

Leave of Absence

Friday, April 15, 2005

HOUSE OF REPRESENTATIVES

Friday, April 15, 2005

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from the sitting of the House today: the Member for Arima (Hon. Penelope Beckles); the Member for Arouca South (Hon. Camille Robinson-Regis) and the Member for Laventille West (Hon. Eulalie James). The leave which the Members seek is granted.

CONDOLENCES

(MR. CHARLES ANTHONY JACELON)

Mr. Speaker: Before I take my seat hon. Members, I wish to bring to the notice of the House the passing of Mr. Anthony Jacelon. Mr. Jacelon served as a Senator in the other place in the past. I now invite Members to pay their condolences.

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Thank you very much, Mr. Speaker. I was a colleague of Mr. Charles Anthony Jacelon in the parliamentary period 1981—1986 under the very distinguished Prime Ministership of Mr. George Michael Chambers. Mr. Jacelon held the appointment of Minister in the Ministry of Finance and in that capacity chaired meetings of the Finance Committee of this honourable House. I was at the time, still a very junior minister in the government of the day and Mr. Jacelon was one of those on whom I could rely for advice. I held the portfolio at the time of Minister of Energy and Energy Industries. I recall very clearly that my first encounter with Mr. Jacelon was in a meeting between the Ministry of Petroleum and Mines, in an earlier time in the earlier 1970s, and Amoco.

Mr. Jacelon, at the time, was legal advisor to Amoco and in that capacity distinguished himself and then went on to private practice to emerge as a very eminent and distinguished lawyer in Trinidad and Tobago. He in fact attained the status of Senior Counsel which, as you know, is the highest status in the profession that is available in our country.

Condolences (Mr. C. A. Jacelon)
[HON. P. MANNING]

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Mr. Speaker, Mr. Jacelon was also active in the PNM. Whereas the time, a number of professionals came into the party and Government, essentially working at the level of the government but not spending too much time in the party, Mr. Jacelon was very different. So different was he that when we went into Opposition for the first time in 1986 and we looked around for the group of people who would be associated with the revitalization of the PNM and its resurgence as a strong and hopefully invincible political force, we could not make arrangements that excluded Mr. Jacelon; in fact, Mr. Jacelon went on to hold the office of treasurer of the PNM, which he held until his death and which he had held for a number of years.

To be a treasurer of the PNM, Mr. Speaker, you have to be a man of integrity and so Mr. Jacelon was indeed a man of integrity, which caused us to elect him time and time again. In fact, in his latter years in the PNM, he was elected to the office of treasurer unopposed. That is an indication of the esteem with which he has been held in the political party, not just by those in authority, but also by the rank and file party member who, after all, is the basis and the backbone of the sustenance of our political organization and the country's democracy.

Mr. Speaker, Mr. Jacelon also was my personal legal advisor. He advised me in a personal capacity and I owe him several debts of gratitude for the advice that I have been able to get from him from time to time, in the conduct of my own personal affairs with a legal orientation.

At age 65, I am prepared to say that Mr. Jacelon's passing is untimely. In fact, it appeared to us that he still had some considerable time ahead of him to continue to make a contribution to party and to country, but, regrettably, that is not to be. It is not for us to decide the time or the hour. None of us knows. It is a matter that is entirely in the hands of Almighty God. When Almighty God decides that your hour has come, then indeed your hour has come and so it is with Mr. Charles Anthony Jacelon. His hour has come.

He leaves to mourn him a very dedicated wife and children who have already distinguished themselves academically, and who will remain a proper and fitting legacy and testimony to the life of Charles Anthony Jacelon.

It is in these circumstances that we think it is appropriate that as we conduct the first sitting of this House after his passing that we honour him. We honour him and I rise to do just that; to pay tribute to Charles Anthony Jacelon, lawyer, Minister of Government, Senior Counsel, party activist, Member of the General Council and Central Executive of the PNM, statesman and, of course, friend.

May his soul rest in peace. Thank you very much.

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Mr. Chandresh Sharma (Fyzabad): Thank you very much, Mr. Speaker. We on this side join with the hon. Prime Minister and Members opposite to pay tribute to Charles Anthony Jacelon who distinguished himself largely in community work. He was, for many, a legal advisor to a number of community groups. More than that, he dedicated himself in many respects to adding value to people's life.

In the Geeta, Chapter 10:18, it talks about a man's contribution to the people around him. I think in this regard Mr. Anthony Jacelon did exactly that. I had known him, as a young man growing up with his wife and the children. Even though he was very busy with so many activities as a lawyer, businessman and advisor to so many people, he always made time for his family. He made the effort to coordinate with the extended family. From time to time he would visit many people in different parts of the country, helping them to realize their full potential. The UNC is saddened by his early death.

Age 65 is a rather young age. We pay tribute to his life and we pray that his wife and children would be able to continue. We extend to his family our deepest sympathy.

Thank you.

Mr. Speaker: Hon. Members, I, too, would like to join the sentiments expressed by the hon. Prime Minister and the hon. Member for Fyzabad. I first came into contact with Mr. Jacelon, I think it would have been in 1981 or thereabouts, when he had a legal matter. He was in government. Subsequent to that I became very close to him from a professional point of view. I wish to confirm the sentiments expressed by the hon. Prime Minister and the hon. Member for Fyzabad.

Mr. Jacelon's passing was indeed untimely; 65 years is relatively young. Not only did he make a contribution to politics and the society outside of the politics, he also made a contribution to the commercial aspect of life in Trinidad and Tobago. As you all know he was the Chairman of BWIA, which we all know is a particularly challenging chairmanship.

To his wife and children, I wish to express my deepest sympathy. Members, I would ask you all now to rise to pay one minute's silence in memory of Charles Anthony Jacelon.

The House of Representatives stood.

Condolences (Mr. C. A. Jacelon)

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Thank you very much, hon. Members. I would direct the Clerk, on behalf of all Members of this House and on my own behalf, to write an appropriate letter to the widow of the late Charles Anthony Jacelon expressing our deepest sympathy.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 1994. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 1995. [*Hon. K. Valley*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 1996. [*Hon. K. Valley*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

4. Annual audited financial statements of Taurus Services Limited for the financial year ended September 30, 2004. [*Hon. K. Valley*]

To be referred to the Public Accounts (Enterprises) Committee.

5. The Report of the Princes Town Regional Corporation for the period 2002—2003. [*Hon. K. Valley*]
6. The 17th Annual Report of the Integrity Commission of Trinidad and Tobago for the year 2004. [*Hon. K. Valley*]
7. Annual Administrative Report of the Betting Levy Board for the period July 01, 2003—June 30, 2004. [*Hon. K. Valley*]
8. Reply of the Honourable Attorney General to recommendations of the Joint Select Committee contained in the First Report of the Joint Select Committee of Parliament appointed to enquire into and report on Government Ministries with responsibility areas as listed in Part I and on Statutory Authorities and State Enterprises falling under those Ministries. [*Hon. K. Valley*]
9. The Value Added Tax (Amendment) Order, 2005. [*Hon. K. Valley*]
10. The Minimum Wages Order, 2005. [*Hon. K. Valley*]

Papers Laid

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11. Annual Report of the Venture Capital Incentive Programme for the financial year ending September 30, 2001. [*Hon. K. Valley*]
12. Annual Report of the Venture Capital Incentive Programme for the financial year ending September 30, 2002. [*Hon. K. Valley*]
13. Annual Report of the Venture Capital Incentive Programme for the financial year ending September 30, 2003. [*Hon. K. Valley*]

Papers 11 to 13 to be referred to the Public Accounts Committee.

14. Annual audited financial statements of Petroleum Company of Trinidad and Tobago for the year ended September 30, 2004. [*Hon. K. Valley*]

To be referred to the Public Accounts (Enterprises) Committee.

15. A Green Paper—the Draft Quarry Policy for Trinidad and Tobago. [*Hon. K. Valley*]

COPYRIGHT (AMDT.) BILL
Special Select Committee Report
(Presentation)

The Minister of Sport and Youth Affairs (Hon. Roger Boynes): Mr. Speaker, I wish to lay on the Table the Third Interim Report of the Special Select Committee appointed to consider and report on the Copyright (Amdt.) Bill.

ORAL ANSWERS TO QUESTIONS

[Dr. F. Khan stood]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): The Member has become very active of late. Mr. Speaker, I seek the indulgence of the House to have the following questions deferred: questions Nos. 7, 14, 16, 17 and 27.

Dr. Khan: Mr. Speaker, I crave your indulgence. On the last occasion we were here, two weeks ago, the Member asked for a one-week deferral and we gave him two weeks. The Minister of Health has been running from this question for the last seven weeks. I hate to use the word “running”. All I want is a yes or no answer. That is what it is. It is a simple question. I heard the Prime Minister just spoke about integrity in the PNM with respect to Mr. Jacelon. I wonder why they are running from this question. Who ordered him to do it?

Mr. Speaker: Hon. Members, there is a request for the deferral of question Nos. 7, 14, 16, 17 and 27. I gather that the Opposition Benches do not agree, but it

is really academic, in terms of the majority that the Government holds. All I would do again is to appeal to the Government to, please, answer questions in a timely fashion; particularly question No. 7 has been on the Order Paper for some time.

Mrs. Persad-Bissessar: Mr. Speaker, if I may, whilst it may well be that it is academic to take the vote, it has to be done. It is academic at every Bill that they have the majority and therefore the question has to be put to the House and let us take a vote on it. We must register our disgust at this behaviour on the part of the Government. That is the procedure. The Chair cannot abdicate its responsibility to put the vote, with due respect.

Mr. Speaker: I see it happening somewhere else but I have never seen it happen in the House here where a deferral of a question is put to the vote. I have never seen it in this House and I do not propose to start that precedent.

The following questions stood on the Order Paper:

**Scarborough Hospital
(Cost overruns)**

7. Could the hon. Minister of Health state whether there have been any cost overruns so far on the new Scarborough Hospital? [*Dr. F. Khan*]

**United Nations Observance Days
(Steps for Implementation and Support of)**

14. Would the hon. Prime Minister state what steps are being undertaken and programmes implemented or supported by his administration to observe and highlight:
- (i) The United Nations Observance of International Women's Day March 08, 2005; and
 - (ii) The United Nations Observance of International Day for the Elimination of Racial Discrimination March 21, 2005? [*Dr. R. Moonilal*]

**List of Criminal and Civil Cases
(Details of)**

16. Could the hon. Attorney General provide this House with a list of all the cases, both criminal and civil, in which parliamentarians have been retained

as counsel, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**List of Projects and Programmes
(Details of)**

- 17.** Could the hon. Attorney General provide this House with a list of all projects and programmes involving state enterprises, statutory authorities and other state institutions in which parliamentarians have been engaged by the State, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**Procurement of Goods and Services
(Government's Intention)**

- 27.** Could the hon. Minister of Finance indicate whether the Government intends to create new state agencies for the procurement of goods and services in Trinidad and Tobago? [*Dr. F. Khan*]

Questions, by leave, deferred.

**SWAHA Hindu College
(Details of Construction)**

- 18. Mr. Harry Partap** (*Nariva*) asked the hon. Minister of Education:
- With respect to the construction of the SWAHA Hindu College, Sangre Grande, which has been experiencing repeated delays in completion works, could the Minister state:
- (i) why has construction been suspended since December 2004;
 - (ii) when will construction be completed;
 - (iii) how much money has been expended on construction of this school to date;
 - (iv) how much is construction of the college expected to cost;
 - (v) what was the original estimated cost for construction?

The Minister of Education (Sen. The Hon. Hazel Manning): Mr. Speaker, I would like to inform this honourable House that the SWAHA Hindu Colleague, Sangre Grande is being built under the standing agreement between the Government and denominational boards, that is the board would procure and manage the services of its designers and contractors and the Government would fund two-thirds of the construction cost. In answering section one, construction

work on the SWAHA Hindu College was not suspended since December 2004. What in fact transpired is that the contractor procured by the board stopped on-site activities for the Christmas break, which is customary in the construction industry, and in addition early Carnival festivities further delayed the project. A financial review was undertaken by the contractor during the period, and as I speak construction has resumed.

It is to be noted that in the period January—March 2005, minor works have been conducted on site including minor electrical wiring and repairs and maintenance of the roofs. An assessment carried out by the review consultant for the project, Anthony Campbell and Associates, indicates that the contractor needed to improve his production and cash flow requirements.

Secondly, the Government has been honouring its financial commitment to the project. The penultimate request for payment on this project, which was submitted by the SWAHA Board, was paid in full by the Ministry of Education on September 30, 2004. The last valuation was received on March 17, 2005 and forwarded to the review consultant for certification. It is currently being processed for payment by the Ministry of Education.

The project is 65 per cent complete and current projected revised completion date is September 2005. In order to achieve this objective the SWAHA Board and its contractor would have to increase productivity and work diligently. For example, the Ministry of Education has been requesting the SWAHA Board to submit the revised bills of quantity, which will accurately identify the updated scope of works, which will be needed in the assessment of upcoming applications for payment. This information is yet to be received.

With respect to the third part of the question, to date, the current value of works certified is \$14,916,726.19. Expenditure by the Government has been two-thirds of that figure, totalling \$9,944,484.13.

With respect to the fourth part of the question, the expected cost of construction, which was requested at the last project meeting in December 2004, will only be known upon submission of the revised bills of quantity, which will accurately indicate the final cost of construction and would include the variations which have occurred on the project.

For the fifth part of the question, the original estimated cost of construction was \$21,413,451.03, of which the Government contributed two-thirds of the amount that is \$14,275,634.02. I thank you, Mr. Speaker.

**Nariva Swamp/Plum Mitan
(Details of Expenditure)**

21. Mr. Harry Partap asked the hon. Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister outline to this House how the Ministry intends to spend the twenty-five million dollars (\$25,000,000.00) allocated to make the Nariva Swamp at Plum Mitan a food basket?
- (b) Could the Minister further state how much of the twenty-five million dollars (\$25,000,000.00) has already been spent on the Nariva Swamp at Plum Mitan and on what projects?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, funds were not specifically allocated to the Ministry of Agriculture, Land and Marine Resources in the 2005 Development Programme Estimates, for the development of Plum Mitan in the Nariva Swamp. However, Cabinet has approved a plan for the development of irrigation channels and access roads in the Nariva and Oropouche basins to support programmes for improved food production over a three-year period.

The Ministry of Agriculture, Land and Marine Resources proposes to develop approximately 400 hectares of lands at Plum Mitan over the three-year period with approximately \$6 million being disbursed annually, for the improvement of access roads, drainage and irrigation infrastructure. The technical staff of the Ministry, together with the beneficiary farmers, and other stakeholders, are at an advanced stage of finalizing the implementation schedule of the works to be done at Plum Mitan. It is anticipated that work will commence at the end of May 2005 and will be completed by 2008.

I thank you, Mr. Speaker.

**Plum Mitan, Kernaham/Cascadoux
(Compensation for Flood Damage)**

22. Mr. Harry Partap asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister state when payments for flood damage sustained in September/October 2004 by farmers in Plum Mitan, Kernaham/Cascadoux and other areas in the eastern district would be made available to them?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Thank you very much, Mr. Speaker. The processing of cheques in respect to the relief of flood damage for the affected farmers commenced March 21, 2005 and distribution of these cheques is expected to commence on March 31, 2005. All the relevant payment documents have been submitted to the Finance and Accounts Division of the Ministry and are now being finalized for cheques preparation.

It is useful to note that the process involved in the evaluation of losses is, of necessity, thorough and time-consuming. The process is as follows:

- (i) as soon as reports of flooding are received, the relevant district officers visit the affected areas to gather information such as names of farmers affected, the extent of damage and the commodities affected;
- (ii) following this, an independent team of officers from another county visits the affected areas and compiles data such as the type of crops, number of plants, crops maturity, extent of damage relative to salvage value; and
- (iii) the information collected by both teams must be verified by the district and county officers in relation to the crop production and monthly reports for that district.

Once this information is verified and certified, the team then calculates a value based on the Ministry's crop valuation schedule and recommends payment to be offered. The Ministry recognizes that the process is a bit lengthy but this is necessary to ensure transparency, fairness and accountability in the relief offered to the affected farmers.

I thank you, Mr. Speaker.

Vendors' Booths (Details of)

23. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the vendors' booths built and rented on behalf of the Ministry around the Queen's Park Savannah, could the Minister state:

- (a) how many booths were built for Carnival 2005;
- (b) the cost of construction per booth;

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(c) how many were occupied during the Carnival season?

The Minister of State in the Ministry of Community Development, Culture and Gender Affairs (Hon. Edward Hart): Thank you very much, Mr. Speaker. It is strange to see my friend occupying that seat, apparently something went wrong.

However, in reply to question No. 23, in 2003, 120 vendors booths were constructed, 60 were donated by TIDCO and 60 contracted by the National Carnival Commission; an agency of the Ministry of Community Development, Culture and Gender Affairs. The same booths were reassembled for use in 2004 and 2005 carnival seasons.

The booths were constructed in 2003 at an average cost of \$20,000 and reassembled in 2004 and 2005 at an average cost of \$8,000 and \$9,000, respectively. These costs covered labour and replacement parts.

All booths were occupied during the carnival season. Thank you very much, Mr. Speaker.

Dr. Khan: Could the Minister indicate if he lowered the cost of the rental to the vendors in 2005?

Hon. E. Hart: Mr. Speaker, that is a separate question and I will be prepared to answer it.

Queen's Park Savannah (Plans for)

24. Dr. Fuad Khan asked the hon. Minister of Community Development, Culture and Gender Affairs:

Could the hon. Minister indicate whether there are plans to remove the paved area of the Queen's Park Savannah, and replace it with grass?

The Minister of State in the Ministry of Community Development, Culture and Gender Affairs (Hon. Edward Hart): Mr. Speaker, there are no plans to remove the paved area of the Queen's Park Savannah at this time.

Dr. Khan: Could I ask the Minister why not?

Hon. E. Hart: Mr. Speaker, I want to repeat. There are no plans to remove the paved area of the Queen's Park Savannah at this time.

Dr. Khan: Last question, please indulge me, Mr. Speaker. I am somewhat confused. Were you not the same government, when it was paved you attacked the UNC and you created—[*Interruption*]

Mr. Speaker: Please, Member for Barataria/San Juan! Let us move on, please.

**DEFINITE URGENT MATTER (LEAVE)
Government's Failure to Provide Water
(Siparia Constituency)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives Standing Orders, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance; namely, the failure of Government to provide water to the large area of Siparia constituency, especially in the Penal district.

The matter is definite since it relates to the specific problem of the lack of a water supply to the above area.

The matter is urgent and the situation has worsened recently and reached crisis proportions because of the sustained failure of Government to provide water.

The matter is of public importance because government has a public duty to provide a reasonable supply of water to the residents, but is failing so to do.

Mr. Speaker, I have read your sanitized version of it but the matter is serious and very critical at this point in time.

Mr. Speaker: Please, let me, for the guidance of Members, indicate to you. I am quoting from the 22nd Edition of Mays' *Parliamentary Practice*, page 311:

“Members raising matters in the House under the Standing Order No. 24...”

which is equivalent to our Standing Order 12,

“procedure are frequently called to order by the Chair, and the Speaker has reminded the House that applications must be directed solely to seeking to prove that an issue is sufficiently important, specific and urgent to change the business of the House so as to provide for an emergency debate, and is not an occasion to debate the issue itself.”

In other words, you cannot plead your case in the Motion.

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Mrs. K. Persad-Bissessar: What, therefore, is your ruling? He has not ruled.

Mr. Speaker: The Motion which the hon. Member seeks to raise under Standing Order 12 is denied. May I suggest that you use Standing Order 11?

CONSTITUTION (AMDT.) BILL

Bill to amend the Constitution by providing for the establishment of a Police Management Authority, and for other related matters [*The Prime Minister and Minister of Finance*]; read the first time.

POLICE SERVICE BILL

Bill to make provision for the efficient management of the Police Service, to consolidate, amend and revise the law relating to the Police Service and for other related matters [*The Prime Minister and Minister of Finance*]; read the first time.

POLICE COMPLAINTS AUTHORITY BILL

Bill to establish an independent body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters [*The Prime Minister and Minister of Finance*]; read the first time.

PRIVILEGES AND IMMUNITIES [(CCJ), (RJLSC) AND CCJ TRUST FUND] ORDER

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Mr. Speaker, I beg to move the following Motion standing in my name:

Whereas section 9(2) of the Privileges and Immunities (Diplomatic Consular and International Organizations) Act, Chap. 17:01 (“the Act”) provides that the President may, from time to time by Order, declare that any international or regional organization or agency named and described in the Order, shall to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Act:

And whereas section 9(6) of the Act provides that on Order made under section 9(2) shall be subject to affirmative resolution of Parliament:

And whereas the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004 (“the Order”) was made under section 9 of the Act:

And whereas it is expedient to approve the Order:

Privileges and Immunities Order
[SEN. THE HON. K. GIFT]

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Be it resolved that the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004, be approved.

Mr. Speaker, at the appropriate time I shall propose some amendments to this Order.

Members of this honourable House have before them, for confirmation, an Order entitled the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004.

Section 9(2) of the Privileges and Immunities (Diplomatic Consular and International Organizations) Act, Chap. 17:01 ("the Act") provides that the President may, from time to time by Order, declare that any international or regional organization or agency named and described in the Order, shall to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Part II of the Fifth Schedule deals with privileges and immunities of representatives, members of committees, high officers and persons on missions.

Part III of the Schedule deals with privileges and immunities of other officers and servants of the organization or agency.

Part IV of the Schedule deals with the privileges and immunities of official staffs and of high officers and their families.

Section 9 of the Act also requires that every Order so made under that section shall be subject to affirmative resolution of Parliament.

The purpose of this measure, therefore, is to affirm the conferment on the CCJ, the RJLSC and Caribbean Court of Justice Trust Fund and on some of the offices of these entities, certain privileges and immunities which Trinidad and Tobago has traditionally granted to international and regional organizations and agencies operating locally.

These privileges and immunities are based on the international law and practice on the subject and our legislation which gives domestic, legal effect to those treaty-based international norms.

In the matter now before this honourable House, the Treaties in question are the agreement establishing the CCJ; the protocol and the status, privileges and immunities of the CCJ and the RJLSC; and the revised agreement establishing the Caribbean Court of Justice Trust Fund.

These instruments establish, inter alia, either the privileges and immunities applicable to the entities conferred on their officials or provide that agreements be concluded with the host government, to govern the status and privileges and immunities of the organization and their officials. The agreement establishing in the CCJ was signed by Trinidad and Tobago on February 14, 2001. It was ratified on October 18, 2002. Twelve member states of the Caribbean Community, including Trinidad and Tobago, have thus far ratified the agreement establishing the CCJ. The agreement entered into force on receipt by the depository of the third instrument of ratification. The CCJ is to be headquartered here in Trinidad and Tobago. The court is open to membership by Caribbean States other than members of the Caribbean Community.

Mr. Speaker, the Conference of Heads of Government of the Caribbean Community reached the momentous decision at its 23rd meeting in Georgetown, Guyana on July 04, 2004 to establish a trust fund to be capitalized in an amount of US \$100 million, the proceeds of which are to ensure the efficient operation of the CCJ on a financially sustainable basis. The fund is to be managed by a Board of Trustees appointed in accordance with the relevant provisions of the Revised Agreement establishing in the Caribbean Court of Justice (CCJ) Trust Fund.

The CCJ is designed to play a determinative role in the structured development of the Caricom Single Market and Economy in the exercise of its original jurisdiction, to interpret and apply the Revised Treaty of Chaguaramas as well as replace the Judicial Committee of the Privy Council, as the court of last resort in civil and criminal matters for member states of the Caribbean community.

Mr. Speaker, the RJLSC, in accordance with Article V of the agreement establishing the Caribbean Court of Justice, has responsibility for:

- (i) making appointments to the office of judge of the court other than that of the President;
- (ii) making appointments of those officials and employees referred to in Article XII and for determining the salaries and allowances to be paid to such officials and their employees;
- (iii) the determination of the terms and conditions of service of officials and employees; and
- (iv) the determination of appointments in accordance with the provisions of the agreement.

Privileges and Immunities Order
[SEN. THE HON. K. GIFT]

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The membership of the commission is broadly based and comprises the following persons: the President of the Court, who is the chairman; the nominee of a regional body representative of the legal profession; two chairmen of the Judicial and Legal Services Commission of contracting states elected in rotation for a period of three years; the Chairman of a public service commission of a contracting party designated in rotation for a period of three years; the Secretary General of the Caribbean Community or the Deputy Secretary General as an alternate; a distinguished Caribbean jurist appointed by the President after consultation with the Deans of the Faculty of Law of contracting parties and the Council of Legal Education; and two persons nominated by the Bar or Law Associations of the contracting parties.

The CCJ is therefore a unique institution in as much as it is designated to be on the one hand a municipal court of last resort or the highest appellate court in the Caribbean community for civil and criminal appeals in substitution for the Judicial Committee of the Privy Council, and on the other hand an international tribunal of compulsory and exclusive jurisdiction for the interpretation and application of the Revised Treaty of Chaguaramas, establishing the Caribbean community.

Mr. Speaker, this Order is a simple one. It seeks to confer on the CCJ, the RJLSC and the Caribbean Court of Justice Trust Fund only those privileges and immunities which are provided for in the Privileges and Immunities (Diplomatic Consular and International Organizations) Act, Chap. 17:01 and which have been granted in the past to other regional and international organizations and agencies.

Paragraph 3 of the Order stipulates that the court, the commission and the fund being regional agencies, shall be accorded all the privileges and immunities set out in Part I of the Fifth Schedule to the Act.

Paragraph 4 of the Order provides that the judges of the court, members of the commission and trustees of the fund shall enjoy the privileges and immunities set out in Part II of the Fifth Schedule to the Act.

Subparagraph (2) of paragraph 4 provides that members of the family of the office holders referred to in subparagraph (1) shall enjoy privileges and immunities set out in clause 2 of Part 4 of the Fifth Schedule to the Act.

Paragraph 5, in subparagraph (1) of the Order, provides that the officers and servants of the court, the officers and servants of the commission and officers and servants of the fund, shall enjoy the privileges and immunities set out in Part III of the Fifth Schedule to the Act.

Part III provides for immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, as well as exemption from income tax in respect of emoluments received as an officer or servant of the organization or agency.

Paragraph VI of the Order provides that the court, the commission and the fund shall possess legal capacity and such legal personality as may be necessary to allow them in the exercise of their functions and in fulfillment of their purposes to contract, acquire and dispose of real personal property and to institute legal proceedings.

Paragraph 7 of the Order stipulates that paragraph 4(1), as it applies to the judges of the court, is deemed to have come into operation on August 16, 2004.

Paragraphs 3, 4(1) and 5, in so far as they relate to the fund and its trustees, are deemed to have come into force on August 22, 2003.

Mr. Speaker, if I may conclude, this honourable House recently considered and passed a Bill to give effect to the Agreement Establishing the Caribbean Court of Justice. It is therefore not my intention to thread upon ground already covered in that debate. This Order simply does the following:

- (i) it recognizes that as instrumentalities or agencies brought into being by inter-governmental treaties, to which Trinidad and Tobago is a party, these entities are entitled to enjoy the privileges and immunities set out in Chap. 17:01; and
- (ii) while the CCJ is not yet operational, both the RJLSC and the CCJ Trust Fund are operating here in Trinidad and Tobago by virtue of the relevant treaties entered into by the Government of Trinidad and Tobago.

Members of this honourable House are not being asked to make new law; they are merely being asked to confirm an Order made by His Excellency, the President, in accordance with the power vested in him by an existing law. The new reality of globalization of the international economy, widening and deepening of integration movements and the progressive liberalization of regional and international trade are propelling us in but one direction—closer cooperation and deepening integration.

As an international tribunal applying international law, in interpreting and applying the Revised Treaty, the court, in the exercise of its original jurisdiction,

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is indispensable for assuring the kind of legal certainty that must underpin macroeconomic stability in the Caricom Single Market and Economy.

Mr. Speaker, Trinidad and Tobago sought and was successful in obtaining the seat of the court. I would point out that it was not the only member state interested in hosting this court. Some of the Members opposite would be aware of the struggle to ensure that the seat of the court remained in Port of Spain.

Trinidad and Tobago derives considerable economic benefit from its participation in the regional and integration movement. Its nationals natural and legal, consequently, have a vested interest in ensuring that an institution such as the CCJ exists to protect their rights in the CSME; or looked at differently, to ensure that other member-states honour the obligations to those nationals. Trinidad and Tobago can only benefit economically, politically and diplomatically from acting as host for the headquarters of the CCJ.

Having promoted actively the establishment of the Caribbean Single Market and Economy, having sought the site for the seat of the court and being conscious that the dynamics of the international, economic and political environment required to deepen the regional integration movement, the Government of Trinidad and Tobago, through this Motion, intends to do its part to facilitate the success of these new regional institutions by putting in place some of the legal infrastructure required for the court and the associated entities to fulfill their functions as set out in the treaties earlier mentioned.

The making and confirmation of this Order is part of the regional integration process which we have already begun. I therefore, unhesitatingly recommend that hon. Members of this House support the confirmation of this Order.

As I said earlier, at the appropriate time, I intend to propose certain amendments to the Motion, pursuant to the appropriate and relevant Standing Orders.

I, therefore, beg to move.

Mr. Speaker: Deal with the amendments now.

Sen. The Hon. K. Gift: The following amendments have been circulated.

Mr. Speaker: Just one minute, hon. Minister. The amendments are now being circulated. Could you give us some time? I think everybody has a copy of the amendments.

Sen. The Hon. K. Gift: Mr. Speaker, I now wish to propose the following amendments to the Motion. Mr. Speaker, editorially, we want to change reference to the word "clause" to "paragraph". I beg to move that the Motion be amended by adding the following words at the end of the resolution:

“By adding after the word ‘Approved’ in the last line of the resolution the words ‘subject to the following amendments to the order’:

‘In Paragraph 4, delete sub-paragraph (2) and renumber 4(1) as paragraph 4;

In Paragraph 5, delete subparagraph (2) and renumber paragraph 5(1) as paragraph 5;

Delete paragraph 7(1) and substitute the following:

Paragraphs 3, 4 and 5, in as far as they apply to the Court are deemed to have come into operation on August 16, 2004; and

In Paragraph 7(2), delete the words “its trustees” and substitute the words “the Commission.”

Thank you, Mr. Speaker.

Question on original Motion and amendment, proposed.

Mrs. Kamla Persad-Bissessar (Siparia): Thank you, Mr. Speaker. I find it very, very disturbing that this Order was published since September 08, 2004. Within one second of the Opposition having to respond in this debate, we are provided with amendments to the Order. This Order has been published in the *Gazette* since September 08, 2004. On the face of the Motion they cannot get it right. The Motion we are debating is defective. The Order is defective, that is why we are at the last moment changing the Order. They cannot get it right. When we look at the Motion it states:

“*Whereas* section 9(2) of the Privileges and Immunities (Diplomatic Consular and International Organizations) Act, Chap. 17:01 (“the Act”) provides that the President may, from time to time by Order, declare that any international or regional organization or agency named and described in the Order, shall to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Act.”

There is no such provision in Part I of the Act. There is no such provision in section 9(2). We cannot get the Motion for debate right. We did not get the

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Order, which was gazetted since September last year right. We most certainly did not get the passing of the Caribbean Court of Justice (CCJ) Act right. In our view, it is totally unconstitutional. The Government cannot get a simple Motion right. We are of the view, and we would demonstrate why, the CCJ legislation is defective, unconstitutional and a social breach and repugnant to very entrenched provisions in the Constitution.

Before we get there, tomorrow marks a very special day for some people in Trinidad and Tobago. Tomorrow, with great pomp, ceremony and fanfare, the CCJ is going to be inaugurated with thousands of taxpayers' dollars being spent on eats and drinks. All over the Caribbean, if you go in the Internet you will see that every newspaper in the Caribbean is talking about the lavish ceremony which will take place in Trinidad and Tobago tomorrow. *The Barbados Advocate* of yesterday, April 14, 2005 states:

“Lavish ceremony for opening of CCJ

A lavish ceremony to mark the inauguration of the Caribbean Court of Justice (CCJ) will be held in Port-of-Spain, Trinidad and Tobago, on Saturday. The CARICOM Secretariat describes the CCJ as a unique institution with both an Appellate Jurisdiction to adjudicate on civil and criminal matters arising from national courts and an Original Jurisdiction to interpret and apply the rules that govern the operation of the CARICOM Single Market and Economy (CSME)...

The opening ceremony will be broadcast live starting at 9 a.m. by all Caribbean Media Corporation (CMC) member stations.

The proceedings will include an interfaith service featuring five groups, as well as speeches by several CARICOM Heads of Government, including Prime Minister of St. Lucia...”

Barbados, Trinidad and Tobago, the Chairman of CARICOM, the President of Suriname, the Secretary General of CARICOM.

“There will also be a procession of the regions' Chief Justices...”

I wonder if our Chief Justice will be in that procession?

Mr. Manning: Ask him.

Mrs. K. Persad Bissessar: After you have attacked and vilified him, you want him walk with you in a procession. You want him to proceed?

The Government is having a procession of Chief Justices and judges of the CCJ, a parade. There will be an introduction by the President of the Court and two more judges will be sworn in. It continues:

“During the ceremony, there will be musical renditions by Rikki Jai, Exodus Steel Orchestra, and Len Boogsie Sharp.”

Mr. Speaker, this is not a court, this is a party. This is a carnival mentality. It is a fete. Where is the money coming from? Our taxpayers' dollars. It continues:

“Afterwards, the inaugural ball will be held at President's House and will feature performances by Stalin and Denyse Plummer of Trinidad and Tobago and Gabby of Barbados. The ball will conclude with fireworks over the Queens Park Savannah.”

Mr. Manning: All in accordance with professional integrity.

Mrs. K. Persad-Bissessar: Before the Prime Minister leaves, through you, I hope the Fire Services Department will be ready when the sparks fly from those fireworks on the President's and Prime Minister's houses. I hope the Fire Services Department would be ready.

Mr. Manning: Mr. Speaker, I would like to assure the Member for Siparia and all hon. Members that the Fire Services Department will be ready because they are determined to operate in accordance with the best standards of professional integrity.

Hon. Members: And morality!

Mrs. K. Persad-Bissessar: Through you, is the hon. Prime Minister suggesting that last Saturday they did not act in the best interest of the community? Because this is the big pomp and gala ceremony of this elitist court that is being set up with their friends, there will be fireworks going on.

2.30 p.m.

Mr. Speaker, that is not all—all this “gambage” and so forth—but, *The Barbados Observer* speaks about the fanfare and it goes further. We go now to another story coming out of Barbados. Barbados is very interesting these days. They are debating the final part of the legislation in their Parliament to remove the Privy Council completely. They are the only country, apart from Guyana, that has gone ahead with abolishing the Privy Council. In their debates, this comes out of the *Barbados Daily Nation* of Wednesday, April 13, 2005:

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“Opposition MP Denis Kellman told the House of Assembly yesterday this case must be priority No. 1 if the CCJ was indeed the final court to arbitrate trade disputes.”

Mr. Speaker, do you know what the case is? One of the first cases he says that the Trinidad-based Caribbean Court of Justice (CCJ) must deal with is Trinidad and Tobago’s sale of oil more cheaply to the United States of America than to its Caricom partners.

“He said Trinidad, where the CCJ would be launched with much fanfare Saturday, should be made to explain to its fellow CCJ members ‘how come the United States can buy oil from them and then sell to their people at BDS\$4.84 a gallon, while we in Barbados have to sell oil at \$8 a gallon, and we’re supposed to be getting preferential treatment.’”

He goes on to say:

“Pointing to the fishing dispute between Trinidad and Barbados...this should also go before the CCJ as a major trade issue.”

Mr. Speaker, this is what this CCJ is about. It is not just flying fish that Barbados is interested in, but Barbados is interested in what is under the sea, which is the oil and natural gas of Trinidad and Tobago. Barbados is not only interested in the oil and gas under the sea, but Barbados has gone so far as to say that it welcomes and wants Tobago. Why? Do you think that Tobago is so beautiful and great? Of course, it is to us. They are interested in the oil and gas off the shores of our economic zone. That is what Barbados is interested in. What we are going to see with this CCJ—this is because of the pattern of behaviour on the part of the hon. Prime Minister—is that Trinidad and Tobago is the godfather of the Caribbean, and we have so much largesse to give. He will pick up everything—all the patrimony of Trinidad and Tobago—and give it away because of that kind of attitude. He has demonstrated it in the last year or two.

Mr. Speaker, this court that is being set up; there are countries that are lining up to get lower prices on oil and gas. Do you know what is the argument? The argument is that now we have come into this Parliament in Trinidad and Tobago, and they have gone to their Parliaments, they have created something called a “Caribbean Community” where we are all nationals of a “Caribbean Community” and we are entitled to equality of treatment. What they are saying is that here in Trinidad and Tobago, we will sell and provide our public utilities—the oil, gas and the energy supplies—at a lower rate than we supply elsewhere. The argument is that they should be given those lower prices. Why? We are all members of this

“Caribbean Community” family. So we will see countries lining up. Expect a run on the patrimony of Trinidad and Tobago as a line-up to that CCJ, where every Arthur and every Gonzales will be coming to beg for part of the patrimony of the people of Trinidad and Tobago. [*Desk thumping*] That is what we are going to see.

So, tomorrow, when we usher in this CCJ, let us remember that is nothing but a farce, a charade and a travesty of justice. I say this because it is like the essence or the quintessence of an irony. It is so ironical; it is so disgraceful and it is so alarming that all the legal luminaries who have been chosen to sit and preside over that court—including the persons of the Attorney General and his advisors—all the luminaries of the Government of the people of the Republic of Trinidad and Tobago—will all be participating in illegality and unconstitutionality. Have they not read the judgment of the Privy Council? Having read it; have they not understood the judgment of the Privy Council? I refuse to believe that they have not read it; I refuse to believe that they do not understand it.

Mr. Speaker, you see, they are so shameless. They do not care about the rule of law and they do not care about obeying the law in Trinidad and Tobago, because they have broken the law with impunity from time to time. From day one, this Government has taken this country to the brink of lawlessness and illegality, and broken the law from the very first day. [*Desk thumping*] They have taken us to the brink of criminality and lawlessness. We should not be surprised that they will participate in what is clearly unconstitutional and illegal.

Mr. Ramnath: They might kidnap some of the judges too.

Mrs. K. Persad-Bissessar: Mr. Speaker, you would recall that this Parliament was not properly convened for an entire year, and \$20 billion was spent without accountability to anyone. No accountability to anyone in this country! Twenty billion dollars was spent, and at the end of that year, you could not point to anything physically—whether school, roads, water, electricity or a hospital—and say, at least, part of that \$20 billion was spent there. Where did the money go? So, they have broken the law. In my view, that year when they ruled in this country—because of the moral and spiritual values of some man sitting at the President’s House—they broke the law to put them into Government. They ruled for a year without any legitimacy, and broke the law in that regard.

Mr. Speaker, they have continued every year to spend billions of dollars. When one works it out, there are so many hundreds of dollars being spent per day by this Government, and when you divide that money among the 365 days—my

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constituents have not been getting water for the past two months. They went out to protest last week. This week they went out. We have implored the Water and Sewerage Authority (WASA). They are paying their bills and they still cannot get water.

The fire service is in total shambles. The whole of town burn down here on Saturday, and we are picking up money by the millions to spend on this illegal unconstitutional CCJ. Where is our priority?

Mr. Speaker, I am saying that every citizen in this country today is living in fear. The only ones who are probably not living in fear are the Prime Minister and his bunch, because they are walking around and driving around with security guards, but every other citizen in this country is living in fear. The murder rate is a mind-boggling high; the kidnap rate is a mind-boggling high; and the response of the Minister of National Security—this hapless, helpless Minister of National Security—is totally helpless and totally hapless.

Mr. Speaker, I said that they are breaking the law with respect to this CCJ in this land. What do we expect when the Prime Minister himself concocted with criminal elements? The Prime Minister and his party used criminal elements to steal an election by thuggery and deception.

There is a by-election coming up in Siparia/San Francique East, and we expect the same mean machine by the PNM—that same election machine—in the Siparia/San Francique East by-election.

Hon. Member: Abu Bakr; they have a plan.

Mrs. K. Persad-Bissessar: This week the Elections and Boundaries Commission (EBC) was putting out advertisements saying that there is a cut-off date for registration for that by-election, when the law is very clear that you could only cut off the date of registration of a by-election after the by-election date has been announced. How can they say that they are closing off registration in that electoral district when it is totally against the law? That should only be so after you have named an election date. They probably know something that we do not know. They probably know the date already. That has not been set out and announced to the public.

Mr. Manning: I do not know it.

Mrs. K. Persad-Bissessar: I am sure you have the date in your pocket.

Mr. Ramnath: But you know how to arrest people for voter padding, and release them afterwards.

Mrs. K. Persad-Bissessar: I find it very strange that the EBC would say that it is closing off its registration, when the law is clear that it is only after the election has been announced—you have about 12 days—then you could cut off registration.

Mr. Speaker, we have a Prime Minister who brazenly breaks the law. We have seen him interfering in matters where he has no lawful power and no jurisdiction to intervene. I speak of the matters involving Devant Maharaj and Marlene Coudray. That is just to name a few of them. Some members of the Judiciary have been courageous enough to rule that the Prime Minister has broken the law. What do we have countering that is to see what can only be described as a conspiracy to bring the Judiciary to its heel, or maybe it is really to bring the Judiciary to kneel, because they are attempting to cut off the head of the Judiciary, so that the rest of the Judiciary would tremble in the wrath of the PNM.

Mr. Ramnath: And you have a problem with an Indian Chief Justice.

Mrs. K. Persad-Bissessar: Mr. Speaker, this has happened elsewhere. Let us look at what happened in Zimbabwe. I have always thought that the example used by the Director of Public Prosecutions (DPP)—the DPP seems to have a fondness for what is happening in Zimbabwe, because he used the Zimbabwe situation to support a decision that he made. Let us look at what is happening in Zimbabwe. We are talking about the administration of justice. That is what we are talking about. This article comes out from the *Daily Telegraph* of the United Kingdom:

“The Chief Justice of Zimbabwe, Anthony Gubbay, agreed to stand down last week.

Imagine that Tony Blair was planning a spot of ballot-rigging to guarantee a Labour victory—or perhaps even some trumped-up charge to have William Hague disqualified from standing at all. Imagine, too, that the Prime Minister wanted to swap Lord Woolf for a compliant, Labour-supporting Lord Chief Justice before the country went to the polls. With his own man in place, he could then ensure that any irritating little electoral challenges were decided in his favour. Unthinkable, of course.

But let us suspend our disbelief. If you were a prime minister or president, how would you set about creating the judiciary of your choice? Under the constitution, you have no power to sack a judge. Instead, you can try to undermine the present Chief Justice, even though you appointed him yourself, in the hope that he will eventually throw in the towel.

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First, your government interprets his judgments as narrowly as possibly. For example, if a judge decides that a prisoner can receive uncensored correspondence, you allow that inmate alone to receive unopened letters, and no other prisoner. Next, you allow court rulings to be enforced by a politicised police force, knowing that senior officers will defy any orders they deem 'political', which means contrary to the interests of your party.

Then, you let your security people loose. They tell the Chief Justice that his personal safety cannot be guaranteed and your supporters invade his court. After that, your government besmirches his good name. By then, your Chief Justice has had enough. He agrees to take four months' gardening leave, to be followed by early retirement.

Finally, your Justice Minister decides that an acting Chief Justice should move in while his predecessor is still in post.

Provoked beyond endurance, the Chief Justice defiantly refuses to budge. So you make a strategic retreat. You allow him to keep his pay, his car and his staff while on leave. You give him another few months...In exchange, the Chief Justice promises that he 'will raise no objection to the appointment of an acting Chief Justice during his leave'."

Mr. Speaker, I am wondering whether we would be seeing an acting chief justice emerging in what is to come in the scenario that is to play.

"That was all you ever wanted. The way is then clear for your new Chief Justice to arrange for the sacking or sidelining of all remaining independently-minded judges.

All these events have taken place in Zimbabwe, where Robert Mugabe has been leader since independence in 1980. Last week, his Justice Minister, Patrick Chinamasa, secured the early retirement of the Chief Justice...President Mugabe's overriding aim is to ensure he is returned to office in the presidential elections that must be held by March next year.

"If, in order to win the election, they need chaos, or if they need compliant judges, they will do whatever is necessary to bring about that result,""

That is in Zimbabwe.

Mr. Speaker, the Chief Justice in Malaysia made certain comments about the executive. He wrote a letter to his equivalent of our President, the King. He wrote

the letter to the King saying that the executive had been tampering with and interfering with the judiciary, and that he would like the King in his prerogative powers to intervene and intercede. The King called in the Prime Minister, and after discussions between the King and the Prime Minister, it was decided that a tribunal be appointed—just like a tribunal that is supposed to be appointed here—to see misbehaviour and misconduct in office to remove that chief justice.

The tribunal was appointed and the chairman of the tribunal turned out to be one of the judges who were junior to the chief justice, and that is the man who became the chief justice, when they removed their chief justice.

Mr. Speaker, I have been looking at a public document; the proceedings that have been filed by the Chief Justice in the Supreme Court of Trinidad and Tobago.

Mr. Ramnath: That sounds like Kangaloo.

Mrs. K. Persad-Bissessar: In these proceedings, I find it most disturbing to see that the Attorney General, in his statement, indicated that he has been advised by Justice Hamel-Smith to write the statement that he did.

Mr. Singh: A judge advising the Executive.

Mrs. K. Persad-Bissessar: Mr. Speaker, Justice Hamel-Smith was the acting Chief Justice at the time that these statements were being concocted, and when the conspiracy was taking place. Indeed, the honourable Chief Justice, in his statement, says that he finds it really alarming that the man who was his junior, and who was acting on his behalf, would have taken those steps in his absence without any consultation or any discussion.

Mr. Singh: Like Bernard Coard?

Mrs. K. Persad-Bissessar: What happened in Malaysia—I make this point because, you know, this case is before the court—is that the tribunal that they had set up to investigate the chief justice—he refused to attend the tribunal, because he knew they were biased. They were totally going to file against him, and he did not attend—he went to the court to have that tribunal denounced null and void.

Mr. Speaker, when he went to the court, the judge, at first instance, refused to rule in his favour. They convened a special appeal court of five sitting judges. Mr. Speaker, do you know what happened? Those five judges ruled in his favour. Do you know what they then did? The same man, who took over the work as the chief justice, convened another tribunal and fired those five other judges. Do you

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see where we are going? You start from the top; you put your man in place that is on your side, and then you start to “lick up” anybody else who is not in your favour or on your side.

Now, people are human beings. I am not saying that our judges lack the spine or the backbone to stand up for their independence, but when you see you hit the top, then the rest of the body falls; the body collapses. If you take the head off a chicken—you have probably seen that in your youth. I do not know—then you will see what happens. If you take off yours, you know what happens. That is what is happening in this country with the administration of justice. So you put the fear, and you are attempting to take the independence out of the Judiciary. That is the situation that we have seen in Zimbabwe, and we have also seen it in Malaysia. I hope that is not what we would see finally in Trinidad and Tobago.

Mr. Speaker, so tomorrow there will be pomp and this lavish ceremony with fireworks and so forth. Let us talk a bit about constitutionality with respect to the Trinidad and Tobago Caricom Court of Justice legislation. First of all, in section 14 of our Constitution, exclusive jurisdiction is given to the High Court of Trinidad and Tobago to deal with breaches of fundamental human rights. That section is a totally entrenched section. You cannot change it; you cannot do it by implication; and you cannot do it expressly unless you get the requisite majority in the Parliament. You must get a special majority in the Parliament. Of course, we all know that the Caribbean Court of Justice Bill that was passed in this Parliament was not passed with any special majority. First of all, we have section 14, entrenching fundamental human rights. You cannot touch that. Section 14 says that the High Court has exclusive jurisdiction to deal with matters of breaches of rights.

Then we go to sections 101 to 107 and 137 of our Constitution. These sections are also entrenched provisions. What does that mean? It means that you cannot change them by implication—directly or indirectly or anyway—unless you get a special majority in the Parliament. What they provide for is a Judiciary of the Supreme Court, their terms and conditions and security of tenure, so that you cannot fire them as you wish at your will. You do not have them at your beck and call, so you could deal with the appointment and removal.

In fact, section 137 deals with the whole issue of the removal of a judge, whether it is the Chief Justice or any other judge of the Supreme Court. My colleague from Princes Town would deal a little more with that section. These sections are also entrenched. So you have in this country, by virtue of our Constitution, a protected entrenched Judiciary of the Supreme Court. That is what we have in our jurisdiction to deal with civil, criminal and constitutional matters.

Section 108 entrenches a right of appeal. Again, you cannot change that section, unless you get a special majority. Every citizen of this land is guaranteed under section 108, a right of appeal from any order or any decision about questions of interpretation of the Constitution and for redress of fundamental rights. Again, you cannot change that without getting a special majority.

Mr. Speaker, then we have the famous section 109, which is the section that gives the deepest entrenchment—meaning legis of this largest majority—to remove the right of access to the Privy Council for appeals in civil matters above \$1,500 in constitutional and criminal matters and so forth. Now, we kept that. We did not change that section 109, but you cannot do it indirectly or impliedly either, so it was not done expressly. No change was made. When we looked at the whole substance of that CCJ legislation that we passed, we would see that every single one of these provisions has been breached. They are repugnant to the spirit, substance and the letter of our Constitution. That is why I say that the CCJ legislation in Trinidad and Tobago is unconstitutional; it is null and void.

Mr. Speaker, let us take the first point. By giving the CCJ this Act that we passed—the CCJ Act with a simple majority—you know, with due respect, Mr. Speaker, this was merely academic, because they did not need our votes. That was an academic issue. They passed this Act on their own. They did not need our votes at all to pass this Act. It was passed with a simple majority. In this Act, the legislation says that the decisions of the CCJ are final. They are final decisions. In other words, whether you like it or you do not like it, or whether they are right or wrong, there is no place where you can go. There is no Court of Appeal; there is no Privy Council; and there is nothing, and when those fellows make a decision that is the end of the story. You cannot change it. So there is no right of appeal. You have given exclusive jurisdiction to them, and you said “final court”. No other court can now enquire into whether they were right or wrong. Again, this is so repugnant to our whole system of justice. Our system of justice always had that recourse to a second opinion.

Mr. Speaker, even you or any one of us, if you fall, you will want a second opinion; if you talk to your lawyer, you will want a second opinion; if you talk to your doctor, you will want a second opinion; and if you talk to your friend, you will still want a second opinion, because no one is invaluable. That has been removed. That is a different issue.

Mr. Speaker, with respect to the constitutional issue, you gave them this final jurisdiction. What you have done is impliedly removed the right of access to appeal to the Privy Council. That is the point. You have by implication removed it—I talked about a Trojan horse, when I was doing the debate originally, and this

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is like a Trojan horse, too—with a simple majority. On the face of it, what they have done was abrogated and abolished that right of appeal to the Privy Council, because you have given them the final decision-making power.

Mr. Speaker, let us consider, for example, that an issue arises in a case before the CCJ, supposedly a trade dispute, because it is dealing with trading matters, and it could involve breaches of your fundamental rights. Let me give an example, in fact, in the European Court of Justice (ECJ) there is the case of—it is a German word, so I am going to spell it for you—H-A-U-E-R v Rheinland-Pfalz. In that case, the ECJ had to deal with a restriction made by the European community, with respect to the use of land and the enjoyment of land.

Now, we all know that the enjoyment of property is a fundamental human right which is entrenched and protected in our Constitution, just as it was in the German constitution, but that community, just like our Caricom Community, which would make its restrictions and give licences and do things to assist in trade—or what they think would assist in trade—can be in breach of your constitutional rights. So when the CCJ decides that matter, and their decision is final, you take away my fundamental access and my fundamental right to appeal matters dealing with fundamental rights to the Privy Council. You cannot do it. It is totally against the whole spirit and wording of the Constitution.

Secondly, with this CCJ, you would recall that when we debated that legislation here we were against that provision—the provision that deals with referrals. We argued here when they brought that amendment. In that amendment, they wanted our national courts to refer matters to the CCJ. This is in section 6(4) of the CCJ Act.

“Where a court or tribunal is seised of an issue whose resolution involves a question concerning the interpretation or application of the Treaty, the court or tribunal shall, if it considers that a decision on the question is necessary to enable it to deliver judgment, refer the question to the court for determination before delivering judgment.”

For the purpose of subsection (1), ‘national courts’ means the Supreme Courts...”

What is our Supreme Court? Our Supreme Court is the High Court and the Court of Appeal. They are saying here when an issue arises before the High Court or the Court of Appeal, they shall refer it to the CCJ. What are we doing here? Again, two things are going to happen. Let me just quote for you from an article that has been put out by the Attorney General’s Chambers out of St. Lucia,

explaining how this original jurisdiction of the court could work. I want to use this, because, as you know, the Prime Minister of St. Lucia is the head of the Legal Affairs Committee, and he has been very much in favour and supportive of this. In fact, he has been one of the main proponents of this CCJ. I have the greatest respect for him. He was my law lecturer at one point in time. I have due respect for him. This has come out from the Attorney General's Chambers in St. Lucia. This is their view of how these referrals will work. I want to use theirs—I know how it will work, but I want to use what they have said, because they are the ones who are pushing this—to demonstrate how this is also in breach of our Constitution.

“The importance of this ‘referral’ Article to the overall process of cohesion within the single economic space can not be overstated. Essentially, the Article makes it clear that national courts of member states can refer particular issues to the CCJ for clarification and or interpretation, where those issues impact in some way on the particular matter immediately before them. Once that issue has been referred, the CCJ will then deliberate and issue its decision, and submit that decision to the national court. That national court will then apply those principles issuing from the CCJ to the particular matter at hand, in order to arrive at a final decision.

It may be noted with interest that it is possible for the CCJ to issue a decision upon a referral under article IX(c), that may have the effect of finally disposing of the matter in the national court.”

So they are painting two scenarios: one is that we are in litigation here in the High Court in Trinidad and Tobago, and if an issue arises that has something to do with trade and the Treaty and so on, the judge decides that he is going to send this matter to the CCJ. In scenario one, the CCJ sends its interpretation, the judge then looks at it, and applies it and makes a decision.

The second scenario that can arise is that the CCJ sends a final decision that disposes of the issue completely, and that will have the effect of finally disposing of the matter.

“It may equally be possible that the CCJ’s decision will only help to settle, a discrete and distinct issue, which is part of a number of other issues of which a national court is seized. While it will depend on the circumstances of each case...”

Mr. Speaker, here it is now, we are taking issues out of litigation in our own Supreme Court, and we are saying that they would be referred to the CCJ. If I were that litigant, I have no choice. I cannot tell the judge: “No, I do not want you to

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send this to the CCJ.” That is for the discretion of the judge. As a citizen, when the judge sends that out to the CCJ and they make a final decision, once again, I am being deprived of my right of appeal to our Trinidad Court of Appeal, as well as my right of access to the Privy Council. Again, that is unconstitutional. [*Desk thumping*] You cannot do it. I would be deprived of that right. You have taken away my rights of appeal; you have sent me to a court that is making final decisions, not just for matters that they are determining, but now for matters out of my own local courts. What is wrong with my Judiciary here? Why do I have to go to this CCJ? Why can I not appeal to my own Court of Appeal? Why can I not appeal to the Privy Council? You are taking all of that away. I am saying that this legislation is a sleight of hand; it is indeed a Trojan horse, because within its belly, all these things are wiping out and violating entrenched provisions of our Constitution. That is the second way in which I am saying that this legislation is unconstitutional.

The third has to do with the issue that was decided on 30 years ago, in the Caribbean, by a decision of the Privy Council, and which has been confirmed and reaffirmed in the recent Jamaican case before the Privy Council on the CCJ. That has to do with the same referral system—the same procedure that you are saying that you are going to send matters to the CCJ. What does that mean?

Mr. Speaker, 30 years ago, you will remember the case—this is not like the famous gun court case—of Hinds and the Attorney General. In Jamaica, they used to talk about the gun court red because it dread. In fact, they said Prof. Broan gave the advice to paint inside the court red because, you know, Jamaican dread. So this case of Hinds and the Attorney General in Jamaica, 30 years ago, the Privy Council decided a serious principle. What they decided was that the gun court legislation in Jamaica had tried to establish a gun court. The gun court was to be manned by three magistrates, and these three magistrates were given the jurisdiction to try cases that had originally been tried by the High Court of Jamaica.

Similarly—let me draw the analogy, since it is similar here—you are taking matters that would have been tried by my Supreme Court, and you are referring them and sending them—you have taken away jurisdiction to give them to this CCJ—outside of my system. You have done it without proper constitutional procedure. So, in the case of Hinds and the Attorney General, the legislation said that the gun court was hereby established, and there were three magistrates to man the court, and they would have the jurisdiction; they would have the power to hear cases and deal with cases and decide cases that had been dealt with by the Supreme Court of Jamaica—no constitutional majority.

Of course, they lost the case at the High Court level in Jamaica; they lost the case at the Court of Appeal level in Jamaica; and the case went up to the Privy Council. The same thing has happened recently with the CCJ case. They lost in the High Court; they lost in the Court of Appeal; and they took it to the Privy Council to tell them that this was the right decision.

In the case of Hinds and the Attorney General, the court said that the principle was that the magistrates did not have the entrenchment; they did not have the protection; they did not have the security of tenure; and they did not have the protection from political interference, as did the Supreme Court judges. Therefore, you could not take away the jurisdiction from the Supreme Court judges and give it to people who are more vulnerable and at risk of political and executive interference and, therefore, the legislation was declared unconstitutional, null and void. That is the exact principle, 30 years later, where the Privy Council had ruled that the CCJ legislation in Jamaica was unconstitutional, because the Jamaican judges, coming from a Supreme Court with entrenched protected provisions of security of tenure, terms of conditions, appointment and removal and so forth; they were telling them to send matters to a court and a set of judges who have no such guarantees.

They went further to say that the scope and range of political interference, with respect to the CCJ judges was so great, because the agreement which establishes the court could be changed by just a simple vote by Heads of Government. They do not need any parliamentary support; they do not need any special majority support. So that overnight you could change the terms and conditions of those judges. Therefore, that is why they are susceptible to political interference, because you will be pulling the strings like a puppet master. "Behave yourself, and if you do not give me the judgment that I want, we are going to move you. We are going to move you out of there. You have to toe the line and you have to keep the line."

Mr. Singh: No travel.

Mrs. K. Persad-Bissessar: And no travel. That is a good example. None of the perks that you want; none of it! "And if you behave really badly, I am going to cut your salary. Firstly, I will take away your car; I will then take away your privileges and immunities; and I can do all of this." That is what the Privy Council ruled.

Mrs. Job-Davis: That is the morality of politics.

Mrs. K. Persad-Bissessar: Please, do not distract me. Okay. That is the truth.

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That is what the Privy Council ruled. That is what was being done. I am submitting to you, Mr. Speaker, with due respect, that what we did here with that referral system, by taking away jurisdiction from our Supreme Court and giving it to the CCJ, is exactly what we have done, and that is unconstitutional. If that is what the people of Trinidad and Tobago want then that has to be done in a constitutionally proper manner, but the way that it has been done is in breach of and repugnant to the Constitution. [*Desk thumping*] That is why I am saying that all this money that they would be spending tomorrow on fireworks, pomp and so forth; did anybody look at the judgments? I am saying that they did, but they are burying their heads in the sand. They continue to break the law.

Mr. Speaker, I serve notice today that we shall be going to the courts to have this legislation declared unconstitutional. [*Desk thumping*] Thanks to the UNC, we still have a Privy Council, so we could take it right up to the Privy Council if we have to. So, while you are controlling the Judiciary by moving people and putting your own people and so forth—I find that so alarming. Mr. Speaker, it is like your Deputy Speaker. Let us say you went out of the country for two weeks, and your Deputy Speaker carries a complaint about you to remove you—writes a letter advising the Attorney General to write a statement about you. It is so disgraceful; it is so frightening to think that could be happening at the highest echelon of the Judiciary.

Mr. Ramnath: If Dr. Rowley was Prime Minister we would have been dead.

Mrs. K. Persad-Bissessar: Mr. Speaker, the Attorney General writes a statement and gives it to his Prime Minister, and the Prime Minister gives it to the Chief Justice, and two days later, the Prime Minister said that was not the right statement. Do you know what? That was not the right one; here is a new one, a new one with a whole host of other things plugged into it—embellished and enlarged. Mr. Speaker, what kind of Attorney General is this? He gave the Prime Minister one statement; the Prime Minister summoned the Chief Justice and said, “Look, this is what the fellows write about you.” He then sent him one long statement with a whole host of other matters contained within it. That is what was then used.

When the Prime Minister referred this matter to the tribunal, the Prime Minister did not send that first statement of the Attorney General to the President, but he sent the second statement; the embellished statement. Why? If that is what he acted upon and did his investigation, why did he not send it to the President? That whole situation, I tell you, is a very frightening scenario.

Mr. Ramnath: They are interfering with the Judiciary—

Mrs. K. Persad-Bissessar: Mr. Speaker, I am saying that we will be challenging the legislation. We have been doing the research, and we will be challenging the legislation. The Government must not be allowed to break the law with impunity. They have been doing it and the courts have been standing up from time to time. This is such a serious issue, because what they have done through the backdoors—as I say, hidden within this legislation—is, impliedly, they have breached several entrenched provisions of the Constitution and, so, we will take that matter up accordingly.

Mr. Speaker, the whole issue of the political interference and appointments to the CCJ is the issue which the Privy Council was very strong on when the Privy Council ruled. The agreement establishing the CCJ does not shield the process of the selection of judges from political interference. The Heads of Government have a very large opportunity to influence the appointment of the president in the first place—

Hon. Member: By who?

Mr. K. Persad-Bissessar: If you listen, you will learn. Read it; read your Treaty.

Mr. Panday: “Who, Who, you is an owl?” [*Laughter*] I thought you were a parrot and a “douen”; not an owl. [*Laughter*]

Mr. K. Persad-Bissessar: The Heads of Government have an opportunity to influence the appointment of the president. The president is also the chairman of the Regional Judicial and Legal Services Commission (RJLSC). In that way, you could also influence the appointment of the other members, and the whole process of the judicial appointments and disappointments to the CCJ.

Mr. Speaker, there are numerous examples that we have seen in the Caribbean—the small societies that we live in—with the downside of that kind of political control on the Judiciary. Queen’s Counsel, Bernie Stake, out of Antigua, has given me two examples. She has cited two examples. There has been the refusal or the extension of the services of a justice of appeal at the instigation of a head of government with whom her judgments did not find approval.

Mr. Speaker, in the Eastern Caribbean States, for two and a half years—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Siparia has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

Question put and agreed to.

Mr. Speaker: I am a little troubled about something here. I have allowed you to go on. I am not sure whether you are speaking to a Bill that was passed, or a Bill that is on the Order Paper. What we are dealing with here is really the immunities and privileges. Now, I do understand the fact that if that legislation is illegal, then this is bad too. I think you have made that point sufficient. So, if you could move on, please.

Mrs. K. Persad-Bissessar: I am guided. I think I have said my piece on that matter. Mr. Speaker, I think I have made that point, and I am moving on. We are talking about the administration of justice. We are here today dealing with the privileges and immunities of the persons who are sitting on this court. It is my view, and I am sure many would share that view, that if this thing is bad in law from the beginning to the end, we are wasting time here conferring privileges and immunities on people who do not belong, and who are illegal. Let us move on from that; let us move on.

What are the privileges and immunities that we are conferring? Why are we making those retroactive? I want to know why we are making them retroactive. Let us look at the Order and all these amendments and so forth, I do not know what they mean, but it is the same point, it remains. [*Crosstalk*] Mr. Speaker, if my Member will be so kind—I will have to get protection from both sides of the House.

Mr. Ramnath: Well, you could have my protection.

Mr. Speaker: Hon. Members, I think the hon. Member for Siparia is asking for protection from both sides of the House, please, give it to her. Hon. Member, please continue.

Mrs. K. Persad-Bissessar: It is a little distracting. Section 7, insofar as it applies to the judges of the court, was deemed to have come into operation on August 16, 2004; and the next section also says that was deemed to have come into force on August 22, 2003, even with the amendments. So we are taking one as way back as 2003; and we are taking the other one back to August 16, 2004. So we are conferring retroactive privileges and immunities. My question is, why?

This CCJ only came into being on—I do not even know what date, but the legislation was only assented to on March 16, 2005. There was no legal entity in

Trinidad and Tobago for the CCJ before March 16, 2005. Why is this legislation being asked to go way back to August 2003, which is one year plus? It just does not make any sense. The Minister did not explain that at all. Why are we giving away immunities and privileges back to 2003 when no such entity existed? This is nonsense. It makes absolutely no sense. I guess it is the rush to be so magnanimous, and the giveaway mentality that we have; we will give them some extra. Why? I would like the Minister to tell me why we are giving away these things way back when this CCJ, as far as the people of Trinidad and Tobago are concerned, and as far as the law of Trinidad and Tobago is concerned, was only assented to on March 16, 2005.

Mr. B. Panday: Have the appointed judges done something that they want immunity for?

Mrs. K. Persad-Bissessar: Well, that is a very good point. That is an excellent point. Is it that between 2003 and 2005—the Leader of the Opposition has pointed this out to me—when we passed this legislation they have done something that they want immunity from? Let us understand what is immunity. I was now going to look at that matter. Let us understand it. What are we giving to these people? It is in the Fifth Schedule, Part I. We are giving them immunity from sue for legal process. What does that mean in ordinary language? It means that you cannot sue them in any court of law.

Mr. B. Panday: Let us suppose they borrowed money?

Mrs. K. Persad-Bissessar: Suppose they borrowed money, or suppose they owed money to somebody, or suppose they committed some other illegality, why do they need immunity from way back before 2003 before they became a legal entity? Something is very wrong there. They have exemptions from taxes, rates, importation of goods directly imported by the organization, exemptions from prohibitions, restrictions and importation, privileges and immunities, and when you give that to them, then you are giving it to their spouses as well and their family members. So you have immunity from sue for legal process.

Mr. Speaker, why are we making this retroactive, when this court was only established on March 17, 2005? There can be nothing, no justification, for making this retroactive, unless you are doing a favour for somebody inside there to cover something up. I do not know. You will have to tell us and explain to us why you are taking this back into retroactivity. There may be medical expenses. I understand there are judges—you know, that is the other thing. How does this RJLSC appoint people? What criteria do they use to appoint these people? There

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are judges inside there who cannot speak. Maybe we have to pay medical bills. I do not know; some kind of medical certificate. What are the criteria?

3.15 p.m.

You will recall when the Member for Couva South, Kelvin Ramnath, raised the whole issue with Justice Ibrahim and the letters he had written applying and so on and nothing ever happened with respect to that. So what criteria are you using? Are we going to be paying these people? What work are they even doing? What work have they done from 2003 to now and what work will they do from now to then? What is the criterion? This is like when you talk about ivory tower justice, these 'fellas' are just going to be travelling all over the place, nothing to do. So why is it retroactive and this raises the whole issue about salaries.

When we look at the Caribbean Court of Justice Act, it talks in Appendix II about the salary of the President shall be, and it is blank. The salary of the judges shall be—I am looking for it because I had a little piece of paper in it—page 35 of this Act, Appendix II:

“The President of the Court — [EC\$]”

Blank.

“Any other Judge of the Court — [EC\$]”

Blank.

“Judges of the Court shall be paid superannuation benefits...

Every Judge of the Court shall be paid a monthly allowance for housing...

Every Judge shall be paid a monthly allowance...(for) expenses incurred...in respect of the employment of chauffeur.

...a travelling allowance...

Every Judge...shall be provided with telephone services at the Judge's residence...

Every Judge...shall be paid a subsistence allowance to be determined by the Heads...”

Mr. Speaker, what is going on here? For two years now you want to pay these people back pay for doing what? What have they done? You want to inaugurate Court tomorrow and you do not even have the rules of Court.

Hon. Member: That is why it is retroactive.

Mrs. K. Persad-Bissessar: That is why it is retro, all these things, all this money.

Hon. Member: To pay them for doing nothing.

Mrs. K. Persad-Bissessar: Absolutely nothing, and I come back again, the President of the Court salary—blank. Why is it blank? Tell us, our information is that \$60,000 per month in salary, plus the allowance for the housing.

Hon. Member: [*Inaudible*]

Mrs. K. Persad-Bissessar: Why you do not finish with \$100,000. Housing allowance, monthly allowance, chauffeur, telephone, travelling. The only thing they “ain't” provide here—

Dr. Rowley: A woman.

Mrs. K. Persad-Bissessar: Is a housekeeper, because you got your chauffeur, you have your telephone, your car, monthly travelling allowance, this is disgraceful. It is disgraceful. I am talking about the funding for this Court that is being inaugurated tomorrow. What is the issue with the funding? Trinidad and Tobago is the largest contributor for the funding of this Court. We are going to be paying the largest slice of it. Now it is that Trinidad and Tobago is not going to be dealing with the appellate jurisdiction, then I call upon the Government that they must renegotiate, that Trinidad must not pay 30 per cent, because we will not be accessing the appellate jurisdiction. We will be accessing—if we access anything at all—only the trade section of it, the original jurisdiction. So, why must we pay 30 per cent? Let those people who have accessed an appellate jurisdiction, [*Interruption*] I am saying if we pay at all. We should be paying zero, I totally agree. The Member for Diego Martin West is agreeing with me, he said we should be paying nothing at all and I totally agree. We should pay nothing at all.

But even if they have to pay, I am saying, we should not be put at 30 per cent, because we are not going to be accessing the appellate jurisdiction, which is in fact, the one that would take up more time of the Court. Therefore, the Government has the duty to the citizens of Trinidad and Tobago to ensure that we get fair treatment when it comes to funding this Court.

How many hundreds of millions—again we have never been told by this Government how much money we are spending for this Court, and through you, we are ushering in it tomorrow, inaugurating it tomorrow. Tell us how much money is being spent by Trinidad and Tobago to establish this Court. When I read

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the agreement—there are two Acts: Act No. 3 of 2005 which is the Caricom Single Market and Economy Act and then you have this one, the Caribbean Court of Justice Act. When you read them together, Mr. Speaker, I have seen here where they are saying:

“In addition to the contribution that Trinidad and Tobago will pay...”

Which I think is about 30 per cent of the funding

“whoever hosts the seat of the Court will be responsible for the operating expenses of the seat of the Court.”

Hon. Member: So what?

Mrs. K. Persad-Bissessar: I am asking if that is so. I am saying, is it then, in addition to paying this very high contribution, [*Crosstalk*] do we also have to pay the operating costs? I am asking the Government to come up front and let the public know what is the cost of funding this Court. [*Crosstalk*] Whilst we are spending what—is it \$500 million and so—we cannot forget what is happening in the rest of the system with respect to the administration of justice in Trinidad and Tobago.

The President of the Magistrates' Association of Trinidad and Tobago—whom you know, Mr. Speaker—has called the San Fernando High Court a hell hole. My colleague will deal with the issues in the Magistracy in his time, when he is speaking, but the entire Magistracy is in shambles, it is not just the San Fernando Court. I have repeatedly stood here and talked about the 434,000 cases in the Magistrates Courts each year in Trinidad and Tobago. No wonder prisoners licking down each other when their cases are adjourned. It is an explosion that is just waiting to happen. Can you imagine 434,000 cases with 40 magistrates, 10,000 cases per magistrate? How many of those can you do per year? The number just keeps building and building and building. While that is going on in the Magistrates' Court, we will also see what is happening with respect to other items in the administration of justice and I raise these issues because we will be spending all these thousands of dollars setting up this Court tomorrow. We are giving away these privileges and immunities and so on, and our administration of justice system is in shambles.

There is, for example, the Forensic Science Centre which up to today—protracted delays so the matters cannot be dealt with in the courts. You cannot get your completion of reports, analysis and reports coming out of the forensic centre. The probation department—delays in persons receiving counselling, receiving

reports for juvenile offenders which effectively delay sentencing of these persons—insufficiency of staff in the department. The problems in the Legal Aid authority and advisory; the blood bank—I do not know if people know that—you know a lot of cases depend on these blood samples, not only criminal matters, but family matters, when you have to test for paternity and so on. The situation in the blood bank is untenable. Persons are being asked to wait one and a half to two years for appointments for blood tests to be carried out. Can you imagine the frustration of people accessing the first level of our courts in this country?

Mr. Speaker, you know it, because we have been there, we have seen what is happening at the first tier of our system. At the second level of the High Court, the situation is the same, thousands of cases filed each year. This year I mentioned it already, and a case that happened in 1995 with the lawyer, who it was alleged that he bribed somebody, and so on. This is 2005, ten years later, the case is now coming up, where is the justice—the High Court, the Magistrate's Court, juvenile detention centres.

The inadequacy of the juvenile detention centres, crisis proportions, and magistrates are being asked not to remand persons to these institutions. Magistrates are unable to do otherwise, given the circumstances of the case. The situation dictates against the continued remand of penal offenders to St. Jude Home for Girls. There are no other institutions where these persons can be sent to. In certain circumstances the law prescribed that persons can be deemed 16 years and remanded to the Womens Prison at Golden Grove. You deem them 16 years, why, because you do not have the places to put them in the juvenile centres. This is undesirable since numbers are increasing, and therefore we need to take a look at what is happening with these juvenile centres.

As a child guidance unit, the difficulties evaluated in persons who appear in need of evaluation and treatment. These are other areas in the system of the administration of justice. We would even begin to talk about the police and their failure to attend courts and to deal with complaints, so the cases keep adjourning forever and ever. Why then are we spending hundreds of millions in a Caribbean Court of Justice to deal with trade disputes, when I see one or two or three for the year, when your whole base of your justice system is stuttering and crumbling?

I would like to say that the friends of the Prime Minister seem to have better sense than him, because his very good friend, the Prime Minister of St. Vincent, he has not gone ahead with this. His good friend, you would have thought he would have supported him and pushed for this, hear what he said. These are the

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words of Prime Minister Gonzales at the Opening Ceremony at the 22nd Meeting of the Conference of Heads of Government in July 2001:

“I am yet to be persuaded that it is quite in order to build a judicial super structure entitled the Caribbean Court of Justice, which envisages the abolishing of the Privy Council as a final appellate authority, but leaves the base, the Magisterial Court system in shambles. The ordinary folk in the Caribbean seek judicial redress at the Magistrates’ Court in over 90 per cent of the cases.”

Mr. Speaker, as I thank you for the time, I want to point out while we are making this lavish expenditure on the Caribbean Court of Justice, right here in our Judiciary, in the year 2002/2003 as contained in the reports of the Judiciary, they requested \$45.6 million for capital investment project. What does that mean? Computerization, refurbishing and construction of courts and so on. They asked for \$45 million and were allocated only \$2.9 million, and later they got it at \$6 million; 2004, they asked for \$62 million, the actual release was \$20 million— one-third of the request; 2005, this budget here, they asked for \$139 million, by the time the year is done and given the battle with the Chief Justice, they would probably get \$2 million or \$3 million in actual releases. How then can they service the courts?

How can you deal with a situation where people are still writing notes longhand? Whether it is the Magistracy or the Supreme Court, writing longhand, days writing this thing. When they are finished they have to transcribe that, again that is another few years if you have to go on and appeal. No wonder the backlog is there.

What has happened with the remand centre? The UNC Cabinet approved for a remand court to be set up, so you would not have prisoners being transported all over the country, you would have the remand court there, that if your case is not going on that you can deal with it and adjourn it, not all this set of transport system all over. As the Member for Princes Town will tell you, prisoners fighting and cuffing down each other in this prison; a man parked outside the Magistrates Court; the heat in the place; you would not have all of that. What has happened with the remand court? What has happened with the all digital record system, where instead of having to write—Can you imagine if *Hansard* had to write what we were saying here in longhand? That is what the judges and magistrates have to do; every single day [*Crosstalk*] Every single day, and so in the administration of justice we have to get our priorities right, we have not done that.

Mr. Speaker, I am saying that the ceremony taking place tomorrow is a sham, is a farce; that they are participating in unconstitutionality and this Government has set its priorities totally wrong; that whilst you are there jumping up to steel pan, chutney, calypso and so on, think about the high food prices out there, think about the people in Siparia and Penal and throughout this country who cannot get water in their pipes; think about people in Port of Spain who cannot get water; think about people throughout this country who cannot even pay for food, with half the population living below the poverty line, while you all jump up to steel pan tomorrow.

I thank you, Mr. Speaker.

The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Thank you, Mr. Speaker. I was quite amused to hear that the Member for Siparia is relying on two legal luminaries in the persona of Cuffy-Dowlat and Montano. I would like to advise the hon. Member opposite that all of these chief justices and other distinguished jurists who are coming to Trinidad tomorrow, to participate in the inauguration of the Court are wrong. All of these distinguished jurists, the hundreds of distinguished acknowledged members of the Privy Council and the various Supreme Courts all over the world; all the chief justices in the region; all of these people are wrong, but the legal luminaries, the legal advisors of the Member for Siparia, Cuffy-Dowlat and Montano, are right. That is the height of arrogance and stupidity, Mr. Speaker.

You know the Member for Siparia is a perpetual misleader and I noticed that the hon. Member spent a long time arguing a case that is before the courts, skirting and trampling the rules of this Parliament, arguing and pleading a matter that is before the court, introducing evidence into this Parliament, acting as a witness for the prosecution, all that sort of thing. I just wonder about the interest of the hon. Member in that particular matter. We need to put things in perspective. Let me repeat how the Regional Judicial and Legal Services Commission is appointed, because the Member for Siparia would have us believe, would have the entire country believe that it is politicians, Prime Ministers, Attorneys General and various other members of Cabinets throughout the region, that pick the Regional Judicial and Legal Services Commission.

Since it is all these politicians that pick this commission that picks the judges, that all of these judges would be at the beck and call and be essentially puppets of the regional politicians.

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Article V of the Caribbean Court of Justice Act, 2005 which was passed in this House in February, 2005 states:

“Establishment of the Regional Judicial and Legal Services Commission

1. There is hereby established a Regional Judicial and Legal Services Commission which shall consist of the following persons:

- (a) the President who shall be Chairman...;
- (b) two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association...and the Organisation of Eastern Caribbean States...Bar Association;”

And I repeat, I am not aware that any of these people in the Commonwealth Caribbean Bar Association and the Eastern Caribbean States Bar Association are Prime Ministers and members of Cabinets in Trinidad and Tobago or elsewhere.

“(c) one chairman of the Judicial Services Commission of a Contracting Party selected in rotation...”

Again, I am not aware that any Cabinet member or politician in the region can be a Chairman of a Judicial Services Commission.

- “(d) the Chairman of a Public Service Commission of a Contracting Party selected in rotation...”

I am not aware, at least under our Constitution, that politicians can pick the Chairman of a Public Service Commission.

- “(e) two persons from civil society nominated jointly by the Secretary General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-Governmental organizations;”

Again, I am not aware that any Prime Minister, politician, or Cabinet Minister could fall into that category as being from civil society nominated by Caricom.

- “(f) two distinguished jurists nominated jointly by the Dean of the Faculty of Law...”

I am not aware, having been a faculty member at the UWI, and being aware that under the rules of the UWI, in the blue book, once you are a politician you cannot also be a member of the faculty of the University of the West Indies and therefore the Dean of the Faculty of Law, by definition cannot be a politician.

“of the University of the West Indies, the Deans of the Faculties of Law of any other Contracting Parties and the Chairman of the Council of Legal Education...”

So, two judges nominated by these academics.

“(g) two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.”

That would mean like the Bar Association in Trinidad and Tobago and so on. That is the Regional Judicial and Legal Services Commission, with the exception of the President. We have 11 persons on this Commission, ten of whom come either from associations of lawyers, civil society or from academia or somewhere like that.

Now, how in God's name, if 10 out of 11 members of the Regional Judicial and Legal Services Commission are selected by civil society and lawyers, et cetera, could that body be controlled by politicians? It is an absurdity and I have heard the Member for Siparia repeat this foolishness in this House over and over and over again, as a rationale for their ludicrous claim, that the Caribbean Court of Justice would be controlled by politicians. It is absolute rubbish, arrant nonsense.

So we have 11 persons in the Regional Judicial and Legal Services Commission, 10 of whom are selected by non-politicians, persons who are so far away from politicians, it is not funny, like the public service commission chairman, et cetera, the director of the OECS, and so on.

Mrs. Persad-Bissessar: Who appoints them?

Hon. C. Imbert: The President.

Mrs. Persad-Bissessar: Exactly. Who is the President?

Hon. C. Imbert: Oh, do not be ridiculous. The President of the Court is recommended by the commission. So even in that, the Heads of Government cannot decide on the recommendation, they only have a power of veto. So the Heads of Government cannot nominate somebody to be President of the commission, they could only act on a recommendation coming from the Judicial and Legal Services Commission of the region. Mr. Speaker, you know this arrangement is so far away from what obtains in other countries. In the United States, the judges are nominated by the President.

Mr. B. Panday: That is not applicable in the West Indies.

Hon. C. Imbert: You hold on. In the United States the judges are recommended by the President and they have to go through hearings, but it is a

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political process. In the United Kingdom, the Lord Chancellor is a member of the Cabinet of the Government of England and he picks the judges. You have the United States system, where the President recommends and Congress and so on confirm and you have England where a Cabinet member decides on who should be judges in the United Kingdom. But, we in the region, because we do not trust ourselves, have decided that politicians are so unreliable that we must put all of these non-politicians to select our Caribbean Court of Justice.

Dr. Rowley: They have no morality.

Hon. C. Imbert: Yes, some politicians believe that political morality is more important than professional integrity. Because of that belief system on that side, perhaps that is what drove—because this thing was done by them, I am coming to the effective dates in a little while. Perhaps, because they on that side believe that political morality is more important than professional integrity, maybe that is why when they signed the treaty establishing the Caribbean Court of Justice, they made sure there were no politicians on it, and at least none of them was on the Judicial and Legal Services Commission, because perhaps they knew what they were about.

You know I have to praise former President, ANR Robinson, now; he definitely knew what he was about when he picked us based on moral and spiritual values. He definitely knew what he was about, because out of the mouth of the Member for Couva North has come the Bible—accordingly to the UNC—political morality is more important than professional integrity and I am sure it was in the full knowledge of that astonishing fact that former President Robinson put us into Government in 2001, I am sure of that.

The point I am making, is that it has to be reinforced. You have an 11-member Regional Judicial and Legal Services Commission, ten of these people are chosen by completely innocuous groups from the perspective of politics. One of them is on the recommendation of the other ten. So this lie that has been put into the system by the UNC, that the judges of the Caribbean Court have been picked by the politicians in the region, it is necessary if every occasion that they put that lie into the system that we need to refute it with the cold hard facts.

The legislation puts a lie to that rubbish that is being peddled by members on the other side, and it is the very legislation that they are the architects of this whole thing, because I heard the Member for Siparia bleating and carrying on like a lost sheep, about why we are making this thing retroactive, but in Part I of the Act, in section 2, it says:

"...The Agreement Establishing the Caribbean Court of Justice, signed at Bridgetown, Barbados, on the 14th day of February, 2001, as amended by the Protocol to the Agreement Establishing the Caribbean Court of Justice Relating to the Juridical Personality and Legal Capacity of the Court signed at Montego Bay, Jamaica...of July, 2003..."

There are two operative dates in this legislation. You have the agreement established by the UNC in 2001 and followed through by the protocol establishing the legal capacity of the Court by us in July 2003. Since this agreement was signed in 2001 by them and then we followed through with the protocols in 2003, the President of the Court has been selected. The non-politicians who do not need any Act of Parliament to establish the commission and so on, have gone ahead and done their thing, and the Court has been putting its house in order, it has been making its arrangements to start its operations, and this has been going on since 2003. We all know this, we all know who the President of the Court is. We all know when the President of the Court was nominated and agreed to by the contracting states—it is not today.

Therefore, Mr. Speaker, to ask the foolish question, “why we are making this thing retroactive”, is pure mischief. They know that a number of things have been done over the last year or so, and all that the Court has asked—and it is a reasonable request, there is nothing unreasonable about it—is essentially they want us to ratify their actions for the last six or seven months, so that whatever they have done will have proper legal authority. I have great difficulty following the logic and the arguments of the hon. Members opposite. The Member for Couva North went to Bridgetown, Barbados in 2001 and in a sober—

Hon. Member: You sure?

Hon. C. Imbert: Yes, in a sober state of mind—[*Interruption*] I tell you, as my hon. colleague from Diego Martin West has reminded me, while the Government of St. Vincent—[*Interruption*] Yes, but I am full of spiritual value. [*Laughter*] [*Desk thumping*] [*Interruption*] Mr. Speaker, I may be vertically challenged but I am not spiritually challenged. [*Laughter*]

Dr. Rowley: Steeped in morality.

Hon. C. Imbert: I am steeped in morality, but I do believe that professional integrity supersedes everything; [*Desk thumping*] not just this notion of political morality, whatever that is; [*Crosstalk*] not just this notion of political morality; professional integrity supersedes everything.

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Mr. Speaker, the point is that in 2001, when the Member for Couva North, in a completely sober state of mind having just descended from a ladder—

Hon. Member: From a wall.

Hon. C. Imbert: No, from a ladder

Hon. Member: A wall, a wall.

Mr. Speaker: I do not think you really need to go there, you know, avoid words like “sober” and “ladder” and so on. Make your contribution on the Order Paper before us.

Hon. C. Imbert: Mr. Speaker, those are perfectly acceptable English words, but no problem.

Mr. B. Panday: You could use galvanize.

Hon. C. Imbert: Anyway, when the Member for Couva North was agreeing to this treaty which established the Regional Judicial and Legal Services Commission, which clearly enunciated at that time—because this is merely a reproduction of the treaty. What is in the Caribbean Court of Justice Act, 2005, is simply a faithful. [*Crosstalk*]

3.45 p.m.

Mr. Speaker: Hon. Members, I get the impression that the Member for Diego Martin East was eavesdropping. [*Laughter*] But, I do not think that you would want him to eavesdrop, so please continue.

Hon. C. Imbert: Mr. Speaker, I was enjoying the repartee between the two of them.

Mr. Valley: Leave me alone. Leave me alone.

Hon. C. Imbert: The point I was making, Mr. Speaker, when the Member for Couva North agreed to the Caribbean Court of Justice Treaty and signed it, in that Treaty it said that the President of the Court shall be recommended by the Commission and agreed to by the contracting states. Clear; it is there, so that in 2001, four years ago, they accepted the principle which is commonplace all over the world. Whether it is in systems that follow the British model of Parliament or whether it is the American model or other models in the world, the system, which is commonplace all over the world, judges are political appointees.

The Member for Couva North knew that the President of the Court would be approved by the contracting states. He had no problem with it then. He did not see

it as political interference; probably because he felt that he would be Prime Minister forever; probably he felt he had some kind of licence on the Office of Prime Minister at that time, or maybe he had political integrity at that point in time—who knows. You may never know what went through his mind at that time. But, the point that has to be made is that the Government of the UNC; the Prime Minister of the UNC; the Attorney General of the UNC; all agreed to the principle that the President of the Judicial and Legal Services Commission—the President of the Court—will be agreed to by the contracting states, so no problem with that from a political perspective.

The only reason why now, in 2005, the Member for Siparia could give us this recurrent theme that this is a kangaroo court; it is a mongoose gang; it is a set of politicians in the territories in the region who sit in a room behind closed doors and pick all the judges, and all the members of the Judicial Commission, is because they are in Opposition. That is the only thing that has changed between now and then; they are there and we are here. When they agreed to all these provisions; they were here and we were there, okay. I remembered them saying that as long as the hon. Member for San Fernando East is political leader of the PNM, they would be here and we would be there. Well, we are now here and they are now there, Mr. Speaker. And this is the only difference. This is the only difference, Mr. Speaker, and it just goes to show the kind of rubbish they used to speak—

Mr. Narine: And that is why they have a court matter.

Hon. C. Imbert: —because the hon. Member for San Fernando East led us to victory shortly thereafter [*Desk thumping*] and brought us back into Government, shortly thereafter. [*Desk thumping*] It just shows you the kind of rubbish they speak.

Mr. Narine: And at that time they had no court matters.

Hon. C. Imbert: Mr. Speaker, they had no court matters; at that time there were no court matters, there were no issues, where the Member for Couva North was concerned—

Hon. Member: The Member for Mucurapo.

Hon. C. Imbert: The Member for Couva North was concerned about what would happen in the court system. So, at that time in 2001, the Member for Couva North was not worried about the Caribbean Court of Justice as a final court of appeal; because, he was not going to find himself in a situation where he might

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have to appear before the Caribbean Court of Justice, Mr. Speaker. At that time he never contemplated that if the Caribbean Court of Justice became our court of final appeal he might find himself in the witness box before the Caribbean Court. He never thought about that and that is why the Caribbean Court of Justice was a wonderful thing for them in 2001, and now it is a horrible thing for them in 2005.

Mr. Speaker, again, I have to repeat, I have a great difficulty. When I look at the persons who are coming to Trinidad and Tobago to inaugurate the Caribbean Court, which really is a regional institution, it is something that is being given birth in the region. When you look at every progressive country in the world, Mr. Speaker—look at the United States. When the United States broke away from the Queen, they established their own systems. The persons who were born in the colonies at that time—in the United States—they felt the need to break ties with England. They had the revolutionary wars—the War of Independence, et cetera—and then you know the Declaration of Independence and they established their own systems, their own courts, Mr. Speaker, and they are a truly independent republic, independent sovereign country, the United States where everything that occurs within that country in terms of the judicial process is dealt with by Americans, within the American system.

If you look at other countries in the world—how can a country really reach developed nation status? How can a country really take its place among the countries of the world as a First World country when its final court of appeal is in somebody else's country, Mr. Speaker? Whatever misgivings one may have about the manner in which this new institution will function, how can you call yourself truly independent? How can you say that you have thrown off the shackles of colonialism and that you have cut the umbilical cord with Mother England, if you are still there with your colonial self genuflecting before this court? It is a sort of inferiority complex or some other kind of thing, Mr. Speaker.

One may have issues about how this thing is going to function and the persons that are going to run the court. I mean, it is in its embryonic stage; it is in its evolutionary stage; it is a baby as it were at this point in time. It will soon have to grow very quickly into maturity and into adulthood and so on, Mr. Speaker. But, when the UNC—those “fellas” over there—the honourable Members opposite, proposed or accepted the proposal to establish the Caribbean Court, they got full support from us on this side. We felt that as the country was evolving, as we were moving towards regional integration; as we were moving towards a common market; as we were moving towards a regional identity; as we were achieving things that had not been achieved in the region for 30 years—because Mr.

Speaker, all of this talk about regional institutions, a Caribbean Common Market, a Caribbean Court, and all of the various regional institutions that are now being established, that are flowing from the revised Treaty of Chaguaramas, these have been the aspirations of Caribbean people since the '50s, Mr. Speaker. These things have been articulated since the '50s and the '60s when the Caribbean peoples decided to cut ties with the colonial powers. All of these things that we are doing now, have been the aspirations of our people in the Caribbean for the last 30 years, and we are now getting to the point—

Hon. Member: ...PNM...constitution.

Hon. C. Imbert: Yes, and as Minister Khan has reminded me, the PNM itself was formed on the concept of regionalism, and it is actually within the theme of our own party constitution, Mr. Speaker. I cannot see any serious political party, or let me put it another way, any political party that has integrity or that subscribes to the concept of morality—

Mr. Singh: You sound like Fr. Harvey.

Hon. C. Imbert: Yes, and Fr. Harvey was absolutely right. I could not put it any better myself, that statement from Fr. Clyde Harvey. Get the article for me! It is in the *Newsday*. [*Crosstalk*]

Dr. Rowley: Fr. Harvey was brilliant. He was brilliant.

Hon. C. Imbert: That statement from Fr. Clyde Harvey, where he indicated that integrity is paramount; that integrity is above everything else; there is no way, Mr. Speaker, as Fr. Harvey said, that anything could be subservient to integrity.

Dr. Rowley: Any self-respecting person will say that.

Hon. C. Imbert: Any self-respecting person, any person who is not rooted in opportunism—

Dr. Rowley: And immorality.

Hon. C. Imbert: —immorality and opportunistic tendencies; any person who is not rooted in opportunism must subscribe to the principle that integrity is paramount over everything else. The point is that within the last—

Dr. Rowley: That is why your party lost; you have not learned “nutten” yet.

Hon. C. Imbert: Mr. Speaker, you know they still do not understand why they lost the last election.

Dr. Rowley: They have not learned “nutten”.

Hon. C. Imbert: They have learned nothing. Three senior members of the UNC walked out of that party, brought the government down—

Dr. Rowley: They learned “nutten”.

Hon. C. Imbert: —turned them into a minority government; sent them into election; sent them out of government, and sent them into opposition.

Dr. Rowley: And they learned nothing—

Hon. C. Imbert: —on corruption, on morality [*Desk thumping*] on integrity, Mr. Speaker. [*Desk thumping*] Three senior Members, an Attorney General and two other senior Members of their Cabinet walked and said this party is too corrupt. We cannot take this; we are out of here; we are done with this.

Dr. Rowley: They have learned nothing.

Hon. C. Imbert: They have learned nothing; after their party crashed—

Dr. Rowley: Instead they got worse.

Hon. C. Imbert: The party crashed and their government crashed—

Dr. Rowley: They got worse.

Hon. C. Imbert: They found themselves languishing on the Opposition Benches, hoisted on the petard of corruption from 2001. In 2005, Mr. Speaker—

Mr. B. Panday: Who more corrupt than you?

Dr. Rowley: You!

Hon. C. Imbert: I could name about—How much of them over there? At least 14 on that side, Mr. Speaker. [*Crosstalk*]

Mr. Speaker: Order, please.

Hon. C. Imbert: But, Mr. Speaker, after the Member for Couva North saw his party disintegrate in front of his eyes, saw his government disintegrate in front of his eyes, saw his Government crash and collapse and go out of office on a tidal wave, on a tsunami of moral and spiritual values—[*Laughter*] They were washed away by a tsunami of moral and spiritual values in 2001. [*Desk thumping*]

“After he see that, he sit down after the tsunami and looking around all he see was earth; no trees, no buildings; everything gone inside the UNC; all he seeing barren earth inside there.” [*Crosstalk*] And now, three years later, he tells his members that there is no place in his party for professional integrity and morality.

He just does not understand, and he will be doomed to languish over there until— [*Desk thumping*] It does not matter even if he understands, because by the time he understands it will be too late. But he will be doomed to languish on that side—

Mr. Hinds: —because he cannot even say until he retires.

Hon. C. Imbert: He cannot internalize what has happened to his party and himself since 2001, Mr. Speaker. But, let me go back. [*Crosstalk*] They could yell whatever they want; for me they could keep yelling that. Just put on a tape recorder and press the button and say it. It means nothing to me, Mr. Speaker.

Mr. Ramsaran: You have moral values?

Hon. C. Imbert: I am rooted in spiritual values, and I am very proud of that, Mr. Speaker. I am very proud of that. [*Desk thumping*]

Mr. Hinds: “Thou shall not thief!”

Hon C. Imbert: Mr. Speaker, the point I was making, is that for 30 years the Caribbean peoples have been searching for a regional identity—

Mr. Singh: Lie.

Hon. C. Imbert: They have been searching for a mechanism; they have been searching for a vehicle to give fruit to their aspirations of independence, and a vehicle that would allow them to take their proper place on the world’s stage, Mr. Speaker, for 30 years. And, within the last five years, we have seen an acceleration of that regional integration effort culminating in the formation of all these regional bodies.

You know what beats me, Mr. Speaker, what I find the most difficult thing of all is when the UNC was in office and they took the baton; they took the baton left there by the PNM in terms of regionalism. They took the baton we handed to them in terms of creating and forming all these regional institutions. To give our Caribbean peoples a world identity and they followed through with it. They had our unqualified support at all of the Heads of Government meetings that the Member for Couva North attended in terms of signing these treaties; in terms of taking the integration movement forward and in terms of contesting for the seat of the Caribbean Court to be in Trinidad and Tobago.

All of that. They were started by the PNM in 1991—1995. We are the ones who had campaigned for the establishment of the Caribbean Court and for the seat to be in Trinidad. The Members opposite took that baton; ran with it and they

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managed to get other Caribbean Governments who agreed that the court will be based in Trinidad and Tobago; that it would be their final Court of Appeal in all matters, and they had the unqualified support of the PNM, because we as representatives of Caribbean people felt that this was the moral and spiritual thing to do. We put aside politics. We put aside parochialism. We put aside whatever partisan feelings we might have and we gave our unqualified support to the Members opposite in terms of establishing these regional institutions.

The matter that we are debating today flows directly from the terminology, from the clauses, from the phrasing, from the terms and conditions that are in the Treaty, which I referred to, and I will now remind this honourable House about, Mr. Speaker. This is the agreement establishing the Caribbean Court of Justice, signed at Bridgetown, Barbados on February 14, 2001. Everything that we are debating today, privileges and immunities, because it is a court and it is an international organization; it is a regional organization; it requires diplomatic privileges and immunities and so on. We on this side, supported the entire, purposely, the *raison d'être*, the whole philosophy behind the creation of this final Court of Appeal for the Caribbean peoples. And that is why we are here today, Mr. Speaker.

It is only political opportunism; it is only misplaced notions of politics; it is only in an effort to derail and undermine what is taking place that the mischief we hear from the hon. Member for Siparia and the hon. Members opposite comes through. They are just hypocritical, Mr. Speaker. They are unpatriotic; they are spoilt—spoilsports. “They take up their marbles and they gone home; they take their bat and they gone home.” That is all that is going on. They are no longer in government, so that everything they agreed to, they can now renege upon, and we now know why. We always wondered for the last several years, how it is that Members of the UNC could agree to something in Government, sign a treaty—and it not just this, it is all kinds of things; we always wondered why. How could they come to this Parliament with Police Reform Bills, for example? How could they establish a bipartisan team, with politicians from both sides of the House, and a technical advisory team, with the Prime Minister of the time, the hon. Member for Couva North, presiding over the whole thing, drafting legislation to reform the police service in Trinidad and Tobago, based, again, on the unqualified support of the PNM?

How could they do that while they were in government—establish the bipartisan team to come up with legislation, lay it in the House, and as soon as they go into Opposition, “the report not good; the legislation not good, and it is

dangerous”? And the PNM Government that has replaced them, would suddenly be able to abuse these positions, these privileges and so on that they wanted for themselves, Mr. Speaker. How could they sign a treaty establishing the Caribbean Court of Justice? How could they do that while they were in Government and then return to Opposition and oppose it? How could they sign the Revised Treaty of Chaguaramas establishing the Caribbean Single Market and Economy; allowing freedom of movement; free trade within the Caricom Region; allowing the transfer of resources on people? Everything that the Caribbean peoples, from the time they had the inter-island steamer in the Caribbean, providing a system of transportation; the *Federal Palm* and the *Federal Maple*—Mr. Speaker, you had these two inter-island steamers going throughout the Caribbean, providing a vital communication and cultural link; an economic link within the region.

Hon. Member: They would sink the ship.

Hon. C. Imbert: I agree with you. “If the UNC was in government at the time they would have sink the *Federal Palm* and the *Federal Maple*.” But the point is, Mr. Speaker, I had always wondered, how they could be so brass-faced, how they could be hypocritical—

Dr. Rowley: Absence of morality in politics.

Hon. C. Imbert: —how they could be so boldfaced to do all of these things; to come and give lofty speeches. I am sure, if you go and check the record of the address made by the hon. Member for Couva North, when he signed that Treaty establishing the Caribbean Court, and when he signed the Revised Treaty of Chaguaramas, I am sure if you check what he said at that time; all those lofty principles of regionalism—[*Crosstalk*] when he put his signature to all of those treaties and agreements—

Dr. Rowley: “Let’s go home kid.”

Hon. C. Imbert: Yes. “Let’s go home kid.” When he went to Crowne Plaza and engaged in bipartisan discussions, again, about who will become Prime Minister in the event of a tie, Mr. Speaker, and “let’s go home kid”, when it was all done.

Dr. Rowley: No integrity.

Hon. C. Imbert: And how could you do all of that, and then when the population had decided to exile you into Opposition, you are repudiating the Police Reform Bills; you are repudiating the Caribbean Court of Justice Bills; you are repudiating the Caribbean Single Market and Economy Bills; you are repudiating

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the Crowne Plaza Accord? I now know why, Mr. Speaker, because, that party is based on one principle and one fundamental doctrine, one fundamental dogma—that party—and that is that “political morality is more important than professional integrity”. [*Desk thumping*] I now understand, how they could come into this House and repudiate everything that they have said and done over the last six years, and do it with a grin on their face. It is because as far as they are concerned; anything goes on that side. [*Crosstalk*]

Mr. Speaker, I pity him, I pity him. He is a shadow of himself. [*Laughter*] I saw the hon. Member for Couva North on television a couple nights ago. I just glanced at the TV and I saw him—at some press conference or some meeting. They were asking him for his latest pronouncement about political morality, and he was not himself. He said, “That is nothing man; that is a little trivial internal party matter; all you must not worry about that. Why all yuh asking me about that? Do not ask me about that. I do not want to talk about that. That is an internal matter; I have no comment.”

Mr. B. Panday: You are a comic!

Hon. C. Imbert: Mr. Speaker, he was in fact comical. One expects the “former” Member for Couva North to have some fire; you expect that he is a worthy opponent. He used to talk about “if a lion and the Member for Couva North are fighting, feel sorry for the lion.”

Dr. Rowley: He is now like a wet kitten. [*Desk thumping*] [*Laughter*]

Hon. C. Imbert: He is now like a wet kitten. He is a shadow of himself. I have never seen the venerable war horse from Couva North; I have never seen him—

Dr. Rowley: “Mout’ open ‘tory jump out.”

Hon. C. Imbert: Mouth open and trembling. “Doh ask me about that nah. Doh ask me about that.” Mr. Speaker, you know, he is a thespian. [*Laughter*]

Mr. B. Panday: You are a real comic.

Hon. C. Imbert: The Member for Couva North likes to tell us that he is a thespian and he is a student of Shakespeare. He likes to regale us from time to time with quotations from Shakespeare.

Dr. Rowley: This one beats all.

Hon. C. Imbert: Mr. Speaker, I looked at him. This one beats all. He has seen

the beginning of the end, and I would advise him since he is a student of Shakespeare to go and rediscover Julius Caesar, and rediscover the Ides of March: “Beware the Ides of March.” [*Laughter*] [*Desk thumping*] That is the advice I would give to the hon. Member for Couva North. Go and rediscover Julius Caesar and the Ides of March; do not mind that we are in April. [*Crosstalk*]

Mr. B. Panday: I am enjoying.

Mr. Speaker: Please continue.

Hon. C. Imbert: Sorry, I thought I was being asked to sit down.

Mr. B. Panday: That is why we should televise this House.

Hon. C. Imbert: I agree. Mr. Speaker, you know when I look at this whole thing—let us go to section 2 again of the Caribbean Court of Justice Act. What bothers me is the pious posture that is adopted by the Member for Siparia and others—butter cannot melt in their mouth—when they come here crying about this draconian legislation and this dangerous action of the PNM and so on. But when you go to section 2 of the Act and you go to definitions on page 3 of the Act. “Privileges and Immunities Protocol” means:

“the Protocol on the Status Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission signed at Montego Bay, Jamaica on 4th day of July, 2003, the text of which is set out in the Second Schedule;”

We have set out in this Act the Privileges and Immunities Protocol. The Motion before the House is all about that. It is all about giving effect to the requirement in the Second Schedule of the Act, which is the Protocol on the Status Privileges and Immunities and the “Contracting Parties,” one of whom was the Member for Couva North. So it could be, “I, Member for Couva North”; let me put that in instead of the “Contracting Parties”.

“I, Member for Couva North,

Noting that the Agreement Establishing the Caribbean Court of Justice entered into force on 23 July 2002;

Recognizing that paragraph 2 of Article VII of the Agreement... provides that the privileges and the immunities to be accorded shall be laid down in a Protocol to the Agreement;

Conscious that Article XXX of the Agreement also provides that the privileges and immunities to be recognised and granted by (‘I, Member for Couva North’)

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I have replaced “Contracting Parties”.

“thereto to the judges...”

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Diego Martin East has expired. Before you move the Motion for an extension, like the hon. Member for Siparia, you, too have strayed from the Motion before us; please get back to the Order before us. And I am appealing to Members following on both sides of the House that they need to really concentrate on the Motion before us. Please, can I have the motion now?

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. Dr. K. Rowley*]

Question put and agreed to.

4.15 p.m.

Hon. C. Imbert: It obviously has escaped the Members opposite, Mr. Speaker; let me repeat what I just said. The Second Schedule of the Act is related to the Protocol on the Status, Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission. It is necessary to remind hon. Members opposite of what is in this Act. Let me repeat the Motion we embarked upon, for the benefit of hon. Members opposite, who may have thought that this was not what we were talking about:

“*Whereas* section 9(2) of the Privileges and Immunities (Diplomatic Consular and International Organization) Act...provides that the President may, from time to time...declare that any international or regional organization...shall to such extent as may be specified...be accorded the privileges and immunities set out in Part I of the Act...”

Be it Resolved:

That the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund Order...be approved.”

The section of the Caribbean Court of Justice Act that I read, just before I got the extension, which I think is relevant, was the Protocol on the Status, Privileges and Immunities of the CCJ, in accordance with what the Motion is asking the House to affirm, to grant these privileges and so on. Let me continue, with your leave, Mr. Speaker.

In 2003, the contracting parties, of which the hon. Member for Couva North, at that time, represented the Government and the country of Trinidad and Tobago—recognized that there was a requirement that privileges and immunities be accorded to the RJLSC. The hon. Member also recognized, at that time, that the agreement provided that the judges and officers of the court—and this is where you have the mischief coming from the Member for Siparia—one of the things I have noticed about Members opposite is that they foolishly think we on this side will not read. They think that they could talk utter tripe and we would not read. One of the important components of the agreement establishing the CCJ and the protocol is the granting of privileges and immunities to the judges and officers of the court necessary to protect their independence and impartiality. Mr. Speaker, do you see how that turns the point on its head that the Member for Siparia put forward?

We are about giving the judges and officers of the court the necessary privileges and immunities that the agreement recognized was required to protect their independence, impartiality and integrity and, I dare say their moral and spiritual values. I dare say that in order to give the judges and officers of the court independence and impartiality, you will also be trying to protect their integrity and morality.

In the Second Schedule to the Caribbean Court of Justice Act, which flows directly into the Motion that was introduced by the hon. Minister of Foreign Affairs, where we are asking the Parliament to approve the Privileges and Immunities Order of 2004, in the protocol—Mr. Speaker, I think I need to say here that the definition of “Officers of the Court” is the Registrar and Deputy Registrar. “President” means the President of the Court; judges—well, we do not need to have a definition of that, we already know who they are. I think we need to go through the Second Schedule on the protocol. The Schedule talks about exemption from foreign exchange controls, so that the former UNC government had agreed, not only that the officers and judges of the CCJ would have immunity, in order to protect their independence and spirituality, but that they will also be exempt from foreign exchange controls. [*Interruption*] I added in spirituality; I felt that integrity was synonymous with spirituality, if you do not mind.

There was also the requirement that the court and the Regional Judicial and Legal Services Commission be exempt from foreign exchange controls; that is in Article V of the Second Schedule. All of this was drafted by the Member for Siparia; that the court and the commission shall be exempted from any form of direct or indirect taxation; exempt from customs duties and prohibitions and

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restrictions in imports, in respect of articles imported or exported; exempt from levies and prohibitions in respect of the import, sale and export of their publications; they shall be exempt from departure tax, hotel taxes, customer excise duties, consumption tax, stamp duty, withholding tax, value added tax, finance charges and imports with the equivalent effect. When Trinidad and Tobago assented to the agreement establishing the Caribbean Court of Justice, which flowed into the protocol, all this was included; there is no mystery in any of this.

The schedule also talks about the judges and officers of the court and I think this is most relevant to the matter under debate. Article VIII was agreed to by the Member for Couva North; it was signed by him:

- “1. Judges and officers of the Court and members of the Commission engaged in the business of the Court...in the territory of a Contracting Party, shall enjoy:
 - (a) immunity from legal process in respect of words spoken or written and all acts done by them in their official capacity; such immunity shall continue notwithstanding that the persons concerned have ceased to exercise their functions with the Court or the Commission;”

Do you hear that part, Mr. Speaker? So they will have immunity from legal process whether they are members—[*Interruption*] That goes without saying. [*Laughter*] They shall have immunity whether they are members of the court or whether they have ceased to exercise their functions with the court. Obviously, immunity from actions taken by them while they were members of the court.

Article VIII continues:

- “(b) immunity from personal arrest or detention in relation to acts performed by them...”

All this was agreed to by the Member for Couva North when, maybe, he had integrity of a political type.

- “(c) inviolability of all papers, documents and materials related to the work of the Court...
- (d) exemption from immigration restrictions, alien registration requirements...

- (e) the same protection and repatriation facilities in times of international crisis as are accorded representatives of foreign governments...
- (f) the right,...as the case may be, to use codes and to dispatch or receive papers...or other official material by courier or in sealed bags;"

Typical diplomatic privileges.

- “(g) The same privileges and facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign governments...
- (h) immunity from inspection and seizure of personal and official baggage...”

And this is an interesting one:

“except in cases where the person is caught in *flagrante delicto*.”
[*Laughter*]

The only time they do not have immunity is when they are caught in *flagrante delicto*; that is a very curious clause that the Member for Couva North has put in there. [*Crosstalk*] I will not dwell on what motivated the Member for Couva North to insert a clause that talks about in *flagrante delicto*. [*Laughter*]

The Article continues:

“In such cases, the competent authorities shall immediately inform the Registrar or other appropriate official of the Court. Inspection of personal baggage shall be conducted in the presence of the person concerned...”

“So if dey ketch” you in *flagrante delicto*, at least you could be there when they are inspecting the bag. [*Laughter*]

- “(i) exemption from any form of direct taxation on salaries, remuneration and allowances paid by the Court or the Commission and from customs duty on imports in respect of articles imported for personal use, subject to the condition that articles imported under such exemption shall not be sold within the territory...”

And it even extends to lawyers; well, “is lawyers do this” so I am not surprised.

In Article IX it states:

“Counsel Appearing In Proceedings Before The Court

Counsel appearing in proceedings before the Court...shall, in the performance of their functions connected...enjoy:

- (a) inviolability of all papers...
- (b) immunity from personal arrest or detention...
- (c) exemption from immigration restrictions...”

So not just the officers of the court, but the practitioners in the court, too, are going to be exempt from immigration restrictions, immunity from personal arrest and also have the same privileges. Well, this is very interesting; this was definitely drafted by lawyers. They will have the same privileges and facilities:

- “(d) ...in respect of currency and exchange restrictions...as are accorded to representatives of foreign governments on temporary official missions.”

I wonder how that slipped in there.

- “2. The immunity...shall continue although the person entitled is no longer conducting proceedings before the Court.

With regard to cooperation with competent authorities, there is a safeguard clause which says:

- “2. The President and the Registrar, as the case may be, shall co-operate at all times with the competent authorities to facilitate the proper administration of justice, secure the observance of the laws...”

It also says:

- “3. ...it is the duty of all persons enjoying such privileges and immunities...”

As are the subject of this Motion:

“to respect the laws and regulations of the Government and not to interfere in the internal affairs of the Contracting Party.

- 4. If the Government considers that an abuse has occurred in the enjoyment of any privilege or immunity conferred by this Protocol, the Registrar shall, at the request of the Government, consult with the competent authorities to determine whether such an abuse has occurred.”

And then there are dispute resolution procedures.

All these privileges and immunities were inserted into this agreement by the hon. Member for Couva North; drafted by the hon. Member for Siparia and signed by the hon. Member for Couva North. The Article also talks about:

“FACILITATION OF TRAVEL

1. Subject to the laws or regulations restricting entry...the categories of persons mentioned below...”

Shall have uninterrupted passage within a territory:

- (a) judges of the Court and members of their families forming part of their households;
- (b) officers of the Court and members of their families...
- (c) members of the Commission;
- (d) counsel and their clients appearing in proceedings, persons appearing in proceedings before the Court;”

I guess that is witnesses and so on.

“(f) persons other than officers of the Court performing missions for the Court...”

(g) other persons invited to...the Court...on official business...”

It was agreed since 2001 that all these people should have the facility of uninterrupted passage within the territories of the Contracting States.

The other Protocol is the settlement of disputes where:

- “1. The President shall make appropriate provisions for the settlement of:
 - (a) disputes arising out of contracts and other disputes of a private law character to which the Court or the Commission is a party;”

And it goes into the establishment of an arbitration tribunal and the establishment of the rules of arbitration in the event of a dispute. It goes on to say:

“The Protocol shall be open for signature by the Contracting Parties to the Agreement.”

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And it is signed by—signed by—the Government of the Republic of Trinidad and Tobago, the hon. Basdeo Panday.

Dr. Rowley: Let me hear that.

Hon. C. Imbert: All that I just read out was signed by the Government of the Republic of Trinidad and Tobago, by the hon. Basdeo Panday; and the Member for Siparia had to come and talk this nonsense in the Parliament about how this thing is dangerous; that we are giving them all kinds of privileges and we must not do that; all kinds of scare mongering and so on. I understand, though, why she adopted that position, because the doctrine of her party is that political morality is more important than integrity.

I thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.01 p.m.: *Sitting resumed.*

Mr. Subhas Panday (Princes Town): Mr. Speaker, the Member for Diego Martin East has rightly said that he was so irrelevant; he said nothing in the first 45 minutes. When he promised you that he would try to be relevant thereafter, I decided that I would begin to take notes. Do you know what he did? He merely took the legislation and read without giving any sort of explanation or any sort of analysis. So his whole contribution was, really, comic relief, but he tried to create some confusion. He tried to attack the Member for Siparia for saying—[*Interruption*]—he did attack her. He accused her of saying that politicians could, in some way, interfere with the judges. It is not the hon. Member for Siparia who said that, it was the Privy Council and, in particular, Lord Bingham of Cornhill who made that statement in the famous case of the Independent Jamaica Council for Human Rights (1998) Limited and others v hon. Syringa Marshall-Burnett and the Attorney General of Jamaica. What came out in that judgment was that His Lordship said:

“But Dr. Barnett is correct to point out that the Agreement may be amended, and such amendment ratified, by the governments of the contracting states, and such amendment could take effect in the domestic law of Jamaica by affirmative resolution. The risk that the governments of the contracting states might amend the CCJ Agreement so as to weaken its independence...But an important function of a constitution is to give

protection against governmental misbehaviour, and the three the Acts give rise to a risk which did not exist in the same way before.”

For the Member for Diego Martin East to cast those aspersions on the Member for Siparia is baseless.

The Member went on in his contribution to speak about the Caribbean Court of Justice Bill. He spoke about appointment, but what he refused to tell this honourable House was that under Article X of the tenure of office of judges it says—[*Interruption*]

Mr. Narine: I thought he said nothing. [*Laughter*]

Mr. S. Panday: When the Privy Council spoke about political interference in the CCJ, I am certain that some of the arguments which were advanced at the hearing of the Privy Council would have been Article x(5)(1), Tenure of Judges:

“Subject to Article IV, paragraph 5, the President shall be removed by the Heads of Government...if the question of the removal of the President has been referred by the Heads of Government to a tribunal and the tribunal has advised the Commission that the President ought to be removed from office for inability or misbehaviour...”

It goes on further, Mr. Speaker. Article x6 says how you can throw a President out of the court; the person who leads the court, the person who is paramount in the court:

“If at least three Heads of Government in the case of the President jointly represent to the other Heads of Government, that the question of removing the President...ought to be investigated...”

I am certain that if you have one government with clout it would be easy to find two from the 14 to support you.

“(a) the Heads of Government...shall appoint a tribunal...”

The politicians appointing a tribunal.

“which shall consist of a chairman and not less than two other members, selected by the Heads of Government or the Commission...”

What is happening here is that the politicians are going to select a tribunal. It is not like saying the Heads of Government are going to recommend to the Commission, which appears to incorporate a number of non-governmental organizations and civil

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society organizations; no, not at all; the politicians, the heads will select the tribunal:

“as the case may be, after such consultations...from among persons who...have held...”

And they give the qualifications.

“(b) the tribunal shall enquire into the matter and advise the Head of Government...whether or not the President...ought to be removed from office.”

So two or three Heads of Government report to the other Heads; they do not report to the Commission. The other Heads do not report to the Commission; they set up the tribunal; they choose the tribunal, as they see fit. With all the qualifications for selecting members, it is certain that politicians could use the basis of qualification and choose whom they want. There is no fetter on the power of the politicians to choose whom they wish.

It goes on to say further that when you set up these tribunals, the members of the tribunal could apply the provisions of any law related to the holding of any commissions of enquiry in any Caribbean community State. Mr. Speaker, I am certain you can remember the commission of enquiry into the Piarco Airport affair. What is frightening is that the Member for Diego Martin East mentioned:

“If the question of removing the President...has been referred to a tribunal...the Heads of Government in the case of the President...may suspend such Judge from performing the functions of his office...”

So the Heads of Government could suspend the judges. One would have thought that if the Heads of Government had seen the need to investigate the President, they would have referred it to the Commission, which, probably, would have been a little more non-political and they would have taken the mantle and run there.

Mr. Speaker, I am certain that this is what the Privy Council was looking at and this is what my friend, the Member for Siparia, was speaking about when she spoke about judicial independence. I am certain that this reminds you of something which has just occurred in our own jurisdiction, where section 137(3) says:

“Where the Prime Minister...”

A politician:

“in the case of the Chief Justice...represents to the President that the question of removing a Judge under this section ought to be investigated, then—

- (a) the President shall appoint a tribunal which shall consist of a chairman...”

And it gives the qualifications.

“in accordance with the advice of the Prime Minister in the case of the Chief Justice...”

- (b) the tribunal shall enquire into the matter and report...thereof to the President...”

Mr. Speaker, assuming that this was the vision or contemplation of the Heads, at the time, let us say in 2000, a situation has now cropped up and we have a former President who has condemned this section as an aberration in the Constitution. This section finds itself almost in the same format as the CCJ legislation.

As the Privy Council said, the Heads of Government could come at any time and amend this agreement; then it means that the CCJ is even more vulnerable than the Chief Justice of Trinidad and Tobago. [*Interruption*]

Mr. Ramsaran: Worse than that?

Mr. S. Panday: That is why we were speaking about political interference in the Judiciary, as far as it concerns the CCJ. What kind of CCJ will you have, if the politicians could come any night and amend the agreement? The judges of the CCJ would be walking on eggshells. There is no system in place in the law, as it pertains to the Caribbean Court of Justice, to protect the judicial system from interference by politicians. One wonders, as did my colleague from Siparia, since it is the final court of appeal: Where will one get protection of one’s rights? That is one of the major problems, as far as it pertains to political interference. Now that the problem has cropped up in our system, it has given us the opportunity to look at the problem we have and take steps to ensure that the court is genuinely insulated from political interference. That is as far as it goes from an intellectual point of view.

When one looks at the Privileges and Immunities (Diplomatic and Consular and International Organizations) Act, it speaks about the privileges and immunities for the CCJ and makes reference to Chap. 17:01. It makes reference to Part I of the Fifth Schedule, that is, the exemption from suit and legal processes and exemption

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from taxes on the importation of goods, et cetera. It went on to speak about the inviolability of residents as recorded; the exemption of relief from taxes as an envoy; the servants and members of the court, exemption from income tax in respect of emoluments received as an officer.

Apart from paying one-third the cost of the establishment of the Caribbean Court of Justice, which is about \$1.2 billion, and then paying for the upkeep, maintenance and running of the court, although we are spending so much money there, our own national courts are in a disgrace, in a serious way. While we are trying to give the impression that we are big men: we have cut our umbilical cord from the Privy Council, from the colonial masters, we are putting an end to the last vestige of colonialism; while we are fighting to give the impression that we can take care of ourselves, one must look at the conditions of our courts, which are in such a situation. We should have dealt with that prior to dealing with this.

It seems to me that the kind of money they are going to spend again:

“Gala opening for CCJ

A GALA ceremony featuring fine Trinidad and Tobago culture and cuisine...”

Mr. Singh: The invitation bigger than the court. [*Laughter*]

Mr. S. Panday: The article is from the *Newsday* of Friday, April 15, 2005. Mr. Speaker, the kind of money they are spending to eat and drink, feting the members of the court, while at the same time not giving them security of tenure to properly perform their work. “Yuh have to tell dem fellas after dey eat their belly full”, they should, really, go and read the legislation which ties their feet and makes them pawns of the political directorate in the Caribbean.

The newspaper article says:

“A GALA ceremony featuring fine Trinidad and Tobago culture and cuisine will greet 900 local, regional and international guests at tomorrow’s inauguration of the Caribbean Court of Justice at Queen’s Hall, St. Ann’s.

This was revealed by Dr. Pat Bishop, coordinator of the inauguration ceremony, during a media briefing at Queen’s Hall yesterday.

Although the official ceremony begins at 9.30 a.m...”

The ceremony starts at 9.30, but celebrations start at 6.30 a.m.:

“with the sounds of Exodus and Lydian Steel orchestras. Guests will park at President’s Grounds, with a shuttle service taking invited persons to the venue.” [*Crosstalk*]

“Dey doh have proper shuttle service to take prisoners from de jail to de courts”—and I will come to that later [*Desk thumping*—but “it have money to spend for a shuttle service to fete for the inauguration of the court.”

Mr. Singh: All inclusive!

Mr. S. Panday: The article continues:

“Those who prefer to walk will be greeted by girls in traditional Indian and African dress lining the route.” [*Crosstalk*]

I wonder what is the purpose of that. Are you trying to create the multicultural aspect of Trinidad and Tobago? One of the conditions to be a judge is that you must have—[*Interruption*]

Mrs. Persad-Bissessar: Why must you have girls lining the route?

Mr. S. Panday:—knowledge of the culture of the people of the Caribbean, so you can create the sort of security in the judicial system; yet when one looks at the composition of the judges who have been appointed, so far, it does not reflect the culture of all the people of the Caribbean. [*Crosstalk*] You are putting girls in Indian and African dress to line the route.

“Top Indian artiste Heeralal Rampartap will be in the lobby to greet guests, while judges are taken outside in a special tent to be robed for the special occasion.” [*Crosstalk*]

Instead of trying to deal with crime:

“Policemen will then sound the trumpets for the fanfare and the start of the procession promptly at 9.30 a.m. [*Crosstalk*] The procession will comprise regional chief justices and judges of the CCJ. So prestigious is the event that the organisers have borrowed mahogany chairs from President’s House for the judges to sit on stage.”

Hon. Members: Wow! Ooh! [*Crosstalk*]

Mr. S. Panday: Regalia; while prisoners “cyar” get bread and water to eat in “de” jail, while “dey” sleeping on concrete in the cells, while Trinidad is in such a bad condition, they are borrowing mahogany chairs. [*Crosstalk*] Then you have the politicians addressing the court.

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This is the nice part, Mr. Speaker:

“The 900 guests will then enjoy a meal of...”

I “cyar” pronounce this—

“mini phyllo tartlets with black bean and corn salsa... blue cheese and pear chutney...” [*Crosstalk*]

Is that word “canapés”? Prisoners in San Fernando hear what “dem fellas” eating:

“Asian chicken salad on crispy wonton skins; marinated tortellini...”

T-O-R-T-E-L-L-I-N-I

“and tomato skewers...”

What is that? I do not even know what that is.

Hon. Member: Tomato choka! [*Crosstalk*]

Mr. S. Panday: Tomato choka? If you say so. Tomatoes are \$10 and \$15 a pound. People cannot afford that.

“kingfish balls...”

It seems to be a very masculine show. [*Laughter*] [*Crosstalk*]

“with tartar sauce; and vegetable samosas with tamarind dip.”

Dr. Moonilal: “Dem go fall down dead with dat!”

Mr. S. Panday: The article ends:

“The meal is estimated to cost \$180,000.”

And the “chupidness” that the Member for Diego Martin East spent 75 minutes talking, and “he leave” out this; but that is what the PNM is: a pack of comics; comedians, that is what they are. They are not going into the details of what is happening. This is what they are having tomorrow and prisoners “cyar” get bread and water! [*Crosstalk*] You see, Mr. Speaker, that is the kind of wastage; those are the moral and spiritual boys there; legitimizing “tiefing” and eating and spreeing and feting and wasting the patrimony. [*Desk thumping*]

Dr. Moonilal: Subhas, “yuh” singing here man.

Mr. S. Panday: “Who is allyuh to talk bout anybody?”

Dr. Moonilal: Patrick money! [*Crosstalk*]

Mr. S. Panday: While they waste and enjoy the fat of the earth, the whole judicial system is in disarray. [*Crosstalk*] And they shamelessly laugh when you speak about their excesses. [*Crosstalk*] [*Laughter*] Mr. Speaker, while this is \$180,000 for one little meal—well, not a meal; I do not think these things constitute a meal; it is a little tasty thing.

Hon. Member: Hors d'oeuvres!

Mr. S. Panday: They want to cut the last vestige of colonialism. This is only a show, a façade, because the important things in the administration of justice, which had been introduced by the colonial masters, still continue. When the colonial masters introduced—for example, policemen prosecuting, it was because they had a shortage of trained people; now we have the University of the West Indies producing lawyers. But “allyuh” colonial jacket and tie people, “allyuh” salsa people, “allyuh” tomato skewers people, have maintained a colonial system, in reality. [*Laughter*]

Mr. Ramsaran: “Doh” forget the fish balls.

Mr. S. Panday: Mr. Speaker, we are talking about the administration of justice and the wastage of money and they are laughing, because they are pretending that they are not hearing, but they are listening.

Hon. Member: They will eat out “de” money.

Mr. S. Panday: This is the greatest travesty in the administration of justice!
[*Laughter*] [*Crosstalk*]

Mr. Speaker: Order!

Mr. S. Panday: We must thank the British people for some of the things they have given to us. They have given us a good legal system. They have given us education. The Member for Diego Martin East said that they gave him clothes too; he is a new world man. [*Crosstalk*] Mr. Speaker, you have policemen charging people and while they perform that executive function, their colleagues, policemen from the same division, from the same police station, are prosecuting you. We speak about the separation of powers; those are the benefits we have gotten from colonialism. We are abusing the benefits of colonialism, but boasting that we are cutting the strings from the colonial masters.

Since 1990 there was the Gurley Report. Even before we started to speak about the CCJ, we had the Gurley Report which recommended that the University of the West Indies, having produced a sufficient number of trained persons, police

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prosecutors should be moved out of the system, because they are inefficient. Many a times they have to go to the Director of Public Prosecutions (DPP) for direction, so they should be moved out of the system and qualified people put in. Instead of having this big fete to eat and drink tomorrow, one would have thought they would have looked at the system and see where it is not working properly and give true justice to the majority of the people of Trinidad and Tobago. [*Desk thumping*] Only 900 of you are eating and drinking tomorrow, while the rest of the country suffers under an inefficient, inadequate, archaic judicial system. [*Desk thumping*] The Magistrates' Court is the place where poor people can get their justice. It is the place where Orlando Nagassar got his justice. It is the place where many people go. That is the place we should have, really, looked at.

Nobody can vex with the CCJ, in principle, provided we put things in place, but, first of all, we must fix our houses; put our house in order first. [*Desk thumping*]

Mr. Valley: [*Inaudible*]

Mr. S. Panday: You cannot do it. [*Interruption*]

Dr. Moonilal: You will say anything to justify your food.

Mr. S. Panday: You had the McKay report, after, on the administration of justice. When Gurley and McKay spoke, they did not speak for a court that would have 23 cases a year. They spoke about the courts that would have 400 to 500 cases. As the Member for Siparia indicated, there were about 10,000 cases per magistrate per annum, that has gone up. There are 15,000 cases per magistrate at this time. One would have thought that we would have looked at that.

The McKay report also made reference to it. What did they do? They just ignored it; all they want to make sure is that the fete comes off tomorrow.

Mr. Valley: Subhas, are you coming? [*Laughter*]

Mr. S. Panday: A major problem in the Magistrates' Courts, where many people go for justice, is the question of delays. You were lucky; your family's case finished in time, at least one of them, but one is still pending. There are many people who have their cases pending for over three to four years.

Dr. Moonilal: Sean!

Mr. Valley: He has a good lawyer.

Mr. S. Panday: They cannot have their cases heard. I ask the question, Mr. Speaker: What is the cause for this delay? While we are speaking about giving all these immunities and benefits to the CCJ, why have we not looked at what has

been causing the problems? One of the things that have contributed to the workload in the Magistrates' Courts that creates the delay is that the Legislature, as we sit here, we amend the laws and expand the scope of the Magistracy, while at the same time we spend a lot of money on the CCJ, we have closed our hands on the Judiciary.

For example, the Larceny Act was amended; I think it is Act 17 of 1989. Long ago, when you stole a motor car, that matter had to go to the High Court. In 1989 it was amended; they made it an offence that could be heard by the Magistrates' Court, so all the car stealing cases now come to the Magistrates' Court. At the same time, they increased the jurisdiction and the powers of the magistrate. You also have the Larceny Act and some fraud cases; so we sit here in the Parliament and pass laws expanding the scope and function of the Judiciary, while at the same time, we do not expand it in such a manner as to commensurate with the amount of work we are giving them. That is one of the reasons we have those problems in the Magistracy.

Instead of rushing for the Caribbean Court of Justice that will have very few cases, why did we not increase the number of magistrates? Why did we not increase the number of courts? The administrative structure of the Judiciary has remained constant for the past 30 years. While the laws have been modernized and expanded, the administrative structure and everything have remained the same. One would have thought where justice to the poor and the multitude is administered, the Government would have considered that first before going to the CCJ.

For example, I am not talking on behalf of the Member for Diego Martin West, but we should put up a Magistrates' Court in Diego Martin; it needs a court; the population has increased. San Juan/Barataria needs a court. You need a court in Arouca, which has La Horquetta and all those developments. Is it that you do not care about the poor people? Is it that you do not care about the downtrodden? Is it that all you are concerned with is that you want to have a show, to show the world that we have a Caribbean Court of Appeal? It reminds me of all the Commonwealth countries in the 1960s and 1970s; they did not have to fight for independence, but the moment they got it, in order to show the rest of the world that they were independent, they all wanted a national airline: King Airways; Mauritius Airways; Malaysian Airways; British West Indian Airways, and we are suffering for that up to today. We need to look at the area of the administration of justice, where many people access the courts and especially the poor people.

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Mr. Speaker, at the time when you were practising, a civil claim above \$240 was heard in the High Court; it went up to \$5,000. Today, it is \$15,000, so more people are accessing the Magistrates' Court. That \$15,000 is a lot of money for poor people and they access the court. Do you remember that when the Domestic Violence Act was passed, all domestic violence matters went to the Magistrates' Court? Did we set up any special domestic violence court? Not at all, but we are putting load on the system. In some of the Magistrates' Courts doing domestic violence, they are doing ejectment matters. [*Interruption*]

Mr. Speaker: I think you are speaking to a Motion that is yet to be filed. Relate it back to either the cost of the—

Mr. S. Panday: Yes, Mr. Speaker. They are spending this money with the hope that they are bringing justice to the people, but we are saying that nobody will benefit from this. If one looks at the history of the Privy Council, only about 23 cases go there; look at the kind of money we are spending. Why do we not address our minds to the area where we have the most cases, where poor people are suffering? [*Desk thumping*]

Dr. Moonilal: Good point.

Mr. S. Panday: There are so many different kinds of cases coming before the courts, they have to prioritize. A court might be doing domestic violence, maintenance, affiliation, ejectment, petty civil; since domestic violence is urgent, because somebody might kill somebody staying in the house, the court must spend all the time on these and the other matters go to the back burner. For example, a petty civil matter now takes about seven years to be heard; that is the normal time to hear a petty civil matter; \$15,000. By the time you get the money, it has no value, inflation “take” you. We are spending so much money on the CCJ. We could put things in place, but we are not doing it.

You have the other issue; as the Member for Diego Martin said. [*Interruption*] It is you all who chose the Winsure Building on Richmond Street; you all recommended that. The amount of money which has been expended on Richmond Street, one must compare—we say wasting—but spending money there and leaving the court system, in particular the Magistrates' Court system, in a dilapidated condition. Mr. Speaker, you would be surprised to hear that while we are boasting how we have the CCJ and that we are not tied now to anybody's coattail anymore, you have Marlene Coudray, the Chief Executive Officer of the San Fernando City Council, serving a notice on the court that they will close them down because of the conditions of the court. Why can we not spend some money on the courts?

The Member for Siparia indicated that the Judiciary asked for a certain amount of money and did not get even 10 per cent of what it asked for. While they are going to fete and eat and drink tomorrow; while they are on mahogany chairs relaxing, the San Fernando Court is covered with tarpaulin for rain; two old, “bus’ up” tarpaulin. That is with this PNM Government. [*Crosstalk*] I am not lying. I will read it for you.

Hon. Member: Farmers not getting water!

Mr. S. Panday: I quote from the *Guardian* of Friday, November 05, 2004—Member for Laventille East/Morvant; not 2001, 2004. You have been there since 2001. “Yuh” boasting and pushing for Caribbean court, wasting money and you have your local courts closed down by health.

“The San Fernando City Corporation has threatened to close down San Fernando Magistrates’ Courts on November 26, if the judiciary...does not comply with its recommendations for improvement.

The threat came after corporation inspectors...”

Those are the public health inspectors. Where is the Minister of Health?

“conducted surveys of the building on October 8.

After the inspection, San Fernando City Corporation CEO Marlene Coudray wrote to...”

The embattled Chief Justice.

“Chief Justice Satnarine Sharma, informing him that the conditions at the court were far from satisfactory.

Speaking on the issue yesterday, Chief Magistrate Sherman McNicolls agreed.”

Even the Chief Magistrate agreed; he is actually telling you. Instead of wasting money on all the lavish eats and drinks tomorrow—[*Interruption*]

Mr. Hart: Mahogany chairs! [*Interruption*]

Mr. S. Panday: The article continued:

“He said: ‘The existing building is in a dilapidated condition and is not fit for occupation or for continued occupation.’”

The situation was so bad that they had a nine-page report signed by the acting city Medical Officer of Health, Mr. Waterman. Why are we going for CCJ? “We big

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and we bad and we have we own airline and we have we own court” the article said that:

“Inspectors found, among other things, that the outlet line for urinals for the facilities provided for police officers was blocked and the free flow of urine impeded.” [*Crosstalk*]

Mr. Speaker: Order!

Mr. S. Panday: That is what our court is looking like! While “allyuh” going to eat, drink and fete tomorrow from 6 o'clock in the morning, that is the condition of the court. As a matter of fact, I know the area; they have the policemen in a car park. When a car mash any nasty thing on the road and park up there, the police have to run out and leave the prisoners; they cannot stand the stench. They gave the policemen a toilet; they “break” a toilet wall and say, “Put yuh clothes there and put yuh bag there and eat there.” That is the condition of the state of our Judiciary. That is the body of the Judiciary. That is the heart of the Judiciary. [*Crosstalk*] But “we going” Caribbean Court of Justice, while we cannot even fix a toilet. The stench of urine is killing people.

Dr. Moonilal: Vision 2020!

Mr. S. Panday: The article continued:

“The report also spoke of a rotting door at the entrance of holding cells...”

When you go to the CCJ, it will, probably have automatic toilets; “time it see yuh, it flushes”. [*Laughter*] “De fellas” in the Magistrates’ Court have a slop bucket provided within one cell with about 30 or 40 prisoners without adequate ventilation. “Yuh” think I should come tomorrow? [*Laughter*]

“In the second Magistrates’ Court, the report...showed evidence of excessive wear...termite infestation...”

Mr. Imbert: “All de talk dey talk and I meeting allyuh there.”

Mr. S. Panday: This is the administration of justice. The Caribbean Court of Appeal will be the pinnacle of the system of the administration of justice, but hear what the other courts below are suffering:

“Evidence of termite infestation and pigeons roosting on the window sills had been observed.

Droppings littered the ledges and stained sections of walls...”

I want to tell you that I know further, it also falls on the desks on which the clerks write; that is the primitive condition. I am sure that if we were still attached to the colonial umbilical cord, the situation would not have been as bad as this. [Crosstalk]

Mr. Imbert: “Umberlical”? Let the Member for Barataria/San Juan help you with that. [Crosstalk] [Laughter]

Mr. S. Panday: “Umberlical”.

“Dated October 29, Coudray’s letter said the local health authority was required by law to ensure that the employees and the public were protected, as far as reasonably practicable, from potential safety and health risks.”

Is that the way you keep your workers? Caribbean Court of Appeal supporters, is that the way you deal with the other part of the Judiciary and the administration of justice?

“The health department also forwarded a number of recommendations for various parts of the court building...making adequate provisions for storage of clothing and personal items...”

Mr. Speaker, while they sit tomorrow, they may even have air-conditioning in the open air.

“The department also strongly advised that the entire building be fitted with an air-conditioning system.”

While you are boasting to the country that you have the CCJ and you are spending so much money on it, your courts do not even have the basic necessities. [Crosstalk]

If you think “I lie”:

“Several areas of roof are in disrepair—tiles are missing...”

I thought was one, but:

“two sheets of tarpaulin cover sections of roof”

So the whole building is covered with tarpaulin.

Mr. Imbert: Are you going? [Interruption]

5.45 p.m.

Dr. Moonilal: “Like dey having a crusade.”

Mr. S. Panday: It is observed that plants grow up to three feet high on the roof.

Dr. Moonilal: How much are they spending on the CCJ?

Mr. S. Panday: It is reported by staff members that water leaks through the ceiling when there is heavy rain, you hear about prisoners wanting to beat magistrates, and when one looks at the holding cells the areas are dark, moist, and cockroach infested.

Hon. Member: How long has that been so?

Mr. S. Panday: That was November 05, 2004.

Dr. Moonilal: Since you came into office it has been so.

Mr. S. Panday: The floor and walls smell of offensive matter and natural artificial ventilation in this area is inadequate. You ask how long it is so? You are in office, what are you doing about it? You have been there for three years, Member for Point Fortin, and Marlene Coudray talked to you about it. What are you doing about it? But you are going for “freeco” tomorrow—

Dr. Moonilal: From 9.00 in the morning with a plate in hand.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Princes Town has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

Question put and agreed to.

Mr. Speaker: May I advise the Member that he has made that point about the San Fernando Court in a most definitive way, and he can perhaps return to the Privileges and Immunities Order?

Mr. S. Panday: Mr. Speaker, I want to thank you so much for your commendation. You have seen that I have made such a good point while at the same time you had to tell the Member for Diego Martin East that he has strayed, he has been irrelevant.

Dr. Moonilal: That is normal with him. I would not have been surprised if he was relevant.

Mr. S. Panday: Mr. Speaker, the point I am making is that I must drive the point with a 10-inch nail into the concrete heads of my friends.

Dr. Moonilal: “All yuh ain’t cooking home tomorrow?” “Carry foil when yuh going.”

Mr. S. Panday: They are laughing, they take it for a joke; that is why you have to ram it on them, you have to rock it on them with the hope that it will drive them into their senses.

Mr. Speaker, I practise there and we had to buy fans for that court while they are wasting money. When we put pressure on them, they brought a chicken-farm fan, when you put it on, it is so loud that the magistrate cannot hear the evidence and that is the condition under which we operate.

Not only that, while in the Caribbean Court of Justice there are only a few highfalutin people going there, when one looks at the Chaguanas area that is striving for city status there are three courts there like three kennels. There is a corridor about three feet wide and about 80-feet long where the prisoners, policemen, and the public walk along that corridor. Any day you can hear of a prisoner stabbing a member of the public.

Mr. Singh: It has happened in Scarborough.

Mr. S. Panday: Mr. Speaker, it has already happened in Scarborough. The system is in such a bad state that anybody can pass a weapon to any prisoner in that crowd. It is like a mad crowd there. How can we allow such a system to occur? I am certain that in the Caribbean Court of Justice where we are spending a lot of money, there will be security systems and metal detectors put in the place but where the ordinary man, the poor people have to go to access justice, they have to fight among criminals to enter the court. It is a marketplace.

Mr. Speaker, as you rightly said, and we are saying, do not only talk about San Fernando, and I, being a humble servant, unlike the Member for Diego Martin East who just picks up a paper and starts to read not understanding—

Mr. Speaker: I did not mean for you to go to all the magisterial districts you know, I think what you have said for San Fernando probably applies to all the other courts. I really would like you to return to the Privileges and Immunities Order.

Mr. S. Panday: The privileges which we have given them are denying us moneys which we can obtain and use for the administration of justice and Mr. Speaker, this is a slightly intellectual argument, but if one ties it back to Chap.17:01 the Fifth Schedule, it speaks about where housing, taxation, salary, oil importation, no taxes and other aspects from which they are immuned, and which we will not go into at this point. We are spending so much time and using—or

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should have taken the money which we should have spent in our system and wasting it away.

In an article in the *Trinidad Guardian* on Friday, September 17, 2004 it says:

“Chief Justice Satnarine Sharma opened the new law term yesterday with sweeping comments on access to justice, a woeful magistracy and prison conditions.”

Dr. Moonilal: That is why they want to fire him.

Mr. S. Panday: The point we are making is that we must put emphasis on the access to justice where it is most needed. Access to justice at the Caribbean Court of Justice is not an urgent matter, the Privy Council has served us for a long time, 167 years, and there is no urgency for that; there is an urgency where the majority of our people cannot access justice. That is the urgency.

It continues:

“But he was severely critical of the state of the magistracy, always a bugbear for the head of the judiciary.”

It might not be a bugbear for the President of the Caribbean Court of Justice, but it is a bugbear for our local Chief Justice.

“The magistracy was in a shockingly disgraceful condition and had all but collapsed...”

So the base of the pyramid of the administration of justice has collapsed, while at the top where very few people can access, we are spending all our moneys there.

Magistrates do not get tax-free salaries and they do the bulk of the work but according to the Schedule, these people’s salaries would be tax free. It continues:

“All involved in the system had become so used to the deplorable conditions that they had unthinkingly become drawn into the malaise that had obviously set in. There was a sense of hopelessness and helplessness that was all-pervasive.”

That is the way the system of the administration of justice has been viewed. And they asked the same question I asked. We say the CCJ is for those who can afford it, and the Chief Justice said: “...more people regarded the court as overtly and subtly biased against the poor.”

The CCJ would be dealing with governments. What we want this Government to do is deal with the administration of justice as it affects the poor. The article continues:

“There is an overwhelming need to improve access to justice.”

When we go tomorrow and sit on those mahogany chairs, the article also says:

“Early in his remarks, the CJ said that prisoners, who were often confined in vans parked in the midday sun, should not be robbed of their human dignity.”

So when you talk about the CCJ giving human dignity to the Caribbean people, or as you are wont to say—cutting the umbilical tree—your CJ is saying your people, your citizens, who happen to be prisoners, “often confined in vans parked in the midday sun, should not be robbed of their human dignity.”

It continues:

“Later, he said conditions at prisons were unacceptable, and pointed to the appalling state of the Remand Yard at the Frederick Street prison.

‘Sufficient weight needs to be consistently accorded to the basic fact that the purpose of the detention of a remand prisoner is only to bring him to trial.’”

It is not to deny him his human dignity because even prisoners are people. It continues:

“‘Punishment, deterrence and retribution are out of harmony with the presumption of innocence.’

Society, he added, could not take out its otherwise legitimate frustrations on those who enjoyed the presumption of innocence, and he warned that unless something was done soon, constitutional issues may arise...”

I want to inform him that, indeed, because we have been so mean that something has happened.

Mr. Speaker, the delay in the system is creating such frustration on people that prisoners are stabbing one another. That is the norm, but we have reached a stage where your lordships would be in air-conditioned rooms at the CCJ enjoying themselves while magistrates in the Magistrates’ Court are facing death. Just last week a prisoner picked up a chair to knock down a magistrate. They had to grab onto him. I was there and I did the decent thing, I ran.

Dr. Moonilal: “And dey going to eat fish balls tomorrow.”

Mr. S. Panday: We do not mind you treating the CCJ people how you want, but we are making a plea on behalf of our other judicial officers who we know work very hard for our country, and as I said last week, serious bodily injury or death is imminent in our courts.

We are telling the people that we have gone forward to First World status where in this country, because of the lack of resources and attention paid to our local courts, the officers; policemen and others find themselves in a situation where they can be killed at any time.

Mr. Speaker, I wonder if the judges in the CCJ would take notes in longhand. We cannot allow that. I am asking you, will they be taking notes in longhand?

Hon. Member: There will be CAT Reporters.

Mr. S. Panday: Of course there will be CAT Reporting because we want to be efficient. We are on show; we want the world to see how modern we are; but in the Magistrates’ Court, and even in the High Court, judges take notes by longhand, they have to control the court, and they have to take evidence. What happens is that on many occasions there is a miscarriage of justice in that the judge is only human and cannot do all these things together.

Dr. Moonilal: Will that happen at the CCJ?

Mr. S. Panday: So even at the High Court level we have these inefficiencies, why have we not addressed them? They will say there is a court administration, let it see about that, but they are not giving money to the court administration while they are pumping money into the CCJ.

At the Magistrates’ Court it is worse because a clerk takes the notes which are the official records. Usually, normally, or sometimes, that clerk takes wrong notes and when the magistrate gives a decision—as happened in the Orosco matter—and jailed a man for 10 years—subsequently when the notes were transcribed and the magistrate looked at them, she said the notes did not afford her the opportunity to give reasons for that 10 years and the man walked free. That is the administration of justice.

People are not getting justice through our judicial system, they are being prejudiced and yet we come here today—I thought you would have come to amend the Summary Courts Act today, or the Administration of Justice Act. I thought you would have come with a motion dealing with the Compensation for

Injuries Act because if a mad man breaks a person foot, he goes to jail and the person has nothing to get.

Hon. Member: What you all did?

Mr. S. Panday: You ask what the UNC did? The UNC government had passed the Compensation for Injuries Act as a result of violent action. Why have you not proclaimed it? It had been assented to, why has it not been proclaimed?

Mrs. Persad-Bissessar: It has been proclaimed. They have not appointed the board.

Mr. S. Panday: You have not appointed the board, but you are going to eat and drink tomorrow; you are going with your salsa tomorrow. Why did you not come here with legislation which touches the heart and soul of our people? This CCJ does not touch the heart and soul of the majority of people in Trinidad and Tobago.

Mr. Speaker, I thought they would have come with legislation amending the Bail Act because a number of people are suffering in jail for years, they have to ride that van every seven days and when they come to court on the 21st only to be told to come back on the 29th and men have been going through that for two years and 11 months. They hear their cases cannot go on and they want to kill the magistrate. I tell them to come to Parliament, to the “fellas” who are sitting opposite me.

Dr. Moonilal: To raise the matter.

Mr. S. Panday: Mr. Speaker, those men become violent, you are making criminals. I do not know if you want to make “wuk” for the CCJ? The system of the administration of justice is making criminals and we need to deal with that.

We cannot condone it when men kick down the cell doors, but we as legislators can do something about it, we should make sure that we do not create more criminals, and if one commits a crime, so be it, but at the same time we must afford human dignity. This CCJ will not do that.

Mr. Speaker, I think I can go on and on because there are matters from the Gurley Report that they know about a number of years ago and I am certain they have read it, but it seems to me that this Government is typical, they aim for show, not only show, but it looks as though it will be pappy-show.

That CCJ would be a pappy-show so I recommend that we address our system of justice as it affects our people. I say we can deal with the issue of a Caribbean

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Court of Justice, but as somebody said, we have so many more important matters to deal with and we should be dealing with those. We ought to bake the cake and make sure it is selling before we put icing on it. The Caribbean Court of Justice is an icing without any cake.

Thank you, Mr. Speaker.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Mr. Speaker, my colleagues on this side who responded to some of the issues that were raised by the other side, in my opinion, they have given justice in responding.

I would begin with the Member for Siparia. Sometimes during her intervention, I must say that I got lost because of what appeared to me to be the multiple issues which she raised. Very few were related to the Motion before us, one of those issues, however, was very relevant and I thank her for that. But when she spoke about the Prime Minister of Trinidad and Tobago breaking the law and referred to other areas such as the treatment of the Judiciary and latched that into Zimbabwe, and Mugabe, and then established some link with the Chief Justice's issue and food prices, one would see that that is a very great, big, merry-go-round which was sort of difficult to follow.

On the question of the constitutionality of the CCJ, which the Member raised, Mr. Speaker, you would fully agree that is not in the discussion of the debate here today. The CCJ is a fait accompli, it has been established, and indeed, I believe when the current Leader of the Opposition affixed his signature to the CCJ document in Barbados some four or five years ago, I am sure he did it in good faith.

Indeed, at that time, the then Prime Minister did not even enter a reservation as was provided for in the statutes of the CCJ, but went ahead wholeheartedly having signed the document. So it seems to me rather strange that all the criticisms that are being lodged against us for doing our job should really be levelled at the party which signed the documentation.

Mr. Speaker, this administration views foreign policy as a very serious matter. We view it as an issue where commitments must be honoured and kept. We believe when we go as Members of a Government and sign and commit the country, we believe those are serious commitments which must be carried out and—[*Desk thumping*] we look at that as a matter of political morality in international...[*Inaudible*] [*Desk thumping*] And so, I wish that we could be a little more magnanimous in this whole matter before us.

In fact, we have always applauded the Opposition for having given support to this initiative. It was a good initiative, as it was in the case of the Free Trade Area of the Americas (FTAA). It is not because you are in opposition you will say you supported it then but not now.

Mr. Manning: They disclaim paternity.

Sen. The Hon. K. Gift: You are right. So that indeed, I believe this Motion is on solid ground. I was a bit troubled to see that the Member for Siparia made an issue of the omission of the salaries and emoluments of the judges and staff. I had spent some time in international organizations and you will hardly see in any document of any international organization spreadsheets of the salaries of its staff and members, et cetera. Those are always confidential figures.

I would have preferred if you had regarded it as indicative rather than an omission, because things tend to change insofar as salaries and emoluments are concerned. So the intervention of the—

Mrs. Persad-Bissessar: Would the Minister kindly give way? There were two issues I raised apart from the others which I would be very happy to hear your response to.

One, it was not simply an issue that the Act in the Appendix had blanks next to it, the issue is that all kinds of numbers are being bandied about as to what the salaries are, and I think the community needs to have an idea as to what are the kinds of expenses.

The second aspect is why are we making it retroactive to 2003 and 2004 when this court only came into being in February of this year?

Sen. The Hon. K. Gift: Mr. Speaker, in response to some wild statements made by Sen. Wade Mark, the court had put out its own publication on the salaries and emoluments of its staff. It would seem to me that that is the source one should rely on as part of the records of the court itself, and indeed they have a web site from what I have been told where one can access that information.

Mr. Speaker, the long description given by Mr. S. Panday on the condition of the local courts to me was a digression from the Motion before us. While he was able to update us on the condition of the various Magistrates' Courts in Trinidad and Tobago, I thought it was not at all relevant to the issue at hand, and indeed, to suggest that the commitment made by the governments of the CCJ would be a diversion of funds from what are needed for the local court, I believe is a serious aberration on the part of that speaker.

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So if we should look at the other substantive suggestions made by the Member for Siparia, I would say that indeed she was accurate in her notice that there was a typographical error in the second “Whereas” that should be changed from “on” to “an” Order, and in the first recital of the Motion it should read as Part V of the Act. In effect, those were two relevant references made by the Member for Siparia.

Mr. Speaker, I had indicated earlier the other changes which were circulated and I would imagine that they are acceptable to this House and that being the case, I beg to move.

Mrs. Persad-Bissessar: You have not responded on the issue of the retroactivity.

Sen. The Hon. K. Gift: As I said, my colleague, Minister Imbert, gave a very full explanation as to the retroactivity, that is the connection between the date of signature of those two commitments and the fact that the institution had to be put in place over time. So that whatever was done during that period would have been taken care of in terms of the retroactive nature of the legislation that we are now proposing.

6.15 p.m.

The amendments read as follows:

In the last line of the first recital, delete the words “Part I” and insert the words “Part V”.

By adding after the word “approved” in the last line of the resolution, the words “subject to the following amendments” to the Order:

In paragraph 4, delete sub-paragraph (2) and renumber paragraph 4(1) as paragraph 4;

In paragraph 5, delete subparagraph (2) and renumber paragraph 5(1) as paragraph 5;

Delete paragraph 7(1) and substitute the following:

‘Paragraphs 3, 4 and 5, in so far as they apply to the Court are deemed to have come into operation on August 16, 2004; and

In paragraph 7(2), delete the words “its trustees” and substitute the words “the Commission”.

I beg to move.

Question, on amendment, put and agreed to.

Question, on amended Motion, put and agreed to.

Resolved:

That the Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004, be approved.

**CARIBBEAN COMMUNITY (CARICOM) DOMINICAN REPUBLIC FREE TRADE
(AMENDMENT TO THE SCHEDULE) ORDER**

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Mr. Speaker, I beg to move the following Motion standing in my name:

Whereas section 5 (1) of the Caribbean Community (CARICOM) Dominican Republic Free Trade Act, 2001 (“the Act”) provides that where any amendment to the Agreement establishing the Free Trade Area between the Caribbean Community and the Dominican Republic, executed by the CARICOM Secretariat on behalf of Member States on 22nd August, 1988 and its implementing Protocol, executed by the CARICOM Secretariat on behalf of Member States on 28th April, 2000 (“the Agreement”), is accepted by the Government, the Minister may, by Order, amend the Schedule by including therein the amendment so accepted;

And whereas section 5(3) of the Act provides that an Order made under section 5 shall be subject to affirmative Resolution of the Parliament;

And whereas an amendment to the Agreement was accepted by the Government;

And whereas the Caribbean Community (CARICOM) Dominican Republic Free Trade (Amendment to the Schedule) Order, 2004 (“the Order”) was made under section 5 of the Act;

And Whereas it is expedient to approve the Order:

Be it resolved that the Caribbean Community (CARICOM) Dominican Republic Free Trade (Amendment to the Schedule) Order, 2004, be approved.

Mr. Speaker, the matter for the consideration of this honourable House is the Caribbean Community (CARICOM) Dominican Republic Free Trade (Amendment to the Schedule) Order, 2004. This Order is subject to affirmative resolution of

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Parliament. The need for this Order has arisen because of amendments made to the Agreement establishing the Free Trade Area between the Caribbean Community and the Dominican Republic and its implementing protocol executed by the Caricom Secretariat on behalf of Member States on August 22, 1988 and April 28, 2000 respectively, called, “the Agreement”.

Mr. Speaker, Members will recall that section 5(1) of the Caribbean Community (CARICOM) Dominican Republic Free Trade Act, 2001 (“the Act”), provides that where any amendment to the agreement is accepted by the Government, the Minister may, by Order, amend the Schedule by including therein the amendment so accepted.

I wish to inform this House that the Government of Trinidad and Tobago has accepted certain amendments made to the agreement which concern the rules of origin for particular products traded with the Free Trade Area established by Caricom and the Dominican Republic pursuant to the agreement already executed. Consequent on the acceptance of the amendment by the Government, the Minister of Trade and Industry signed the amendment to the Schedule Order on November 23, 2004. Once Parliament approves the amendment to the Schedule Order that has been executed by the Minister of Trade and Industry, the Caribbean Community (CARICOM) Dominican Republic Free Trade Grant of Duty Free Treatment Order 2004, may be made by the President in accordance with section 3(1) of the Act.

The products for which rules of origin are provided in the amendment to the Agreement are:

- (a) Chocolate blocks, slabs or bars, filled and unfilled, covered by Tariff heading No. 1806.31 and No. 1806.32.
- (b) Air Conditioning units, covered by tariff heading No. 8415
- (c) Refrigeration units covered by tariff heading No. 8418
- (d) Primary cells and primary batteries covered by tariff heading No. 8506
- (e) Lead acid batteries of a kind used for starting piston engines, covered by tariff heading No. 8507.

In respect of chocolates, the rules of origin require that all non-originating materials used in the production be classified in headings of the Harmonized System (HS) different from that of the heading for chocolate, that is, 1806.31 and 1806.32, excluding Chap. 17 and heading 1801 to 1805.

Under the agreement, goods will only enjoy preferential treatment if they have originating status, that is, if they originate in the territory of the parties to the agreement. Goods would be considered as originating in the territory of a party if they comply with either of the following conditions:

- (a) They must be wholly produced in the territory of the parties; or
- (b) if they are produced wholly or partly from materials imported by the parties, non-originating materials, then they must satisfy agreed specific criteria under the rules of origin of the Free Trade Agreement.

The agreed specific criteria for the goods indicated in the Order were settled by the joint council established to administer the agreement in February 2002 and approved by the Caricom Council for Trade and Development (COTED) in May 2002.

The phrase, “non-originating materials”, refers to intermediate goods not satisfying the criterion of having been produced within the Free Trade Area. In respect of air conditioning units, the rule of origin included in the amendment permits production to take place from non-originating materials of any subheading other than 8416.90. In respect of refrigeration units, the rule of origin permits production to take place from non-originating materials of any subheading other than 8418.91 and 8418.99.

In respect of primary cells and primary batteries, the rule of origin permits production to take place from non-originating materials of any subheading. In respect of lead acid batteries, the rule of origin permits production to take place from non-originating materials of any subheading.

Goods originating in the Dominican Republic which satisfy the criteria outlined above will be permitted duty free entry into Trinidad and Tobago in accordance with section 3(1) of the Act. The challenge for the Government in finalizing this amendment was to ensure that the Trinidad and Tobago manufacturers face a level playing field with their Dominican competitors insofar as trade in these products is concerned. The rules of origin were developed by the joint council as established under the agreement to administer the agreement.

Industry representatives participated in the meetings of the joint council. The Government believes that the criteria which have been elaborated for the products indicated in the amendment are an important ingredient in facilitating the development of mutually beneficial trade relationships between Trinidad and Tobago and the Dominican Republic. Trinidad and Tobago’s exports (f.o.b.) to

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the Dominican Republic totalled \$488 million in 2002 and rose to \$527 million in 2003. Imports from the Dominican Republic increased from \$27 million in 2002 to \$39 million in 2003. Some 90 per cent of the Dominican Republic's imports from Caricom originated in Trinidad and Tobago.

Trinidad and Tobago's exports to the Dominican Republic include metal products, natural gas and propane. Having participated in the fashioning of this amendment, having consulted with the various interests in the industry in Trinidad and Tobago and, finally, having accepted the amendment to the agreement, the Government of Trinidad and Tobago is satisfied that the said amendment is consistent with the overall thrust to develop mutually beneficial trade relations between Caricom and the Dominican Republic.

I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the Caribbean Community (CARICOM) Dominican Republic Free Trade (Amendment to the Schedule) Order, 2004, be approved.

EDUCATION (LOCAL SCHOOL BOARDS) (AMDT.)

REGULATIONS

The Minister of Education (Sen. The Hon. Hazel Manning): Mr. Speaker, I beg to move the following Motion standing in my name:

Whereas it is provided by section 86(1) of the Education Act, Chap. 39:01 (hereinafter referred to as "the Act") that the Minister may make Regulations generally for the purpose of carrying the Act into effect and in particular for prescribing anything that is by the Act required to be prescribed:

And whereas it is also provided by section 86(2) of the Act that Regulations made with respect to section 23 of the Act shall be subject to affirmative resolution of Parliament:

And whereas the Minister has on the 19th day of February, 2005, made the Education (Local School Boards) (Amendment) Regulations, 2005 (hereinafter referred to as "the Regulations"):

And whereas it is expedient that the Regulations be now affirmed:

Be it resolved that the Education (Local School Boards) (Amendment) Regulations, 2005 be now affirmed.

I rise to debate a number of improvements that have been included in the Education (Local School Boards) (Amdt.) Regulations, 2005. The purpose for including these enhancements in the legislation is based on the fact that the legislation has to be aligned to Vision 2020, the vision of this Government of Trinidad and Tobago. It is significant that the legislation has to be aligned straight through the system: Vision 2020, the Ministry of Education and the vision of goals and objectives for the operation of the local school boards.

As the Minister of Education of this Government that places emphasis on Vision 2020; on the developed country status; on the development of human resources and the establishment of efficient and effective managerial systems, it is with pride that I debate the improvements that have been included in the Education (Local School Boards) (Amdt.) Regulations, 2005.

I start with a little history. Somewhere in 1991—1992 during the first incarnation of this administration, the National Task Force on education was established to evaluate the education system in Trinidad and Tobago and to make recommendations. After two years of walking up and down this country, of meetings and discussions, a White Paper was produced which was the Education Policy Document 1993—2003.

Broadly, this document stated that every child can learn and that if the education system was able to provide a high quality and decentralize the human resources of this country, then there would be a proper and most effective education service. One method for the development of such a decentralized system spoke to the establishment of local school boards. These individual school boards would ensure that the school become the most important unit in the improvement of the education system. In this setting, decision-making authority would fall on the school itself.

So arising from this over-arching vision is the vision of the successful local school boards. The local school board is the team at the forefront of the realization of the quality school-based management. The philosophy supporting site-based management, true collaboration between the staff and the individual in the school, the local school board and the community, is based on a number of examples from New Zealand, Canada and Jamaica; examples that talk of improved effectiveness in the school system, successful schools, successful

students, greater efficiency in the management and the governance of the system, more efficient delivery of services and resources to schools, more effective supervision and democratization of the system, allowing stakeholders to become very much involved in the management of the school.

Therefore, it is not surprising that the previous administration brought this Bill to Parliament, the Education (Local School Boards) Regulations, 2000, which was approved by Parliament in June 2001 and which came into effect soon after publication. The purpose was to establish local school boards in Government secondary and primary schools, in technical institutions and vocational centres, to assist principals of schools to evaluate the schools annually and to make recommendations to the Minister therein.

Unfortunately, irregularities were observed in the local school board programme when the Ministry began its pilot programme in the year 2002—2004. Irregularities were most noticeable in the areas of the composition of the board, the appointments of members, the regulation of board procedure and the role of the school supervisor *vis-à-vis* the board. So in 2002—2004, the Ministry of Education began its pilot project by establishing 10 local school boards in Trinidad and two in Tobago. The directives were given to develop data-driven strategic plans, to work with principals to manage schools and to strengthen the relationship between the schools and the communities.

Unfortunately, a number of challenges occurred and the first one was a varying interpretation, which led to confusion in the roles and the responsibilities between the board, the principal and the school administration. The power of the principal was eroded because the principal was an *ex officio* member of the board and had the authority of managing the school but with no responsibility to take decisions on the board. The situation was so bad that the principal could not vote but had to implement the decisions made by the board.

The second problem that we encountered was that the choice of persons was not well defined. There was no stipulation that persons serving on the board should be familiar with the day-to-day management of the school. Because members were nominated, there was the possibility that members of staff who were suspended, who were on no-pay leave or on sabbatical, could be nominated on the board. The same challenge held for members of the Parent-Teacher Associations. Persons representing Parent-Teacher Associations which were not functioning in the school and whose members were not actively involved in the school management could be nominated on the board.

Thirdly, the selection of students also posed a similar problem. Students were not being selected based on their civic-mindedness to school life. Finally, there was no stipulation that persons to be nominated by the Minister had to have some level of expertise relevant to the operation of the board. There is a fourth problem and a very important one: the lack of vision. This was a serious flaw of the Act, that there was no stipulation that the vision of the board and that of the school must be aligned to the overall vision of the Government and the Ministry of Education. You see, it would appear that when this regulation was passed in June 2001, there was no vision by the then administration.

Mr. Partap: Nonsense! Nonsense!

Sen. The Hon. H. Manning: There was no effective management. You see, throughout the world the policy governing the establishment of local school boards speaks to effective management of schools. It speaks to site-based management and autonomy, quality education, school inspection, strategic planning, school improvement planning, continuous assessment, tracking students as they improve over time; not only snapshots, but continuously, to take corrective measures early.

It speaks to the role of the local school boards to assist in the management of these projects in the school environment. Instead, one of the most disturbing managerial omissions in this regulation was the clear distinction of the role of principal *vis-à-vis* the role of the chairman of the board.

Whereas the Education Act of 1966 appointed principals to be managers of the school, it would appear that this regulation was also appointing chairmen to manage the school. There was need to clearly define that the role and responsibilities of the principal was to manage the school, while the role of the chairman of the board was to support the principal and the managerial team to develop the school. The conflicts that arose because of the omission led to many altercations. It was necessary to facilitate collaboration between the principal and the chairman of the board to develop the school.

A major challenge was the lack of managerial support by the relevant line person of the Ministry, and in this instance, the school supervisor. The role of the school supervisor as identified in the Education Act is to ensure that there is accountability in the system. In this instance, there was no provision for monitoring public and financial responsibility of the board members. There was no provision to monitor the impact of that responsibility on the family of members of the board. This Government believes in integrity. [*Desk thumping*]

Further, there was no provision to manage the amendment of decisions of the board. There was the need to ensure that decisions are not changed arbitrarily.

To sum up, the philosophy underlying the establishment of the local school boards points to the main objective of an efficient and effective school-based management system. The Ministry of Education is directing that each school has to put a structure in place to manage the operations of the education system to ensure efficient physical maintenance of the school plant, to develop relationships with the community and ensure that there is a linkage between the school and the community and to support the strategic direction of the school by assisting in the process, from policy formulation to implementation.

Therefore, after considerable research and hard and bitter experience, this administration sees a critical role for the local school board in the development of site-based management in the school system. We see the local school board charting the strategic direction of the school, looking at the maintenance of the school's physical plant and building relationships with the community that makes up the school. When we talk about charting strategic direction, we talk about developing policy, planning strategy, implementing action plans, funding resources to implement plans, sourcing alternative funding, maintaining accountability within financial regulations. Again, that word "integrity".

At the start of this academic year, local school boards were established in 26 government secondary schools. We have, to this date, over 36 local school boards in our government secondary system. [*Desk thumping*] A number of these schools have been very successful at strategic planning, collecting data, doing SWOT analysis, identifying strengths and weaknesses, opportunities and threats; not only taking a snapshot of the situation but also tracking the development of the students and visioning what the school has to become; working on time lines to achieve goals, and resources required.

The outstanding schools, since this started two years ago, have been: Waterloo High School, where there is a well-integrated system managed by Mr. Raymond Jurawan, the principal, and Mr. Prakash Narinesingh, the chairman, who, at the end of their strategic planning session, requested the establishment of a new sixth form programme in the school. So, too, did the board and the staff at Cunupia High School, where we have Mr. Vishnu Gopaul, the principal and Mr. Desmond Ferret, the chairman, requesting a new sixth form programme. Other schools which engage in successful strategic planning and implementation exercises were Blanchisseuse High School, where the principal, Mr. Phillip Kalloo, and Mr.

Andrew Hernandez, the chairman, also had a fabulous strategic plan guiding the direction of the school.

Then there was the San Fernando Government Secondary School, where we had Janice Clifford, principal, Mr. Alfred Phillip, chairman, also having a very good strategic plan for implementation. At Preysal High School, we had Mr. Ashram Deoraj, principal, and Mr. Raffie Mohammed, chairman, who, after the strategic planning exercise, turned the school into a business magnet school where an apprenticeship programme is now in full swing. At the San Fernando Junior Secondary School we have Mrs. Edne Friday, principal, and Mr. Trevor James, chairman, building students' self-esteem in a very good and comprehensive programme.

The boards also became very much involved in the maintenance of the physical plant. Another feature is the facilitation of the maintenance of the physical plant and the school grounds. At the Point Fortin Senior Secondary School, Mr. Mansraj Ramphal, the principal, and Miss Margaret Fonrose, the chairman, hired consultants to conduct a comprehensive environmental audit on the school and its surroundings. Both the board and the ministry combined roles and responsibilities to provide solutions to outstanding problems, such as electrical wiring, drainage problems and general physical upgrade. The principal and the staff are responsible for implementing the curriculum, while the board assists in the maintenance of the physical infrastructure programme.

There was a third aspect of the programme and that is building relationships with the community that make up the school. In this particular programme, community relations are based on the groups in the community working with the school to achieve greater support from the community for the school, all the while promoting the school and forging closer ties and celebrating the success of the school. Two schools that have done very well are: the Palo Seco Government Secondary School with Mr. Fitzgerald Jeffery as the principal, and Mr. Frank Bobb as the chairman, who developed community outreach projects to fathers asking them to get more involved in the education of their children; at Success Laventille Composite School with Mrs. Margaret Radix, the principal, and Mr. Neil Young-Hypolite, the chairman, who established a community mobilization programme to make the school and its immediate environs safe.

So this Government established a number of local school boards. In Phase 1, there were 10; in phase 2, 26; a total of 36 in Trinidad and two in Tobago. We have started phase 3, where training began on April 12, this week, where 25 local school boards will be established at the end of the training period in June 2005.

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The final phase would start soon after and by September 2005 a final 25 local school boards would be established. By the end of this year, the Government would have established 86 local school boards, one in every government secondary school in this country.

Therefore, as the exercise bears fruit, the Government takes the opportunity to enhance the clauses of the Education (Local School Boards) (Amdt.) Regulations, 2005 .

I now come to the Bill. The purpose of the Bill is to align the legislation governing the operations of local school boards to the vision that the Ministry of Education has for its school-based management initiatives and to the Government's Vision 2020, a vision to cure perceived defects in the legislation as recognized from the operations of the local school boards during the two-year pilot project.

I go to regulation 3, the composition of the local school boards. Regulation 3(1)(a) states:

“the Principal or person acting in the post for the time being.”

This has been the regulation that has been included. This amendment would allow the principal to now have a vote in respect of decisions taken by the board, since the principal is the manager of the school and has to implement the decisions taken by the board.

Regulation 3(1)(b)(ii) deals with a practising member of the school staff who is a member of the union. The word “practising” was included as representatives on the board need to be familiar and be up to date with the operations of the school. Regulation 3(1)(b)(iii) states:

“two members of the majority Parent-Teacher organization functioning and existing at the School, nominated by the Members of the Organization.”

That regulation was included and there is no need to specify the gender of these representatives as persons of either gender can make equally constructive contributions.

Section 3(1)(b)(v) states:

“a member of the school body who is diligent, conscientious and an all round team player...”

There was need to include this regulation to specify the type of student to ensure effective representation on behalf of the respective student body. The student representative is to be nominated by the student council and we are ensuring that student councils are placed in every school. This is a tenet of the school-based management.

In regulation 5, the appointment and the termination of the Board, the repealed regulation stated:

“Where a member, by reason of illness or otherwise, is unable to perform his function as a member of the Board, the Minister may by Order appoint another person to act as a temporary member during the period of absence not exceeding six months.”

Given the tenure of the board, that being two years, it was felt that six months was too long a period of absence and, as such, the period is reduced to three months.

Section 5(3) states:

“Where the period of absence...exceeds three months, a vacancy in accordance with regulation 6 shall arise.”

Regulation 7A states:

“Decisions of the Board shall not conflict with the policies and guidelines of the Ministry of Education.”

The board’s operations must be within a context and must be in sync with the Ministry’s strategic plan. They are part of the education system and these activities must fall within the overall plan for the improvement of the system.

Regulation 4(5) states:

“A School Supervisor or member of the Ministry of Education Local School Board Committee may attend the meetings of the Local School Board.”

Such person or persons may not be denied entry unreasonably. This is a monitoring mechanism to ensure that the board is operating in sync with the Ministry’s strategic plan and to have a resource person available upon whom the board may consult if necessary.

Regulation 4(6) states:

“A member of the public with an interest in the particular school may submit to the Chairman of the Board, a written request to attend a

particular meeting (of the board) and such request may not be unreasonably denied.”

This would allow for transparency and open meetings to public scrutiny from time to time. A member of a board who is in any way, whether directly or indirectly, interested in a contract under consideration by the board, shall at the first practicable opportunity declare his interest and those of his immediate family and remove himself from any decision-making process with respect to such contract. This is in subregulation 14(1), which would ensure that there is no conflict of interest in the award of contracts. All of these clauses were not in the board; this Government has put them in to ensure that there is integrity.

In regulation 15, a decision of the board may be rescinded or varied by the board at a meeting subsequent to that at which the original decision was ratified and recorded in the minutes where there is a change in circumstances or fresh evidence which affects the original decision, to ensure that decisions are not changed arbitrarily—more integrity legislation.

Regulation 17(1) is amended as follows:

“The Board shall send copies of the minutes, reports and financial statements, budget and project proposals to the Permanent Secretary of the Ministry...”

Financial statements are to be sent to the Ministry as defined from time to time to ensure that the boards account for their expenditure as public funds are involved. It would also allow for effective monitoring of the activities to ensure that they are operating within the confines of the law and to ensure transparency in their operations.

Regulation 17(2) is amended as follows:

“The minutes of the meeting shall be submitted to the School Supervisor III on or before the expiration of two weeks from the date of the respective meeting.”

Regulation 17(3) is amended as follows:

“The documents referred to in sub-regulation (1) shall be subject to random inspection by the respective School Supervisor.”

The regulations as is, did not address the role of the supervision and the monitoring power of school supervisors in this new model wherein school-based management is being utilized. To ensure a more effective relationship between the

boards and the Ministry of Education, supervisors are given the remit of receiving documentation on behalf of the Minister and they are to monitor the operations of the board, since they are the representatives of the Ministry who interact with the schools on a daily basis.

Regulation 18(1) is amended as follows:

“The Board shall have the following duties and powers to support the Principal in the management of the school.”

This is a very important regulation because we are calling on the boards to support. The manager of the school, as contained in the Education Act, is the principal. The local school board was created to assist the principal in the management of the school. The chapeau of this regulation was re-worded to avoid wrongful interpretation of the role of the board and to ensure that there is no confusion as to the roles of the board and the principal and their relationship with each other.

In conclusion, I want to say that as this Government moves to developed country status by the year 2020, the Ministry of Education takes cognizance of its role to build up the human capital of this country and is putting all the strategies in place to facilitate that role. Site-based management in our schools is necessary. So, too, is the maturing of the community skills to look after the community affairs to produce an efficient and effective education service; to produce a well-developed citizen and a robust democracy. It is the desire of this Government that you, the Members of this honourable House, having the same desires for our country, to mature into a responsible citizenship, will support the amendments to the Education (Local School Boards) (Amdt.) Regulations 2005, to ensure the development of an efficient and effective education service.

I beg to move. [*Desk thumping*]

Question proposed.

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, I am very happy to enter the debate on this Motion before the House this evening, because over the past few weeks we have heard of the non-performance of the Ministry of Education. I want to tell the hon. Prime Minister that although he is satisfied, from what I have heard, I am not satisfied. [*Desk thumping*] I will show the hon. Prime Minister there is still much to be done in the Ministry of Education.

The legislation before the House is fundamentally flawed. The Minister came to the House and read a script. She did not even pick up the piece of legislation

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before the House to look at it. I will show you a point here. I feel this is very dear to my heart and it is unfortunate that the Minister came to this House and gave accolades to all the principals and all those in the particular local school boards and would not give an accolade to Mr. Maurice Chin Aleong. He wrote the report. [*Desk thumping*] He was here in the House. [*Interruption*] Okay, it is a UNC policy that came forward, but it is a good policy. You have also made a fundamental change and I will show you why it is wrong.

The Minister spoke about chairman and vice-chairman of the board. Where in the regulations before the House is there anything about chairmen and vice-chairmen? Let me show you in terms of the regulations. The regulations of 2000 speak to—remember, in the regulations before the House, in clause 3, regulations 3, 5, 6 and 7 of the regulations are repealed. I do not know if the Minister did not peruse this piece of legislation.

If you look at part 2 of regulation 3, you will see that there is a (2) which states:

“The Board shall appoint from its membership persons other than the principal, staff or student representative to be the chairman and vice-chairman.”

Now, if you are repealing that clause, you must have something else in the regulation. This board that is being appointed, there is no format for vice-chairman or chairman. I would want to know what would be the destiny of these school boards. Is it another “pappyshow” where we are seeing local school boards being appointed and they would not be able to function, just because you are saying that you are going to fulfil the policy; that you are coming before the House?

There is no mechanism here for the appointment of a chairman or vice-chairman of a board. So what do you have there, a runaway horse? Are we talking about integrity and accountability this evening? There is no integrity and accountability on a board without a chairman or vice-chairman. [*Desk thumping*] You are running the Port Authority for months without a chairman. Is that what you are coming to do here this evening with this local school board? Get real! Not you, Mr. Speaker, sorry.

Not only that. Look at what they are repealing from regulation 6. The original regulation 6 reads as follows:

“Where a vacancy arises in the membership of the Board the Minister, after consultation with the relevant interest groups and stakeholders, may appoint a person to be a member to fill that vacancy for the un-expired portion of the term of the Board.”

Listen to what is in the new regulations before the House:

“Where a vacancy arises in the membership of the Board the Minister, after consultation with the relevant interest groups and stakeholders, may appoint a person to be a member to fill that vacancy for the un-expired portion of the term of the Board.”

Nothing has changed. So why did you repeal? It begs the question: What is happening with the Attorney General? I have a question before the House for weeks and there is no answer from the Attorney General. What is happening? We know that the Education Ministry must present to the Attorney General their draft of the local school board regulations, and come to boast that you have signed the regulations. When? The regulations made by the Minister this 19th day of February, 2005 were flawed since then. All the persons who have perused this have not seen that? I am not a lawyer and I have seen that in this legislation.

I could go on with this particular piece of legislation. Are you against women? You have deleted in this particular composition and procedures of the board—it states:

“two members of the majority Parent-Teacher Organization of the school nominated by the members of the organization, at least one of whom must be a female.”

Why did you delete that? What is the problem with that?

Let us get to the genesis of this local school board, because you came and gave us a history. The genesis of these local school boards are for proper management of the schools. When you put the principal as a member of the board—the fundamental policy was for the principal to be an ex officio member. The principal is not to be a member of the board. And to sit with this legislation for so long, since 2002, amended in 2005—and you say you ran a pilot—you would have seen the situation where, if you put a principal as a member of the board, you will have a situation where—that is why your ministry is collapsing or has collapsed, and that is why you must have a company. The reason that you must have a company is because the Education Facilities Management Unit has not been performing its functions.

Mr. Singh: Who is the man—Burgesse? The \$90,000 man.

Dr. A. Nanan: I heard some rumblings from the Member for Laventille East/Morvant. I hope when he replies to the Motion before the House he will give his answer.

The Education Facilities Management Unit in that ministry was supposed to be dealing with this refurbishment that the Minister spoke about, and to say now that you have usurped the power of that particular facility because you are now giving it to the local school boards, and you appointed the boards without giving them any money in the first place, this is just a token; the same way the Member for San Fernando East handed the Commissioner of Police the letter. It is the same thing the Minister of Education gave to the members of the board—a token. There is no money for the boards, so how are they going to function? And you come here with a whole post mortem of the problem.

And do you know what? In the Minister's contribution I heard "Vision 2020" and, "unfortunately" mentioned repeatedly. Is it Vision 2020 legislation before the House? We have to put country first. I am not coming here to criticize this piece of legislation for criticizing sake, I am pointing out to the Prime Minister that the education foundation in this country is paramount. If you have to build a country you have to make sure that your education ministry or your Minister is leading the charge. You cannot have your Minister abdicating responsibility in the Ministry of Education and the Prime Minister trying to cover up every time there is a situation developing.

I am surprised that the Prime Minister did not come and comment on that wall that broke down at St. Michael's Anglican School at Princes Town. That hurts me, Mr. Speaker! Do you know what it is for a wall to fall on school children?

Mr. Singh: Maybe they could sue the Government.

Dr. A. Nanan: I do not know if the Member for Diego Martin East had any hand in that. [*Laughter*]

This is not a situation, like the Member for Diego Martin West, putting people up in those houses in Union Hall, where the houses are crumbling and the land shifting. This is not a situation like that. I must also speak of the Biche High School, because you are depriving children of an education in Biche, and the Minister must come and give an account; the Minister must not come here and read from a script. The Minister must know what is happening and not happening in her ministry. The Minister must be aware that she is driving the education in

this country; you are dealing with the human resource potential. You cannot come here with a Singaporean, Malaysian or New Zealand plan for these school boards and you have no concept of what is happening. You must be informed!

You came here with the local school boards regulations, yes. They told you that this is just a mere formality. The Minister of Tourism came here and he took back his Motion. Do you know why? Because they could not get the Senate amendments correct on today's Order Paper. Simple things like that are keeping back the whole country! [*Desk thumping*] Look at your Attorney General's office and stop this battle with the Judiciary and get that particular office running.

The Minister of Education must be accountable. I will not come here and put blame on the technocrats. The Minister, according to the Constitution, must give general direction and administration for that particular ministry.

Mr. Manning: She drafted legislation.

Dr. A. Nanan: Read the legislation. When I came here I was a neophyte, and the Member for Diego Martin Central knew that. I piloted the Tourism Development Bill. In less than a month I had to read a lot of information. In that ministry, I had in my storeroom, boxes and boxes of documents, of reports—

Mr. Valley: And a computer with games. [*Laughter*]

Dr. A. Nanan: No computer with games, and do not distract me, Member for Diego Martin Central. [*Crosstalk*]

Mr. Speaker: Order!

Dr. A. Nanan: If I am computer literate, unlike you, probably—and that is a problem with you, because I could go into another debate in terms of video accuracy, and I would not go into computers, because I build and design my own computers. [*Desk thumping*] But that is a different matter. [*Crosstalk*]

As you talk about the computer, it triggered something in my memory. It is called institutional memory. What has happened is that I made the request to the Minister in the form of a question in this House about the computers in Mayo RC School. They gave the computers to the school and up to today—it burns my heart—the poor children have them like a piece of furniture—not mahogany chairs—in their school. The Ministry has not found it fit to send the software, and this continues.

Mrs. Persad-Bissessar: How long ago was that?

Dr. A. Nanan: Since November last year. The Minister said I should make the appeal directly to her. It is sad, and that is not the only situation. I am sure many other schools are like that. But what is happening? They have moved the money from the ministry for computerization. Because of a lack of non-spending in that ministry the money had to be transferred.

If you look at the budgetary allocation, over \$3 billion is allocated to the Ministry of Education and there is non-performance. So what are we seeing? We are looking at the whole panoramic situation in that ministry, and that ministry has certain responsibilities, and when you look at the local school board, it was to give the ministry some direction. We heard from the Minister in the electronic media about having these diagnostic and prescriptive centres in these districts. Again, that is part of the White Paper. Of course, I agree, but the White Paper is a policy document. You must have from that document, an implementation plan. They also come and beat their chest, “we have the White Paper; we put the White Paper there; that is the White Paper on Education”. Well, let it stay there! When I went in the ministry, it was sitting there; nothing was happening with the boards.

It is not because you left office or because you called a snap election and you lost. But it was sitting there and was not doing anything. I had to go in there, as Minister of Education, and try to do a quick fix for this country to see how fast I could get the education system back on track. [*Desk thumping*] I had to do that! I could not wait, like the Minister talking about Vision 2020. We cannot wait for that. This country cannot wait for a Vision 2020 plan.

Mr. Hinds: You have a few things to do first. You will have to rebuild the party.

Mrs. Persad-Bissessar: Shush!

Mr. Speaker: Order!

Dr. A. Nanan: I see you were waiting in the wilderness for quite a while.

Mr. Hinds: Now the UNC has joined me—

Dr. A. Nanan: Because you were the shadow Minister of Education, you want to debate me. But you are not dealing with your portfolio. Deal with the prison reform before you come here. [*Desk thumping*]

Mr. Manning: “Yuh just getting bad, you know, boy.” I am impressed.

Hon. Member: He has matured. [*Crosstalk*]

Dr. A. Nanan: Mr. Speaker, I do not want to be distracted because that ministry needs to perform. There is no excuse. The Prime Minister gave the ministry \$3 billion and that is not an easy thing to do, because the Ministry of National Security—

Mr. Hinds: You know nothing about education—[*Crosstalk*]

Mr. Speaker: Order, please!

Dr. A. Nanan: Do you know what? If the Member for Laventille East/Morvant is the junior Minister of National Security, he is responsible for the fire in Port of Spain. But I do not want to get distracted. I am coming back to education. I was talking about the budgetary allocation for the Ministry of National Security. [*Interruption*]

Mrs. Persad-Bissessar: Talk to the Speaker.

Dr. A. Nanan: Mr. Speaker, when the Ministry of Education is granted \$3 billion, that is a great gift by the Prime Minister.

Mr. Manning: A gift?

Dr. A. Nanan: Of course. I speak about gift in terms of the country, for the youth. I do not know what the Prime Minister is talking about. Do you know what it is to battle with the Ministry of Planning and Development for money and finance? Do you have any idea, with the guillotines around? When you get that allocation, you have to make sure—Member for St. Joseph, I am not talking about you in terms of guillotine and allocations.

In fact, when the public servants get an allocation like that, they feel rejuvenated. That is why I was so hurt when I heard people attacking the bureaucracy, the people who work so hard for this country, because of non-performance of the highest level—the Ministers.

7.15 p.m.

The allocations are there. There is no excuse. You are forming company after company after company. Look at the Minister's performance. I am sure that when the Member for Diego Martin Central comes here with the appropriation and variation of expenditure, you will see the Ministry of Education giving up money again, because of non-performance. The school transportation system needs money. More meals for school nutrition. In every area of the education system there are needs.

When I left the ministry, there were 27 departments. I am sure they expanded the Cabinet and the departments in the ministry. What is there? Advisors. You are bypassing your public servants to bring in advisors. Who can implement the decisions? It is the public servants. If you calculate the experience in the Ministry of Education it is over 100 years. Still, you cannot perform. Why can you not perform? You hired Kenrick Burgess and paid him \$600,000. Nothing is happening. The School Repair Programme is a disaster! The Minister comes here to defend and defend.

There was rain in August and because of non-performance, the Minister of Works and Transport came here to back up that. Rain in August and they cannot do that. In China, they work throughout the year in bad weather.

Mr. Manning: Take your time to talk.

Dr. A. Nanan: I have a little lengthy contribution and I want to continue in that trend. I do not want to be irrelevant or drift away from the topic.

Mr. Hinds: Well, talk about integrity.

Dr. A. Nanan: I am dealing with the Ministry of Education. Another time I will carry on the debate with the Member for Laventille East/Morvant.

Mr. Speaker: I am hearing you.

Dr. A. Nanan: Mr. Speaker, in case you want to know I am on the Motion dealing with the Local School Boards Regulations. We are dealing with the company, the Education Facilities Management Unit in that ministry that has been set up and is non-functional. We are looking at the performance of the Minister of Education. I spoke about the budgetary allocations.

The concept of this local school board was for the principal to be the ex officio member. The principal is not to be on this board! Why is the principal on this board? Somebody had an idea that if they put the principal on the board, they might be able to manipulate and control. Look at the power of the Minister! To bring in people. We see it in the Community-based Environmental Protection and Enhancement Programme (CEPEP) and all the other programmes. In fact, in the Reforestation Programme it is clearly visible to all. People are recruited on a political basis. Is that happening in the Ministry of Education and the local school boards? Is this an avenue here to fill—did you not see stipends for these new board members? Is this for PNM friends and family again? We do not want that. This local school board is designed to assist in the improvement of the education system from the plan up to the performance of the school.

Community involvement is a main part of this board. There will be people from the area. If you are in Cedros you will have different requirements from the people in Laventille. That is why the community's input is there. When you put a principal as a member of the board your whole policy is being thrown out the window. I want the Government to reconsider this particular position with respect to the principal on a board. *[Interruption]*

The Member for Port of Spain North/St. Ann's West makes a good remark. One person. That is why the Ministry of Health is a non-performer. You might be the non-performer of the year next to the Minister of Education. Public relations will only get them so far.

I spoke to the Member for Port of Spain North/ St. Ann's West about the Chronic Disease Assistance Programme (CDAP). I am totally dissatisfied with that programme. The only problem that the Member for Port of Spain North/St. Ann's West has is that he does not go to find out what is happening on the ground. Everything is about what he hears. You came here to talk about CDAP is a great success.

Mr. Rahael: "Yuh jealous all yuh did not think of it."

Dr. A. Nanan: No. I only digressed to make a point to the Member for Port of Spain North/St. Ann's West. When you line up as non-performer of the year, you will account to the Prime Minister, not to me.

It may be one member but it is a fundamental shift in policy. *[Interruption]* I do not have to ask for injury time. The reason is that the persons who are supposed to implement this local school board—if the Minister will only read the reports to get some background information on these local school boards—all said that the principal is not supposed to be a member of the board. *[Interruption]* You have your opinion. Why do you not write your report? *[Interruption]* The Prime Minister will have to reconsider his decision because the Prime Minister cannot abdicate his responsibility to the youths of this nation by putting a principal as a member of the board.

Mr. Manning: You have made the point.

Dr. A. Nanan: What happened to the Members on that side is, it was late and they thought that this would have been a three-minute presentation, unaware of the situation that this legislation has a direct policy shift, as well as flawed legislation before the House. The Member for Diego Martin Central is not aware. He probably did not even read the legislation. It needs to be shown. I am making the point not to score points but to wake up.

Mr. Manning: Two points.

Dr. A. Nanan: I made more than two points. Mr. Speaker, I am sorry to be distracted. I will stay on the topic. I was dealing with the non-performance of the Minister of Education. I will continue to show that based on the local school boards. There were supposed to be clusters. I do not know if they will do that. We heard that so many school boards are appointed. Was the rush of the Minister to appoint local school boards because of a question that was asked in this House? How many school boards were appointed? The question was asked here and then, suddenly, you heard boards being appointed. The Minister needs to get it right. You complained about the UNC's rush to remove the Common Entrance Examination and now, you are also guilty of putting wings in schools without any plan.

You are adding classrooms and expanding schools without any plan. There was a distinctive plan. That is why I do not understand what is happening at the Ministry of Education. The Secondary Education Modernization Programme (SEMP) gives the direction to that ministry. That ministry should be on autopilot. We spent night after night on negotiations for that loan and it lays out a blueprint for the country.

If you want to say that you will not follow the direction of the loan because it is a UNC negotiated loan and you want a new plan, say so. Do not say we are following the UNC policy but, or unfortunately, this happened or that happened. Fix it! Taxpayers are paying money and ministers are getting large salaries to do their work. They must do their work. Ministers must be accountable. Ministers must be called by the Prime Minister and dressed down for non-performance. You cannot have a minister and you have to run to a PR department to bail you out every time there is a problem. I agree that the minister has to out fires. There is a set of bush fires throughout the country.

Mr. Manning: Did Mr. Panday dress down?

Dr. A. Nanan: Because of the situation with the infrastructure in this country, from time to time you will have problems dealing with the infrastructure of schools. We know that there is a plan to upgrade schools. Tell us! Give us some idea! You cannot have something in the papers that you will have a package of these schools and say nothing about the others, because some schools are protesting vehemently and those that did not protest, you will have nothing to do with them. Piparo Presbyterian School in my constituency is a very old school. Nothing! You will not consider that unless there is a big protest and they burn tyres.

That is the situation. You have a blueprint but you are not following it. If something happens now, you try to distract the population. The Minister wants to get the headlines. By September 2005, you will have over 80 schools with local school boards. That is the headline. No money is in place for those local school boards. There is horrible management now and the Minister says, "We have proper management, accountability and transparency." I say, "No!" There is no management because the principal is there and if the principal is there the board will collapse because the principal will direct everything. It will be the principal running the school from the board. The fundamental point was for the community to be involved in that particular board and get the input of the community and surrounding areas. The principal, an ex officio member, is not supposed to be on that board. I make that point again. If you look at the structure of the board it will be in such a way—the difference between the local school board in the government secondary school and the primary school is that in the primary school you have children from around one catchment area and in a secondary school children are from many areas. I agree that it is difficult for a PTA in a particular government secondary school to get together because they have to come from so far. In a primary school there are children from the nearby catchment area whose parents will make up the PTA. You have to consider that.

Look at the rural communities. That is causing the problem in the government secondary schools as compared with primary schools. That is basic education knowledge. Any technocrat can give you that. That is standard.

Mr. Manning: Make your point and stop running all over the place.

Dr. A. Nanan: The point is that the primary school environment is different from that of the government secondary. In the primary schools people from the nearby communities can contribute. In the government secondary schools you will not be able to get the kind of contributions that you need. You need to adapt. You cannot put a principal there on a board and then he controls everything. The principal is managing the board. [*Interruption*] You are not the Speaker in this House and I do not think you will ever be. There is an environmental concept here and that has to be factored in. You are going to introduce school supervision in this particular environment.

Do you know that in the Education Act the school supervisor is responsible for certain committees? I do not know if the Minister is aware of that. We had to get around that. That was one reason the legislation had to be drafted in such a way. I am not telling you anything that is fiction. That is stated in the Act. Under the Education Act the supervisor is responsible for a local committee. We had to

go around that in terms of how to get around this provision. This is going back to the supervisor who is a member of the public service. This is not Vision 2020! This is Vision 1010! You need to get this thing right and that is why it took so much time to get it right. You will have hiccups but you cannot go back to a situation where you will stifle it. If it is your intention to stifle the boards, you have done a tremendous job.

Mr. Manning: Mr. Speaker, I am listening very carefully to the contribution of the Member for Tabaquite, as I always do because I find his contributions are interesting. He made the point that the principal should not be on the board. The point has been made several times. It is a point the Government will consider. I wonder if the Member will be kind enough to continue with his contribution. We will like to hear all of it this evening.

Dr. A. Nanan: I am glad that the Member for San Fernando East has listened to what I was saying. It is important in terms of the management. What got me annoyed was the management that the Minister spoke so highly about is not there. Now, the principal is the manager.

I want to point out another flaw in the legislation that I picked up. I could be wrong because I am not a lawyer. Regulation 3 (1)(a) says,

“the Principal or person acting in that post for the time being;”

Why could this not be the principal or acting principal? That is a small point.

I am speaking from institutional memory. I do not practise in any mirror, Member for Diego Martin Central, because I spend too much time playing the guitar. The report of the local school board speaks to clusters of schools. As I was speaking about the environment of the primary and secondary school boards, the Minister did not give us any idea of whether there will be clusters or schools within any particular educational district. That is important. Look at the concept. How many supervisors will you have? Eventually you will have a hundred school boards. You will have to divide your supervisors and put more work on them. Will they get an increase? Supervision of education is important. You will put another millstone on the poor supervisors and they will be overworked. You will have a situation where you are trying to fulfill certain requirements, but you will be crowding the entire educational environment and things will collapse.

The ministry will go into budgetary allocation probably next month for the new financial year. That is a major issue. In terms of the Ministry of Education

that is not a major issue. In the last budgeting we did not do this; we asked for more money and so we will go. Only after a good performance will the Minister of Finance will give you more money. It is none, none, none for this section. That is out. The sum of \$3 billion will not be seen in a ministry for the next financial year.

There will be a situation where the personnel will be called upon to do the work. That particular budgetary allocation exercise that is coming up is intense. In this amendment to the Regulations you are asking the Permanent Secretary who is the accounting officer in the Ministry of Education. I feel sorry for that particular individual. Regulation 7, 17(1) states:

“The Board shall send copies of the minutes, reports, financial statements, budget and project proposals to the Permanent Secretary of the Ministry and the School Supervisor III as applicable.”

What will happen? The reality is that a budgetary exercise will take place again. It is simple Arithmetic. If you are going to ask them, they will submit the same thing that the Ministry is submitting to the Ministry of Finance. If you want to build a wing, the school board will say—and do not forget the principal is on that board—that they need that wing and the principal will influence the board to get it. Nobody will be thinking outside the box because the principal will say that is the plan for the school and they are going with that. If you do not go with this you will get no money. This is the big stick that the principal has on that board.

Mr. Manning: Take the principal out of the board. You made the point already.

Dr. A. Nanan: This is an amendment and not something that I am speaking about from the top of my head. This is on the document. Each board has to send copies, reports, financial statements, budget and project proposals. You should be setting up satellite ministries. Nice term. This particular project was supposed to be designed in such a way. Do you know why I know so much about this particular project? The IDB Report generated this particular local school board. It is the concept.

Mr. Manning: Will you give way?

Dr. A. Nanan: I am going on because I do not have much time again. *[Interruption]* I heard about Living Waters looking for the Member for Port of Spain North/ St. Ann’s West for equipment.

The point was made that you will send all this to the Permanent Secretary.

The Minister spoke highly about decentralization. I do not know if the Minister understands the concept of decentralization. That ministry was supposed to have, what I call, “satellite ministries” for want of a better term. It is regional education districts. That is the concept of the local school boards. A regional educational district will have a cluster of local school boards that they will be responsible for. They will have the staff to do the same thing with respect to screening before it burdens the Permanent Secretary. That is the integrated approach with respect to these local school boards.

You will kill the poor Permanent Secretary with all this information. Just as the Minister of Finance has all these ministries to deal with the Permanent Secretaries will have even more. The Minister of Finance is only dealing with a number of ministries, but you are talking about 100 government secondary schools and 200 primary schools. You need to have the regional educational districts and that is why the staffing came in there. The regional educational districts had their accounting staff so when it reaches the Permanent Secretary it will be sifted out and there will be less work.

I wanted to point out that. The Regulations are flawed and there is a definite shift in the policy. I wanted to show the House how this mosaic was unfolding with respect to regional educational districts and school clusters.

Thank you.

Mr. Speaker: Hon. Minister, before you begin your reply, do you want to move the Motion?

Mr. Valley: No.

The Minister of Education (Sen. The Hon. Hazel Manning): Mr. Speaker, I thank the Member for Tabaquite for the two points he has raised in this debate. I want to start on the point of the principal being a member of the board. We have moved the principal from an ex officio member to a member of the board.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the House do now adjourn to Wednesday, April 20, 2005, at 1.30 p.m. We inform the House that on that day the Government plans to debate the Committee Report listed on today's Order Paper, Item No. 2 under “Committee Business”:

Adjournment

Friday, April 15, 2005

“BE IT RESOLVED that the First Report of the Committee of Privileges of the House of Representatives 2004/2005 Session on Allegations of Breach of Privileges arising out of an incident that occurred in the Members’ lounge on Wednesday September 15, 2004 be adopted.”

Mr. Speaker: Before I put the Motion on the Adjournment, there are two matters, one of which has been withdrawn and the other is subsisting. I now call on the hon. Member for Pointe-a-Pierre.

**Kidnapping
(Government’s Failure To Stem)**

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, I thank you for giving me the opportunity to raise this matter on the Adjournment; the matter being the failure of the Government to stem the spate of kidnapping which has escalated significantly.

For the longest while this country has been plagued by a crime problem that began when the PNM administration was given office in December 2001. When this spate of kidnapping began in early 2002, the Member for San Fernando East made a very flippant remark when he said, with the greatest respect to the Member, in light of all the kidnappings they were bogus, strange and unusual and part of some political agenda. Despite being warned over and over—

Mr. Manning: Would the Member give way? Mr. Speaker, just for the record, the Member for San Fernando East said no such thing.

Miss G. Lucky: I gave way because when people stand for integrity, professional and personal, this is how they operate. Let the other side learn.

7.45 p.m.

Mr. Speaker, the fact is, and I am not going to waste any time in debating whether it was said or not. That point was made over and over by this side and the Member for San Fernando East never denied making that statement. [*Desk thumping*] That is how easily I can say it because it has become part of the rhetoric.

[*Mr. Manning stands*]

Miss G. Lucky: Mr. Speaker, I am continuing.

Mr. Manning: Would the Member for Pointe-a-Pierre give way?

[*Miss Lucky continues to stand*]

Mr. Speaker: No, no, hon. Prime Minister, I do not think the Member is giving way.

Mr. Manning: Would the Member for Pointe-a-Pierre be kind enough to give way?

Miss G. Lucky: At this point, no, Mr. Speaker.

Mr. Manning: Fine.

Miss G. Lucky: Because I really think we need to get on. Over the last week this country has continued to be plagued by crime. There have been other incidents that have been competing for space in the newspapers but those things will be dealt with. It does not change the fact that crime is the responsibility of this Government and this Government has done nothing to deal with it. Let us stick to issues.

When we talked about the kidnappings, one would remember that as early as 2002, when the spate of kidnappings began, it was the UNC that pointed out to this Government that it ought to distance itself from the criminal elements. If it did not implement, with immediate effect, stringent controls to deal with kidnapping the problem would just get worse. As usual, Mr. Speaker, Members on the other side sought to use statements such as: “Be calm; there is nothing to worry about”. We heard about crime plan after crime plan and “A” to “Z” in crime plans; Minister came and Minister went and all that has remained is a criminal situation that has gone out of control. [*Desk thumping*]

Mr. Speaker, it is so easy to make the point because Minister Martin Joseph yesterday, according to newspaper reports, was put under so much pressure with respect to the fire in Port of Spain; with respect to escalating crime; with respect to murders, numbering 97 as of 1.30 p.m. this afternoon; with respect to the 19 kidnappings so far for the year, that the Minister in that moment when he felt he had nothing else but to be truthful said: “It seems as though his ministry is moving from crisis, to crisis, to crisis.” The biggest crisis in this country is the PNM Government and that is a reality! [*Desk thumping*]

I do get very impassioned when speaking about crime and kidnapping, especially. In 2002 and 2003 this country heard from kidnapped victims about what they had to endure. This country heard that victims were being taken from all sorts of places and put in trunks of cars; in little rooms and were burnt with cigarette butts. That was happening as early as 2002, so when in 2005 the President of DOMA, Mr. Gregory Aboud—and I am saying very rightly so—

seemed very traumatized by what victims who were kidnapped for this year endured and were faced with, all I am saying, Mr. Speaker, is that is what was happening since 2002 and this Government refused to do anything about it. All the Government has done—I am predicting my friend who will be responding to me—the first thing they love to tell this country as part of the propaganda, is that the UNC did not support the Kidnapping Bill.

I cannot help it if Members on this side refuse to accept the legal principle that legislation dealing with kidnapping for ransom was not necessary. The problem in this country is that the Government is not giving the police service the resources to deal with detection. [*Desk thumping*] Let us put this anti-kidnapping Bill problem to rest, because I was acting as the Deputy Chief Whip that day, the UNC's position was that the legislation was flawed. We pointed out that the offence of kidnapping could be for ransom or without a ransom demand, and that if there was the consideration for no bail, you had to change the definition in the Bill because it was flawed. It meant that—I remember the Member for Princes Town making the point—when you had the definition as the Government brought it, it could mean that people who were not really “kidnappers”—young people might have run away—would have been within the category of the definition and if you made the bail or the non-bail mandatory—no bail for them—it would mean that the judicial officer would have no discretion. The suggestion made by the UNC was to revisit and revise, and to change the definition so that we would be able to deal with the problem and then we would reconsider; but that was not done. The other side does not seem to want to entertain any of the suggestions made.

Mr. Speaker, look at the state of the police stations. I know I am dealing with kidnappings, Mr. Speaker, but the point I am making is that cocaine washes up on the shores in Manzanilla and you still do not have, up to this date, an operational Manzanilla Police Station. [*Desk thumping*] There is a crime hotspot in Curepe but look at the state of the St. Joseph Police Station. When Members on the other side talk about moral and spiritual values and integrity; they lose their integrity every day when it comes to the way they deal with crime! [*Desk thumping*]

What is happening in the country now, not just over the last week, is that citizens are saying: “Listen, put the politics aside because crime is a respecter of no one”. Imagine the contempt the criminals have for this Government, which has embraced them; which has encouraged them. When it was announced in

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Chaguanas that the Government was going to set up an anti-kidnapping unit one would have thought that would have sent a very powerful message to those criminals to stay away but kidnapping continued. In fact, there were more kidnappings in the weekend the plan was announced.

Mr. Speaker, I know about my time limit so I am not going to read all but when one reads the types and kinds of kidnappings it is very worrying: it is old persons, young persons, young female children and ransoms have been paid; ransoms which have reached to the value of \$450,000. I commend the office of the Assistant Commissioner of Police, Criminal Intelligence and Investigations and the associate who helped me to get this information, who pointed out in a letter written to me on today's date which said:

“The whereabouts of five victims inclusive of Daniel Lopez is not yet known.”

Daniel Lopez was one of the persons kidnapped.

“However enquiries are being vigorously pursued.”

In other words, the police are trying, but unless this Government gives the resources needed we are going to get nowhere. How many Members of the House remember the big plan about the helicopters and the fact that the K-9 dogs would have been coming out? We have had kidnappings—unless I am not hearing the helicopters in the sky for some reason and I am very aware of what is happening in this country—and nothing is being done. The Government, unfortunately, is operating with a lot of propaganda, with a lot of public relations because the Government is aware that people get carried away with these things.

Mr. Speaker, people have become so desperate, and this is one of my worries, that persons who are the victims of crimes and kidnappings and who believe they have to take care of themselves because the Government is negligent in its duty, are beginning to take very drastic actions. What is going to happen in this country—mark my words, Mr. Speaker—is that citizens are going to believe that the Government, having failed to take care of them, they have to protect themselves and may find themselves in trouble. I am not an advocate for vigilante groups; I am not an advocate for being unlawfully in possession of weapons even if one is trying to protect oneself but that is the stage that citizens have reached. There are many kidnappings that are reported: 19 for the year so far. Fifteen kidnappings have been reported kidnappings for ransom; 4 were just kidnappings, no ransom demands were made. But it is in the public domain and it is a fact that there are many persons who were kidnapped, whose families paid the ransom and

they were warned by the kidnapers not to make reports. There are some persons who have told me that they paid the money because they were threatened that they would be kidnapped.

We live in a country where telephone calls could be traced for all sorts of reasons, how come these telephone calls with criminals and kidnapers calling people, making demands, that we cannot seem to get that information? [*Desk thumping*] It has to be that the Government lacks the political will to do it and that somewhere there is the breakdown in this Government's understanding of what its moral duty is to all citizens of Trinidad and Tobago, that is to provide protection and to provide national security.

Mr. Speaker, we hear of all these great plans of the Government but the people of Trinidad and Tobago no longer want to hear about Anaconda, roadblocks and the fact that the AKS will be tripled in terms of its personnel. Recently, a senior officer left the AKS department and according to reports said that the department does not have the equipment it needs. We do not have a witness protection programme; that is a fact. I have prosecuted in kidnapping matters and it is important, if you want to catch kidnapers, that you must do it, in most instances, by way of a sting operation which involves resources. In one kidnapping matter that I prosecuted the mastermind of the kidnapping was in Venezuela at one point. So you have to have that level of Interpol, yes, but also the resources, and the Government is just not giving the police service the resources needed.

Mr. Speaker, the Forensic Science Centre should be playing a critical role in crime detection. They have the expertise in terms of the personnel but they do not have the equipment that is needed.

Mr. Speaker, could I be guided as to how much more time I have, please?

Mr. Speaker: Hon. Member, you have about three minutes again.

Miss G. Lucky: Thank you very much, Mr. Speaker.

The point is, that it is clear that the Minister of National Security himself is recognizing that his ministry is moving from crisis to crisis. Moving from crisis to crisis without resolving the problem is just not good enough. When one recognizes that the Ministry of National Security cannot even handle a fire in Port of Spain; cannot even handle protecting people who are now victims and who are vulnerable to kidnapers, what message is being sent to the people of Trinidad and Tobago? The people of Trinidad and Tobago deserve better. People feel like

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prisoners in their own homes. I know crime is something that we have always had to deal with, but the kidnappers are not merely kidnapping for money. You have the masterminds and the big groups and you also have those who are prepared to pick anyone off the streets; get information as to who that person is and collect a \$500,000 or \$10,000, because the Government is not doing what it is supposed to do with respect to implementing crime plans that will work.

My simple suggestion to the Government is to stop telling us about crime plans; stop blaming the UNC and talking about the anti-kidnapping Bill. Your problem is not the law; it is the enforcement of the law. Do not talk about the Police Reform Bills because in the limited one minute I have, I do not even want to go down that road. We have enough laws in the country, what we need is the proper enforcement and implementation of the laws. We have the personnel who could do the job but they are not given the resources that they need.

Mr. Speaker, how many more people must die? How much more must the country call out? This country is not going to be accepting sub-standard performance anymore. People in this country are alive to what is happening. It is high time that the Government stop blaming everyone else; blaming the United National Congress and take head-on the responsibility for the spate of kidnappings that continues to rise along with criminal activities in Trinidad and Tobago.

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

The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds): Mr. Speaker, much that I will say here today has been said before, because I responded to a similar Motion in the other place and, in the course of some debate here recently I have had to deal with some of these issues. But, I can understand why I must say it again today because now we have three parties, and maybe a Member of Parliament for another party has put the Motion.

Mr. Speaker, the Government has a very simple vision for this country and that is to make Trinidad and Tobago a better place for us all to live. This means better schools, better health care; stronger social service delivery and safer communities for us all. All of that is embodied in our Vision 2020 project. We, in Trinidad and Tobago, already enjoy a lifestyle that could be easily the envy of other countries around the world. The economy is buoyant and growing; it is creating new jobs and greater opportunities. We have a highly educated, highly skilled, largely literate and culturally rich population. One of the things that

threaten our enjoyment and wellbeing is this treat of crime. The threat of crime; the fear of crime and being a victim of crime is of grave concern to all of us. We are all suffering from the actions of a few reckless, greedy, selfish people who break the laws and cause us trauma in the process. There is physical damage from their violence; there is an economic cost on property, there is an emotional cost and there is also a social cost, since a substantial amount of our budgetary allocation has to be spent on the police service and the prisons; generally on national security.

As you would recall, Mr. Speaker, we allocated \$2.1 billion in the last budgetary allocation for national security. Much more money is spent on the Judiciary and the courts in our attempt to deal with this business of crime that threatens our welfare. All of this is being done to deal with persons who break the laws and commit crimes. We are responding within the law and within the Constitution as they now exist by being tough on criminals and tough on crimes. We have provided more police officers, more soldiers, more prison officers and we have provided a lot more resources for them. We have provided more police stations and army camps. We have provided state-of-the-art resources for them. The Members opposite may not be aware but I am aware of that and we are catching more criminals.

Mr. Speaker, let me share some quick statistics with you. Last year alone 79,000 new cases came on the court list in the Magistrates' Court, which deals with 90 per cent of all criminal cases. All criminal cases begin in the Magistrates' Court and, as I have said, 79,000 new cases came on the list last year and that has demonstrated more intense and heightened police activity. We have increased the penalty right here—they did not support it—for firearm offences. We have now gone to fines of \$100,000; jail terms of 25 years. I must say, in passing, that I am very disheartened when magistrates, of course, do not appear to be taking note of the more severe sentences that we have passed for firearm offences, particularly, since firearms are used in this nasty business of kidnappings. We have given the courts many sentencing options from long jail terms to community service. We have laws to confiscate the proceeds of crime that have been done in this country. We have taken action to better secure our borders where the guns and drugs come in, since we do not produce the coca plant or firearms in this country, we have taken action and many times we have outlined the actions that we have taken.

Mr. Speaker, believe it or not—and this gives me no comfort, but this is a statistical fact—last year because of intensification of police activities and some of the measures spoken about, serious crimes in this country have reduced by 5.5

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per cent. Let me say again, that that gives me no comfort because there is much more to be done. Serious crimes include murders, rapes, robberies, shootings, kidnappings, burglaries and possession and trafficking of dangerous drugs. We propose to continue this fight.

We understand, as well, that responding to crime is not enough; we also have to deal with the causes of crime and we will deal with the causes of crime with the same force. However, this challenge cannot be met by us alone. We need the whole communities to deal with these issues, the family: parent, the churches, the mosque, the mandirs, the Orisha palais and all other religious groupings: the schools, the teachers, the media, business leaders—[*Interruption*]

Mr. Speaker: Order! Order!

Hon. F. Hinds: —the NGOs and, of course, the Opposition. Now, Mr. Speaker, we must be talking about the UNC and the independent UNC. We need to collaborate and build partnerships to deal with the problems. I had to ask some of our friends on the other side recently—I heard the Member for Pointe-a-Pierre tell us that we do not need new legislation to deal with kidnappings. The Member said to us that when the Bill to remove bail for kidnappers was brought to this House they were opposed to it and they rejected the measures because they were calling on us to redefine the offence before they could give us support. That was not what was said in the debate. In the debate, from the Leader of the Opposition, through all of them, said they were not supporting any legislation until they get constitutional reform. They said that if they supported the legislation to remove bail for kidnappers, it would give the political leader of the PNM and the Prime Minister more power; it would give the Government more power and it was a foolish and fallacious argument but that is what they argued. I am happy to now hear the Member for Pointe-a-Pierre say that their real objection was that we should have redefined the offence so as not to take into account those who were guilty of abductions as opposed to kidnappings for ransom. So when we bring it back, as we might be thinking, [*Desk thumping*] and now that there is the third party in the House, led by the Member for Pointe-a-Pierre, I expect that she would, at least, propose a written amendment to the legislation and if it satisfies her, she and her deputy political leader, the Member for Baratavia/San Juan, independent of the reckless UNC whip, I hope that they would find favour with that important measure. [*Desk thumping*]

Mr. Speaker, the Member also told us that it should be easy for the police to trace phone calls insofar as demands for ransom. The Member simply does not take into account that oftentimes the kidnapper would not use his personal phone

or a phone that can be easily traced, sometimes he uses public phones. In fact, for the most part he uses public phones and one does not know where in the country he would do it from. It is not as easy. I have come to realize that this business of battling crime is not as easy as armchair crime detectors would tell you; there are some realities. They watch too much TV, as I am being urged by one of my friends. Mr. Speaker, this issue about we have not been providing resources, I do not want to get into talk about that, I just reminded us that for the last three budget presentations the Ministry of National Security has been allocated, as a matter of Government's policy, the highest, second only to the Ministry of Education.

Mr. Speaker, there is no doubt about it that there is this talk in the national community, not from the Member today, that most of the kidnappings are in Central. Let me share with you very quickly, the statistics for last year. The highest number of kidnappings came from the northern police stations which include: St. Joseph, 16; Arima, 12; Arouca, 8; Tunapuna, 6; Malabar—The second highest was Central with 16 kidnappings. The Northern Division was 56 and Central Division, 16.

Mr. Speaker, one of the issues we have to deal with is this definition of the offence of kidnapping because the Member alluded to it; all abductions are regarded as kidnapping. When you see, for example, last year, 173 kidnappings, those are not 173 kidnappings for ransom. Those would include cases where an individual is approaching his home; someone wants to rob him of his car and in the process they throw him in the trunk; throws him out of the trunk two blocks down the road; that is at the moment recorded as a kidnapping. While last year, if there were a domestic problem between an estranged husband and wife, and the child is at the centre of the struggle; the father takes the child and carries him away from the mother for one night and she reports it to the police station that, according to current statistics is treated as a kidnapping—by tomorrow the child is recovered.

Mr. Speaker, we need to and we are considering a redefinition to deal with this. When we saw 173 kidnappings last year, in fact, only 28 were kidnappings for ransom. The year before, in 2003, the kidnappings for ransom were 51, so we saw a sharp reduction from 51 kidnappings for ransom to 21 last year. Mr. Speaker, that was as a result of the measures we have put in place and what we would continue to put in place.

Fighting crime is a very dynamic activity and we therefore have to have dynamic responses. I heard the Member talking about ransoms. In 2003, the total ransom demanded by kidnapers was \$95 million. What was actually paid was \$3

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million. In 2004, the ransom demanded by kidnappers was \$53 million, what was actually paid was \$785,000. For this year we have had 19 incidents of kidnapping—*[Interruption]*—Just do not waste my time. In one case \$3 million was demanded and \$100,000 paid. In another case \$2 million was demanded and \$169,000 was paid. In one case \$1 million was demanded, \$86,000 was paid. In one case, TT \$150,000 and US \$60,000—very specific, and I will probably tell you why if I have time—demanded and \$25,000 was paid. In one case, \$3.5 million was demanded and \$192,000 was paid. In one case, \$2 million was demanded and \$20,000 was paid. In another case, \$3 million was demanded and \$300,000 was paid.

Mr. Speaker, \$1 paid is too much for us. We came to this Parliament with a measure in that Kidnapping Bill, which was rejected, saying that members and relatives of the kidnapped victims ought not to pay money to kidnappers. *[Interruption]* We understand that only fuels their greed. We understand the emotions involved. We understand that they want their loved ones home. But we also understand—it is a very delicate situation—that the more money that is paid to them the more they are encouraged.

Mr. Speaker, in this year we have seen some more trends. We saw a reduction from 51 to 28 last year—I told you that was a specific measure that appeared to have worked but this year we saw some new trends, and I would really like one day, if I am given the time, to demonstrate to this House what those new trends are. Suffice it to say for the moment that in some cases it appears to be a settlement of underworld activities. *[Interruption]* Oh yes, that is true!

Hon. Members: Bogus kidnappings.

Hon. F. Hinds: There have been bogus kidnappings as well; there have been persons who have been charged for bogus kidnappings and wasting the police's time and have pleaded guilty and have been convicted. *[Interruption]* Yes!

Mr. Speaker, I know that time is short so I want to assure Members, in closing that this is a very traumatic and troubling state of affairs. We are fighting it with all the resources that we have. We are sending anti-kidnapping—We have dealt with the Central problem. We saw protest about Central and we sent 60 per cent of AKS to the Central. We sent a GEB Unit and many more static patrols. You must have roadblocks when you are dealing with kidnapping, although the Member castigated us for that, because they need to move their victims from one place to the next.

Mr. Speaker, clearly time is running out so I want to assure Members on the other side that we will continue to exert our best efforts. We understand the trouble and the loss. We are closing the gaps on the criminals. In many cases we

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do what we have to do without the legislation that we want. We want the support of the other side as well to make the legislation sharper. In the last kidnapping one member of the public was kidnapped for the second time. He was a witness in his own matter; he was due to appear in court the next week; those kidnapers are as a fact on bail. We do not know who kidnapped him now, but he has not been heard from or seen since. We have some difficulty; time is out; we will address the matter better at a later stage; we will continue the fight.

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

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.15 p.m.