive transaction-based audit is being conducted, which by its very nature is a demanding and time-consuming exercise.

Present projections are that the audit fieldwork will be completed by the end of April 2008 and that the audited financial statements for the period ending September 30, 2005, should be available by the end of May, 2008. Thereafter, the 2006 audit will commence because, as I have said, the firm has been engaged for those two years. The 2006 audit should be completed by December of this year. Remember, that the University of Trinidad and Tobago is a new organization, so

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that is why the steps are taken to do such a comprehensive audit. The very accountability that Sen. Mark wants, he will get and the accounts will be produced. There is no effort on the part of the University of Trinidad and Tobago or the Government to hide anything. The audit is going on as we speak.

Sen. Mark made a lot of allegations. I want to point out that he talks about the lack of accountability. Even without the audited financial statement—Sen. Mark has been here for quite some time and he knows that in the Appropriation Bill we deal with allocations to the UTT. Those matters have come before the Parliament. As we begin the budget presentation, they would be part of the budget presentation. All of that is in—some of it will be, with respect to the expenditure for UTT—and would have been debated in this very Parliament. I just want to point that out as I move on because Sen. Mark has made a lot of statements and I feel a need to talk about them a little.

He said the UTT is spending money in the most reckless way. I have to laugh when I hear that because UTT, as you know, was established in 2004, as part of what the Government of Trinidad and Tobago has said it wants to do in taking Trinidad and Tobago to developed country status by 2020. We have said that education is a priority. The Government has established a goal of 60 per cent of secondary school graduates moving on to tertiary education by 2015.

In 2002, that figure stood at under 15 per cent. In 2008, that figure now stands at over 35 per cent. The Government is well on its way to meeting the projections for 2015 and the University of Trinidad and Tobago has played its part and continues to play its part in helping the Government move towards this goal.

Sen. Mark: That is a bogus institution!

Hon. C. Kangaloo: “Yuh hear” what he said? A bogus institution! The University of Trinidad and Tobago, as a new institution, has partnerships with leading institutions in the world. I think, therefore, I should point out to this honourable Senate—it has already been said, but I think I should say it again—some of the partnerships that the University of Trinidad and Tobago has established. We have partnerships with the University of Cambridge in the United Kingdom; John Hopkins University in the United States; Southern Alberta Institute of Technology, Canada; University of Texas, Austin, United States; Danish Technical University, Denmark; and Southampton Institute and Maritime Centre in the United Kingdom. He said that it is a bogus institution. We have all of these alliances because the Government has said to the University of Trinidad

and Tobago that it must adhere to the principles of excellence. That is what the University of Trinidad and Tobago is using as it develops all of its programmes, the principles of excellence.

When the University of Trinidad and Tobago was established there was a requirement. Its focus was to be on national requirements and programmes that would be relevant to this country's development. Bearing in mind again that in everything we do, we do it looking at Vision 2020. Look at some of the programmes being offered at the University of Trinidad and Tobago. We have the National Engineering Technicians Diploma; the Bachelor of Engineering; the Bachelor of Science in Petroleum Technology; the Bachelor of Science in Process and Utilities Technology in Applied Manufacturing Technology; and the Master of Science in Petroleum Engineering in Information and Communications Technology. It offers a Masters in Environmental Science and Management and a Masters of Health Administration. All of these disciplines are critical to our national development objective. That is what the University of Trinidad and Tobago is serving our national development objectives.

Let me point out some very exciting projects being undertaken by the University of Trinidad and Tobago; this bogus institution that Sen. Mark would have us say. I point to the Centre for Biosciences, Agriculture and Food Technology. Cabinet has already given approval that such a centre is going to be established. This centre would be seeking to make a major contribution to the efficient production of food for the nation. The academic programmes would be guided by the following vision:

- To inspire the young in pursuing careers in food and agriculture.
- To enhance the sector's competitiveness in a globalization environment and to transform the food and agricultural sector to be commercially driven and socially considerate.

This centre is aspiring to produce a new generation of food and agricultural entrepreneurs and biotechnologists who can undertake the development of food and the agricultural sectors, leading to the goals of wealth-creation, food security and food safety.

The graduates of the centre will meet the following criteria: They must be business savvy, technologically competent and creative in thinking. Let me point out the programmes to be offered at this centre. There will be a Bachelor of Science; a Master of Science; a Doctor of Philosophy in Food Science and

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Technology; a Bachelor of Technology in Crop Science and Technology; a Master of Philosophy in Plant Production and Protection; and a Doctor of Philosophy in Plant Science. All these would be offered by the University of Trinidad and Tobago. It is a major initiative and it forms part of this Government's effort in providing food security and stabilizing food prices; a major initiative of the University of Trinidad and Tobago.

The bogus institution of which Sen. Mark speaks, as at January, the student body for this institution now stands at 5,316. Over 140 of these students are enrolled for Masters programmes and over 50 for PhD studies. Do you know what these figures show? They show that in a short space of time the postgraduate body of the university is quite significant, which therefore shows that there is a buoyant research and development activity. This means that we are training persons who will also facilitate academic pursuits for future generations and will also facilitate research capability of the university.

I have given you the numbers. Already, the University of Trinidad and Tobago has exceeded its original targets. In 2007/2008, 4,637 applications were received but only 2,667 could be accommodated at the bogus institution. It is only Sen. Mark who would say that about the University of Trinidad and Tobago. The students who are enrolled at that institution would be horrified to hear how he described that university that is providing them with a new way of life and a new approach to life. They are excited about what they are learning at that institution.
[*Interruption*]

I am not going to let Sen. Mark distract me. In winding up, let me say one more thing; actually two. I want to draw this Chamber's attention to what is becoming a national pastime in Trinidad and Tobago; it is the vilification by persons who hold public office of those in private life caught answering a call to serve. It is actually something that should be frowned upon. [*Desk thumping*] It is one thing for those of us who seek public office to face the criticisms, but it is quite another for persons in private life, with no agenda other than to serve their country and community, to find themselves on the receiving end of mindless political hostility. We on this side frown on that. [*Desk thumping*]

6.00 p.m.

I just want to say to Sen. Mark that when he adopts that stance, it has the potential to drive away spirited-minded individuals who will not want to serve their country in any capacity.

Mr. President, thank you very much. I just want to say that the accounts are being audited, and this Government is committed to transparency. As we speak, the reports are being audited and will be presented once the auditing is finished.

Thank you, Mr. President.

Petroleum Products (Pricing Structure)

Sen. Wade Mark: Mr. President, thank you very much. I am very happy to present another Motion standing in my name. I think that this Motion requires some serious discussion. We believe that there is need for full disclosure on the pricing structure of petroleum products in our republic. As a nation and as a Parliament, we need to fully disaggregate the component parts or elements which make up the price structure of a litre of gasoline, whether it is unleaded, whether it is premium unleaded, super unleaded or diesel.

Before we can talk about removing subsidies, we must have a full debate and disclosure on a disaggregated basis of the component parts of the pricing structure. That is why I hope that the hon. Minister would be able to help us today.

I have been able to do some research on this question of the pricing structure, and based on my limited research—I do not have all the necessary capacities as they relate to what is available to the hon. Minister, but what I do know are the following facts: Whether you purchase or I purchase a gallon of gasoline or a litre of gasoline, we pay excise duty. That is incorporated in that price. I cannot tell you the exact percentage.

Mr. President, there was something called the Road Improvement Tax and we pay that tax when we buy gasoline. That is incorporated in the price. We pay VAT when we purchase a litre of gasoline, and that is also incorporated. Mr. Speaker, we also pay for the wholesaler's margin which is about 6 per cent or 7 per cent. We pay for that. We also pay for the retailer's margin which is about 5 per cent. So, what we are arguing is that the Government must come clean and tell this country what is the percentage—it is about three dollars in this country—when you add all these component parts? As taxpayers, we contribute, and they must come and tell us how much it is before they could talk about removing the \$2.3 billion from subsidizing fuel.

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Mr. President, I go further. There is an Act called the Petroleum Production Levy and Subsidy Act. This Act was passed in 1974. I want to bring to your attention section 9 of this Act which says:

“...every person in respect of any production business carried on by him, a petroleum production levy to be computed in accordance with section 11(1).

The levy shall be paid to the Minister monthly within five days after the date of notification of the amount thereof...”

Today, that production levy is 4 per cent of gross earnings by all production and petroleum producing companies in this country. That was supposed to go toward subsidizing NP, and that is why Dr. Eric Williams brought this Act in 1974. They were supposed to take the levy from the petroleum companies and use it toward subsidizing petroleum products for the consumers through NP.

What has happened? We do not know and that is why I raised this matter. We would like to know how much production levy has this Government collected during the last 10 years. We want a detailed account of how much money the Government has collected in excise duty, VAT and Road Improvement Tax. They must tell us how much is the wholesaler’s margin and the retailer’s margin. So, if they want to remove subsidy on fuel and petroleum products they must come clean.

We would like to know how much money this country has received during the last three years from the production levy and subsidy which, as I said, amounts to 4 per cent of gross earnings by all petroleum producing companies in Trinidad and Tobago. That is supposed to be a dedicated sum of money going toward subsidizing fuel for the people of this country, and not like the health surcharge which goes into the general revenue fund of this country or the Consolidated Fund.

We would also like the Minister to tell us how much it costs Petrotrin to refine a litre of unleaded gasoline in our country. We want to know if we are subsidizing inefficiencies at Petrotrin, and you are calling on us to continue subsidizing petroleum, because of the inefficiencies there. At the same time, whilst you are on it, you must tell us what it is going to cost our competitors—whether it is Chevron, Exxon or Texaco—to produce one litre of gasoline.

Look at what Petrotrin is charging us! I feel there is a trick in this matter. They want to charge us and remove the subsidy from us, the motorists, because we are a captive audience, in order to underwrite inefficiencies, maybe at Petrotrin. Mr. President, let us have a full and frank debate on this matter. The Government recognizes the inefficiencies at that company called Petrotrin and that is why it is spending hundreds of millions of dollars to have the refinery upgraded.

What we are saying is that if the Government is going to remove the \$2.3 billion in subsidy, let it liberalize the market. We were beginning to liberalize the market; we were beginning to prepare NP for competition. If the Government wants to liberalize the market, let it liberalize the market. If the Government wants to bring in Exxon, Texaco and Chevron, it could bring them in, but do not come and tell the motoring public—after we are paying all these taxes and subsidizing this country—that we must now be prepared to pay more for gas.

I am making out a case today that the Government should really take steps to lower the price of gasoline in Trinidad and Tobago and not talk about increasing the price of gasoline. We are advising and advancing the need for the Government to come clean with us on this matter. The Government should tell us how much money it is collecting.

Mr. President, you know for a fact that the health surcharge that the Government takes from your salary, my salary and everyone here salary goes toward the general Consolidated Fund, and people are still suffering at our hospitals. I believe that they are doing the same thing with the production levy that they are deriving from petroleum companies. They are taking this production levy that is supposed to be going toward subsidizing fuel and putting it in the general revenue stream of the country. So, the time has come when we must deal with the disaggregation of all those component parts.

When the Government talks about removing the subsidy on fuel on petroleum products, it must begin to engage in energy conservation. It must begin to define a policy on energy conservation and to look at alternatives to energy, like in Barbados. My friend will know that solar water heaters are a big thing in Barbados today. Do you know why? They are concerned about alternative sources of energy and the preservation as well.

Mr. President, I want to bring to your attention that when the Government wants to remove subsidy on fuel for ordinary persons who use transport—you know that once subsidy is removed on gasoline everything will go up in this country. How can you say that you are not subsidizing us, and I have in my possession Legal Notice No. 268 involving fiscal incentives for a company called Essar Steel Caribbean Limited? Mr. President, do you know what they are proposing to do with Essar Steel Caribbean Limited whilst we are being called upon to pay more for gasoline prices? That company called Essar Steel Caribbean Limited is getting total relief from corporation tax for five years. The Government is giving a company that is a multinational corporation and it is a powerful company, but they are getting a five-year tax holiday. Billions of dollars have

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been foregone in revenues—but you are telling me that I must pay more for gasoline—and subject to section 16 of the Act, total relief from income tax on dividends other than interest out of profits or gains derived from the manufacture of the approved product. Mr. President, how can we sit here and allow the Government to sell out our national patrimony to foreigners, and then it is coming to take advantage of the people?

Mr. President, another matter I wish to bring to your attention and which will make your hair stand is another fiscal incentive Order, Legal Notice No. 96, Nu-Iron Unlimited Order 2005. They are giving this company from the United States of America, which was formerly Nucor, a tax holiday of 10 years—total relief from customs duty in relation to approved products for 10 years; and under section 16, total reliefs from income tax on dividends and other distribution for 10 years.

Mr. President, the last one which will make you scream is fiscal incentives, Methanol Holdings Order, 2007. Mr. President, another five years and total relief from corporation tax for five years; total relief from customs duties for a period of 10 years, and subject to section 16 of the Act, total relief from income tax on dividends or other distributions. Now, tell me if this is not madness!

How can the Government justify the sell-out of our national patrimony? I did not say anything about natural gas, because I am still investigating. Dr. Lenny Saith told you and me that is a confidential matter. How can we talk about removing subsidy on fuel products when we have this kind of dangerous development taking place? If I did not bring this matter to your attention and the national community's attention, this would not have been made public. Although it is out, you would have to go and search for it.

I call on the hon. Minister of Energy and Energy Industries to come clean. Let us engage in a full-scale debate and let us have full disclosure on this question about the pricing structure of petroleum products. I only have 15 minutes, but I need about two hours to deal with this matter.

6.15 p.m.

Therefore, I would urge the hon. Minister of Energy and Energy Industries to begin to embrace the nation and this Parliament in a full-scale debate so we can all collectively better understand how the pricing structure is made up; how it is arranged and therefore how much.

Mr. President, in closing, if it is costing \$3.00 per litre for gasoline, if it is we are paying 60 per cent in taxes, then the Government is only subsidizing it by 40 per cent. And if they are giving away all these things to Essar Steel Mill and

Methanol, I say scrap that, take that money, subsidize Trinidad and Tobago and the people of this country and do not subsidize foreigners. [*Desk thumping*] Subsidize the people of this country.

I thank you very much.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. This particular matter presents me with a slight difficulty. The difficulty is that we have two issues here. We have the issue of the pricing structure of petroleum products on the one hand, which is what Sen. Mark started on. Then we have the issue of the fiscal incentives regime, which basically is a regime we have set up to allow those who wish to invest in Trinidad and Tobago to understand the rules by which they can engage. I want to deal with that and get it out of the way.

During the last administration, the Fiscal Incentives Act that allowed for large multinationals to come into Trinidad and Tobago and to do business was amended. We amended it because we felt at the time that the issue of tax holidays was something that we do not support and therefore, we amended the Fiscal Incentives Act basically to say that we will continue with what is normally available to any large scale operator wanting to do business in Trinidad and Tobago. The reason that is so is because the energy business, unfortunately, is a global business.

What happens with Trinidad and Tobago, as you may or may not know, is that whenever an investment decision has to be made, Trinidad and Tobago finds itself competing for capital against all the countries in the world that are in fact producing or bidding for energy services. Therefore, what the Government is guided by are two things: the first principle says that for us to continue to earn revenue from energy resources, hydrocarbon resources, we need to ensure that our fiscal incentives programme is internationally competitive. The second principle is that we extract the maximum value for the owners of the resource, who are in fact the people of Trinidad and Tobago. That requires us therefore, from time to time, to engage in determining where we are in the context of that discussion and amend it accordingly so that we stay competitive. That is for another time.

The discussion today is about the pricing structure of petroleum products in Trinidad and Tobago. Over three decades ago, 1974, the Petroleum Production Levy and Subsidy Act, 1974 was something that came into being. At that time, the socio-economic environment was considerably different from what exists today. You would recall at that time that the country's manufacturing and industrial sectors were in their infancy and the philosophical underpinning was to

stimulate growth and development through a range of initiatives including subsidies, duty free concessions, fiscal incentives, tax holidays, negative listing, protected markets, price control and a fixed exchange rate. That is the environment in which this whole question of petroleum production subsidy came into being.

In 1974, the country experienced its first oil boom where the oil price rose from US \$1.66 per barrel in June of that year to US \$14 per barrel by the end of that year. The focus then—and this has not materially changed—was to ensure that the windfall of oil was filtered to our citizens and to raise their overall standard of living.

The Government also recognized that while the worldwide increases in oil prices benefited the producers and exporters of crude, the refiners and importers suffered, as well as consumers, as a consequence of lower refining margins and higher priced petroleum products, respectively. Accordingly, the decision was taken to impose a levy on crude oil production, which was being enforced by the introduction of the Petroleum Production Levy and Subsidy Act. The beneficiaries from this position by the administration were the consumers, as the subsidized products included LPG, gasoline, kerosene and auto diesel.

In order to compute the cost to produce and deliver gasoline to consumers we must take into account a couple of things. One is the cost of crude oil to refiners. We must purchase crude to refine it for the domestic market, so that that cost is to be taken into account; then the processing cost, marketing and distribution costs and the retail margin and taxes. This holds true for all petroleum products.

For example, the price structure for a litre of diesel includes the following: the average ex-refinery price, which is derived from Caribbean product postings for the month under review, effectively the market price, similar to the United States gulf coast water borne prices; excise duty of five cents; filling and handling charges of one cent; and the wholesale margin of 9.5 cents to give the reference for market price. The retail margin, 12 cents plus VAT is added to reference price to obtain the final price. The difference between the final price and the retail price at the pump of \$1.50 per litre constitutes the subsidy. In fiscal 2007, the average market price for a litre of diesel was \$3.17; the price at the pump was \$1.50; so that the subsidy per litre averaged \$1.67.

Four months later, on information based on data, October 2007 to January 2008, based on the increase in price of crude, the subsidy for diesel averaged \$2.77 per litre. The pricing structure on petroleum products of Trinidad and Tobago is detailed in the Act where the Ministry of Energy and Energy Industries is required by law, to keep domestic petroleum prices under monthly review, in line with the assessment of the level of subsidy and the level of international oil prices.

Prior to 1992, the entire subsidy was borne by the oil producing companies. In 1992, the Petroleum Production Levy and Subsidy Act, 1974, was amended to restrict the amount of levy to be paid by any producing company to not more than 3 per cent of the company's gross income. The Act was again amended in 2003, to limit the company's burden to a 4 per cent cap of the gross income. In addition, exempted companies producing less than 3,500 barrels of crude per day were part of the whole review of the fiscal system.

Currently, the subsidy on these petroleum products is supported by the levy on crude production and supplemented by the Government. So, there is a gap between the subsidy costs; what is paid by the producing companies and the difference which the Government pays. Any share of the subsidy in excess of the cap is borne by the Government and the people of Trinidad and Tobago.

The fact is, therefore, that given the pricing structure of petroleum products, any increase in international petroleum product prices adds to the level of subsidy as the retail price is fixed, and with the levy currently capped at 4 per cent, the cost to the Government of Trinidad and Tobago increases. In fact, for fiscal year 2008, for the period October 2007 to January 2008, the accumulated subsidy claims amounted to TT \$978 million and we expect that the projections for the year is \$2.3 billion.

Mr. President, let me deal with a specific question that Sen. Mark asked simply because of the amount of time that I have. If we look at our cost today based on the international prices and what we pay to import crude, this is what emerges. For premium gasoline of which we pay \$3, the price is \$5.57; of super gasoline of which we pay \$2.70, the price is \$5.14; diesel of which we pay \$1.50, the price is \$5.30 and LPG of which we pay \$1.05, the price is \$1.43. All of these are costs and the difference between what the cost is and what is paid at the pump is the subsidy and that is the benefit to the people of Trinidad and Tobago.

The question that arose had to do with what do the producing companies pay at a cap of 4 per cent for the commensurate period that we are talking about. The calculation suggests that the amount that is paid by the producer companies is \$651 million; the subsidy is \$2.1 billion. It is instructive to note that in the year 2001, the total subsidy at the time was \$322 million; by 2003, it had gone to \$490 million; in 2005, \$1.6 billion; 2006, \$1.6 billion and 2007, \$2.2 billion.

Clearly, Mr. President, the challenge that we face as a country is this, we have seen a situation in which as the price goes up demand increases. As demand increases, there is a hurry to find an alternative to this high-priced product. What

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that does, is that it puts a lot of pressure on alternative supplies. The flavour of the month now is biofuels. In order to get biofuels at a lower cost the primary product is corn. So you are moving a significant amount of product that went into food previously, into energy, therefore depleting the food stock and creating scarcity supply on the food security side.

While that is happening, you have the other challenge of having to deal with the environmental concern, which is as a consequence of still going after some alternative for energy supplies. So that the model that currently exists, as we see it today, is really the solution, to in the first instance, the food issue, rests locally.

6.30 p.m.

As it relates to the whole question of the subsidy on petroleum products, we have to be aware that as the price goes up and as the cost of doing even some of this production increases, as a consequence of all the other costs that are escalating in the petroleum environment, one really has to determine where the dollar that you have is going to meet its greatest benefit. What we have seen in analyzing the subsidy is that the benefit was supposed to have gone to those in our society who need it. What we are seeing is that many high network individuals are now moving from gasoline that they used previously into diesel, and therefore the subsidy is being inappropriately targeted to those who can more easily afford it. There is something in the society that suggests to us that those who need the benefit are now not the recipients of it and that is something that the Government is seeking to address.

Thank you, Mr. President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.32 p.m.