

**EXCERPT OF VERBATIM NOTES OF THE TWELFTH MEETING OF THE JOINT SELECT COMMITTEE ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION, HELD IN THE ARNOLD THOMASOS ROOM (WEST), LEVEL 6, (IN CAMERA) AND J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR) (IN PUBLIC), OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, MARCH 15, 2017 AT 9.38 A.M.**

**PRESENT**

Dr. Dhanayshar Mahabir	Chairman
Mr. Esmond Forde	Vice-Chairman
Mr. Rohan Sinanan	Member
Brig. Gen. Ancil Antoine	Member
Miss Khadijah Ameen	Member
Mrs. Christine Newallo-Hosein	Member
Mr. Julien Ogilvie	Secretary
Miss Kimberly Mitchell	Assistant Secretary

**ABSENT**

Mrs. Glenda Jennings-Smith	Member
Miss Ayana Lewis	Member [ <i>Excused</i> ]

**10.30 a.m.:** *Meeting resumed.*

**Officials of the Ministry of Health**

Mr. Richard Madray	Permanent Secretary
Dr. Roshan Parasram	Chief Medical Officer
Dr. Robin Sinanan	Head, Accident and Emergency, SWRHA
Dr. Neal Hinds	Head, Accident and Emergency, NWRHA

**Officials of the Ministry of National Security**

Ms. Lydia Jacob	Permanent Secretary
Ms. Michelle Pierre Chase	Deputy Permanent Secretary Ag.
Mr. Kenny Gopaul	Chief Fire Officer Ag.
Mr. Cecil Davis	Assistant Chief Fire Officer

Mr. Narace Rampersad

Assistant Divisional Officer

Ms. Adelle Rahamut

Senior Legal Officer

### **Officials of the Trinidad and Tobago Police Service**

Mr. Deodat Dulalchan

Deputy Commissioner of Police Operations  
(Ag.)

Mr. Kazim Ali

Legal Officer

**Mr. Chairman:** Good morning and welcome to this, the 12<sup>th</sup> meeting of the Joint Select Committee on Social Services and Public Administration. This is the Committee's first public hearing, pursuant to its enquiry into the adverse health effects of the fireworks in Trinidad and Tobago.

This meeting is being broadcast live on Parliament Channel 11, Parliament Radio 105.5 FM and Parliament's YouTube channel, *ParlView*. We invite members of the viewing audience who have suggestions to make with respect to solving the problem at hand, to please send us your suggestions via the social media networks available to you.

At this point, I would like to welcome the officials who are with us this morning to address this important social issue, the Ministry of Health, we have officials from the Ministry of Health. I want to welcome representatives from the Ministry of National Security and the Trinidad and Tobago Police Service. At this point I would like to invite members who are representing the various line Ministries to introduce themselves, then I would ask members of the Committee to briefly introduce themselves as well. So may I start on my right, representative of the police service.

*[Introductions made by the Trinidad and Tobago Police Service and the Ministry of National Security]*

**Mr. Chairman:** Thank you representatives from the police service, the Ministry of Health and the fire services of Trinidad and Tobago. I will ask members to briefly introduce themselves—oh, you have officials from the Ministry of Health, okay, yes, could they introduce themselves?

*[Introductions made by the Ministry of Health]*

**Mr. Chairman:** Thank you very much. I presume the introductions have been concluded. Thank you. And may I start with my right. MP, could you briefly introduce yourself?

*[Introductions made by members of the Committee]*

**Mr. Chairman:** Let us—I will await the arrival of our member.

*[Miss K. Ameen enters Committee room]*

**Mr. Chairman:** Yes, could you introduce yourself member to the Committee, to the witnesses?

**Miss Ameen:** Good morning, my apologies, Chairman. Khadijah Ameen, Opposition Senator.

**Mr. Chairman:** Thank you very much. For the benefit of the listening public for our stakeholders, there are really three objectives of this enquiry. First, to understand the possible impact of fireworks on human health and the extent of injuries associated with the improper use of fireworks. Two, to assess the adequacy of law enforcement measures in place to regulate the use of fireworks and explosives by members of the public. Three, to assess the adequacy of the legal framework governing the use of fireworks and explosives by members of the public.

Can I ask the following to make some brief opening remarks? All witnesses appearing before us will be given an opportunity because you are coming to us with a range of expertise and I would imagine genuine interest too, in ensuring that public health and safety is not compromised in any way in the Republic of Trinidad and Tobago. May I ask the representative of the Ministry of Health, Mr. Richard Madray, Permanent Secretary, to make some brief opening remarks which will act as the springboard for the deliberations of the Committee. Thank you very much.

**Mr. Madray:** Mr. Chairman and members, I express my sincere thanks for granting us this opportunity to appear before this Committee enquiring into the adverse health effects of fireworks. For many citizens of this country, as well as, as persons across the world, fireworks provide excitement, colour and fun, hence the widespread attractiveness. There can, however, be associated negative consequences, particularly when these devices are inappropriately used. Based on local cases to date, the adverse health effects include burns to the eyes, skin and hands, hearing loss and amputations.

Based on international research, the European Respiratory Society in 2010 indicated that the burning of fireworks releases some amount of air pollutants, particularly, sulphur dioxide, carbon dioxide, carbon monoxide and particulate matter along with several metal salts. So these pollutants can also have an adverse impact on the health of our citizens. I therefore look forward to this Committee's exploration of this subject with a view to the better management of these devices.

**Mr. Chairman:** Thank you very much, Mr. Madray. May I ask Ms. Lydia Jacob, Permanent Secretary, Ministry of National Security, to make some brief opening remarks for the benefit of

the Committee.

**Ms. Jacob:** Good morning Mr. Chairman, members of the Committee and as well as our viewing audience and listening audience. The Ministry of National Security welcomes the opportunity to join this very important national conversation this morning. Our Ministry has the primary responsibility for ensuring and maintaining the security of the territory and peoples of the country. We represent but one of a number of stakeholders engaged in this dialogue this morning.

Our stakeholders will include Ministries, Departments and agencies, as well as business interests and citizens. At present there is a legislative framework, though limited, governing aspects of the importation, use, distribution and sale of explosives, and here we can categorize fireworks. The Ministry National Security will outline our various responsibilities as we continue this dialogue. As we are expounding our various roles, it is anticipated that greater clarity would be afforded to all persons and we can somehow chart a way forward for advancing this subject. Thank you very much.

**Mr. Chairman:** Thank you very much, Ms. Jacob and may I ask Mr. Deodat Dulalchan, Deputy Commissioner of Police, to offer some brief opening remarks.

**Mr. Dulalchan:** Mr. Chairman, to you and to other members of this Committee, the TTPS is also pleased to be here, to be involved in this conversation so that we also can identify some of the gaps and maybe make recommendations and collectively we can see what we can do as a country, as an organization to really mitigate in terms of ensuring there is proper control and regulation into the use of fireworks in this country.

**Mr. Chairman:** Thank you very much, Mr. Dulalchan. And again, exercising the prerogative of the Chair, may I pose the first issue to you as Acting Commissioner of Police and representing the police force. Mr. Dulalchan, you are of course quite aware of the Summary Offences Act of 1921. And in this Act it says:

“99. (1) Except as prescribed by Regulations under this Act, any person who throws, casts, sets fire to, or lets off any fireworks within any town is liable to a fine of one thousand dollars.”

The simple question I want to pose to you in your capacity as Acting Commissioner is, has this law been enforced in any meaningful way within recent times in Trinidad and Tobago? And if so, how many people were charged?

**Mr. Dulalchan:** Mr. Chairman, checking our database we were able to discover five persons being

charged for offences. On the 19<sup>th</sup> of November, 2016, a gentleman was driving along the Aranguez Main Road, where, in the presence of police—probably he was not aware that police were close by—he actually lit fireworks and throw it out on the roadway, it exploded. He was arrested and charged. He appeared before the court, he pleaded guilty, he was charged \$400.

**Mr. Chairman:** So Mr. Dulalchan, you are saying five persons in 2016 were charged under this particular existing 1921 Act?

**Mr. Dulalchan:** Well, actually within the last five years our records show five arrests.

**Mr. Chairman:** So basically you have an arrest of averaging one per year over the last five years.

**Mr. Dulalchan:** Yes.

**Mr. Chairman:** And clearly, given the nuisance which is experienced by the population, do you think that the law then is adequately enforced, that we could enforce this law a little more effectively?

**Mr. Dulalchan:** I just want to indicate, Chair, that the use of fireworks in Trinidad and Tobago, it occurs on a seasonal basis. More so, surrounding the areas—the time of Divali as well as Christmas. The police officers do respond to several complaints, but the problem here is that we are faced with challenges. Most of the calls are, in fact, made by anonymous persons. And in instances where calls are made, the informants really do not wish to openly support the police in their investigation because it really involves some relatives and neighbours, and there is life after. And I think that is where we have serious, serious constraints.

**Mr. Chairman:** Let me intervene, Mr. Dulalchan, a solution here. Of course, I understand the problem, you do not want to run afoul of your neighbours, you are going to live with them for the rest of the year. But someone makes a call, is it then the policy of the police to simply drive around to the neighbourhood and so individuals in the afflicted neighbourhood can actually see the police coming around which can act as a potential deterrent, because the objective is not really to put anyone in prison or to charge them the fine, but for them to cease and desist. And does the police have a policy, once they get a call, to simply send a vehicle around to cruise the neighborhood to make sure that the people who are offending the law can somehow control their behaviour?

**Mr. Dulalchan:** Definitely. In fact that is really our approach. The police visibility will, in fact, impact upon the nuisance. But I think one also must look at it. The law really allows you to use fireworks any day, any time except of the three areas that is prescribed once the persons who is in fact using the fireworks use it 60 feet within the premises. And that is where we do in fact have

challenges.

**Mr. Chairman:** We will come back to you, Mr. Dulalchan with respect to—because you already raised a potential recommendation for consideration, that is we can limit the use of fireworks to certain prescribed times and not have it available every single day of the year for use by individuals in the country. But I want to bring in, before I come to the Ministry of Health, I want to bring in the Ministry of National Security here and I want to quote from the Explosives Act, Chap. 16:02, section 35. And I can pass it on to you subsequently if you do not have it. What it says is that:

“35. (1) No person, other than a licensed wholesale dealer, shall import into Trinidad and Tobago any explosive unless he first obtains a licence in that behalf from the Minister who may in his absolute discretion refuse the same or grant the same subject to such terms and conditions as he may think fit; but no such licence shall be required for the importation of safety cartridges.”

And under 35(3) it says:

“Any person who contravenes this section or the conditions of a licence issued hereunder is liable to a fine of two thousand dollars.”

To the Ministry of National Security, has anyone been charged thus far with importing fireworks without a licence from the Minister, or can we take it that all the fireworks imported into the Republic of Trinidad and Tobago are imported under due licence granted by the Minister of National Security?

**10.45a.m.**

**Ms. Jacob:** Chair, the Commissioner of Police will have to answer with respect to charging—if anybody was charged. But I do know that through the Minister of National Security we are responsible for liaising with the police and the Chief Fire Officer before any such licence is granted.

**Mr. Chairman:** And a follow-up question is: could you indicate for the benefit of the Committee how many licences were granted, say for 2016?

**Ms. Jacob:** Chair, I do not have that information—

**Mr. Chairman:** May we request that information in writing? Because there are a number of importers of these devices in Trinidad. They advertise all the time around the time that

Mr. Dulalchan indicated. Would the Chief Fire Officer be able to give us any guidance on any licences that were issued in 2016?

**Mr. Gopaul:** Mr. Chairman, we will not have the exact number but the applications derive from the Ministry and usually we just look at the conditions that should prevail on the transport and storage. But as to the number, to answer your question, no, we do not.

**Mr. Chairman:** Okay. Under 16:02 again, section 8, it says that—section 6:

“No person shall manufacture or keep any explosives for the purpose of making fireworks on any premises unless there are on the premises—”—certain conditions.

And it continues under section 8:

“The quantity of explosive on such premises shall not exceed—  
fifty pounds of any explosive other than manufactured fireworks;”

And it goes on, on another section to talk about 150 pounds of manufactured fireworks in any compound.

Has the fire service ever done any survey of the compounds which are accommodating these explosives to determine whether any importer has exceeded 150 pounds of manufactured fireworks in his premises?

**Mr. Gopaul:** Mr. Chairman, we have the responsibility for the safety and security of the public in their attendance to public places. We are aware of three main importers of fireworks in Trinidad and they are subjected to the fire certification on a biannual basis. So we do visit them and I can safely say that two of them are in compliance—one is not—since 2011.

**Mr. Chairman:** Okay. And one is not in compliance, and has that non-compliant entity faced any sanction at all?

**Mr. Gopaul:** That is a process that is ongoing. It has not reached the court as yet.

**Mr. Chairman:** For seven years, therefore, you are saying that there is an entity breaking the law, basically, in violation of your department’s regulations and the process is now taking about seven years to be brought to prosecution. So there is a problem there with prosecuting.

**Mr. Gopaul:** I will agree.

**Mr. Chairman:** And have there been any cautions, any threats by the fire service that “you are in clear violation; you are endangering the public life and limb but we can really shut you down”?

**Mr. Gopaul:** It is not a threat. It is an ongoing process. We are working with the OSH agency and the Ministry to have these people become compliant.

**Mr. Chairman:** Okay, very well. We did ask MP Ancil Antoine to come in first and then afterwards MP Sinanan.

**Brig. Gen. Antoine:** Pleasant good morning. In the response from the Ministry of National Security, fire service, the police service, you keep speaking about fireworks at approved events, also, when observing a fireworks display. And under the Explosives Act, fireworks and explosives are used to commemorate events, festivals such as Divali, Christmas, New Year's, Independence Day. Under the Summary Offences Act it says—and this is in contradiction to what the police was just saying about disturbances of fireworks have to be reported. It says here:

If someone wants to set off fireworks in one of the banned areas—and the banned areas are outside the City of Port of Spain, et cetera—permission must be obtained at least 48 hours prior from the Commissioner of Police or a superintendent with authority which will be in writing prescribing the time and place.

I get the impression that the Ministry of National Security and its organizations, the police and the fire, are not making a distinction between fireworks display at festivals—Independence Day, Divali, et cetera—and fireworks being set off by citizens in their communities. And according to the law you need to have permission from the Commissioner of Police before any fireworks are set off. So therefore, if a citizen sets off a firework in a community, the police have the right to go and arrest that person in accordance with the law, without a complaint from the neighbours. So is there a distinction between fireworks for display and citizens setting off fireworks in their communities? Is the police, the fire service and the Ministry of National Security making a distinction in respect of this?

**Mr. Chairman:** A brief response from the stakeholders. First with the police.

**Mr. Dulalchan:** Sir, there is, in fact, a distinction and I will ask Mr. Ali, our head legal, to respond.

**Mr. Chairman:** Very well, yes.

**Mr. Ali:** Good morning, Mr. Chairman and other members. Under the Summary Offences Act, Chap. 11:02, in particular sections 99 and 100 deal specifically with enforcement of fireworks in Trinidad and Tobago. Section 99 speaks to fireworks in any town in Trinidad and Tobago, and the definition of “town” would be Port of Spain, San Fernando and the Borough of Arima. There is another section cashed into that, that the Minister appointed to the town would be captured under that section.

So that persons who discharge fireworks in a town, they are required to obtain written

permission from the Commissioner of Police to discharge that firework. But that is not the be-all and end-all of it. What happens, in order to prosecute persons, you have to catch these persons. You have to catch them red-handed into the act, as police officers. Outside of that, a person making a complaint, or a person who is present and witnesses the discharge, the setting-off of fireworks, they must cooperate with the police, give a statement to the police and be prepared to attend court in order to successfully prosecute these alleged offenders. In the absence of that, we are like—how should I say—toothless bulldogs.

**Mr. Chairman:** Again, I want to reemphasize the first point I raised with Acting Commissioner Dulalchan, and that is, while prosecution is one of the elements of the exercise, the primary reason, I think, for having these laws is for people to cease and desist and not continue to cause injury and harm to the population. And therefore, is it that the police, once they get a complaint, knowing that prosecution might be difficult, will simply display a visible presence in the affected neighbourhood so that perpetrators will think twice about—because of the possibility of discharging in the police presence—a court case be imminent, that police presence itself, during the particular periods can cause individuals to cease sending off these fireworks in the environment?

**Mr. Ali:** Certainly police presence will always be a deterrent to all crimes.

**Mr. Chairman:** Right. And I am talking particularly of this particular one. Not all. This is the one where we are saying: can we then say that maybe a greater and a more visible police presence when reports are being made, that there is some alacrity with respect to moving from the station into the neighbourhood, may take 10 minutes or so, and then in that way individuals who are intent on sending off these devices may be deterred from that action? That seems to be a solution which can prevent some, and mitigate some of the adverse consequences.

But I would like to get the Ministry of National Security to come in with respect to the query raised by Brig. Ancil Antoine, on whether the Ministry of National Security is making a distinction between the fireworks on display as on Independence Day or the fireworks by someone on Old Year's Night sending it off because he is in competition with his neighbours. Do you make a distinction? Or is it fireworks are fireworks?

And while the Ministry of National Security is thinking—and we have not brought in the Ministry of Health yet. Ministry of Health, we are getting out these legal preliminaries before we come to the health issues, because health is of concern to us as well, not only nuisance, but adverse health consequences. So the fire services and national security, do you see fireworks as fireworks?

Or do you make a distinction that the only offending fireworks are those that are within towns and those that are in official displays, and that the fireworks in the rest of the country seem not to be of major concern to you, based upon existing regulations and laws?

**Ms. Jacob:** Chair, I would have legal—

**Mr. Chairman:** A brief response from the legal.

**Mr. Ali:** Yes, I would answer that also. Generally, fireworks, there are no distinctions in the setting-off of fireworks.

**Mr. Chairman:** Thank you very much. That is a short answer. May I ask Sen. Sinanan to come in?

**Mr. Sinanan:** I just have some points for clarification. You indicated there were three areas that you are not allowed to set off fireworks, but you also indicated that even on a private premise, outside of those three areas there is a 60 feet. Now, we know for a fact in Trinidad there are certain areas, certain residential developments that the norm, as you said, at the festive times, fireworks take precedence, in some cases, I think, over food and beverages, because when you see the amount of fireworks being purchased, you really wonder what is going on.

Most of these residential developments, it is like a lot of land, which is 50 by 100. What it means is that nobody in these residential areas should be allowed to send fireworks out. Because if it is 60 feet, there is nowhere in a 50 by 100 lot, you would be able to find a 60 point. So if the police knows that, look, there are certain areas that we do not expect—because if it is 50 by 100, the centre will be 25, and if it is 100—you understand the point that I am trying to get at? So in this entire residential area where there are houses on a lot of land, there should be no fireworks. And if the police know that at the festive time the neighbours go in competition with the rest, then the police should have a presence there. Because could you imagine you are living four feet from your neighbour and he is sending off fireworks there? So the point I am trying to get at is that: should the police not be more proactive in these areas?

The other point that I want some clarification on, you said it is a 150-pound limit to be stored in any licensed area. You look at the festive times again, you see tents on the side of the road, car parks, malls all over; you even look at some retail outlets and just by looking at one shelf you realize it is way more than 150pounds. Is it that we just have the law there and the retailers, or whoever it is, knows that nobody is going to come and verify the amount of gunpowder that they have on the premises? Because that is a serious risk to—

**Mr. Chairman:** I just want to just point the question that my colleague is raising. Has the fire services—I would imagine that is your responsibility—ever done a weighing exercise on any fireworks to say—you have the scales—that you are exceeding the 50-pound limit or the 100—have you ever done that to any tent, any building, any housing facility, any magazine in the country?

**Mr. Davis:** Mr. Chairman, Cecil Davis, Assistant Chief Fire Officer. Commercial fireworks, each one of these commercial fireworks carries sometimes less than .8 grams. The larger commercial fireworks will carry twograms. So taking up commercial fireworks, which might weigh eight pounds, does not mean to say it carries that amount of explosive mixture.

**Mr. Chairman:** Thank you very much. Because what you have raised is that the Act, as written in 1951, may have referred to weight when, in fact, we need to look at some other mechanism, not necessarily the weight of the fireworks. So we could look at some other way to regulate. You are saying weight may be irrelevant because 150 pounds of what we have now could really be a large amount.

**Mr. Sinanan:** One more question. You said there was one importer who, since 2011, was in breach. Could you indicate whether that importer was granted import licence since then? And does the fire department have any input before a licence is granted?

**Mr. Gopaul:** The first part of the answer, member, is that, yes, they have been granted further licence. The reason being, the licences are for new imports which are stored at a different magazine, not at where the premises are, where they offer retail. The problem we have with that importer is the amount that is kept, definitely over 150 pounds, and the conditions under which it is stored.

**Mr. Forde:** Mr. Chairman, very interesting. Good morning again. It made the news. Remember the gentleman on Charlotte Street—was it Charlotte Street? The police picked up a gentleman—it was a lady or a gentleman? It was a lady. Under what grounds was she picked up? What was the reason for her being picked up? She was selling fireworks. I think, most likely, she was not an authorized dealer. She was probably a retailer. Where does the retailer fit in? These dealers that are authorized, can they sell to a retailer that can then go out on the street and sell these items to individuals?

**Mr. Dulalchan:** In fact, four of the five persons I made mention of, including that lady, the officers who were—

**Mr. Chairman:** Could you put on your mike?

**Mr. Dulalchan:** Sorry. In fact, the five persons who I spoke of, four of the persons were charged for retailing without a licence, and they were detected by the officers on patrol checking on these persons who were in fact selling, to see whether or not they had in their possession, licence.

**Mr. Forde:** So, therefore, an authorized dealer cannot sell to an individual to go and resell?

**Mr. Dulalchan:** Well, an authorized dealer should sell to persons to retail, ensuring that that person does, in fact, have a licence. But the question is whether or not that is a requirement. Because each and any one of us, depending on how much money we can carry in our pockets, can go to these wholesale dealers and purchase as much fireworks that we want. But in terms of retailing, you are asked not to have more than 30 pounds in your possession.

**Mr. Forde:** But, then, Mr. Officer, then, it comes back to the same question my Senator colleague was asking. In terms of the perimeter and the boundaries where you can set off fireworks, these individuals continue to purchase, and what is the law doing about it, whether it is the fire services or whether it is the police services as the case may be? But the small man who probably takes a few dollars from his pocket to go and purchase from an individual, he is being taken care of, and as the Senator said, we know clearly where these houses are, where these areas are. We have a communication from a lady in Trincity here, because I live in that area, and, you know what I mean, it is ridiculous. So where does the fire services and the police officers fit in, in line with the law, not only for five but for many fives?

**Mr. Chairman:** While we are asking the fire and the police to mull on that with respect to the 50-yard perimeter around the property, I will ask MP Newallo-Hosein to come in, and then we will get back to a response to MP Esmond Forde's question.

**Mrs. Newallo-Hosein:** Thank you, Chair. I just have two questions. The first one is that in the submission from the Ministry of National Security, the police service in particular, you indicated that the Chief Fire Officer is a signatory to the licence for the importation, transportation and storage in the display of fireworks and related explosives. Can you please indicate to the Committee who are the other signatories on these licences?

And in addition to your submission, you indicated that there was only one fire caused by fireworks that resulted in one death. However, there are, I would assume, unconfirmed reports of fires and severe injuries. Can the Chief Fire Officer indicate to the Committee the number of unconfirmed reports of other fires with severe injuries to people related to the improper use of

fireworks that have been recorded in Trinidad and Tobago over the last five years? Thank you.

**Mr. Gopaul:** Madam Member, the fire service on record has one death. That occurred on the first of January this year. That was in East Port of Spain. However, over the last five years, as the question asked, we had 19 severe injuries and these were not from the records of the fire service, because they were not reported to us. This is because of our enquiries at the hospitals. It is not a reportable offence that they have to inform us. For example, if somebody goes with a gunshot wound to the hospital, it is reportable, but if somebody comes in at the hospital with fireworks damage injury, it is not reportable.

**Mr. Chairman:** And therefore would you recommended that that now becomes a reportable offence?

**Mr. Gopaul:** Definitely, Sir. Yes, Sir.

**Mr. Chairman:** Very well. And I really want to get to the question raised by MP Forde and also building up from Sen. Rohan Sinanan, and the issue is with respect, Mr. Dulalchan, to the four people arrested without a licence for selling the fireworks. My question is: what is the process for these retailers? We understand the law is very clear on the importer getting a licence from the Minister. But what is the process for the retailer then who buys from the wholesaler getting a licence to peddle? What is that process?

**Mr. Dulalchan:** Sir, an application is made to the court. That application is then forwarded to the senior superintendent who is in charge of that division. An investigation takes place and a recommendation is made. The recommendation reaches back to court and the magistrate will adjudicate.

**Mr. Chairman:** And a follow-up question with respect to the importers. Are the importers—and it is also to the Ministry of National Security—the importers, the few of them, also when they apply to import, are they also granted licence to peddle domestically as well?

**Ms. Pierre Chase:** Mr. Chairman, the licence granted by the Minister is solely for importation purposes and therefore a copy is sent to the Customs and Excise Division. It is solely for importation purposes.

**Mr. Chairman:** Again, to the police service. Have you at times of the year, periodically gone to those tents which are selling the fireworks all over the country to find out whether they are compliant with respect to licences?

**Mr. Dulalchan:** We do check. I want to admit that there is, in fact, a shortcoming on the part of

the police and I think we need to do much more to ensure that all of these outlets are, in fact, checked to ensure that they are, in fact, in compliance with the guidelines stipulated.

**Mr. Chairman:** Okay. And there is a burning question from MP Hosein but one from the Chair as well, and this is to your legal officer: under what Act will someone apply for a licence to sell fireworks and to retail these items domestically?

**Mr. Dulalchan:** They would apply for a licence under the Explosives Act, Chap. 16:02. There are two licences. One for a retail dealer and a wholesale dealer. The wholesale dealer, there are no caps or no restrictions on sale in terms of who can you sell to. A wholesale dealer can sell retail to another person or they can sell to a retail dealer. So there are no restrictions on who you can sell to.

**Mr. Chairman:** There seems to be a gap in the law now, because, you see, if the importer does not face any impediment in selling to anyone domestically, then he becomes an importer/retailer as well.

**Mr. Dulalchan:** Exactly, Sir.

**Mr. Chairman:** So we need to look at that gap in the law. MP Hosein, do you have a question?

**Mrs. Newallo-Hosein:** Yes, to the Ministry of Health. You indicated in your report to us that an injury surveillance system was piloted at the San Fernando General Hospital to capture all injuries presented to the A&E department, both accident injuries requiring primary treatment as well as injuries presenting follow-up treatment. And, of course, as a result of this surveillance system you were able to determine the number of injuries related to fireworks being 25 in total, from 2012 to 2017. Could you advise or give a synopsis of what is the purpose of this surveillance system and do you work in conjunction with the police service? And what is the collaboration between you both and is there some sort of recourse for persons who have been injured due to fireworks in terms of a legal way forward?

**Dr. Parasram:** Good morning. The injury surveillance system, as we said, is really at San Fernando General, but it is a surveillance system that was not built to capture fireworks per se. So in its present form, it is an IT-driven system. So there are drop boxes for types of injuries. So there may be 10 or 11 drop boxes. There is another column as well. But it does not, at present, include fireworks as a specific injury. As was previously stated, it is not a reportable disease or condition, so either communicable or non-communicable being reported to the police. So it was not built in as a system to capture that sort of data, initially.

It can be added as a field in the IT system going forward, if it becomes relevant. But of the 25 cases, we have to note, that the 25 cases would have been cases of a moderate to severe nature that would have actually presented to the emergency department. So it is definitely not capturing all the minor injuries that would have occurred. A minor burn or some burning, singeing of the eye lashes, someone may not present at the A&E department. So it is definitely an under-reporting of the number of cases.

But when you look at the nature of cases, in 2015—you see 11 cases in 2015. Predominantly, what we have learnt from South West is that the injuries were related to scratch bomb injuries and would be falling under the category of burns to the hands, mainly, or burns with or without amputations. So in looking at the local data we have found that a lot of the injuries are related to that particular type of firework—scratch bombs—because of the nature of it, partly because of improper use, as was discussed, but I think partly because of failure of the firework itself, in terms of the quality assurance from the suppliers. So there would be some element of failure and some element of general accidents in its use.

**Mr. Chairman:** Thank you very much, doctor. And now I want to bring in the Ministry of Health. I am familiar, because of media reports, with two instances where fireworks caused serious harm: one, the death that was reported to us by the fire services early this year; and second, a case in which a citizen had her hand seriously injured by a scratch bomb. But what I want to pose to the practising medical doctors—and I want to bring them in—in your line of practice, what types of adverse health consequence have you seen in addition to what was mentioned—burns, and so on? Do you see any problem with asthma, hypertension? What are the cases that you see coming to you that may be not making it into the media, but which are of concern to the medical practitioners themselves? Medical doctors from your practice.

**Dr. Parasram:** We will ask either of the two doctors from North West or South West, starting with Dr. Sinanan, where we have more data on the subject.

**Dr. Sinanan:** Good morning, Chair. The 11 cases that the CMO spoke about in 2015 were particularly alarming to us at San Fernando General, and that was so because it involved serious injuries to most of those patients' hands. Those 11 patients, most of them, may have lost one or two fingers. The youngest was a child of about two or three years old.

**Mr. Chairman:** Just to interrupt you. What caused it? Is it scratch bombs? Is it fireworks?

**Dr. Sinanan:** The problem in South is really scratch bomb related.

**Mr. Chairman:** Thank you. You may continue.

**Dr. Sinanan:** So that is our major area of concern and these were really alarming injuries and it occurred over about a three-day period in 2015, that Divali period. We do not really see too many injuries from the Old Year's night, and we suggest—Dr. Hinds and I were both speaking about it—that it is possibly due to the different type of fireworks that tend to be used. And we see that mirrored in the international literature as well, where different fireworks carry different injury patterns. So we suspect that that may be the case. In terms of the respiratory and cardiovascular issues, whilst it is quite common and extensive in the literature, we have not noted any increase in respiratory or cardiac issues at San Fernando.

**Mr. Chairman:** Any other medical doctor wanting to respond with cases that you had to deal with in your own practice?

**11.15 a.m.**

**Dr. Hinds:** Good morning, Neal Hinds. At Port of Spain General, for the Old Year's period, the pattern of injuries we saw were confined though to what was described before, which were mainly burns, amputations and mainly damage to the upper extremities, secondary and mainly so by scratch bombs once again. To say that we have actually documented or did research to see an increase incidence of respiratory or cardiovascular illness, the answer would be no, we have noted such at Port of Spain General.

**Mr. Chairman:** Okay. And then do you have a recommendation that you could make with respect to scratch bombs; should they be banned; should they be regulated? What do you think, as medical doctors, we should consider with respect to a public policy in relation to scratch bombs?

**Dr. Hinds:** Definitely my opinion would be to ban them.

**Mr. Chairman:** Yes, and I will ask Khadijah Ameen to—Senator?

**Miss Ameen:** Thank you, Chairman. I have two questions, one is with respect to children and perhaps one of the members of the RHA could answer. In terms of the prevalence of these types of injuries amongst children—although the definition of children, of course, is below the age of 18, the concern is especially for those who, let us say 12 and younger—does your data reflect ages so we could look at the prevalence of injuries amongst children?

**Dr. Sinanan:** The data as presented by South-West does not give a breakdown of the age, but my personal experience is that most of these people were young people, meaning under 25. As I

say before, the youngest child with a very severe injury was a toddler of about two or three, and that is where we have the main problem because these are the ones who like to play with these things the most.

**Dr. Parasram:** If I may add to answer that question. We do not have local data, but in terms of international data, Northern Ireland actually did a survey of fireworks injury annually since 1996 and they have basically a quite alarming rate. Almost 65 per cent of their cases had shown in that age group, and as well in, I think United States, there is a study as well that showed children age five to nine had the highest rate of firework injury. So one-third, 35 per cent in United States had a similar age pattern.

**Miss Ameen:** You see, Mr. Chairman, I am wondering if it is possible after this hearing for the RHA, through their PS, to submit that information because I think it is important for us to consider if children, and I say again, especially those under the age of 12 are at risk and we have to include recommendations for protection of children as we have in other places, legislation, when it comes tobacco products, for example, where children are not allowed and so on, but to make special recommendations to protect our children. I am sure that when you have patients their ages would be listed and it is possible to extract that information even though a specific study may not have been done, it could guide the Committee with its recommendations if that is possible? Do you think that would be possible?

**Dr. Parasram:** It is possible, but we have to go into the individual notes because of the way the system is set up. When we get an injury, for instance, for your hand, we do not know the cause generally. We have to go back into the notes where the physician would indicate the history of the presenting complaint. So we have to go down to the notes. So we could pull it out, but it will take some length of time to actually go into the individual notes and look at that.

**Miss Ameen:** My next question, Mr. Chairman, could be taken by any one of the members. In many instances communities are affected. Sen. Sinanan mentioned the fact that within a residential area you really do not have the 60 feet distance required from a house or a building to set off explosives, many instances where residents complain of noise, the trauma to their pets and their children, and particularly the elderly. These happen in communities and I know the definition of a town in Trinidad and Tobago is overdue to be revised, but has the regional corporations been involved, or partnered with in any way when it comes to restricting the use of fireworks within communities, particularly because we have so many residential areas developed

since the definition of a town in our laws came about? Have you ever had any exercises with regional corporations to reach communities?

**Mr. Dulalchan:** I just want to go back to indicate and I think it is important here for us to really note we need really to carefully look at the definition of a road. The law really speaks to within 60 feet. Now the thing is, it does not really speak much about the person who lives behind you, or the person who lives beside you, and if I should just take a minute to just read it out, one would really understand where we really need some work to be done in relation to this.

“Any person who throws, cast, sets fire to, or lets off any fireworks into, in, or upon any street not being in any town, or into, in, or upon any place being within sixty feet of the centre of any such street, is liable to a fine of four hundred dollars.”

So we need to seriously do some work in relation to putting some restrictions here. And I quite agree because when I was doing a little research I asked myself, I say, look, 100 by 50. If I measure 60 feet from the centre of the road and then when I put a point, 25 feet so and 25 feet so, and my neighbour dog kennel is probably adjoining my property, it really shows you the kind of impact it does have and one must also really understand and appreciate the proliferation of fireworks. In some station districts, we do have 15 and 16 communities, and we could well imagine in each street in a community around these festive times, several persons are in fact being involved in, if not on the street, they are being involved with the usage in the property.

**Mr. Chairman:** But Mr. Acting Commissioner, they are breaking the law.

**Mr. Dulalchan:** Sir, I quite agree and this is what I am saying. We actually have to catch these people physically in the act, and this is what we would have done in the case. What we really need to, what we do, what we do in our town meetings and use our community police officers. Around these times we engage the schools because more or less children are the ones who are more or less being involved, hopefully under the supervision of their parents, where we really engage them to let them know some of the effects, the hazards and so on, all with a hope that we can probably influence them in terms of the usage of thing. But we need to do and—both myself and Mr. Ali were wondering whether now the time has come when we have to restrict the use of sale because each and anybody could buy fireworks.

**Mr. Chairman:** And therefore we are coming up to recommendations, you know. Would you recommend that a purchaser, not just someone who is vending, but a purchaser of fireworks must have a necessary permit to purchase this device to keep in his possession and to have the permit

to explode that particular device? Are you saying that the purchasers now must also have a licence?

**Mr. Dulalchan:** Sir, more than that, we are also saying what about the person who buys fireworks, how are we sure that in fact the fireworks at their home is in fact secured properly and away from children? Sen. Ameen spoke to the role of the corporations. We were even discussing the whole use of engaging the corporations where they can probably identify some localities within communities like recreation grounds where they are allowed to use the recreation ground to discharge their fireworks and under proper supervision of—I am just using the term of somebody trained, let us say a safety officer from the fire service, because the thing is we discussed all of the hazards and impact, the whole situation with enforcement and so on, it has now become a culture to become part of the communities. It carries a certain amount of ambiance and pleasure and so on, but the time has come when we seriously have to have it been done in places where we can really regulate, control and have it properly supervised.

**Mr. Chairman:** Basically we are now coming to the point where we are saying that importers require licence, they get that licence from the Minister of National Security, but that the retailers you are recommending should have a licence and that the buyers should also have as licence as well? We needed to get clear as to how the retailers get their licence. We did not get that very clear, you know. Is it a licence that is granted by the Magistrates' Court?

**Miss Ameen:** Yes.

**Mr. Dulalchan:** Yes, Sir.

**Mr. Chairman:** Okay, the Magistrates' Court. MP Newallo-Hosein.

**Mrs. Newallo-Hosein:** Just to come back. I have a question, but just to come back to the question I had asked, if you can indicate to the Committee who are the other signatories on these licences? I did not want to cut out from where we were going because it was really exciting to understand that we can provide data. Chief Medical Officer, you can provide data internationally from Ireland, but yet when we had asked our questions to you because of our pre-submitted questions, have there been local research studies, investigations; and does the Ministry consider the current use of fireworks in Trinidad and Tobago as a significant contributor to the respiratory illnesses or cardiovascular illnesses. On both questions you indicated that there was no local research available, and I am wondering, I mean, why is it the Ministry of Health, or all the Ministries as a matter, do not engage in a proper data collection so that we can have our own

research, collaborated with those internationally, so that we can have proper policies devised and implemented because, you know, we are a nation that is growing, and therefore, we need data that is available readily and accurate data to be provided. Would the Ministry consider participating in that level of data collection going forward?

**Dr. Parasram:** I agree with you wholeheartedly with regard to the availability of data. We have to use data to plan our way forward. Without data we cannot plan our needs, we cannot plan what we need to deliver. So the intent was at South-West for that to be used as a pilot and then go on to the other RHAs, which it will be done in the short course and it has to be linked at this level through an IT base system for it to function well. But even in the countries that I quoted before, their surveillance data did not pick up fireworks.

They used retrospective studies that were done from universities to pick it up because they did not capture that data as well. Probably because it is not a significant cause of disease in those particular countries and we are looking at serious injuries, 25 in South-West Regional Health Authority over five years. That number is pretty small in terms of national level of injuries. So we can indicate it, as I said, include it into the Cyprian-based system, through the IT based component where we could put it in as a line item, but there is in there, I think, fires and burns as a cause already. So it would be a subset of that. So we will have to put it into that. So I agree, as I said, that we should capture the data in a more holistic form and the Ministry is moving towards an IT based surveillance system to do just that.

**Mrs. Newallo-Hosein:** The signatories?

**Ms. Jacob:** I will address the question of the signatories to the import licence from the Minister. So the hon. Minister is the only signatory to that licence. Fire has an input before the licence is granted—fire and police. They will submit their reports and their non-objections to this application. When the licence is granted we have a number of copies sent out. Comptroller of Customs and Excise, Commissioner of Police, the Chief Fire Officer, the Senior Superintendent, the Executive Director or the Chief Executive Officer of the OSH Agency. These are the persons who will also get a copy of this licence.

**Mr. Chairman:** Just a follow-up on that because MP Forde has a question. Since so many agencies are involved, does the Ministry of National Security, the fire service, work with the Customs and Excise to actually inspect the cargoes to determine that what they say they are importing they are actually importing, to determine if there are illegal substances—you indicated

that scratch bombs are supposed to be illegal—do you do that checking of the cargo of the container?

**Mr. Gopaul:** Mr. Chairman, that is not really possible because they come sealed and the identification could be difficult in that they could be disguised. But I want to say to the Committee that the fire service operates differently, in that under the Summary Offences Act which is 97 years, and the Explosives Act is 110 years, there was no fire service at that time. So the fire service is not captured in terms of a defining role. We derive our responsibility from the Fire Service Act and the OSH Act. That is where our jurisdiction lies.

**Mr. Chairman:** So basically you are saying you have no authority to ask for a container to be opened for you to check to see—

**Mr. Gopaul:** Definitely.

**Mr. Chairman:**—whether there are scratch bombs or any other devices?

**Mr. Gopaul:** We leave that to the Customs and Excise.

**Mr. Forde:** Mr. Chairman, hold on. We have a document here provided by the Ministry of National Security which clearly states, Mr. Chairman, “Identify the various government agencies which are required to collaborate in order to effectively regulate improper fireworks practices”, and it goes on to talk, the Trinidad and Tobago Fire Service what are their responsibilities, the Trinidad and Tobago Police Service, Customs and Excise, EMA, Ministry of Health, regional corporation, ODPM.

So we have one thing on paper, but then you all are telling us something else. I am trying hard to come to terms with understanding clearly what are we about. If it is that it is stated here on paper and you all are telling us something else, which one are we to believe? The word of mouth, or what is written in paper? Madam PS?

**Ms. Jacob:** Chair, if I may? The licence is very explicit. It tells you everything that is supposed to be imported and hence the reason the Customs who are charged with opening cargo and the case like that, they are given a full copy. So they know exactly what is supposed to be imported, the quantities, the descriptions and all such, and that is why Customs is provided with a copy so they can discharge their responsibilities.

**Mr. Sinanan:** Thank you, Mr. Chairman. I just want to take up from my earlier question and from what the Permanent Secretary said. The Minister has the authority to grant the permit, but this is done in collaboration with either recommendation or objections from different

departments including the fire department, right?

**Ms. Jacob:** Police and fire.

**Mr. Sinanan:** I just want to find out from the fire department based on the first question: have you all recommended that importer who you have challenges with since 2011; have you all recommended him for his import licence?

**Mr. Gopaul:** Senator, the answer is no. The reason being the Fire Service Act only give us jurisdiction, only the transportation and unloading of explosives. Under the OSH Act though, the premises, we inspect for the fire certification and that is where our objection lies and we are in the process of looking to shut him down.

**Mr. Sinanan:** No, no. The question is, he has been importing since 2011—

**Mr. Gopaul:** 2008.

**Mr. Sinanan:** 2008. You have a problem with him in 2011?

**Mr. Gopaul:** Yes, Sir.

**Mr. Sinanan:** He has been importing 2012, 2013, 2014—

**Mr. Gopaul:** Right up to 2017, yes.

**Mr. Sinanan:**—2015, has the fire department objected to his import licence

**Mr. Gopaul:** No, we have not.

**Mr. Sinanan:** Why?

**Mr. Gopaul:** The reason being his storage is a safe place, approved, and in compliance with the criteria for a storage area.

**Mr. Sinanan:** But you said you have problems—

**Mr. Gopaul:** With the retail outlet where he stores. Apart from the bunker he has another storage.

**Mr. Sinanan:** But at the end of the day there is a problem with this importer?

**Mr. Gopaul:** Definitely. Yes, there is.

**Mr. Sinanan:** So why not raise an objection to the importation because if I am getting my fireworks in, why am I going to fix the problem if it is going to cost me money? I just leave it like that because my business goes on as normal. Why not just raise an objection to the importation until the problem is solved? Because what we are doing is that we are putting the lives of citizens at risk.

**Mr. Gopaul:** I will ask the Assistant Chief to continue with that, please.

**Mr. Davis:** This particular importer has a magazine at Chaguaramas, and therefore, the quantity of explosives that he is bringing into the country, the majority of the explosives goes to the magazine. So once the government magazine is able to take the quantity of explosives that he is bringing in, we would not have any objection to the licence.

**Miss Ameen:** They have no legal grounds for that.

**Mr. Sinanan:** No, I still do not accept that.

**Mr. Chairman:** Exactly.

**Mr. Forde:** They are seeing that there was a problem.

**Mr. Sinanan:** You all saying there is a problem.

**Mr. Forde:** You all told us there is a problem, you know.

**Mr. Sinanan:** I am not saying there is a problem.

**Mr. Chairman:** And the concern is with the retail outlets, not with the magazine. I want to ask a very clear question. There is a problem with a retail outlet. It is accommodating these explosive devices. The fire service has seen a problem. You are telling the Committee that you have no authority to really close that retail outlet down, to actually seize all the offending items and lock them away? You have no authority to do that. You can simply complain that the premises are not to specifications.

**Mr. Davis:** The premises at Macoya were given certain requirements in regard to upgrading the fire protection system. They were 90 days in which to comply with the requirements and that 90 days has expired. However, we will be going forward in regard to getting that premise licence revoked in regard to the storage of fireworks.

**Mr. Chairman:** Okay. Tell me something, just hypothetical. The facilities are not in conformity with fire service specifications; your officers fight fires on a daily basis. That is their function. Suppose because of the faulty premises a fire starts in the area that you have mentioned, there are buildings around, who is liable for the loss of others?

**Mr. Davis:** The setback distance from that building to other buildings, we have approximately about 20 or 30 metres. The type of explosives that he is using are commercial fireworks which it does not have a mass explosive hazard. The types of explosives, the displayed fireworks that he is bringing in that have that type of potential goes to Chaguaramas.

So if there is a fire at that premises, yes, we will be able to deal with it without it spreading to other buildings, but nevertheless we are not willing to take that risk. He is not complying with

the requirements in regard to a fixed fire protection system, and we intend to go forward and to try to stop that type of storage.

**Mr. Chairman:** Okay.

**Mr. Forde:** What is the timeline of ordering these fireworks in terms of, from placing your order to getting your licence, from placing an order to bring in stuff? What is the timeline? Like for instance, we are in 2017, March, Divali is October/November, Christmas, when do the dealers apply for their licence to bring in stuff for 2017?

**Miss Pierre Chase:** Based on our experience, the dealers would usually just top up their stocks. So we do not really think there is any occasion in which they actually—

**Mr. Forde:** So it is a running licence then?

**Miss Pierre Chase:** Well, the licence is valid. Since 2013 we have limited the life of the licence to one year, from the date on which the Minister signs the licence, but what we find is if his stock is going low, he would apply to import. He would import additional items.

**Mr. Forde:** No, but if the licence is for one year how come—

**Miss Pierre Chase:** It is for one year and you can list—there is no limit in terms of the quantity of items you have on the licence.

**Mr. Chairman:** Okay, could you repeat that? A licence is issued, which is a permit, and you are saying that there is no limit on that licence?

**Miss Pierre Chase:** The dealer identifies the items he wishes to import—

**Mr. Chairman:** Only the items?

**Miss Pierre Chase:**—and that is listed on the licence.

**Mr. Chairman:** So he could import. You see the law mentions 150 pounds and 50 pounds, so the law does have a poundage to it. I was just thinking that it would make sense for a licence to indicate that you would be given a ministerial permit, but limited to this amount. Is it limited by numbers, by weight? What limits the size of the cargo?

**Miss Pierre Chase:** In terms from the issue of the import licence, at the level of the Customs, I am not certain as to what limitations are placed and—

**Mr. Forde:** Mr. Chairman, this clearly shows that—

**Mr. Chairman:** Let the witness speak.

**Miss Pierre Chase:**—given over time, because a lot of the times the dealer does not necessarily bring in all the items in one cargo or one shipment. So they have a full year.

**Mr. Chairman:** So basically we are seeing a licence in which there may be no upper limit to the quantity that he can import in a year. Is that what you are saying?

**Miss Pierre Chase:** As far as I am aware—

**Mr. Chairman:** As far as you are aware. Very well. And MP Antoine has a burning question.

**Mr. Antoine:** Is the Ministry of National Security able to tell us at this point in time how much explosives is there in Trinidad and Tobago based on the importation from these licenced importers? Is the Customs and Excise and the Ministry of National Security keeping a record of the amount of explosives being imported by these dealers into Trinidad and Tobago at this point in time?

**Ms. Jacob:** We would just be able to say based on the licence that we would have granted, we will be able to say what we have granted approvals for, but as to actually what comes in bit by bit we would not have that information.

**Mr. Chairman:** For the benefit of the Committee—before you come in MP—is it possible to see a specimen of this licence? You can submit it to us confidentially, to the Committee. Thank you very much.

**Mr. Antoine:** So the Ministry of National Security is saying that at this point in time they do not know the amount of explosives that had been imported in Trinidad and Tobago in terms of fireworks?

**Ms. Jacob:** I am saying I do not know how the regulation goes at the bunkers, but I am saying at the magazine, but I am saying we will be able to tell what we have given a licence for.

**Mr. Chairman:** So basically to answer MP's question, we do not know, apart from the data perhaps that you could glean from Customs, exactly how much has been imported say in 2016. We need Customs data for that.

**Ms. Jacob:** Yes.

**Mr. Chairman:** Thank you very much.

**Mr. Sinanan:** I have one concern and I do not know if the entire panel would agree with me. We saw for Christmas, fireworks being used in a new format where they were putting it in canisters and shooting into houses. I do not know if you all saw those videos that were highlighted.

**Mr. Davis:** Yes, and people died.

**Mr. Sinanan:** And listening to the Permanent Secretary where clearly at this point in time we do not know how much fireworks we have in the country at any point in time. We may know how

much was imported, but there is no real tabulation as to what is in bunkers, what is in retail, what have been sold. Do you feel we should put a hold on fireworks until we put a system in place that we can monitor and regulate fireworks in this country, seeing that we have taken the fireworks now to a new level where some citizens are using it for what it was not intended for? Could I have a comment on that?

**Mr. Chairman:** Police, Ministry of national—I think I already know the Ministry of Health’s position. I do not want to pre-empt you, but police and Ministry of National Security, the question is: should we have a hold on any future importation of fireworks at this time? What is your recommendation?

**Mr. Dulalchan:** Obviously, I will say, yes.

**Mr. Chairman:** Okay, very well. And Ministry of National Security.

**Ms. Jacob:** Chair, I would say that in looking at all the recommendations going forward, we need to have a holistic picture. And in just saying that you are going to stop the importation, it is not a holistic solution because we have these importers with quite a good stock of fireworks ready to set off for the year or two. So that what I am saying is, not that I have an objection, but I am saying I would like to see a whole picture before I would commit to one single element of that.

**Mr. Forde:** Madam PS, what holistic would you like to see again just coming from this little deliberation here alone? It will be interesting.

**Ms. Jacob:** Well, certainly there are legislative issues that we must address, and—

**Mr. Forde:** Yes, but Madam PS, your team of individuals are not dealing with the legislative issues.

**Ms. Jacob:** No, that is why there has to be a holistic approach because, one, dealing with one single element will not necessarily solve our root problem.

**11.45 a.m.**

**Mr. Forde:** No, what the Senator said is to put a hold on future importation. Do you know right now how much stock it have? “For all yuh know, they must be have stock for the next five years.” We do not know. You all are not in a position to tell us what is the stock level.

**Mr. Chairman:** And basically, I think the point is with respect to the issuance of new licences, you see that is where the crux of the problem is, you know. Given the fact that there is so much that we do not know, so much cracks which exist in the regulation of fireworks, I think the query

from Senator and MP is whether—should there not be now a hold on the issuing of new licences? Just let the current licences run their course. Is that a fair recommendation while we sort out the myriads of issues?

**Ms. Jacob:** I made my comment in the light of the fact that based on the records prior to coming to this session, we had not issued licences for fireworks since 2014.

**Mr. Forde:** Mr. Chairman, in light of that then, Madam PS, how soon, therefore, you can provide this Committee with a holistic approach in going forward with regard to fireworks? Are you in a position to give us a time frame so that we may be then able to make a decision based on the holistic approach that you were telling us about? Because the legal officer to the back, the next question I want to ask him is that if it is that the system of licensing that you all are operating with, is it a correct one? Because you are talking about a sort of licensing that you all are rolling over where they bring in and it runs for a period of time so they could bring in five times for the year. Is that legal? That is probably the next question that the legal officer in the back may need to answer.

**Mr. Chairman:** Right. We need to kind of like tighten up a little bit. We would like to see a specimen of the licence. We were told that you have not issued any new licence since 2014 so what we therefore know is that there is an amount in the country, as MP has indicated, that is voluminous and that maybe what we have is a two-year supply or three-year supply, we do not know. We need to get that information.

But the real issue before us is this. Given the nebulous and the vague areas we are dealing with, what do we do to mitigate the adverse consequences on those who are adversely affected by fireworks? This is what is the issue now because all—the holistic approach, I think, is going to take time but there are some immediate matters we need to deal with. We are in March, Independence is going to be upon us soon, Divali will come before we know it, Old Year's night again. They recur, I can assure you, every year periodically, they do not go away. The doctors are going to have to confront with these issues. There are going to be burns. We need, at this time, to really look at what could we do for 2017 while we consider what to do in the future. MP Newallo-Hosein, you wanted to come in? And then, of course, MP Antoine.

**Mrs. Newallo-Hosein:** Thank you, Chair. To the Ministry of Health, in your submission, you acknowledged that there should be basic guidelines to follow in protecting animals and of course, humans and you have indicated that the Ministry is reviewing the legislative changes in France,

Italy and Sweden to allow for the use of soundless fireworks and prohibition. Has there been any collaboration with the Ministry of Health, the Ministry of National Security as well as the Ministry of Agriculture regarding this matter?

**Dr. Parasram:** There is no collaboration as we are aware of with the Ministry of National Security. But our vet public health department, which is the Ministry of Health, has given us statistics related to the animals and the impact of the fireworks on the animals. So we have collaboration in-house and they would collaborate with the Ministry of Agriculture, their vet public health people as well. In looking at the decisions from Italy where it was banned, it was banned predominantly in terms of the effect on the animal population and the geriatric population and the benefits are great in using soundless in terms of health effects on those areas. So we are looking at the legislation and the impact of those decisions in those countries to see if there is a positive impact of the change in legislation.

**Mrs. Newallo-Hosein:** Now, I understand all that you are saying, however, in terms of the legislation, because this law in particular is related directly under the Ministry of National Security, I thought it would have been prudent to involve the Ministry of National Security in this collaborative effort.

**Dr. Parasram:** At the first instance, we were looking at the impacts in terms of the target organisms, the human, the health part of it and once we get our data together in terms of that and the impact related to legislative bans in the other countries to show that there is significant evidence to suggest a positive effect, then we will go to the National Security and liaise with them, having the full picture in terms of the evidentiary support to go with a position and a recommendation to them to amend the legislation.

**Mr. Chairman:** Thank you very much, Mr. Parasram. A follow-up and then we have a question from Sen. Sinanan. And the follow-up is this, you mentioned that in other jurisdictions, there are investigations with respect to the adverse effects on the geriatric population, are you aware of if there are any members of staff within your organization who are au courant with the effects of, say these explosive devices on the geriatric population as it pertains to Trinidad and Tobago? Any practising medical doctors who can address us definitively on that.

**Dr. Parasram:** There are some members of the psychiatric community who are also not sub-specialized but they have continuous liaison with the geriatric population and can give some data on that.

**Mr. Chairman:** Okay, very well. May I request in writing a recommendation? Because you did indicate, the last time you appeared before us, that there is no qualified geriatrician in Trinidad and Tobago.

**Dr. Parasram:** Yeah.

**Mr. Chairman:** So I think, given our growing geriatric population, I really would like to hear what a specialist will tell us on the adverse effects on the population of Trinidad and Tobago, 60-plus as it were.

**Dr. Parasram:** Okay, Chairman.

**Mr. Chairman:** Okay. So I would ask in writing if you could recommend technical experts in the medical field who will be able to advise the Committee on the adverse effects. Sen. Sinanan.

**Mr. Sinanan:** I just want to touch back on that point after the PS made the observation that there were no licences granted since 2014. It raised another concern that I have and I do not know if the fire department could assist me with this and the police. Fireworks are basically composed of an element of gunpowder and we all know with gunpowder and so and fireworks, there is a time span that you would not want to ignite these fireworks after a certain period of time because we have seen, we have always heard about fireworks being cold and then when you light them, they actually backfire and the sparks going all different directions. If since 2014, no licences were granted, it means that we could probably have fireworks on the ground here for over five years. What checks and balances are in place to make sure that people buying fireworks in 2017 are not buying fireworks that are five years old and could do harm to them, to the population? Could we have some clarification on that from the fire department?—if that theory makes sense at all.

**Mr. Chairman:** Basically with respect to, you know, in every product we buy now, it is best if used by expiry dates. Do you, in the fire services, check to see if there is an expiry date with respect to the fireworks existing, the fireworks coming through the port? Who does that and should it not be done now? Because what Sen. Sinanan has said is valuable. If we have so much old fireworks in the country and the thing has gone dormant, what is the threat now to life and limb in Trinidad and Tobago? Maybe, are we sitting on a real potential problem now? Yes, fire services, please.

**Mr. Davis:** With regard to expired fireworks, where they have storage at the government facility, the Government has a responsibility to get rid of those fireworks. Now, fireworks could be discarded in two ways. One, by burning and two, by drowning in water, according to the type of fireworks. So the Defence Force or police service normally, where the fireworks are stored at the

government magazine, will dispose of fireworks that are expired. In regard to the importers, these fireworks are supposed to be returned to the manufacturers. Whether that is being done or not, I cannot answer that really.

**Mr. Chairman:** But do you not think now, given the concerns raised by Sen. Sinanan, that maybe the fire services should do a spot check?

**Mr. Davis:** Definitely.

**Mr. Chairman:** And go into that offending bunker that was somewhere in Macoya, look at some of the fireworks they have and see whether they have expired and therefore, once they are expired, inform the Defence Force that these fireworks maybe ought to be submerged in the water in the public interest.

**Mr. Davis:** That is something that is supposed to be ongoing.

**Mr. Chairman:** Okay, so supposed to be ongoing. Has it ever been done? No, it has not been done. May I recommend that the fire services make the necessary trip and do a spot check simply to satisfy us in the Committee that the public interest is not imperilled with expired fireworks?

**Mr. Davis:** Thank you.

**Mr. Sinanan:** Mr. Chairman, can I ask to leave?

**Mr. Chairman:** Very well. And Sen. Sinanan has asked to leave and I thank him for his contribution. MP Antoine.

**Brig. Gen. Antoine:** As you would realize, this enquiry is generating a national interest and we have an email from—as the MP for Tunapuna, we have an email from someone from Trincity who is concerned about the elderly and animals and so forth who are being affected by the fireworks. I am following up to MP Newallo’s statement in terms of the collaboration between Ministry of Health, Ministry of Agriculture and Ministry of National Security in terms of the way forward. I am looking for solutions. Can we say that in the future, certain areas should be designated for fireworks by the communities? We have sport fields throughout Trinidad and Tobago. The Government has spent a lot of money in lighting these sport fields and do all sorts of work. Should we have designated areas in the communities where people can go and carry out the fireworks so the fireworks would not be within the residential areas in terms of the houses?

And really and truly, I travel from Arima to the Savannah to see fireworks on Independence as the case may be. So there is not a problem in people moving to a location where they can see the fireworks. So as a solution, can we look towards the Ministries collaborating and coming up with

designated areas that can be supervised by the police and the fire services that people can go to and set out the fireworks? Is that a way forward?

**Mr. Chairman:** Yes, and of course, given the observation of Mr. Dulalchan with respect to people are breaking the law by exploding the devices close to where they live. So a response to MP's question with respect to designated areas.

**Mr. Dulalchan:** Mr. Chairman, I just want to indicate that this morning before I left home, I had communication with a very senior ex-employee from civil aviation so I asked him, I said tell me something. Is there anything, because I know for a fact that the landing part of our aircraft is just behind or passing through Kelly Village, as well as the taking-off part and he was telling me that really and truly, whilst there is law speaking to the pointing of laser, there is nothing really to control the use of fireworks away from the roadway that could somehow impede the pilots—

**Mr. Chairman:** So basically, you are saying that we need to look at the law with respect to impediments to aircraft—

**Mr. Dulalchan:** Yes, yes.

**Mr. Chairman:**—as they have with the use of laser lights and include fireworks in there, that within the flight path of an aircraft, there should be absolutely no use of fireworks in that particular area.

**Mr. Dulalchan:** No fireworks. And Sir, another thing, in just looking at the Act too, I was trying to find out what is the role of the Bureau of Standards. To me, there is no role. I have not identified any role for Bureau of Standards in terms of ensuring the quality of the fireworks that are, in fact, being stored.

**Mr. Chairman:** I want to pass on that to the fire department. Do you have any role with respect to ensuring that the devices which are imported are devices which comply with Fire Services Regulations in terms of incendiary devices? Do you have any leeway, any flexibility, to indicate that this particular item that you are importing is too much of a risky one and we will not allow it because it can cause fires?

**Mr. Gopaul:** Mr. Chairman, that will just be in the form of a recommendation but we have no way of really ascertaining that.

**Mr. Chairman:** Yeah, thank you very much.

**Miss Ameen:** Chairman, there is a limit to the age—the current legal age at which a person can purchase fireworks and that is the age of 16. With the revision in the definition of a child under

the previous administration, to age of 18, clearly the present Act has to be revised to come in line with that. But there seems to be no limit on the age of a person allowed to handle or discharge fireworks. Tell me if that is so and if that is a recommendation that you would allow: one, for the age for a person to purchase fireworks—well, they call it gunpowder, right?—to be increased from presently which is 16 to 18; and two, for there to be introduced an age limit for which a person is allowed handle or discharge fireworks and that would in turn give the police the power to deal with anyone who is—to protect people, children that is, from handling fireworks.

**Mr. Dulalchan:** Certainly.

**Mr. Chairman:** Very well.

**Miss Ameen:** Mr. Chairman, while we have discussed a lot of the legal issues in terms of what is happening nationally with the amount of fireworks and so on, I think it is always important to remember the little people and a lot of the complaints concerning fireworks come from citizens who experience problems with their pets, their animals who are frightened by the noises, the danger of the pets hurting themselves; the disruption it would cause in their own lives in terms of sleeping, because of the explosives, and some people could be very understanding but there are many who are ill and because of their illness, they really cannot withstand the explosions and I can tell you because I live in one of those places that is considered at risk. When you hear an explosion, sometimes you are not sure if it is fireworks or gunshots and we must take into consideration the impact of, not just the explosion but the noise because I think many citizens who object to the use of fireworks do so because it causes a nuisance to them based on the noise.

Are there recommendations that we could put forward with regard to treating with this nuisance? Even though, of course, I know when it comes to implementation, it may be a bit difficult because citizens have to police themselves as well. But are there recommendations or have recommendations been made to treat with these three major nuisances that I identified?

**Mr. Dulalchan:** The police would have made several recommendations and I think one has to do with whether or not—to serve as a deterrent whilst there is a problem with the level of enforcement; whether or not the fine, I mean, it is \$400, \$1,000, and then whether or not we limit the amount to be sold to, maybe, a household and as well as the permit. More than that too, the area in which we discussed where you have a central location in communities where people can go and who wish to go and observe the beauty of fireworks would be able to go and sit around the Savannah and so on. So who want to discharge, they can be there under proper control and supervision and who

want to look at the fireworks, they can also go to the parks and so on.

**Mr. Chairman:** Thank you, Mr. Dulalchan. I think really one of the things we need to be looking at, as per your recommendation, is that the actual buyer of fireworks who is going to explode them, maybe in his private premises, although he is breaking the law, must get a permit. I think he needs a permit.

I want to raise a question to the medical doctors. Through you, Mr. Chief Medical Officer, we were told that one of the problems that you have observed in the facilities is that there is a loss of digits, of fingers by some of our children. Sen. Ameen has focused on the risk to children. What I would like to know is, is it that you all have been able to reattach the digits or are these children going to live the rest of their lives missing certain fingers? Were you able to reattach or is it that they have to learn to live with less than five fingers?

**Dr. Sinanan:** As far as I am aware, they were not able to reattach.

**Mr. Chairman:** [*Inaudible*] cause the point of Sen. Ameen on the age of use of fireworks. Do you have a question, again?

**Miss Ameen:** Mr. Chairman, one more thing with regard to—and I go back again to communities and local communities. When I was the Chairman of Tunapuna/Piarco Corporation, there was an exercise for Independence Day and particularly because we had the 50th anniversary of independence, for each regional corporation—MP Forde was a member of that council—where each regional corporation held one major celebration including a display of fireworks and that allowed people from each region to come to that central location rather than everybody going to Port of Spain and the traffic and all the other hazards that are included there. But, in each corporation, the corporations would have funded and ensured that they had the approvals and the supervision and we had good support from the fire services to ensure that everything was done in accordance with the law.

What is coming out of this discussion is even further decentralization. When you speak of community playgrounds, where you would give permission—and I want us to be very cautious about what we are suggesting and clear—where you would allow an area, an approved area to be designated, you have the fire services and the supervision of safety officers. But is it that we are suggesting that we allow citizens to come to this designated area to discharge their fireworks that they purchased on their own, or is it that we are saying you are going to have a fireworks display that is done by an approved provider with the supervision? So that you eliminate ordinary citizens

actually lighting the fireworks and particularly where—and I spoke about eliminating the handling of fireworks by children completely, but that is where the risk comes to the citizens where you have burns and explosions in people's hands and so on.

So I think we have to be very cautious as to whether we are making a suggestion to have a designated space with supervision but still allow citizens to ignite their own fireworks, or we eliminate that completely and put the ignition of the fireworks into the hands of trained authorized persons. If you are in a position to indicate the direction you prefer now, that is good but it is something that you may want to deliberate or consult on before we go forward, and I do not want to come across as though you want to deprive citizens of the joy of lighting fireworks in a proper manner. But do you have any thoughts on that?

**Mr. Gopaul:** Mr. Chairman, the ideas that were given at this forum are all valid and something that we look forward to implementation in terms of the fire services' point of view. The first question was asked: should importation be given a moratorium or a ban and our answer is no. We see the emphasis being placed on the end user. The average citizen who is given permission to ignite, whether 60 feet from the road or otherwise, that is where the problem lies, in that there are ramifications for setting off fireworks: the fallout, it is poisonous, it is an ignition source, it is a source of hazard to anybody who comes into contact with it. So we see that fireworks should be imported, it should be retailed, but to specific people who are trained and who meet certain criteria. The idea of a central area in each community is one that we will support but it has to be regulated in terms of the number of people who are allowed to come there, and the timing of the event and the supervising and the other categories of the criteria that should be laid down to ensure public safety. So we are in support of that part but the end user is where our problems are derived.

**Mr. Chairman:** Thank you, Fire Officer. But your recommendation is in sync with the police in that the end user must obtain the necessary permit in order to set off a firework. He cannot just buy it willy-nilly and set it off on his own when he wishes. So that that seems to be where we need to be targeting the end user so he could be trained and he knows exactly what his parameters are. MP Newallo-Hosein.

**Mrs. Newallo-Hosein:** Thank you, Chair. Before I go on to my main question, I just want to ask: is there a fee when applying for a licence? Anyone, is there a fee?

**Mr. Ali:** There is a fee at the Magistrates' Court level: \$250 for a retailer's licence, \$500 for a wholesaler's licence.

**Mrs. Newallo-Hosein:** All right, so the large importers—

**Ms. Pierre Chase:** No, there is no fee attached to the import licences.

**Mrs. Newallo-Hosein:** All right, okay. Just ago, I know that—sorry, the fire services had indicated that you undertake an ongoing campaign, education campaign, through your fire prevention section but these are done with visits to schools and companies and other fora. What exactly does the education campaign entail and do you have any intentions of implementing other educational campaigns to increase the level of awareness of the dangers associated with the improper use of fireworks, particularly using social media and do you have adequate resources to do such? And that will be my final question. Thank you.

**Mr. Gopaul:** That is correct what you have said there, MP. But our outreach campaign has been intensified over the last years because we wanted to have a proactive approach to fire safety and public safety. Fireworks are the focus of this Committee, hence it is being mentioned in our response to you but it is only part of our public education campaign. The part of the question in terms of the resources, it is an ongoing thing in that we train people, foreign and locally, to be part of the fire prevention section and it is an ongoing campaign. The answer is yes.

**Mr. Chairman:** Thank you very much. Members, witnesses, this has been a very informative session. We are now very much apprised of the fact that fireworks represent a problem at all stages. I am surprised to learn that the importer pays no licence fee but—the large containers come in free of licence, that is revenue leakage; foreign exchange is being used. I think we need to be looking at foreign exchange use to purchase more medicines, in my mind, to heal the burns and the wounds that are coming from the fireworks.

But it is now 12.12 and I would like to conclude this morning's proceedings by 12.15. There is a sitting this afternoon of the House of Representatives of which we have two Members here. So may I ask at this point—we have now opened the discussion on fireworks. I thought we were going to close this morning, it has now been opened. We need other stakeholders and we may need to re-invite you to return once we have looked at other stakeholders as well, because at the end of these proceedings, we would like to have concrete recommendations which, at the level of the Parliament, we could use the arm of the Parliament to implement, to ensure that this particular activity is not growing to be the nuisance that it is in the future. So may I ask the following to offer some brief closing remarks: Mr. Richard Madray, Ms. Lydia Jacobs and Mr. Deodat Dulalchan in that order before I conclude this morning's proceedings.

**Mr. Madray:** Again, I thank you for the opportunity, Chair and members, to collaborate and to contribute on what has been an enlightening exploration of this sensitive subject. I endorse the comments of the Chair and members as well as the PS, National Security, that this is the beginning of a discussion and we do need to have a more comprehensive exploration of the issue that it does involve all of the multiple stakeholders that are part of this process before a significant policy decision is made.

The Ministry of Health commits to continue to look at and to work with the various other Ministries on two particular areas involving the scratch bomb issue, as well as the possible legislative issues regarding noiseless fireworks and of course, to provide you with the information that you requested.

**Mr. Chairman:** Thank you very much, Mr. Madray. Now Ms. Lydia Jacob, Permanent Secretary, Ministry of National Security.

**Ms. Jacob:** Yes, Chair, our deliberations this morning have certainly indicated that there is much work to be done across the board. Further, there is need for greater collaboration as we seek to derive long-term solutions to the many issues and the challenges raised this morning and we as well commit to working with our stakeholders. In fact, in our deliberations to come to this Committee today, we did look at a number of recommendations but certainly the time frame did not allow us to expand and explore and really dissect those recommendations. So, in moving forward, we will be looking forward to really presenting you with a very comprehensive list of recommendations along with some of the pros and cons of each of those. I thank you.

**12.15 p.m.**

**Mr. Chairman:** Thank you very much. But before I go to Mr. Dulalchan, it will probably be fair if I were to ask the Chief Fire Officer as well because this impacts upon your department in a significant way. Brief closing remarks, Chief Fire Officer.

**Mr. Gopaul:** Thank you, Mr. Chairman. We are happy to be a part of this Committee where the focus will shift on one of our main concerns: any incendiary device, any form of ignition and any hazard to the public that jeopardizes their safety, we want to be part of and we are happy to be part and our recommendations will be considered. Thank you.

**Mr. Chairman:** Thank you very much. And now Mr. Dulalchan.

**Mr. Dulalchan:** Sir, I wish to indicate that the TTPS is, in fact, committed to future stakeholder consultation, really to bring some sanity surrounding all the issues pertaining to fireworks as it

impacts man, animals and birds.

**Mr. Chairman:** Yes, thank you very much. Are there any members of the Committee who would like to have brief closing remarks?

**Mr. Forde:** Yes.

**Mr. Chairman:** Briefly, MP Forde, briefly.

**Mr. Forde:** Yes, brief. Again, members, again, I appreciate you all attending our meeting today and as the PS from National Security mentioned, collaboration among the various stakeholders: TTPS, fire services, EMA, regional corporations, Customs—all the relevant bodies, in order to ensure that we are all on the same page.

**Mr. Chairman:** Thank you very much, Mr. Forde.

**Mr. Forde:** One second. It is law. Members, no, no. Mr. Chairman, give me one second. It is law so all we have to do is to enforce the law and carry it out to the best of our ability. Right? And at the end of the day, we look forward to the report coming from the PS.

**Mr. Chairman:** Excellent. We have now started, and Mr. Forde, this is only the first hearing, we will have a subsequent hearing because we do need to be looking at the impact on comfort animals and pets, the geriatric population, the children in general. So it is going to have a second session and we are going to come up with solutions.

At this point, I really want to thank all of our witnesses, from the medical doctors, the legal advisor from the Ministry of National Security, representatives of the fire services, Ministry of National Security, Ministry of Health and the police service. All the stakeholders, I want to thank you sincerely. You have brought on to the table for the national community and for the benefit of this parliamentary Joint Select Committee a number of issues which now make it quite clear why this issue of fireworks regulation is now of utmost priority in the public interest.

This Joint Select Committee, as you now, is a committee of all benches in Parliament. Five benches are represented and we do have a keen interest in working with all arms of the State to ensure that the public interest is defended.

I thank you. I thank members of the media for being here. I want to thank all members of our listening audience and I want to indicate that, to all those listening to us on the Parliament Channel, if you do have any suggestions on this important social issue, please indicate to us via the Internet or via the Secretary and we will be taking your recommendations on board. At this time, 12.18, I would have liked to continue but as I said, there is a sitting of the House so I do need to adjourn

and we will, hopefully, have another session where we would come up with some more definitive recommendations to solve the problem. Thank you all. Very good afternoon. Take care.

**12.18 p.m.:** *Meeting adjourned.*