

HOUSE OF REPRESENTATIVES

Friday, July 01, 2016

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, hon. Brig. Gen. Ancil Antoine MP, Member for D'Abadie/O'Meara, has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2009. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2010. [*Hon. C. Imbert*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2012 to December 31, 2012. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2013 to December 31, 2013. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2014 to December 31, 2014. [*Hon. C. Imbert*]

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6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2015 to December 31, 2015. [*Hon. C. Imbert*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2007. [*Hon. C. Imbert*]

Papers 1 to 7 be referred to the Public Accounts Committee.

8. Annual Audited Financial Statements of Development Finance Limited for the financial year ended December 31, 2013. [*Hon. C. Imbert*]
9. Annual Audited Financial Statements of Development Finance Limited for the financial year ended December 31, 2014. [*Hon. C. Imbert*]
10. Annual Audited Financial Statements of Portfolio Credit Management Limited for the financial year ended December 31, 2012. [*Hon. C. Imbert*]
11. Annual Audited Financial Statements of Portfolio Credit Management Limited for the financial year ended December 31, 2013. [*Hon. C. Imbert*]
12. Annual Audited Financial Statements of Portfolio Credit Management Limited for the financial year ended December 31, 2014. [*Hon. C. Imbert*]
13. Annual Audited Financial Statements of Portfolio Credit Management Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]

Papers 8 to 13 to be referred to the Public Accounts (Enterprises) Committee.

14. Annual Administrative Report of Taurus Services Limited for the year 2015. [*Hon. C. Imbert*]

15. Annual Administrative Report of the First Citizens Bank Limited for the financial year ending September 30, 2015. [*Hon. C. Imbert*]
16. Annual Report of the Trinidad and Tobago Stock Exchange Limited for the year ended December 31, 2015. [*Hon. C. Imbert*]
17. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended March 31, 2015. [*Hon. C. Imbert*]
To be referred to the Public Accounts Committee.
18. Annual Audited Financial Statements of Point Lisas Industrial Port Development Corporation Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]
To be referred to the Public Accounts (Enterprises) Committee.
19. Proceeds of Crime (Prescribed Forms) (Amendment) Regulations, 2015. [*Hon. C. Imbert*]
20. Annual Administrative Report of the Export Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2014. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
21. Annual Administrative Report of the Community Improvement Services Limited for the year 2014/2015. [*The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)*]
22. Annual Administrative Report of the Zoological Society of Trinidad and Tobago for fiscal year 2014. [*Hon. C. Robinson-Regis*]
23. Annual Administrative Report of the Ministry of Gender, Youth and Child Development for the period October 1, 2014 to September 30, 2015. [*The Prime Minister (Hon. Dr. Keith Rowley)*]

24. Ministerial Response to the Report of the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development on the Examination of Programmes and Services which provide Support to Victims of Domestic Violence. [*Hon. Dr. K. Rowley*]
25. Ministerial Response to the Twenty-First Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on a Review of the Administration and Operations of the Siparia Regional Corporation. [*Hon. C. Robinson-Regis*]
26. Ministerial Response to the Twentieth Report of the Joint Select Committee appointed to inquire into and report to Parliament on the Municipal Corporations and Service Commissions on a Review of the Administration and Operations of the Couva/Tabaquite/Talparo Regional Corporation. [*Hon. C. Robinson-Regis*]
27. Ministerial Response to the Nineteenth Report of the Joint Select Committee appointed to inquire and report to Parliament on Municipal Corporations and Service Commissions on a Review of the Administration and Operations of the Mayaro/Rio Claro Regional Corporation. [*Hon. C. Robinson-Regis*]
28. Ministerial Response to the Twenty-Third Report of the Joint Select Committee of Parliament on Ministries (Group 2), appointed to enquire into and report to Parliament on the Administration and Operations of Telecommunications Services of Trinidad and Tobago Limited. [*Hon. C. Robinson-Regis*]
29. Planning and Facilitation of Development (Application Fees) Regulations, 2015. [*Hon. C. Robinson-Regis*]

URGENT QUESTIONS**Yellow Fever International Vaccination Cards****(Details of)**

Dr. Fuad Khan (*Barataria/San Juan*): Thank you, Madam Speaker. Question number one to the hon. Minister of Health: Could the Minister indicate whether the shortage of yellow fever international vaccination cards is having a negative impact on the travelling opportunities of the citizens of Trinidad and Tobago?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. To contextualize the answer, the last death in Trinidad and Tobago, human death due to yellow fever, was in 1974. The last case of human yellow fever was in 1979; from that time to now Trinidad and Tobago has been accustomed processing 10 international immunization cards, 10 cards per month, mainly because of what is required by countries as part of their visa requirements. So that has been the capacity for decades, 10 cards per month. Because of the recent outbreak of yellow fever in Angola, more countries are requesting these international immunization cards from countries like Trinidad and Tobago where, according to WHO, yellow fever is endemic. It is endemic in Trinidad not in the human population but in the red howler monkey population.

To cope with the increased demand, the Ministry of Health has ordered 40,000 new international immunization cards. As of today 5,000 have been received, the balance will be received next week. In the interim, the Ministry of Health, through the County Medical Officers of Health, in the absence of an international immunization card, are issuing letters of certification with the requisite stamp and authorizations which are being accepted by the airlines and countries to which people are travelling. So the travelling public is not being adversely affected; however, I must state that what we do not wish to happen—

what we would like to happen—sorry—is that for people, before they go and request the vaccine, to check and make sure they have their original local immunization card, which should be treated with the same respect as your passport and your birth paper. You need that local immunization card when you were a child to automatically get the international immunization card. I thank you very much. [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Dr. Khan: Thank you very much for that comprehensive answer. Minister of Health, I would just like you to give the undertaking that you will continue the lobby to the World Health Organization to remove Trinidad and Tobago off the yellow fever list, as we had started in the last administration.

Hon. T. Deyalsingh: Thank you, Madam Speaker. As stated, WHO categorizes countries according to whether yellow fever is endemic. Now, yellow fever is not endemic in the human population mainly because Trinidad and Tobago from the time of independence has always had a very rigorous public health programme. Typically, to confer herd immunity on a population you need 80 per cent of your population to be immunized against the particular virus. Trinidad and Tobago has gone beyond 80 per cent—we are 95 per cent, mainly due to the strict and comprehensive immunization programme for newborns, ages zero to one month, and we immunize 95 per cent of people.

So we will continue to lobby with the WHO, but by way of further answer, Madam Speaker, before June 2016, WHO's protocols advised that you get a booster ever 10 years. WHO is now saying that that initial dose, that initial vaccine you get at age 12 months now confers immunity for life. So there is no need for anyone to visit a health centre to get a booster shot, but I urge the population before you travel to seek out that immunization card, which is in a back drawer, a

safe, wherever. Thank you very much. [*Desk thumping*]

Madam Speaker: Member for Caroni East.

Dr. T. Gopeesingh: Thank you, Madam Speaker. Hon. Minister, is it possible for you to indicate, for those who have not had the original card and those who have not been vaccinated, where can the general public receive their vaccinations in case they have to travel and requiring it urgently?

Hon. T. Deyalsingh: Thank you. Madam Speaker, we printed in today's newspaper, an FAQ on yellow fever, and in that FAQ it tells you where to go to get information. So the typical protocols exist, the CMOH's office, they will administer vaccines if they need to administer vaccines. The country has no shortage of vaccines, let me make that abundantly clear. But I urge the public, before you request a vaccine to check to make sure you have your card first, because the country has—we ordered 46,000 doses of vaccines for the year, and we normally have 20,000 live births per year. So the priority of that 46,000, the first call has to be our babies, and then we have a buffer of 26,000, but out of an abundance of caution, I have advised PAHO, as of today, to ship another 10,000 vaccines which would come into the country in the fourth quarter of 2016 to boost the already 46,000 which we will have. So we will have a total of 56,000 doses.

1.45 p.m.

British Referendum to Leave the European Union

(Government's Position)

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. The second question to the hon. Prime Minister: What is the position of the Government on the result of the British referendum to leave the European Union?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the people who

took part in this activity of leaving the union, they, more than anybody else, do not seem to know what the result is because it is still a work in progress. So it is a little premature for the Government of Trinidad and Tobago to pretend to understand what is going on and to have a definitive position. The outcome of that very significant and far-reaching development of a referendum in the United Kingdom is still the subject of very live activity. It is very unclear even in Britain what the British position is and in Europe what Europe's position is and what Europe's position on Britain is. All of this is still unfolding.

But most interestingly, the leaders of that unfortunate development are now, in fact, making the news within the proceeds, shying away from or being ceremoniously dumped as the full effects of British adventure is unfolding to the world. The position of Trinidad and Tobago on that is that Britain should stay in the union, but that is too late.

Mr. Charles: Madam Speaker, given that we have a position from the Government of Barbados, the foreign Minister of St. Kitts and Nevis has articulated that country's position and the foreign Minister of Guyana, has our Government examined possible scenarios so that when, as it evolves, we will not be caught flat-footed.

Hon. Dr. K. Rowley: There is nothing to be caught flat-footed about. We are observing what is going on and whether—I do not know that the countries you mentioned have additional sources that we do not have, we are all watching the television and we are all amazed.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson- Regis): Madam Speaker, there are 30 questions for answer today. We will be answering 29

[*Desk thumping*] and we are asking for a deferral on question No. 168 to the Minister of Trade and Industry. With regard to the written answers, Madam Speaker, there are five written answers and we have already. Thank you very much, Madam Speaker. [*Desk thumping*]

WRITTEN ANSWERS TO QUESTIONS

Acquisition of Privately Owned Land

(Details of)

112. Mr. Rushton Paray (*Mayaro*) asked the Minister of Agriculture, Land and Fisheries:

- A. For the period September 8, 2015 to date, could the Minister please list all instances where the Government has either acquired or is negotiating to acquire by lease agreement, privately owned parcels of land in Trinidad and/or Tobago; and
- B. For each instance listed in part A, could the Minister state:
 - i. the location of the land(s);
 - ii. the name of the state enterprise that is the lessee;
 - iii. the name(s) of land owner(s);
 - iv. the market value of the property;
 - v. the value and terms of the lease; and
 - vi. the name of the attorney(s) representing the state in these matters?

Disbursements from (PSIP) for Fiscal 2016

(Details of)

143. Mr. Rushton Paray (*Mayaro*) asked the Minister of Agriculture, Land and Fisheries:

- a) a breakdown of the disbursements from the Public Sector Investment Programme (PSIP) for fiscal 2016, by Division as at March 30, 2016;
- b) the purpose of each release in relation to the development of the sector; and
- c) a reason for each PSIP project that has not commenced for fiscal 2016.

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Dr. Bhoendradatt Tewarie (Caroni Central):

Challenges Faced by Downstream Steel Companies (Measures Taken to Address)

- 168.** Could the hon. Minister of Trade and Industry provide the measures taken to address the challenges faced by the downstream steel companies in light of the closure of ArcelorMittal?

Question, by leave, deferred.

Waterfront Project (Details of)

- 132. Dr. Tim Gopeesingh (Caroni East)** asked the hon. Minister of Housing and Urban Development:

With regard to the construction of the Waterfront Project, could the Minister state:

- a) the total amount paid to date;
- b) the payment dates;
- c) the total amount outstanding; and
- d) the proposed timeframe to complete the final payment?

The Minister of Housing and Urban Development (Hon. Randall Mitchell):

Thank you, Madam Speaker. With respect to part (a) of the question: the total amount paid to date for construction of the Port of Spain International Waterfront Centre is \$2,564,590,625.

With respect to part (b): payments are made semi-annually in January and July of each year.

With respect to part (c): the total amount outstanding is \$1,805,558,080.

With respect to part (d): final payment is due to be made in January of 2023.

Dr. T. Gopeesingh: So based on your figures, hon. Minister, the approximate total cost for the waterfront project, would it be \$ 4.3 billion approximately?

Hon. R. Mitchell: Approximately. Yes.

Dr. T. Gopeesingh: \$4.3 billion for the waterfront project. Thank you.

Hon. R. Mitchell: Yes, Madam Speaker.

Government Campus Plaza

(Details of Outstanding Payments)

133. Dr. Tim Gopeesingh (*Caroni East*) asked the hon. Minister of Housing and Urban Development:

With regard to the construction of the Government Campus Plaza, could the Minister state:

- a) the total amount paid to date; and
- b) the total amount outstanding to complete the final payment?

The Minister of Housing and Urban Development (Hon. Randall Mitchell):

Thank you again, Madam Speaker. With respect to part (a) of the question: the total amount paid to date for the construction of the Government Campus Plaza is \$681,112,200.

With respect to part (b): the total amount outstanding to complete final

payment is \$3,182,593,381.

Dr. T. Gopeesingh: Would it be possible to indicate whether there was a cost overrun in this project and if so, by how much?

Hon. R. Mitchell: Madam Speaker, I am unable to give that information, but I will be sure to provide it in writing.

Dr. T. Gopeesingh: So at the moment, hon. Minister, the total cost of the waterfront project will be approximately 3.76 billion?—681 plus 3.182? That is three point—*[Interruption]*

Madam Speaker: Hon. Minister of Housing and Urban Development.

Hon. R. Mitchell: Yes, Madam Speaker.

Dr. T. Gopeesingh: Okay. Thank you.

Children's Authority

(Details of)

130. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of State in the Office of the Prime Minister:

Could the Minister indicate:

- a) the current number of vacancies in the Children's Authority; and
- b) whether a shortage of personnel exists at the Children's Authority?

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. The approved organization structure of the Children's Authority makes provision for 242 members of staff. As at April 30, 2016, the staff complement was 132. As such, there are 110 vacant positions.

In response to part (b), under the previous administration, Cabinet in May of 2013 approved the organization structure of the Children's Authority, but also noted that staff for the decentralized offices will only be recruited when these offices have been established. These offices have not been fully established. Thus

far, only three decentralized offices have been established in the form of two assessment centres, one at the Eric Williams Medical Science Complex and another interim office at the San Fernando General Hospital and one other place of safety. The other offices to be established are: two assessment centres, one at Chaguanas and one at Princes Town. The south administrative office will be housed on the compound of the Manahambre Road Assessment Centre and it is under construction. The offices or assessment facilities at Sangre Grande and Tobago are either being processed for rental or are still under consideration as the additional places of safety. As such, all the positions at the Children's Authority cannot be filled in the absence of these established offices.

Additionally, the Authority has experienced a high level of staff turnover since it began its operations. This high turnover of human resource has to be examined and addressed by the Authority. The Authority is to review some of its approaches to achieving its mandate and this review should be undertaken before a firm decision can be made regarding the existence of a possible staff shortage.

The Office of the Prime Minister has had initial discussion with the Children's Authority on the alternate approaches to the regulatory framework contemplated for some services. The Authority has agreed to consider these approaches which may yield the same results using less human resource and other resources.

Mr. Padarath: Hon. Minister, with respect to the outstanding offices that you have identified, could you give us an idea of what are the timelines that you are looking at in terms of whether or not you are looking at construction or rental of other facilities?

Hon. A. Webster-Roy: Thank you, Madam Speaker. Some of the facilities have been identified already and it is a matter of outfitting. In terms of timeline, I cannot

give you that at the moment, but I will give it to you in writing.

Rapid Rail (Mass Transit) System

(Details of)

131. Dr. Tim Gopeesingh (*Caroni East*) asked the hon. Minister of Works and Transport:

With regard to the feasibility study for the Rapid Rail (Mass Transit) system, could the Minister state:

- a) the total amount paid to date;
- b) the payment dates;
- c) the total amount outstanding; and
- d) the proposed timeframe to complete the final payment?

The Minister of Works and Transport (Hon. Fitzgerald Hinds): Thank you very warmly, Madam Speaker. Madam Speaker, the question as put by the Member for Caroni East posits or is predicated upon a very long held but erroneous foundation that in respect of the Trinidad rapid rail project for which the conceptual framework was adumbrated on the December 15, 2006 in this honourable House by the then Minister of Works and Transport, that all that has been accomplished in that project was a feasibility study. That is wholly false, Madam Speaker.

In fact, the Trinidad rapid rail project involved procurement and project set up, planning, conceptual design and preliminary engineering, detailed design, construction, pre-operational testing and operations and maintenance. In April 2008, NIDCO entered into a contract with the Trinitrain Consortium Bouygues Travaux Publics SA, Alstom Transport SA, RATP Développement SA, Alstom Trinidad and Tobago Limited for the initial phases of the project. That is to say, for the planning, conceptual design and preliminary engineering for the project which

involved *inter alia* data gathering, ridership studies, demand modelling and analysis, as well as an environmental impact analysis and preparation and delivery of preliminary designs.

Madam Speaker, this honourable House should thus note that the chosen work programme was much more, in fact far more than a mere feasibility study upon which this question is falsely posited.

With respect to part (b): to the dates of payment for this work, this information is very voluminous and reflected in a document that I have in my position, too numerous, of course, to render details at this point. So I will make this available to the Member at first opportunity and, of course, to this honourable House.

In respect of part (c): the total amount outstanding as at April 30, 2016 is \$2,112,207. This sum represents unsettled claims for White and Case, a law firm.

Part (d): payment of outstanding sums will be undertaken on the finalization of the subject claims. Madam Speaker, I thank you. [*Desk thumping*]

Dr. T. Gopeesingh: Madam Speaker, we have not had a response to part (a) and (b) of the question which asked: the total amount—I am not privileged to read the question. Madam Speaker, I asked the total amount paid to date. The Minister has not given that and the payment dates, he has not given that. He said he has it in a voluminous thing, but I asked a question for the House and the House ought to be privileged to be answered.

Madam Speaker: And, Member, the Minister also, in his response, said that the details will be made available to you in writing. Next question, please. Member for Caroni East, do you have another supplemental question?

Dr. T. Gopeesingh: Yes. I am asking the question: the total amount paid to date, Madam Speaker? Tell us—[*Interruption*]

Madam Speaker: Member, Member, that question is repetitious. I am not going to allow it, an answer has already been given.

Dr. T. Gopeesingh: Madam Speaker, with due respect—[*Interruption*]

Madam Speaker: May we have some order, please.

Dr. T. Gopeesingh: With due respect, it is a question that we asked for oral answer [*Desk thumping*] the Minister is proffering that he does—[*Desk thumping*]

Madam Speaker: Member for Caroni East, do you have another supplemental question? Members, Member for Diego Martin West and Member for Diego Martin North/East, please, silence.

National Academy for Performing Arts

(Details of)

134. Dr. Tim Gopeesingh (*Caroni East*) asked the hon. Minister of Finance:

With regard to the construction of the National Academy for Performing Arts (NAPA), could the Minister state:

- a) the original contractual cost;
- b) the total amount paid to date;
- c) the total amount outstanding; and
- d) the timeframe to complete the final payment?

The Minister of Finance (Hon. Colm Imbert): The answer to part (a): the National Academy for Performing Arts (NAPA) consists of two academies located in north and south Trinidad. In 2006, the original contractual cost for the construction of the academies was RMB 812 million and was funded from concessional loan from the Export-Import Bank of China. In 2011, another concessional loan facility in the amount of RMB 207 million was contracted from the Export-Import Bank for additional works on both academies.

Part (b): the amount expended to date is RMB 1,019 billion which represents 100

per cent of the proceeds of the two concessional loan facilities. The total amount paid to date with respect to the north campus is RMB 706,400,000 and for the south campus RMB 312,600,000. Madam Speaker, local financing in the amount of TT \$48,665,693 was expended on both academies for further rehabilitation works and was met via a budgetary allocation.

The allocation for these works to the North Campus was TT \$33,420,344 and for the South Campus TT \$15,245,34.

2.00 p.m.

Part (c), there is a grace period of five years for the repayment of both concessional loan facilities. The payment of the RMB 812 million facility commenced on September 21, 2011. To date a total of RMB 261,935,483 has been repaid on this facility. The current outstanding balance is RMB 550,064,516. The payment for the RMB 207 million facility will commence on September 21, 2016.

Part (d), the 20-year 2 per cent RMB 812 million concessional loan facility will mature in 2026 and the 20-year 2 per cent RMB 207 million concessional loan facility will mature in 2031. The final payment on each facility will be on September 21st in the years of their respective maturities. [*Desk thumping*]

Dr. T. Gopeesingh: The hon. Minister of Finance, you brought in the Southern Academy for the Performing Arts. That question answers just the North or both the North and South?

Hon. C. Imbert: Madam Speaker, I answered the question as asked.

Dr. T. Gopeesingh: I did not hear that, sorry. I did not hear that, Madam Speaker.

Madam Speaker: Minister of Finance, could you repeat.

Hon. C. Imbert: Thank you, Madam Speaker. Madam Speaker, the NAPA project was a combined facility, north and south. I have disaggregated the figures for north and south. Question 134 asked about the north and the next question will ask about

the south. You have already received information on the north and the south and I will also give the south in the next question.

Dr. T. Gopeesingh: So, if I am to fully understand the hon. Minister of Finance, the original cost for NAPA is \$812 million, plus \$33 million in an additional fee, making it 845, around there? Yes, Minister of Finance, for NAPA?

Madam Speaker: Member, the information with respect to the original contractual cost, the total amount paid, that information has already been given. So I will allow you a supplemental question.

Dr. T. Gopeesingh: The supplemental question is, that \$835 million that he spoke about, 812 plus 33, does that include the south performing arts centre?

Hon. C. Imbert: Madam Speaker, I was crystal clear, the facility for NAPA is a consolidated facility comprising both the north and the south. And in answering this question, I disaggregated the figures for both north and south giving a complete answer to the many supplemental questions the Member is asking and even future ones he might want to ask.

Dr. T. Gopeesingh: Yes, Madam Speaker, so in total, hon. Minister of Finance—

Hon. Member: [*Steups*]

Madam Speaker: Excuse me! Excuse me! With respect to that sucking of the tongue that I just heard, that steups—

Hon. Member: Who do that?

Madam Speaker: That is not behaviour that is becoming of this House. The Member who has done that, I would ask you, please, to restrain yourself and such behaviour is not going to be tolerated in this House. Member for Caroni East.

Dr. T. Gopeesingh: Could the hon. Minister of Finance, is the total cost of both NAPA and SAPA, \$1.019 billion, or the 48 is added on to that \$1.019 billion.

Hon. C. Imbert: Madam Speaker, as I said, I have already provided the answer to

all those supplemental and all the possible future supplemental, but since the Member keeps asking the same thing over and over, I will repeat with your permission, the whole answer.

The National Academy for the Performing Arts project consist of two academies located in north and south Trinidad. In 2006, the contractual cost for the construction of the two academies was RMB 812 million, was funded from a concessional loan. In 2011, another concessional loan in the amount of RMB 207 million was contracted for work on the two academies. The total amount for the two academies is RMB 1,019,000,000 billion. I said that five times.

Madam Speaker: Member for Caroni East, question 135.

Dr. T. Gopeesingh: Just the last supplemental.

Madam Speaker: Member for Caroni—Members, may I have order please. Member for Caroni East, you have exhausted your supplemental. I have called you because of question 135.

National Academy for the Performing Arts (South)

(Details of)

135. Dr. Tim Gopeesingh (*Caroni East*) asked the hon. Minister of Finance:

With regard to the construction of the National Academy for Performing Arts (South), could the Minister state:

- a) the original contractual cost;
- b) the total amount paid to date;
- c) the total amount outstanding; and
- d) the timeframe to complete the final payment?

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, since I have already answered this question, I will repeat what I said before. The amount paid with respect to the South Campus of the National Academy for the Performing

Arts is RMB 312,600,000. The original contractual cost, I have already indicated, for the two academies was RMB 1,019,000,000 of which, let me see if I could stave off any supplementals, of which for the South Campus the total was RMB 312,600,000. Again, with respect to the amount outstanding, the outstanding balance on the loan, because it is a total loan for the two facilities is RMB 550,064,516.

And with respect to the time frame, again, it is a total loan for the two facilities for which there was an original loan of RMB 812 million in 2006 and RMB 207 million in 2011. And as I have said before, the RMB 812 million facility will mature in 2026 and the RMB 207 million facility will mature in 2031 and the final payment is on September 21 in those years. I hope I have staved off all possible supplementals. I thank you, Madam Speaker.

Dr. T. Gopeesingh: I know you talked about Renminbi, could you give us the conversion rates to a TT dollar? You anticipated that?

Madam Speaker: Member, I will take that as another question.

Dr. T. Gopeesingh: Yes, it is.

Hon. C. Imbert: I knew you would come with that.

CNMG/GISL

(Government's Plans re: Recommendations)

136. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Public Administration and Communications:

With regard to the recommendations in “Toward Dynamic Public Service Media: Proposal on the way forward for CNMG and GISL” submitted by the Caribbean New Media Group Limited/Government Information Services Limited Board on December 18, 2015, could the Minister state whether:

a) the Government plans to implement the recommendations; and if so

b) the proposed timeline to implement the recommendations?

The Minister of Public Administration and Communications (Hon. Maxie Cuffie): Thank you, Madam Speaker. The public consultations on the way forward were held in November 2015. The board also considered financial data— [Crosstalk] Madam Speaker, I am being disturbed. The board also considered financial data which gave evidence that the companies strayed significantly from their mandates under the previous administration. The GISL wage bill increased from \$8.8 million in 2010 to \$18 million in 2015. CMNG which was established as a commercial entity with the ultimate goal of financial profitability came close to achieving that with a loss of just \$58,249 in 2010.

In the period 2010 to 2014 however, the company incurred losses of \$3.3 million, \$3.8 million and \$5.8 million respectively. The board of directors of CNMG and GISL made four recommendations on the possible way forward for the two companies. Soon after those recommendations were received they forwarded recommendations to the Cabinet committee appointed on state enterprises for its deliberation. The committee has since met with both companies and is in the process of making recommendations to the Cabinet for the ultimate way forward.

Upon Cabinet's final determination of the matter, the Government proposes to alert the national community. This Government, as it moves to eliminate all vestiges of waste, corruption and mismanagement and as it moves to restore public trust with good governance, will ensure that any new recommendations on the way forward will not be a repeat of the past. A timeline for implementation will be announced as soon as the final decision on the way forward is taken. Thank you.

Public Service
(Details of Vacancies)

UNREVISED

145. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Public Administration and Communications:

Could the Minister indicate:

- a) the current number of vacancies in the permanent establishment of the public service;
- b) the current number of vacant contract positions in the public service; and
- c) the plans to fill vacant positions in the public service?

The Minister of Public Administration and Communications (Hon. Maxie Cuffie): The number of vacancies in the permanent establishment of the public service as at February 29, 2016 as provided by the Service Commissions Department was 13,575. It is important to note that 7,657 of these 13,575 vacant positions are positions with bodies. These are vacancies where officers hold either temporary or acting appointments. Therefore, there are persons performing in these vacant positions.

One thousand, six hundred and thirty-two of the 13,575 vacant positions cannot be filled. These offices are either abolished, awaiting classification by the Chief Personnel Officer, suppressed, outdated or there are no eligible applicants to fill these offices or there are challenges in attracting persons to these offices.

Five thousand, three hundred and twenty-two of the 13,575 vacant positions are without bodies. These are the real vacancies where there are no persons holding temporary or acting appointments. The number of vacant positions in the public service as at April 30, 2016, based on information from Ministries and Departments was 7,403.

With respect to the permanent establishment, it is important to note that filling of vacant offices in the public service is an ongoing exercise at the Service

Commissions Department. Following the last realignment of Ministerial portfolios and the consequent adjustment to the structure of the public service, Ministries and Departments, the Service Commissions Department embarked on a project in 2016 to fill approximately 5,700 vacancies.

The first phase is intended to fill those vacancies in the Ministry of Education, Ministry of National Security, including fire and prison services and Immigration Division; the Ministry of Health, the Ministry of Finance, including Inland Revenue Division, Customs and Excise Division, approximately 4,633 vacancies. These are the largest Ministries in the public service and they create a socio-economic impact on the wider society in terms of delivery of services to the public. Simultaneous, with this exercise is the filling of approximately 1,063 offices in the manipulative grade across the public service. For example, cleaners, drivers, messengers, among others, together with regular filling of other vacant offices.

2.15 p.m.

This approach involves the reconciling of records between the Service Commissions Department and the targeted Ministries, and the updating of records. This is currently in progress.

The second phase of the project will target Government Departments, for example, Judiciary, Industrial Court, Elections and Boundaries Commission, among others.

With respect to contract vacancies and contract on employment on the whole, the Government in the first three months of this administration moved to establish a Committee to review the existing policy arrangements for the management of contract employment in the public service.

Madam Speaker: Hon. Member, your speaking time is expired.

**National Cycling Velodrome and National Aquatic Centre
(Status Report)**

147. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister provide a status report on the National Cycling Velodrome and the National Aquatic Centre at Balmain, Couva including the projected date that local athletes and citizens can access these facilities?

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Thank you, Madam Speaker. The Sports Company of Trinidad and Tobago which acts as the implementing arm for projects under the Ministry of Sport and Youth Affairs has indicated that the handover process for the National Aquatic Centre and the National Cycling Velodrome has commenced as follows:

The National Aquatic Centre will be handed over to the Sports Company of Trinidad and Tobago. The entire handing over exercise is expected to be completed before the end of July 2016, at which point Olympic qualifiers such as George Bovell, Njisane Phillip and others will have the opportunity to continue their preparations for the Rio Olympics at a world-class facility.

At the National Cycling Velodrome final checks are being carried out and facility managers were thoroughly briefed by SCG Caribbean limited, the firm responsible for the facilities' construction. Stringent testing of all competition surfaces and equipment will also be part of this final stage in the project life cycle. In the first few months following the hand over process, access will be limited to national level athletes and teams for training for competition preparation. The first public events are expected to take place in the last quarter of 2016, and they will serve as test events where all facilities/amenities will be operating at full capacity. Thank you, Madam Speaker. [*Desk thumping*]

Mr. Indarsingh: Thank you, Madam Speaker. Apparently the Minister indicated that the facilities will be formally opened in the last quarter of—*[Interruption]*

Madam Speaker: Member, questions cannot be asked with a preamble, so—*[Interruption]*

Mr. Indarsingh: I am seeking clarification, Madam Speaker.

Madam Speaker: So could you ask the question, please.

Mr. Indarsingh: And when will the facilities be formally open so that the constituents of Couva South could benefit from the progressive work done by the last administration? *[Desk thumping]*

Hon. D. Smith: Thank you, Madam Speaker. And again, it is not just the constituents from Couva South, but the entire country of Trinidad and Tobago *[Desk thumping]* and the region, and more so the world, as we want to invite the entire world to come and utilize these facilities. But the Member for Couva South was my guest at the opening and, as I say before—*[Interruption]*

Hon. Members: What?

Hon. D. Smith: Yeah, that is what we are doing on this side, Madam Speaker. We invite everyone. He is the Member of Parliament for that area and we sent an invitation to him to the testing. And as I said in my answer, that the process has started with regard to the handover. The SCG, the company, is working with us to finalize it. The first actual events will be held in the last quarter in those two facilities. With the national governing bodies, we are working with them closely to ensure that we say, we leave the stars to the astronomers. They are the people that are running the sport and we are working with them with regard to having a proper event, and again he will be invited. Thank you, Madam Speaker.

Madam Speaker: Member for Barataria/San Juan.

Dr. Khan: Thank you, Madam Speaker. Madam Speaker, in keeping with the

method that was used by the Minister of Finance a while ago, could I use the same method and ask the Minister of Health questions 148, 149, 150, 151, 152, please?

Madam Speaker: Member! Member for Barataria/San Juan, are you asking question 148?

Dr. Khan: No.

Madam Speaker: That is where we have reached, question 148. Are you asking question 148? And I would like some order, please. Question 148. That is where we have reached.

Dr. Khan: Madam Speaker, I am asking the same method of approach to the Minister of Finance before.

Madam Speaker: This is question. This is not answer.

Aides to Nursing Programme

(Status of)

148. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister provide the status of the Aides to Nursing Programme?

The Minister of Health (Hon. Terrence Deyalsingh): I thank you, Madam Speaker. The answer to question 148 alone is: the objectives of the aides to nursing initiative are:

1. To relief registered nurses and enrol nursing assistants of non-technical activities;
2. To enhance the human resource cache of health care personnel. It is a five-year programme implemented in April 2012. The programme is structured for intakes of three cohorts to a maximum of 250 persons, with each cohort having three 11-month cycles. The tenure of cohort one ended in 2015. The tenure of cohort two ended in April 2016. There are currently 237 students in cohort three, which is expected to

end in July 2017.

Dr. Khan: Thank you, Madam Speaker. This programme, the aides to nursing was a foundation programme for nurses and these aides to nurses—[*Interruption*]

Madam Speaker: Member, could you ask the question, please.

Dr. Khan: The question is going to be: would they be going on to become PCAs after the aides to nursing programme?

Hon. T. Deyalsingh: Thank you, Madam Speaker. This programme was initiated without any consultations with nursing personnel, or the Medical Chiefs of Staff. So what we are now doing is an assessment with all the stakeholders, which should have been done before, to determine the way forward especially as they mesh or not meshed with the PCAs, and the entire hierarchy of nursing and auxiliary nursing personnel. That assessment is ongoing as we speak, and after that assessment is done we will make a determination on the way forward and I give the Member that undertaking.

Nurses Interns Programme

(Status of)

149. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister provide the status of the nurses interns programme?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you. The answer to question 149 is as follows:

The nurse intern is a new category of nursing personnel created by the amendment of the Nurses and Midwives Registration Act, No 8 of 2014. The programme targets nursing students who are awaiting enrolment access results and even those who were unsuccessful at the nursing licensing examination from as early as 2008. The nurse intern programme commenced on September 02, 2015 with an intake of 75 persons. Of the initial intake of

75 persons, 66 persons are currently in the programme.

Health Centres

(Late Access to)

150. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister state:

- a) the names of the health centres opened after 4:00 p.m. and on weekends; and
- b) whether there are doctors available at all health centres which are opened after 4:00 p.m. and on weekends?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you again, Madam Speaker. The answer is as follows:

North-West Regional Health Authority:

Maraval Health Centre;
 Carenage Health Centre;
 Petit Valley Health Centre;
 St. James Health Centre;
 Woodbrook Health Centre;
 San Juan Health Centre;
 El Socorro Health Centre.

North-Central Regional Health Authority:—for time saving

Arima, Chaguanas, St. Joseph Enhanced, Arouca, La Horquetta,
 St. Helena Health Centres.

Eastern Regional Health Authority:

Sangre Grande, Valencia Outreach, Cumuto Outreach, Coryal
 Outreach, Manzanilla Outreach, Mathura Outreach, Grande Riviere
 Outreach, Biche Outreach, Brothers Road Outreach, Guayaguayare

Outreach.

South-West Regional Health Authority:

Cedros Health Centre;

Debe Health Centre;

Freeport Health Centre;

Fyzabad Health Centre;

Indian Walk Health Centre;

La Brea Health Centre;

Marabella Health Centre;

Penal Health Centre;

Pleasantville Health Centre;

Ste. Madeleine Health Centre;

Tabaquite Health Centre.

Answer to part (b): yes, a doctor is available at each health centre that opens after 4.00 p.m. and on weekends.

Dr. Khan: Just a supplemental. Would the Minister consider, since these are the health centres that were opened by People's Partnership as a result of refurbishing by the CEPEP contractors, undertake to ask the Minister of Finance if he could pay the CEPEP contractors for refurbishing these health centres? [*Desk thumping*]

Madam Speaker: Member, I would not allow that as a supplemental question.

Regulations for Nurses and Midwives

(Status of)

151. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister provide the status update of the Regulations for nurses and midwives, with respect to the requirements for the advanced practice nurses under the Nursing Personnel Act, Chap, 29:53?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. The answer to 151 is as follows:

The Ministry of Health established a Committee comprising representatives from the Ministry's legal department, the Trinidad and Tobago Registered Nurses Association and the Nursing Council of Trinidad and Tobago. The mandate of the Committee is threefold:

1. To review the Nursing Personnel Regulations, 1977, with a view to updating same generally and preparing draft amendment regulations in accordance with the recent amendments to the Nursing Personnel Act, Chap. 29:53;
2. To prepare draft regulations prescribing the conditions under which persons may be registered as advanced practice nurses; and
3. To prepare draft regulations prescribing the qualifications and experience required, and the scope of practice for the advanced practiced nurses.

In this respect, Madam Speaker, the Committee commenced meetings on November 05, 2015, and the first aspect of its mandate is approximately 80 per cent completed and is expected to be finalised by the end of July 2016. Thereafter, Madam Speaker, the remaining objectives will be addressed. Thank you very much.

EXPIRATION OF QUESTION TIME

Madam Speaker: Hon. Members, the time for questions has expired and all questions that have not been answered today for which the Government has the answers will be circulated.

The following questions stood on the Order Paper:

National Oncology Centre

(Status of)

- 152.** Could the hon. Minister of Health provide the status update on the National Oncology Centre to be built at the Eric Williams Medical Sciences Complex, Mt. Hope? [*Dr. F. Khan*]

Non-Payment of Stipends**(Nursing Students)**

- 154.** With regard to non-payment of stipends to nursing students, could the hon. Minister of Health state:
- (a) the reasons for the delay in payment;
 - (b) the total amount of the stipends not paid to date;
 - (c) the number of nursing students affected; and
 - (d) the date on which stipends will be paid. [*Mr. F. Karim*]

National Religious Celebrations**(Policy of Disbursing Grants)**

- 155.** With respect to the policy of disbursing grants for national religious celebrations, could the hon. Minister of Community Development, Culture and the Arts state:
- (a) the list of religious groups that received grants and which shall receive grants for 2016;
 - (b) the quantum of the grants paid to date;
 - (c) the eligibility criteria for religious groups to access grants; and
 - (d) the expected timeframe that the grant will be disbursed prior to the celebration? [*Mr. F. Karim*]

Joint Police/Army Patrols in Central**(Areas Identified)**

162. Could the hon. Minister of National Security identify the areas in central Trinidad where joint police/army patrols were deployed? [*Miss R. Ramdial*]

Coast Guard Patrols

(Details of)

163. Could the hon. Minister of National Security state whether there are any coast guard patrols along western coastline and if yes, how often patrols are conducted? [*Miss R. Ramdial*]

Crime in Central Trinidad

(Lack of Discussions)

164. Could the hon. Minister of National Security provide the reasons for his lack of response to a request to meet with Members of Parliament and other stakeholders for discussions about crime in Central Trinidad? [*Miss R. Ramdial*]

Water and Sewerage Authority

(Details of Metering)

166. Could the hon. Minister of Public Utilities state:
- (a) the commencement date for the Water and Sewerage Authority to introduce metering for residential customers; and
 - (b) whether the existing rates charged to residential customers will be increased upon the commencement of the metering system? [*Mr. R. Indarsingh*]

Retrenchment and Severance Benefits Act, Chap. 88:13

(Comprehensive Timetable to Amend)

167. Could the hon. Minister of Labour and Small Enterprise Development provide a comprehensive timetable for the introduction of legislation to

amend the Retrenchment and Severance Benefits Act, Chap. 88:13? [*Mr. R. Indarsingh*]

National Aquatic Centre and Cycling Velodrome

(Opening Date)

- 169.** Could the hon. Minister of Sport and Youth Affairs provide the opening date for the National Aquatic Centre and Cycling Velodrome in Couva? [*Dr. B. Tewarie*]

Private Sector Jobs Advertisement

(Details of)

- 170.** Could the hon. Minister of Labour and Small Enterprise Development explain why private sector jobs advertisements are asking applicants to send their particulars to the Ministry of Labour and Small Enterprise Development? [*Dr. B. Tewarie*]

North Primary Oropouche School

(Opening Date)

- 171.** Could the hon. Minister of Education state the opening date for the North Primary Oropouche School? [*Mrs. C. Newallo-Hosein*]

Eastern Regional Health Authority Nurses

(Status of Contracts)

- 172.** Could the hon. Minister of Health state the reasons nurses employed on a month to month basis at the Eastern Regional Health Authority are yet to receive their contracts? [*Mrs. C. Newallo-Hosein*]

Delay in Laying of Pipes

(North Oropouche/Fishing Pond Communities)

- 173.** Could the hon. Minister of Public Utilities state the reasons for the delay by the Water and Sewerage Authority to complete the laying of pipes in North

Oropouche/Fishing Pond communities respectively? [*Mrs. C. Newallo-Hosein*]

Co-Destination Arrangement with Cuba

(Consideration of)

- 175.** Could the hon. Minister of Tourism state whether consideration has been given to entering a co-destination arrangement with Cuba for American tourists? [*Mr. R. Charles*]

UN Climate Change Treaty

(Time Frame for Ratification)

- 176.** Can the hon. Minister of Foreign and CARICOM Affairs provide the timeframe for the ratification of the climate change treaty recently signed at the United Nations Headquarters, New York? [*Mr. R. Charles*]

Overseas Missions/High Commissions

(Details of)

- 177.** Could the hon. Minister of Foreign and CARICOM Affairs provide a list of overseas Missions that do not have Ambassadors and/or High Commissioners and the rank of public officers currently in charge of those Missions/High Commissions? [*Mr. R. Charles*]

Vide at end of sitting for written answers to oral questions.

STATEMENT BY MINISTER

Madam Speaker: The Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, with your Permission, I have a statement to read and I would like to crave your indulgence for an extra minute or two so I can complete it in the clearest manner for the benefit of the House and the national community. So I crave your indulgence—
[*Interruption*]

Statement by Minister
Hon, Dr. K. Rowley

2016.07.01

Madam Speaker: So Prime Minister, am I to understand that you are asking for 12 minutes?

Hon. Dr. K. Rowley: Fifteen.

Madam Speaker: You are asking for 15 minutes?

Hon. Dr. K. Rowley: Yes, thanks.

Madam Speaker: I have to put that to the House. Is this the wish of the House?

Question put and agreed to.

Madam Speaker: You may proceed. Fifteen minutes.

**COLMAN COMMISSION OF ENQUIRY
(REFERRAL OF REPORT FINDINGS TO THE DPP)**

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I have been authorized by the Cabinet to make the following statement.

By Instrument dated the 17th day of November, 2010, Sir Anthony Colman was appointed the sole Commissioner, and I quote:

“...to enquire into the failure of CL Financial Limited, Colonial Life Insurance Company (Trinidad) Limited, CLICO Investment Bank Limited, British American Insurance Company (Trinidad) Limited, Caribbean Money Market Brokers Limited and the Hindu Credit Union Cooperative Society Limited with a view to ascertaining why such events occurred and to make such findings, observations and recommendations arising out its deliberations as the Commission may deem appropriate...”

The hearings of the Commission were delivered in two parts, with the Hindu Credit Union (HCU) being separated from the hearings into CLF and Clico. The Commission heard evidence and submissions for 85 days, over a period from June 2011 to May 2013.

2.30 p.m.

UNREVISED

Following the completion of the hearings, the Commission issued “Salmon Letters” to a number of individuals warning them that they might be the subject of adverse criticism in the report and inviting responses to the proposed matters of criticism.

Counsel to the Commission, instructed by the then Attorney General, Anand Ramlogan, were: Peter Carter QC, Edwin Glasgow QC, Marion Smith McGregor QC, Gerald Ramdeen, Shankar Bidaisee, Varun Debideen and Ms. Celeste Jules who left in 2012 for personal reasons. Additionally, to that pool of lawyers: Israel Khan SC, Wayne Sturge and Lemuel Murphy were all retained to pursue matters in the Magistrates’ Court related to the non-appearance of witnesses at the Commission of Enquiry with the maximum fine for any such individual being \$2,000—an issue I will come back to later.

Madam Speaker, as at May 2016, the total cost to taxpayers of Trinidad and Tobago of the Commission and the attorneys who were retained to assist in the Commission was \$78,488,943.30 as of May 2016. There may be additional outstanding claims as indicated by some of the individuals involved. The fee breakdown as at May 2016 is as follows:

Shankar Bidaisee	\$7,192,000.00
Gerald Ramdeen	\$5,855,468.00
Varun Debideen	\$4,955,000.00
Celeste Jules	\$2,155,500.00
Israel B. Khan SC	\$989,000.00
Wayne Sturge	\$567,600.00
Lemuel Murphy	\$250,000.00
Sir Anthony Colman QC	\$9,130,618.02

Statement by Minister
Colman Commission of Enquiry
Hon, Dr. K. Rowley

2016.07.01

Peter Carter QC	\$23,393,808.54
International Limited	\$2,712,213.48
Edwin Glasgow QC	\$12,147,007.20
Ian Marshall	\$827,239.73
Marion Smith McGregor QC	\$8,313,488.40

The Commissioner delivered his first report which was on the Hindu Credit Union on July 16th, 2014. The Commissioner delivered his second report which was on CLF/Clico to His Excellency the President on June 22nd, 2016. His Excellency sent a hard copy and a sealed electronic copy of the Clico report under confidential cover to me as Prime Minister on the afternoon of the same day June 22nd, 2016.

The following morning on June 23rd, 2016, the Cabinet was apprised of the receipt of the report and the Cabinet agreed that the sealed electronic copy should remain sealed and be forwarded forthwith to the Director of Public Prosecutions for his immediate and I quote:

Consideration and comments or advice on the time on which this document could be made public in its entirety or partially.

This was expressed to the DPP, accompanied by a letter which was handed to him along with the still sealed electronic copy of the report at 4.47 p.m. on Thursday June 23rd, 2016.

I must note, Madam Speaker, that by Friday, June 24th, the day after the DPP received the report, under instruction of the Cabinet with the utmost dispatch, my colleagues on the other side were already spirited in condemnation, invoking spectre of conspiracy and cover up of the report on the part of the Government. Clearly, mistakenly, this Government was being wrongly judged by the standards

UNREVISED

Statement by Minister
Colman Commission of Enquiry
Hon, Dr. K. Rowley

2016.07.01

of unacceptable conduct of others well-known to us. This country should rest comfortably in the knowledge that the Government of Trinidad and Tobago, which I have the honour and responsibility to lead, will do nothing to impede the flow of justice in this or any matter. [*Desk thumping*] And we will do everything within its duty and authority to facilitate the holding to account any and all persons who may have been found to have questions to answer. Like every other citizen, it is our expectation that as rights to fair treatment are protected, justice must always take its course swiftly, under the timely and effective probing of the long arm of the law. By letter to the Director of Public Prosecutions, also requested that given the sensitive nature—and I might now add, the widespread public interest and anticipation in this Clico saga and this report of the Colman Commission, the DPP should give the matter his urgent attention.

Having perused the report myself without going into any unsavoury details here now, I can advise the population that it contains very serious allegations of criminal misconduct on the part of a handful of privileged individuals who were associated with the Clico/CLF group of companies. Accordingly, these findings of the report, must, of necessity, require the attention of law enforcement through the office of the DPP and therefore, pending the receipt of the specific advice that has been requested of the DPP, it would be wholly irresponsible of the Government to publish or provide copies of the report at this stage. It has been sent to the DPP and we shall await the receipt of his guidance and advice. Of course, we recognize that this Commission of Enquiry was of great public interest, not least of all because the Government of Trinidad and Tobago was required to intervene and bail out CLF/Clico in 2009 to the tune of many billions of dollars.

Whilst in the last five-year administration, the management of Clico, CLF

UNREVISED

and the associated companies were shrouded in secrecy by the UNC administration, this PNM Government has no intention of operating in that manner. This Government will operate in an open, transparent and accountable manner as it has been doing, and once the Minister of Finance has completed his on-going audit, he will come to Parliament and tell the citizens of Trinidad and Tobago the exact amount of money expended by the Government with respect to the said bailout. This will include the cost incurred by lawyers, accountants, professionals and all others. Furthermore, any and all disposal of assets from the group will be announced to the public in an open and transparent manner as well.

There are a number of findings of the Commissioner Colman that we believe can be shared at this stage without harm and I will do so as follows:

- It was found, inter alia, a number of executives acted in conflict of interest situations.
- There was overleveraging and unacceptable intercompany transactions that seriously negatively affected Clico, CIB and BAT.
- CLF paid high-premium prices in acquiring various assets thereby resulting in overall prices being more than originally anticipated.

CLF auditors expressed disquiet in the course of 2008 at the rapidity with which the group was acquiring new companies such as Green Island and Lascelles de Mercado at the growth of the intercompany balances, particularly the indebtedness of Clico and CIB, as well as the limited ability of CLF management to operate a much enlarged group and recommended that there be no further acquisitions until the group has consolidated its new holdings and paid down the unsecured part of its indebtedness to Clico. That recommendation was ignored in as much as CLF management proceeded to go ahead in what can be described as a

reckless manner.

The underlying causes of the collapse of all the companies were the defective business model of the CLF group and the failure of senior management to act to change and the methods of corporate governance in accordance with the requirements of the Central Bank of Trinidad and Tobago and the recommendations of their own external auditor. Those were the predominant causes of collapse although there were contributory causes. Neither taken a loan—

Madam Speaker, I crave your indulgence to complete the other page. I have three minutes left but I would like to know if I can complete the other pages. I would like to ask the House.

Madam Speaker: Members of the House, do I have your concurrence to allow the Prime Minister to complete outside—? You may continue.

Hon. Dr. K. Rowley: Thank you very much, Madam Speaker, thank you very much, colleagues. Yes, those were the predominant causes of the collapse although there were other contributory causes. Neither taking a loan nor in combination would the contributory causes have destroyed these companies' ability to continue to trade had it not been for the two predominant causes to which I have just referred.

The business model which ultimately crippled the entire CLF group involved as its central feature, the deployment by CLF, either directly or through subsidiaries of funds originating in moneys deposited by external depositors as well as by Clico and BAT in CIB, and also funds originating in policy premium income and investment dividends belonging to Clico and BAT for the purpose of making investments in equities and real estate and latterly for the payment of operating expenses of CLF itself and other group companies.

In essence, Madam Speaker, the insurance companies were treated as the means of funding the overpriced and sometimes cavalier and hugely speculative investments made by or directed by CLF. The fundamental defects of this business model were first that once funds had been transferred out of Clico, CIB and BAT and invested by CLF and/or other group component companies in real estate and equities, those assets lost the key attribute of liquidity which was essential to the safe conduct of the business of both CIB and insurance companies, Clico and BAT. Consequently, those companies lost the ability to respond to the requirements of external policyholders and depositors for money payments as fast as they fell due.

The second major cause of the collapse was the continuing failure of senior management to adopt and give effect to the requirements of CBTT, the Central Bank and the recommendations of the external auditors. There was thus a continuing failure of senior management to deal adequately or at all with two of the fundamental weaknesses of the CLF business model, namely excessive related-party transactions and the pervasive asset liability imbalance.

The Commission found that if during the period from 2004 to 2008, Clico, BAT and CLF had made any real effort to act with urgency to rebalance the group's business model in accordance with the requirements of the Central Bank and treat with the recommendations of the external auditors, it is probable that the collapse would not have taken place. These are some of the salient findings of the Commission that provide an explanation for the failure of the CLF/Clico group.

It is noteworthy that there was no adverse finding and/or comment whatsoever with respect to the hon. Attorney General, Mr. Faris Al-Rawi who had served very briefly on the board of CIB and who was not even called before the Commission and I place that squarely on the record.

2.45 p.m.

As I mentioned before, a number of adverse findings of criminal misconduct of a kleptocratic nature were found and recommendations made, which would be for the DPP to consider. I make no further comment with respect to these areas in the report.

The commissioner made a number of recommendations with respect to legislation and/or legislative amendments that the Government will study and consider adopting in short order. Two areas that Commissioner Colman focused on are the insurance legislation and the Commissions of Enquiry Act.

The Minister of Finance has promised and has kept the promise and has laid today in Parliament a new Insurance Bill that was the product of the previous Parliament's work, including the work of Joint Select Committees. The Government hopes that this will be speedily passed and will result in much needed changes of the insurance industry will respond to one of the major recommendations of Commissioner Colman.

Another area identified by the commissioner for reform is with respect to the enforcement of evidential orders and the attendance of witnesses who are summoned to appear before a Commission of Enquiry. As it stands now, those who fail to appear before a Commission of Enquiry when summoned face a maximum penalty of \$2,000, which is highly unpersuasive. The existing penalty hardly persuades anyone to cooperate with a national need for information which they might possess.

I have instructed the Ministry of the Attorney General and Legal Affairs to study these recommendations and to advise the Cabinet on an appropriate way forward and in particular to consider how legislation may assist in ensuring

Statement by Minister
Colman Commission of Enquiry
Hon, Dr. K. Rowley

2016.07.01

attendance of witnesses and the provision of documents in a more pragmatic and effective manner than currently exists.

As you would have gathered from my presentation this afternoon, Madam Speaker, Commissions of Enquiry are very expensive. They are probably necessary and cathartic, if only they can be executed in a reasonable time frame and more importantly, if the enquiry results in people being held to account and lessons learnt can be put to use for future benefit.

Once again, we have had an enquiry which has been hugely expensive and time consuming. It is my hope that its findings are quickly acted upon to the satisfaction of a long-suffering people who have borne the agony of what has got us here and whose fervent hope is that this experience does not further contribute to the cynicism which is associated with these things and this effort does not gather dust on some obscure shelf. Madam Speaker, I thank you. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Thank you very much, Madam Speaker. Hon. Prime Minister, is it appropriate for the hon. Attorney General to be the officer you have selected to look at the recommendations, notwithstanding that no averse findings have been against him, yet he was a related party, with respect to the matter? [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, I sought your approval twice to read a statement in the Parliament in front of the national community because I wanted to read slowly so that everything I have said could be understood and digested. I mentioned the Attorney General because I wanted to forestall the mischief that has already begun. I said absolutely nothing in that statement about the Attorney General having anything to do about interfering with the statement. I spoke about receiving it, taking it to the Cabinet, sending it unsealed to the DPP, and we await

Statement by Minister
Colman Commission of Enquiry
Hon, Dr. K. Rowley

2016.07.01

the guidance of the Director of Public Prosecutions. [*Desk thumping*]

Madam Speaker: Please continue.

FINANCE (No. 2) BILL, 2016

Bill to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters [*The Minister of Finance*]; read the first time.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. In accordance with Standing Order 64(1)(b), I beg to move that the next stage of the Finance (No. 2) Bill, 2016 be taken on Monday, July 04, 2016.

Question put and agreed to.

Madam Speaker: Members, could we have order, please?

INSURANCE BILL, 2016

Bill to repeal and replace the Insurance Act, Chap. 84:01; to reform the law relating to insurance companies; to regulate insurance businesses and privately administered pension fund plans and for other related purposes [*The Minister of Finance*]; read the first time.

THE GAMBLING (GAMING AND BETTING)

CONTROL BILL, 2016

Bill to provide for the regulation and control of gaming and betting and matters related thereto [*The Minister of Finance*]; read the first time.

MISCELLANEOUS PROVISIONS

(ANTI-GANG AND BAIL) BILL, 2016

[Second Day]

Order read for resuming adjourned debate on question [June 17, 2016];

Madam Speaker: The Attorney General, and I am to advise that you have 16

UNREVISED

minutes left to contribute.

Hon. F. Al-Rawi: Much obliged, Ma'am. [*Desk thumping*] Madam Speaker, in 16 minutes I crave your indulgence to continue my contribution.

It is a matter of record now in the public that, upon the urgings of the Opposition, we suspended the sitting of and second reading of this Bill and in fact met with the Opposition but I would like to clarify very quickly the process of engagement in consultation.

On June 02, 2016, specifically, I wrote to the Leader of the Opposition, the DPP, the Chief Justice, the Law Association, Criminal Bar Association and the Commissioner of Prisons asking for commentary and cautioning that this Bill would be dealt with to seek an extension of time in relation to the suspension, the setting of the law. That being the case, it was not until June 17th that the Opposition engaged in any meaningful positioning and in fact, if I am not mistaken, it was June 28th that we finally met with the Opposition.

Attending on the Opposition's behalf were the following persons: the Chief Whip of the Opposition, the Member for Chaguanas West; the hon. Member for Oropouche East; the hon. Member for Pointe-a-Pierre; the hon. Member for Couva North; the hon. Member for Naparima; and two Senators, one Sen. Sturge and acting Sen. Ramdeen.

Specifically for the Government in attendance were the hon. Leader of Government Business; the Member for Laventille West; the Member for Port of Spain South; and the Member for Toco/Sangre Grande.

Madam Speaker, at that meeting, where there was a cordial exchange of positions, there was specifically the request by the Opposition for information. The Government pointed out that with the inclusion of Sen. Ramdeen on the team that

the Opposition would have, in its possession, affidavit evidence from the Commissioner of Police and supplemental affidavit evidence from the Commissioner of Police, which provided a dearth of information in ongoing litigation brought by Sen. Ramdeen and Mr. Anand Ramlogan against the State, seeking to have the declaration of unconstitutionality pinned in relation to the bail amendments. Now I say that because the Opposition would, therefore, have had in its possession a massive amount of statistical information available to it by no less a person than the Commissioner of Police.

Madam Speaker, in the couple of minutes left before us, I am now obliged to speak to two important issues. One would be what the state of the law actually is and two, what is necessary to avoid an absurdity, in terms of what the Constitution says we ought to oblige ourselves in considering.

Let me put it this way, it is abundantly clear by this Bill that we seek to infringe upon section 4 and section 5 rights of the Constitution. We seek to specifically use section 13 of the Constitution by inviting a three-fifths majority support in the Houses of Parliament and we invoked, in aid of proportionality, the argument of constitutionality, the fact that the rights of the citizen must be weighed in the context of the provisions of the law, which we have now and must be considered specifically in a society such as Trinidad and Tobago, where there is a scourge of criminality.

We say that the intrusion must be viewed in the specific socio, macro, economic and political considerations, recognized most recently as being valid considerations by no less an authority than the Privy Council in the recently produced judgment of the Privy Council on June 28, 2016, in the Clico policyholders matter and also in the Northern Construction case where the Privy

Council spoke equally to that effect.

The hon. Minister of National Security will no doubt speak to detailed statistics which would be read into the reasonableness and proportionality of this, as will other Members of the Government Bench speak to that. It is important, bearing in mind that we hinge the argument of proportionality upon the need to have a fighting chance to analyze the law and to look to its efficiency specifically because the last Government did no such analysis. It falls to this Government to do the work. It is a matter of public record right now that we began consultations in the public domain in relation to the prisons in particular.

Permit me to put on record this fact. In the prisons, we have 2,345 persons in pre-trial detention. Of that, 1,019 persons, or 43.4 per cent, are not eligible for bail because they are there for murder charges; 1,326 people, being 56.54 per cent of the total number, are eligible for bail. I put that number specifically because if the law is allowed to have a sunset go in effect, we must look to the impact upon the Judiciary of Trinidad and Tobago as to how 1,326 persons will be processed in the criminal justice system.

That takes me right now and immediately to what the law is. I want hon. Members to understand, what we are dealing with today is not the Anti-Gang Act only. We are specifically looking at the state of the amendments of the Bail Act being 11 amendments of the Bail Act from the period 1994 to 2015, and specifically if the sun is allowed to set on the bail amendments, we are going to revert the law to 1994 as only amended by a small amendment in 2005, where we changed “shall” to “may”.

We are going to rewind the laws of Trinidad and Tobago 22 years into the past if the law is allowed to have a sunset operationalized and I put that squarely,

\because successive Governments have amended the provisions of the Bail Act to take care of advances in criminality. Both PNM Governments and UNC Governments have specifically said: “Give the law a fighting chance. Give the criminals a run for their money and a challenge by taking avail of consideration of how our society must treat with this.”

3.00 p.m.

That means if the law sets, Madam Speaker, we are going to specifically throw away anything to deal with kidnapping for ransom, anything to deal with heinous crimes to children, under the Children Act, 2012. We are specifically going to throw away trafficking in narcotics, possession of firearms, all of that goes. This is cause for concern and, therefore, in the few minutes I have ahead of me, my task now is to tell you what the state of the law is.

1994, the original law which came into effect basically saw a three-strikes law in 10 years. If you had a charge, you applied for bail and you had three convictions in 10 years, you were denied bail.

In 2005 by Act No. 19 of 2005, we fettered the word “shall” into “may”, and gave the Judiciary a discretion to exercise its powers, in a more amplified sense, as the 1994 Act allowed. Act No. 32 of 2005 was the beginning of two strikes and 15 years. If you came for the charge, you wanted bail and you had two convictions recorded in the last 15 years, you would not be permitted to access bail in the strict sense of word, and the court would be invited to consider certain limitations.

Act No. 30 of 2006 saw a provision, where the sunset clause put in 2005, which was for one year, was amended to be extended for a further 15 months. In 2007, Act No. 10 of 2007 came, we saw specifically, the amendment of the Schedules to the 1994 legislation, and we split the Schedules so that you had

specified offenses and violent crimes. 2007 we saw two pieces of law with a UNC in Opposition, you saw the UNC hold the PNM Government to sunset clauses of three-month extension, and then one-month extension.

Specifically in 2008, there was a significant amendment which came in by the introduction of law which catered to the changes in criminality, armed robbery with violence, possession and use of a firearm for intent to endanger life. There was a movement to accept where criminality was coming to.

In 2011, the Government changed. We saw a UNC Government come into power and specifically, we had the bail amendments alongside the Anti-Kidnapping Act, and very importantly, we saw the genesis of a one-strike rule. In 2011, there were amendments to the Bail Act, so that we could actually extend the time frame, from which someone was bound to be barred the right approach to a judge. We moved from 60 days to 120 days. In 2011, we put in with unanimous support, full PNM Opposition support, sunset clause for five years. Specifically, we saw two strike plus 15 years have an addition on of one strike and 10 years limitation.

I am being succinct as I can with the limited time, but, Madam Speaker, in 2014, there was a significant amendment by Act No. 1 of 2014, where we saw the whole introduction of a removed law, where there was a reversal of burden of proof, upon the accused to show why he should be set free, moved by the then Attorney General, Anand Ramlogan. That moved safely into the 2015 positions, where we went away from, as we come along the years three strike, two strike into one strike, where they said if you have a charge and you want to access bail, but you have another charge of certain matters, you cannot access bail.

These amendments were all packaged specifically by a then UNC

Government, saying, “Listening, criminality has the advantage on us. We must act with alacrity, and we must cause a society to accept that the Constitution must be used, with a three-fifths majority to allow for intrusion into section 4 and section 5 rights, where one is permitted the right to go forward for bail.

Today, Madam Speaker, we have a very different position. We have a Government saying, “Give the time to do the consideration that is required. Let us be put into a position to do the work that was not done by the last Government. Let us do the work that the people require. Let us produce the statistics which will show whether kidnapping for ransom continues to work the way it did when SAUTT was around. Let us look to the efficiency of what the anti-gang law looks like. Let us look to the issues of bail. Let us complete that work and come back within a two-year time frame, to present statistical information to the population”.

Instead, we have an Opposition that says, “Give us facts”. When that Opposition did approximately five amendments to the law, which were based upon Cabinet notes, presided over by the then Prime Minister, now Leader of the Opposition, which would have had all the particulars as to the rationale and constitutional reasons to invite the Parliament to exercise a section 13 exception to sections 4 and 5 rights.

Today, we have a Leader of an Opposition, having, with her team, a lawyer who is able as an acting Senator, to provide all the information that is requested by the Opposition, in the form of affidavit evidence, which we had discussion over in our meetings held with the Opposition. But today, we are being invited to tell Trinidad and Tobago, kidnapping for ransom has been solved; anti-gang has been solved; firearm offences has been solved. Do not worry about all the laws to protect you being considered, and information being brought forward. Just let it

fall.

So I would like the constituents who were affected by crime and criminality, and who supported the UNC in the last election, to ask the Opposition a serious question, “Is it that kidnapping for ransom is no longer a problem? Is it that firearms and ammunition is not a problem? Is the Member for Couva North to be taken seriously, in calling for greater measures of control, to deal with lockdown of borders and ports, to deal with the position of guns and ammunition? Are we listening to the Member for Couva North’s pleas? When the shoe was on the other foot, a PNM Opposition gave support to a then Government, now in Opposition, that shoe is now in the Opposition’s possession. The shoes are on their feet, and we simply ask the Opposition to tell Trinidad and Tobago, what their position is in relation to this. And with those words, I beg to move, Madam Speaker. [*Desk thumping*]

Question proposed.

Mrs. Kamla Persad-Bissessar SC (Siparia): [*Desk thumping*] Thank you very much. Madam Speaker, I thank you, and I listened to the hon. Attorney General today and on the last occasion when he made his presentation on the legislation, the Bill that is before the Parliament. I thought that as we approach this debate today, that we should not engage as far as we can, should not engage in a tit-for-tat, and back and forward, and he said, and she said, and they said, and when you were in there you said this, and when we were there we said that. I thought we would not do that and, in fact, I do not intend to go down that road, [*Desk thumping*] I will keep on the substance of the law, and to look at the provisions that are before us.

However, it is passing strange that the hon. Attorney General would spend the few moments that he had today, 16 minutes, to really try to “tap up and buff

up” the Members of the Opposition. [*Interruption*] Instead of taking the time to—not to beg, to provide—not for us, you know, to provide for the public, the reasons as to why we should support this Bill, and others should give support to it.

I want to quote from the *Hansard* and I will give you the date of this *Hansard*:

“So who is the bright brain who drafted this? It has to be somebody who knows absolutely nothing about what the existing law has in it, who would have drafted this and get the Government to come back to Parliament to waste Parliament time, trying to make unbailable what is already unbailable.

I am putting you on notice now that you are walking that same road because I do not know who would have drafted this and caused you to be coming here to support it as something good.

I am putting you on notice now, that you are walking that same road, because I do not know who would have drafted this and cause you to be coming here to support it as something good.

And we have said, “You all could not all be serious”. You could not be serious, because for a start, most of it does not make any sense.

Secondly, we told you we are not supporting it, but you want to hammer us home.

We told you in private conversation, we are not supporting this; this is nonsense. I read for you upfront all the nonsensical components.

So today, I am saying to the Government, do not waste our time.

We will not be bullied into passing bad law.”

This is was on the *Hansard*, in the debate when the 2014 bail amendment Bill was debated, and the words coming out of the mouth of the then Opposition Leader, the

Member for Diego Martin West. [*Desk thumping and interruption*]

So the attitude then, the attitude now, [*Interruption*]*—into—attitudes*, Madam Speaker, in terms of how we go forward, the hon. Attorney General on the last occasion, spent quite some time about court cases, and talking about court cases in relation to the existing provisions with respect to bail. In those court cases, you know, he made some comments really appearing to attack persons that brought cases to deal with constitutionality and so on, of the court cases.

It reminded me that these provisions that we are looking at, is basically to take away jurisdiction from the courts, and to place that jurisdiction really in the hands, in a sense, of a police officer, because it is the police officer who will arrest someone, and charge and so on, and then there is no bail for the 120 days. So in addition to the deprivation of rights to liberty and so on, there is also in these provisions and the appropriation of the right to access to a court, because for 120 days you do not have access to make that application for bail. And, Madam Speaker, it is very clear in our constitutional framework, and I will not burden you, Madam with that—very clear in our constitutional framework of separation between the Judiciary, Legislature and Executive and, of course, there is the overlapping of that.

But, you know, just today I saw the value and the benefit of keeping the courts and keeping the Judiciary, as the sentinel guardian of the Constitution, for the determination of rights and obligations. Two really landmark cases decided today, Madam Speaker, one in our own jurisdiction, and one in the jurisdiction of Austria. In Austria today, the courts there ruled, annulling the result of presidential elections because the rules had been broken, and they annulled that election. That was the judge—presidential election annulled in Austria.

In Trinidad and Tobago, the High Court today declared as unlawful, illegal, unjustifiable and unreasonable, the actions of the present Cabinet, in refusing to disclose the names of attorneys both local and foreign, who provided advice to the Government, the dates when they gave advice and the fees paid to them with respect to removal of the Governor of the Central Bank, Mr. Rambarran. [*Desk thumping and interruption*] The judge ordered the Cabinet led by Dr. Rowley and the Minister of Finance, Mr. Imbert, to produce the information within 18 days to the applicant, and I think this represents a victory to the people of Trinidad and Tobago, [*Continuous desk thumping*] and also for the court, with respect to the courts.

3.15 p.m.

And so, I am saying, the importance of the Judiciary where there are tensions in the society between the Executive in the political arena and outside of the political arena, it is the court that retains that guardianship of the rights and obligations of the citizenry.

So, today, here we are, brought in one Bill, the 2016 Bill, the Miscellaneous Provisions (Anti-Gang and Bail) Bill, 2016 where we are being asked to extend the operation of six Acts, six pieces of legislation. The AG has enumerated those six pieces of legislation. What these Acts basically do is to prescribe circumstances in which bail shall not be granted. So the six pieces of legislation tell us: look, we must not grant bail in certain circumstances, and these are with respect to offences and so on.

So we have the Bail (Amdt.) Act, No. 17 of 2008, which was already extended by Act No. 11 of 2011 and then for five years. So everything expires August 2016. We have Act No. 9 of 2011, and this one interestingly—I do not

know if the AG has clarified, he may have, but I do not recall—we are not indeed extending the law where there is a sunset clause. This one has no sunset clause whatsoever and, therefore, we are seeking, in this sitting or in this debate, consideration to insert a sunset clause. Then we have Act No. 10 of 2011, the Anti-Gang Act, the Bail (Amdt.) Act, No. 11 of 2011, Bail (Amdt.) Act, No. 1 of 2014 and No. 7 of 2015, all we are being asked is to extend until August 2018.

Now, there are two things that jump out immediately on the face of this very short Bill. It is a very, very short Bill. I think 10 clauses. It is very, very short, but far from simple because we are dealing with very fundamental rights and abrogation of those very fundamental rights. But just on the face of the Bill itself, what jumps out and gives us pause—but you say pause for a cause—what jumps out—cause for a pause and pause for a cause. It gives us cause just to pause and, of course, we pause for a cause—on the face of this Bill: one, it needs a special majority vote and, secondly, that they are with respect to sunset provisions which are, of course, as we all know, temporary provisions coming to expire. Those two things then, if time permits I would come back to the section 13 matter and, of course, with respect to a sunset provision as a whole and, of course, it deals with restrictions and the right to bail.

Now, I think we all know it is a cardinal principle in our law—from the common law through the Constitution—that the presumption of innocence until proven guilty. And from the earliest times, in fact, if I may quote from the common law which is now codified in our Constitution, in the case of *RM Bajar*. This is an 1843 case, 7jp128 and page 130, Chief Justice Denman, in a case where sureties for bail were refused by the magistrate stated:

“The law is clear, and is as old as the Statute of Westminster...Lord Coke on

his commentary”—upon that statute said—“that to deny a man plevy, that is plevysable, and thereby detain him in prison, is a great offence...and...to be grievously punished.

Blackstone, referring to the ancient statutes...the Habeas Corpus...and Bills of Rights, calls it ‘an offence against the liberty of the subject.’”

Madam Speaker, this right to bail and all the provisions not to deprive of liberty and so on are now enshrined and entrenched in our Constitution—Chapter 1, Part I, sections 4(a), 5(1), 5(2)(f)(i), (ii) and (iii)—and, again, I will not go into quoting those, because of the time constraints. So I think we are clear, and that is why you need the special majority. But, you see, that section 13 tells us that you could pass the law with a special majority, but it does not stop at section 13(1). Section 13(1) says, yes, a Bill that abrogates, infringes and so on—the fundamental rights in sections 4 and 5 will still have effect, but it must do certain things. One, it must express on its face that it is in need of this three-fifths majority and it must be passed in the Houses of Parliament with the three-fifths majority. That is fine. So we are being asked to vote for it and to have the three-fifths majority. But it has 13(1), but we fail to understand that even if we give the three-fifths vote, there is another very important provision which is 13(1) in the Constitution that it must:

“...shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

That is 13(1):

“...the Bill for which has been passed by both Houses...the final vote...each House has been supported by the votes of not less than three-fifths of all the members...”

That is section 13(2). And 13(1):

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with...4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

So there is the test. It is a double test that the legislation must pass. One is for us to give it the three-fifths special vote, which we can or cannot do, or should or should not do, but the more important test will be reasonable justification.

The hon. Attorney General uses the word “proportionality” and that in itself is a debate in the courts as to whether we look for reasonable justification or we look for proportionality. The very lengthy judgment of Chief Justice Archie, Justice Jamadar in the case of Barry Francis, a very lengthy judgment—in fact, a very historical occasion arose when the Court of Appeal sat—five Judges of the Court of Appeal, a panel of five. That does not normally happen. You would have a panel of three Court of Appeal Judges. Five judges of the Court of Appeal sat in the case of *Barry Francis and Roger Hinds v the State*. This is reported at 2014 86 WIR at 418, and in this case five Judges of the Court of Appeal sat, and that was an area for full discussion of: what is reasonably justifiable? What is proportionality? How should it play? And that I think is very important in how we look at the legislation we are being asked to approve today. So we had the Bail Act then—so you write at common law and in the Constitution that you are entitled to bail and so on, and then we had our Bail Act 1994 and in its long title it states:

“An Act to amend the law relating to release from custody of accused persons in criminal proceedings...”

And then coming from about 2008, Act No. 17 of 2008, which is one that we

are being asked to extend—extended in 2011—and now we are being asked to further extend it, Act No. 17 of 2008. And coming through these other five pieces of legislation, restrictions on the right to bail, all of which, as I say, we are being asked to approve today. So that is where we are in the state of play with respect to bail in our country.

I mentioned the sunset clause. I do not know, just as a factor we may just mention en passant, that these sunset provisions have been used throughout legal history and, in fact, originated, I am told—I read in the Roman times when they had to go and collect taxes, and when they had to raise forces and troops to go and fight wars and so on, they had to move quickly, but they had it for a temporary time only to go out and raise the troops or go out and raise the taxes to do any emergency works and so on, but what is the purpose of this sunset clause that we have found in all these six pieces of legislation?

The purpose, as I said, I sort of hinted that before, was pause for a cause. The purpose of making it temporary is to give you an opportunity in a short space of time to review the legislation to see how it has worked. [*Desk thumping*] Has it been effective? What have you learnt from it? Should you change—should you do away with it and let the sun set completely? Should you amend it in any way, add or take away from it? That is what a sunset provision gives you in a piece of legislation—that it remains temporary and can be reviewed and extended or not reviewed as the case may be.

Now, I think the hon. Attorney General try to do a job on us in a sense. I would not go there, but I would try to really—in a sense, the hon. Attorney General, you know, stated some numbers and so on. I do not know. In his last contribution on this same Bill, when he talked about all the statistics and that he

had taken a position to get a lot of statistics on all kinds of matters, I was wondering if the CSO had moved over to the Office of the Attorney General, the Central Statistical Office. But he quoted all these statistics and he has not given us the most important data—[*Desk thumping*]*—*that is: how many persons are in jail without bail under the provisions of these six pieces of legislation? [*Desk thumping*] How many persons? [*Desk thumping*] And then the hon. Attorney General tells us we should go and ask Ramlogan and Ramdeen.

I do not know what he has with these fellas. I really do not know. Every time he speaks he has to mention their names. Go and ask them. But, you know, from September 07, 2015, you are in charge. [*Desk thumping*] Take charge! Take charge! Do not tell me to go and ask Ramdeen about some affidavit he filed in court and about statistics. You come here today, and I say you do not want to talk to us, you may not wish to, that is okay, but the public wants to know.

I picked up the newspaper today, both editorials, they are saying you need to come here and explain and justify why. [*Desk thumping*] There are some serious breaches of rights, both the *Express*, the *Newsday*, both here today. In the last several days we have seen the Law Association, your good colleagues, your friends in law, saying they do not support it. I must say they have been consistent, because in 2015 they said they did not support it, and now, once again, they do not support it. I think several others, very learned and distinguished counsel, Mr. Martin Daly, himself, also raised questions about these pieces of legislation. So there is cause for pause. And, today, we have not had the kind of information we would like to see.

So let us look that this issue of reasonable justification and proportionality. Yes? What is the test? The test must be that your objective must be a legitimate one. And the AG knows those cases, De Freitas and Northern Construction, a

whole raft of cases going down the line. He knows it well because he has used that with—I think it is one of his favourite words “proportionality” from way back in Opposition to now, proportionality. And so the law is proportional. The aim: you must have a legitimate aim—the measures that you use, the means that you use to interfere with a right must have a rational connection with it. It must not avoid less, as you say, less stringent or severe measures and, of course, there must be a balancing, a fair balance, and that is the test laid down in a raft of cases with respect to proportionality and, as I say, the whole issue of reasonable justification.

Let us start off first of all, let us state very clearly today, and do not let us get carried away with the numbers that were quoted by the hon. Attorney General—the prisons have 2000-plus people. No, no, no, they are not the ones that you can categorically tell us are in jail without bail, because of this law. [*Desk thumping*] You cannot tell us. Do not for one minute get carried away and believe that persons presently in jail without bail, that they would be automatically freed. I read that in a newspaper. If the sun sets on these pieces of legislation: “Wow, it is going to be chaos, it is going to be madness, the jails will open and people will run out and fly out.” Frightening people. That will not happen because what happens—should the law, the sun set on these and they are not extended—is that persons will be entitled to do what? Apply for bail [*Desk thumping*] and that does not mean they would get the bail.

The court now, it goes back into the hands of the court, that the court will now look at all the circumstances of the individual cases and in its discretion grant or withhold bail. This was the position before these pieces of legislation came into play, the six pieces that we are looking at to extend today. That was the position then and, indeed, that was the position way back when throughout.

Long ago, in the case of *Hinds and Others v R*, a really famous case dealing with the separation of powers and so in Jamaica, you know that case was about criminality. They had tried to set up a gun court in *Hinds and Others v R* because they were saying: “Oh God too much crime, let us do something with these gunmen, let us do it.” And the Privy Council was so clear, Lord Diplock when he said—he said, listen, when you are looking at breaches or rights and so on, when you are looking at the separation of powers, what you are looking at is not the expediency or how good the law is, how convenient the law is. That is not what you are concerned with. It must be in keeping with the supreme law of the land, the Constitution.

3.30 p.m.

And, therefore, the law must be proportionate; the law must be reasonably justified. Yes, the aim, the objective is a nice one; it is a good one. All of us, and I am very clear, all of us, we are all concerned with the criminality in the country. [*Desk thumping*] We all want to fight crime, bring down the crime, the question remains: do these six pieces of legislation help us with that? Let us get to the statistics very quickly. The bit that we have that comes from CAPA, which is from the police branch, if you look at those statistics, first of all, you will see, for example, that the one crime that is increasing the most, yes, the one that is just flying out of the door is murder. But, Madam Speaker, from time immemorial there has been no bail for the crime of murder, or the offence or the charge of murder, and if these six pieces of legislation, sun sets on them, you will still have no bail for a charge of murder. You would get no bail. So let us not fool ourselves that if the sun sets on these six, “Hey, dem murderers gehin bail an running out de road to murder more—not happening. [*Desk thumping*] It is not going to happen.

So let us look at the statistics. Let us look at this, we look at the statistics for murder and we will see what has happened from January to May, 2015, there were 196 murders; from January to May, 2016, there were 232 murders—January to May, 2016, what changed, Madam Speaker? They came into Government. The PNM came into Government. From September to December, 2015, 141 murders, so since they came into office 372 murders. Madam Speaker, these people have no bail, the charge is for murder, no bail and yet the murders are increasing up and up and up. We look at the statistics again and we will see, with respect to murders, during 2010 to 2015 that those numbers went down, homicide numbers went down. We will see, for example, that the serious crimes went down to the lowest in 31 years. [*Desk thumping*]

There was a 49.75 per cent decrease in serious crimes. Is it because of these six pieces of legislation? In the last five years serious crimes went down by 49.7—almost 50 per cent, by half, and the detection was abysmal; it has not improved, it has gone even worse under your Government. From 18 per cent plus where we were it has come down under your Government to about 8 per cent, about 8.6 per cent. So, the serious crimes, I am saying, have been reduced from when we took office in 2009 to the present time. So why did that happen? Is it because of these six pieces of legislation, Madam Speaker? No. No, it was not because of these six pieces of legislation, it was because we had a vision and a mission in a holistic framework that we did legislative, [*Desk thumping*] infrastructural, administrative—and my colleagues will come in the details with respect to those issues. [*Member sorts through her documents*]

Achievements, so legislative measures, Madam Speaker, in the period from 2015, legislative efforts, we would have brought into Parliament, late into

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mrs. K. Persad-Bissessar SC

2016.07.01

Parliament and passed legislation—I believe it was something like, in our First Session, 42 pieces of legislation we laid in this Parliament. How many has been laid in the last 10 months?—in a week will be 10 months. [*Interruption*]

Hon. Member: How many passed?

Mrs. K. Persad-Bissessar SC: Do we know? How many laid and how many passed? Nine. Nine laid. How many passed? You want to really talk about that?

Hon. Member: Yeah.

Mrs. K. Persad-Bissessar SC: Nine. In your First Session we have two months going into recess, when we come back we go only until about what?—17th September? The session will end. Do you really think that you are going to reach anywhere to the legislative framework that we did in that first year, First Session? No. We deal, and my Members, as I say, legislative efforts done, assistance with respect to infrastructure, and we built about eight or nine police stations, if I am not mistaken. [*Desk thumping*] [*Interruption*]

Hon. Member: It was 10.

Mrs. K. Persad-Bissessar SC: Ten. The acquisition of naval vessels—you know, today I feel very proud to know that in every police vehicle, and we had promised that in 2010, that you have the GPS in every police vehicle—[*Desk thumping*—in each one, and one of my colleagues will take this on go because I do not have the time to say all the things here, the achievements 2010 to 2015. That is why the serious crimes went down, it was not a one shot, it was not a [*Desk thumping*] standalone— [*Interruption*]

Hon. Member: We did not have a Prime Minister dancing up and down.

Hon. Member: But she was dancing in Jamaica.

Mrs. K. Persad-Bissessar SC:—it was not a standalone, it was a holistic network,

if that we had.

Madam Speaker, I really, you know, whether you were dancing or I am dancing, or the other, what does it matter. It does not matter. It does not matter. Really it does not make a difference. So, Madam Speaker, there are issues ripe today, you know, that we need to pay attention to. Right here in this Parliament, in Prime Minister's question time, you know, we asked the hon. Prime Minister—I did, I asked the hon. Prime Minister on the April 08, 2016, right here—we asked the hon. Prime Minister what steps were taken to improve the detection rate, and so on, and the hon. Prime Minister said, and I quote from the *Hansard*:

“...what we are doing is ensuring that they have the training, the resources and the high morale that is required to confront the criminal element.”

Very good. Then Dr. Moonilal asked a supplemental question, and he said:

Hon. Prime Minister, “I note the Prime Minister's statement on the morale of the police service needs to be improved to deal with this matter.”

And so in this context, I asked him whether or not his Government intends to put the mechanism in place to provide compensation, \$1 million to the families of officers who fell in the line of duty. And, of course, the hon. Prime Minister said the answer is, yes, we will put in place proper procedures, and so on. Fast forward to May 20, 2016, we again asked the hon. Prime Minister, and what did he tell us:

“Yeah, four weeks, which would give the Cabinet—well, we have—I would say by the end of June this should be operationalized.”

Today is what day? Today is the 1st of July, and not a single family of officers who fell in the line of duty have been compensated. [*Desk thumping*] Not a single family.

Talk about morale in the police service and boost in morale, the hon.

Minister of Finance promised by the end of June that police officers, and so on, would be paid their back pay, today, tell us how many? My information is 45 to 50 per cent of the what?—7,000 officers have received half of their back pay, 50 per cent of the force have received 50 per cent of their back pay at the end of June—have not received the 50 per cent they were supposed to get only 50 per cent have received that, and we talk about building morale in the police service, Madam Speaker. Those are some of the areas that we definitely need to look at. At the end of the day when we look at all that has been done and said with respect to the Bail Amendment Bills and putting criminals behind bars, and so on, I just want to understand, the Attorney General mentioned—I need to know how many minutes—the Attorney General told us there are cases, told us that there were certain cases that had been filed in the court and we would want to be careful of how we spoke here because of the case of *Pepper v Hart* that the *Hansard* could end up in the court, and so on, and that we would not want to in any way impact those cases, and that what they had filed and appealed in one of the cases, and so on. What those cases are telling us is something very important, so on the one hand we have to look at proportionality, we have to look at reasonable justification, and so on—[*Interruption*]

Madam Speaker: Hon. Member for Siparia, your 30 minutes have expired, you are entitled to an additional 15 minutes if you intend to avail yourself of it.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam.

Madam Speaker: Member, you may proceed.

Mrs. K. Persad-Bissessar SC: About cases pending in the court and are being careful of what is said and what is done, and so on, but when you read that you see again the need for amendments to have been made in this legislation. Yes, sunset

clause, not anything been done or said to us, or to the nation, we need to make changes, and we needed to because we saw the anti-gang law, for example, big headlines, the “fellas” walked out of court, yes. See the front page of the newspapers, people just walked out of court, charged under the anti-gang law, and so on, and they walked out of court, yes. Then we see the cases, Justice Carol Gobin in the case of Ryan Mahabir, in that case where it went to the point to say that the case was—it was absurd to see the wording that was in that particular piece of legislation, yet we are being asked to put it back, to pass it and to go ahead with, and I am saying that is something that the hon. Attorney General, in his review over the last nine to 10 months, could have taken a look at.

Then we come to the whole issue of the process, and that I think is very important. This is not about whether you talked to me or did not talk to us, or talk to anybody here, it is the whole process of how we went about. When you look at in 2010 when we came into office the two pieces of legislation right now, we are being asked to extend, both asked—it is two. I am saying there are two I am going to speak of, two in 2011, yes. There were three in fact in 2011, two of them was the subject of a Joint Select Committee who gave grave deliberations with respect to those two pieces of legislation. They did not just land on the Parliament’s table. In fact, from when it was introduced in the Parliament in 2010 it took until the following year, 2011. So it was a long period of consideration, not just by with the Parliament but by others, yes, by others, Mr. Martineau and others who were involved. So let us take the first one, this is now Act No. 9 of 2011, which we are being asked to extend, that was introduced in this House on the 20th of July, 2010, but it was not assented to and become law until the 19th of May, 2011, almost one year thereafter, and why? Because of the consultations that were taking place

through the Joint Select Committee, and I am sure my colleagues will tell us a bit more about the long process of consultation before that became law.

Further, we had Act 10 of 2011, which we are being asked to extend, that too was first introduced in the Parliament, 16th of July, 2010, but did not become law until 23rd May, 2011, about one year later. Again, a long process of a Joint Select Committee, and the report is here, and I am sure one of my colleagues will go through all the work that was done over the course of that year to come to a compromise and consensus on Act 10 of 2011. With respect of Act 11 of 2011, a third piece we are being asked to extend, again, late 16th July, 2011, did not become law until 23rd May thereafter, about one year; the assent was on 23rd May. I am sorry, Madam, this one is 2011 so this was just for several months, that particular one went through, this was the Act 11 of 2011. One of 2014, we had during the month of September/August, 2013, Act 1, 2014, became law, which we are being asked to extend.

There were about three months of consultation well reported in the media between the then Government and the Opposition. Several meetings took place highly covered in the media, and so on, before we came to consensus on that particular piece of law, Act 1 of 2014. So I am saying it is not simply about we met in the Parliament room and we agreed or did not agree, there was a long gestation period in order to arrive at a consensus of law that we think could have served our purpose at that time.

3.45 p.m.

So what is legitimate?—I am talking, as a process—what is the substance? And the substance in the judgment of Justice Gobin in the case of Ryan Mahabir, that case is one that we should take cognizance of. And the AG is shouting across

that it is under appeal. Fine. It is under appeal. You know, there is a comity between the courts and the Parliament and I do not think any judge is going to be swayed and I would hate to think that any judge would be swayed by anything I said here or anything the hon. Attorney General said. [*Crosstalk*] That is why we have the separation of powers. So I cannot influence—[*Interruption*]

Madam Speaker: I would like to hear the contribution, please. Please, continue.

Mrs. K. Persad-Bissessar SC: Thank you very much. So there is the case of Ryan Mahabir. The hon. Attorney General mentioned the cases. There was no uproar when he mentioned that. There is the case—another one, Sobers. There is another case—this is a judgment that is in the public domain. Madam Justice Gobin, she declared the conditions in the remand section of the prison was a breach and so on. In that case also she spoke of—we want to remember this was a case brought by the Police Service Social Welfare Association. And in the affidavit Insp. Anand Ramesar, he said:

“...this matter is of great concern to the membership since they are... entitled to carry firearms. The automatic deprivation of bail in circumstances where an allegation is made of the commission of a scheduled offence while quite co-incidentally an accused officer happens to be in possession of a licenced firearm, has caused disquiet, protest and objection...as a result police officers have been demoralized, demotivated and worried that while they are performing their duties even allegations maliciously made, expose them to loss of liberty because they happen to be armed while on duty.”

The provision requires clarification and the judge stated:

“I have found too, that a plain reading of”—this section— “exposes what I consider to be an obvious drafting error....”

Left in its present form without amendment, the application of the literal meaning will continue to yield irrational results.”

This is a judgment that anybody could pick up and read. It is in the public domain. It is under appeal certainly, but again we pause for a cause with respect to that.

So you have that. You have the other cases that the AG mentioned when he first started speaking on this debate. And again, should we now rush in, should we rush in to extend these pieces of legislation given that we have had problems with the drafting of it? Given that there have been persons who walked away free because of the legislation and many in the public have called that it should be amended. We should repeal that anti-gang law and so on. No such move has been made, no such attempt has been made to really review the pieces of legislation.

And so I come finally to where we are and it is this. We cannot trust this Government. [*Desk thumping*] We cannot trust this Government. An example of that arose just a few minutes ago right here in this Parliament. Right here in this Parliament. I can go historically to point why we do not trust this Government. I can go back and talk about Tim Gopeesingh, the Member for Caroni East, paraded in handcuffs. Why? For a charge that was never a charge in law. [*Desk thumping*] But then he was paraded all over Port of Spain in handcuffs only for the court to come and say, listen there is no such offence known to law. [*Desk thumping*] Finbar Gangar charged. [*Desk thumping*] It took 12 years. Now, if these pieces of laws were there, what would have happened? Jail with no bail. [*Desk thumping*] Jail with no bail. We do not trust this Government.

We saw what happened with the SSA law in this Parliament where the hon. Attorney General had to tell the country, we have no privacy rights. Remember that? We do not trust this Government. [*Desk thumping*] We saw the whistle-

blower legislation that the very CPC in the Ministry of the Attorney General says, you cannot do that. It is not reasonably justifiable. You cannot do it. And we do not trust this Government.

And so I say today, I saw something happen and I rose when the hon. Prime Minister finished his statement and to ask the question: is it appropriate to have the Attorney General as the officer to look at the recommendations? And the Prime Minister gave an answer that was not an answer; maybe he did not remember what he said. But we got the statement and the statement says:

“I have instructed the Ministry of the Attorney General and Legal Affairs to study these recommendations and to advise the Cabinet on an appropriate way forward...”

So who is the Ministry? The Attorney General. [*Desk thumping*] The story goes further than that because the number two Minister in the Ministry of the Attorney General—[*Interruption*]

Madam Speaker: Members, please. I would like to hear the contribution of the Member of Siparia. Her voice seems a bit strange and I would ask us all to cooperate.

Mrs. K. Persad-Bissessar SC: I appreciate your protection, Madam Speaker. And then there is the number two lawyer in the Ministry of the Attorney General, the hon. Minister Stuart Young. Minister Stuart Young also has some questions to answer. And so I am saying, we cannot trust them. We cannot—[*Interruption*]—
Madam Speaker, I believe you are in charge of the Standing Orders, you know.

Madam Speaker: You know, excuse me, Member for Siparia.

Mrs. K. Persad-Bissessar SC: Yes, Madam.

Madam Speaker: You are very experienced. Please, rise above that and continue.

There has been no issue addressed to me.

Mrs. K. Persad-Bissessar SC: Thank you very much. But you know, the hon. Attorney General comes here to complain about Ramdeen and Ramlogan and how they went to do cases and they were there in the Government before and Sturge and so on. And you know, the hon. Attorney General is a party to those proceedings and if he had an objection, he could take that objection to the court. But no, he knows that he has no real objection so he comes to the Parliament, [*Desk thumping*] he comes crying out. And so, I am saying, we cannot trust them.

Here we are, the story is in the public domain that Minister Stuart Young also was involved in that commission of enquiry, and therefore should you put this thing? Is it appropriate, I ask again, to put the Ministry of the Attorney General, where both persons have been implicated, notwithstanding that no averse— [*Crosstalk*] notwithstanding that no averse finding has been made in the report? They are both involved in the matter. [*Desk thumping*] I take back the word. I withdraw the word “implicated” and they were both involved. Yes. Implicated. They were both involved in the matter. [*Crosstalk*]

Mrs. Robinson-Regis: Madam Speaker, the Member has withdrawn the word and I hope the *Hansard* has noted that.

Madam Speaker: I am sure the record will show that the word “implicated” has been withdrawn by the Member.

Mrs. K. Persad-Bissessar SC: Both Members have had involvement with the CLICO matter. The hon. Attorney General mentioned by the Prime Minister in the CLICO Bank, and of course, Mr. Stuart Young well knows, the Minister well knows his role in the commission. Minister Stuart Young, commission of enquiry report in the CLICO was also involved in that matter.

So here we go now. We want to fight crime. We are in the fight against crime. We are in the fight against crime, hon. Madam, and this has been put forward as a legitimate weapon. We are not of that view. We come again to say that the Government has no plan in the fight against crime. The 10-point plan that was so pontificated and broadcast and published everywhere. Police Complaints Authority amend the legislation, municipal police, parliamentary oversight, urban renewal, anti-gang legislation, review the anti-gang legislation. How many years ago this was put out? I say the Government has absolutely no plan to fight crime. [*Desk thumping*] And we will not and cannot, in all conscience, support the Bill before this House. [*Desk thumping*]

The Minister in the Ministry of Attorney General and Legal Affairs (Hon. Stuart Young): [*Desk thumping*] Good afternoon, Madam Speaker, it is indeed a pleasure and a privilege to rise to contribute to this debate here this afternoon. And I start off, Madam Speaker, through you, to set the stage for the public of Trinidad and Tobago to be provided this afternoon with the right facts and for them to know exactly what it is that is before this House today despite the attempts as usual to misrepresent what is actually before the House today.

Madam Speaker, what is before the House today is a Bill which is intituled an Act to amend the Bail (Amdt.) Act, 2008; the Miscellaneous Provisions (Bail and Kidnapping) Act, 2011; the Anti-Gang Act, 2011; the Bail (Amdt.) Act, 2011; the Bail (Amdt.) Act, 2014; and the Bail (Amdt.) Act, 2015.

Madam Speaker, what should immediately jump out to the right-thinking citizens of Trinidad and Tobago are the dates of these various parent pieces of legislation that we are seeking today to merely extend the time for. You have one, two, three—three Acts passed in 2011 and one Act passed in 2015, all of which fall

under the domain of that dark period between 2010 and 2015 when those on the other side were in charge.

Madam Speaker, with the greatest of respect, all that this Bill is seeking to do here today, despite the usual attempts by those on the other side to invoke fear, and fear-mongering is extend the periods of time for pieces of legislation that they saw fit to bring, [*Crosstalk*] Naparima—that they saw fit to bring to this House during their tenure and their period. All we are doing is seeking to extend the time for those various pieces of legislation to August 2018 to do the work that should have been done during the period that they brought it initially. [*Desk thumping*]

The Miscellaneous Provisions (Anti-Gang and Bail) Bill, 2016 seeks to amend the sunset clauses in the following pieces of legislation: Bail (Amdt.) Act, 2008, the Miscellaneous Provisions (Bill and Kidnapping) Act, 2011, and I pause there. Is it that those on the other side, Madam Speaker, are selling the population of Trinidad and Tobago that the serious crimes which these pieces of legislation were originally brought to affect the rights to bail and to apply for bail for, have disappeared? Is that what they are saying? So once again they are telling the law enforcement agencies of Trinidad and Tobago, do not worry because we in the Opposition are of the view that these crimes, that these pieces of legislation were made and built to prevent the reoccurrence of have suddenly disappeared from the face of Trinidad and Tobago.

The next one is a piece of legislation that they brought called the Anti-Gang Act, 2011, and then they had various bail amendments. Madam Speaker, citizens of Trinidad and Tobago, through you, these pieces of legislation are to continue the sunset provision until August 2018 dealing directly with the crimes of kidnapping, firearm-related offences and anti-gang offences in particular. These three very

important pieces of legislation and we shall come to, very respectfully, in a short while, Madam Speaker, the evidence of none other than the acting Commissioner of Police and what he has said in sworn testimony about the need for the continuation of this legislation. So you have the Commissioner of Police, the Acting Commissioner of Police who is head of the major law enforcement arm in Trinidad and Tobago going before the courts and saying in sworn testimony, this legislation should continue.

So I put frontally here today, Madam Speaker, that the Opposition would have to tell Trinidad and Tobago when we go to vote today in a few hours' time why it is that they would once again in the face of a plea and a cry from the law enforcement agencies, they would or would not support this legislation. And we ask, we ask, please be a responsible Opposition, let us put aside the politicizing of crime and matters that are done to fight crime and let us do what is right for the citizens of Trinidad and Tobago.

And I would like to use that opportunity, Madam Speaker, to start because we heard a short while ago quite a lot of interesting quotation of *Hansard* and other matters. I would like to start by quoting from one of the cases that the hon. Leader of the Opposition referred to. That is a case of *Ryan Reno Mahabir v the Attorney General of Trinidad and Tobago* CV 201503229. And in this case which was decided by the hon. Madam Justice Gobin which is actually the subject of an appeal which was the simple point being made by the Attorney General, it is interesting that for the claimant it is none other than an Anand Ramlogan who led the team against challenging these provisions that he, he implemented as law whilst he was the Attorney General. And I quote from paragraph 16 of the case and the decision of the hon. Madam Justice Gobin. "He contended...", meaning Anand

Ramlogan, that what could be gleaned from it was that there had been regular oversight by Parliament on bail legislation generally.

4.00 p.m.

“The number of amendments between 2001 and 2015 evinced a responsiveness to the changing social environment and the worsening crime situation. There was a discernible trend. Parliament had been steadily expanding the categories of cases in which persons would be ineligible for bail. In the circumstances he”—that is Anand Ramlogan—“appealed for judicial restraint. Any interference which frustrated the express intention of Parliament to continue the trend could amount to judicial legislation.”

So you have the former Attorney General who is the main mover of many of these pieces of legislation, when they first came to the House, saying that this is necessary and it is responsive to a changing social environment, that being the unfortunate social environment and expansion of crime and criminality against the innocent citizens of Trinidad and Tobago.

I also found it interesting, Madam Speaker, that in the Senate on Tuesday, March 01, 2011, in a contribution to do with the Miscellaneous Provisions (Kidnapping and Bail) Act, No. 9 of 2011, the then Attorney General, Anand Ramlogan said the following:

“But in any event, we feel fairly confident that this is a measure that will bring some relief and we intend to err on the side of protecting the rights of the victim and those who are involved in kidnapping. One hundred and twenty days’ denial of bail as far as this side is concerned having regard to the gravity of the offence and the circumstances and the attendant multiple offences which are committed, including rape while the person is abducted,

we do not think that 120 days' denial of bail in these circumstances is something that is too harsh at all.”

So the question becomes, what has changed? What has changed between having that position and now? He went on to say, the then Attorney General for those on the other side. He went on to say:

“We expect that this law will benefit the large majority of citizens and we feel confident that the Judiciary is independent and fair in this country and will be able under its inherent jurisdiction, in an appropriate case, to do justice to the defendant as it sees fit.”

So again, that was the position being elucidated at the time by the Attorney General when he was passing these pieces of legislation, originally. We then fast-forward to Friday, December 06, 2014 and the Bail (Amdt.) Act, No. 1 of 2014. Again the then Attorney General, Anand Ramlogan stating to the House of Representatives on this occasion:

“But significantly, Part IV of our Constitution in Chap. I gives Parliament the authority to pass laws which are inconsistent with those fundamental rights with a three-fifths majority provided that those laws are reasonably justifiable in a society with proper respect for the rights and freedoms of individuals. The respect for rights and freedoms of individuals—the rights and freedoms of...those...and freedoms that we must respect”—because we—“must be viewed from two perspectives. The first is, the right to respect freedoms of law-abiding citizens, and then”—to—“respect...those who...find themselves on the wrong side of the law and would be entitled to a fair trial.”

And I commend these words, Madam Speaker, unfortunately, I must commend

them.

“...for some time now, we have seen the lawless elements encroached further and further and pull the rug out from beneath the feet of the innocent law-abiding citizens in our country. Parliament has been slow to react and we have been very unresponsive to the cries, and the frustration and the desperation that has set into our population as a tiny handful of minority criminal elements in our society take root, grow and take hold of our communities.”

Madam Speaker, the question that must be answered by those on the other side, respectfully, this afternoon, to the population of Trinidad and Tobago and not to those who sit on this side in Government now, is what has changed? What has happened now with respect to the fight against crime and to providing law enforcement agencies with a necessary tool according to them, as I will come to in a short while, in a tool in the fight against crime, what has changed? What has changed for those on the other side that they can look at the population and face them in their eyes and tell them, there is no longer a need to deny an immediate—because it is only the denial of an immediate right to bail for those who are found in possession of illegal firearms. And we will come to the statistics in a short while where we have none other than the Acting Commissioner of Police saying, [*Crosstalk*] actually—well let us go there immediately. Let me tell you where it comes from.

Madam Speaker, for the population at large, through you, parliamentarians have something called caucus. There is a caucus on the side of the Opposition, there is a caucus on the side of Government. Caucus means those who are charged with the responsibility and the privilege of representing at a representative level,

being an elected Member of Parliament, and those who are appointed by either the Leader of the Opposition, the hon. Prime Minister or the President in the Senate, get together, huddle and discuss how we are going to approach the issues of legislation in the parliamentary House of the Senate or the House of Representatives.

And I would like to put on record here today, Madam Speaker, it is the responsibility of every single member of caucus, when you get together with your respective parties to discuss legislation that is on the agenda, to contribute, to put forward to your fellow members of your caucus any salient facts that you may know, anything that you have in your domain of knowledge. That is how responsible parliamentarians should behave. [*Desk thumping*]

So I have heard the cries, I have heard the cries from the Opposition and I hear it continuing for the Member for Oropouche East asking for statistics to be provided. That is very, very, misguided. And I would like to put on record here today that the statistics that I was provided with last night actually have been residing in the bosom of the Opposition since May 2016. And I will tell the population how it is those on the other side were in possession of these statistics that we only got last night.

It is a case that is currently before the court being led by Anand Ramlogan and one acting Senator, Gerald Ramdeen. So acting Senator Gerald Ramdeen who attended this week in discussions with the Government has obviously hid—because I cannot believe that anyone on the other side would have had access to this and then tell the population they do not have access to the statistics to do with the repeat offences, to do with firearm-related crimes and gang-related crimes. This has been in the possession of those attorneys-at-law since May 17, 2016. And are,

for the record, Madam Speaker, public documents.

So we have had it confirmed now that in that case you have junior counsel who is part of the caucus of the other side having these documents in his possession. And I would like, through you and with your leave, Madam Speaker, to refer to the evidence that has been provided by the Commissioner of Police. And this is what the Commissioner of Police is telling, provided to the court in sworn testimony but in this instance provided to attorneys on the other side, including Senator Gerald Ramdeen, who is part of the caucus and who attended as part of the Opposition's membership—

Mr. Imbert: And he is here today.

Hon. S. Young:—with the Attorney General this week. He is here today? He was here today. As usual fled from the Chamber. [*Crosstalk*] And this is what is on record as having been said, Madam—

Madam Speaker: Member for Caroni East, I am on my legs. [*Crosstalk*] Member for Diego Martin West. Can you continue, please?

Hon. S. Young: Thank you very much, Madam Speaker. So, Madam Speaker, the population of Trinidad and Tobago should know that this was in the possession of the other side for over six weeks and is now being told to them. The Acting Commissioner of Police says:

“There are currently 6810 police officers enlisted in the police service. As of March 1, 2016”—that is a period in time when we are in Government on this side and we are doing what we can to deal with the crime situation—

The Commissioner of Police says:

“As of March 1, 2016, the Cabinet of the Republic of Trinidad and Tobago approved an increase in the sanctioned strength of the police service by 168

officers.”

They asked for more police officers, we gave them more police officers. The Commissioner of Police goes on to talk about:

“The interconnected nature of the drug trade and the importation of illegal firearms...”

Madam Speaker, this is information that the public of Trinidad and Tobago needs to know about and why we now come to this Parliament to ask for an extension of time for us to put the House in order during an increased sunset provision and what it is that the law enforcement authorities are asking for the continuation of these pieces of legislation to fight crime.

“...Trinidad and Tobago, due to”—[*Interruption*]

—If you would wait, you will get everything. If you ask Mr. Ramdeen, you will get it even quicker.

“...Trinidad and Tobago, due to its proximity to South America and its location as the southernmost island of the Caribbean archipelago, serves as an ideal transshipment point for the movement of large quantities of dangerous drugs from the world’s chief source of cocaine...and its primary consumer market, the United States of America and Europe...”

The illicit trade in narcotics has contributed in no small measure to the high level of criminal activity within the country. It is one of the main drivers of the commission of serious violent crimes, such as murders, kidnappings, shootings and woundings with rival gang leaders...”

The point I am making, Madam Speaker, is this goes centrally to gang, anti-gang legislation, illegal firearm possession, fighting narcotics and trafficking in persons. He goes on to say:

“There is a direct linkage between the importation of illegal firearms and narcotics. Illicit firearms frequently accompany shipments of narcotics into the country. The challenge however is that whilst most shipments of dangerous drugs stay very briefly within our borders, firearms and high-powered weapons which enter alongside them, remain long after the narcotics have left our shores. Illicit firearms which arrive with drug shipments enter into circulation locally and are traded amongst criminal elements as a tool to support drug operatives, human trafficking, the commission of robberies, kidnappings and murders fuelled by drug deals gone awry, and in strengthening the armoury of existing gangs in their turf wars and their perpetuation of criminal activity.

Statistics compiled by the CAPA show that for the years 2004 to 2015, the number of illegal firearms seized by the Police Service has been increasing steadily (with the exception of 2010 and 2012 which recorded minor decreases). By way of example, 691 firearms were seized in 2015, as compared to 122 seized in 2004—an increase of over 500%. The 691 firearms seized in 2015 represents the highest number of weapons found and seized in the history of the Police Service.

Despite a general increase in the number of firearms seized per annum, firearms...”—and, Madam Speaker, this is important and I would like to highlight what the Commissioner of Police is saying here—

“Despite a general increase in the number of firearms seized per annum, firearms continue to account for rising levels of violent crime in society. Firearms remain the predominant choice of weapon used in the commission of murders and other violent offences such as wounding, shootings and

robberies. For example, in 2009 there were 507 murders of which 364 were committed with the use of a firearm. That represented a total of 71.4% of all murders...In 2013 firearms accounted for 78.4% of all murders committed in Trinidad and Tobago...”

So the point being made here, effectively, with the use of statistics, Madam Speaker, is that the prevalence of firearms and illegal firearms and the possession of illegal firearms is one of the major scourges of crime and the assaults on the citizens of Trinidad and Tobago and it is something that the police service is making its best efforts to attempt to circumvent.

But the police service as I will come to in a short while, through the Commissioner of Police, are telling us we need the continuation of these provisions with respect to no bail for those found in illegal possession of firearms to allow us a period of time to keep repeat offenders off of the streets. And I make the point at this stage that it is not that they deny bail completely. In 120 days, if the police service or the DPP's department, whoever is charged with the responsibility of prosecuting these crimes related to the illegal possession of firearms and other criminal matters, do not bring their case to court in 120 days, those who have been accused and charged can apply to the magistrate in the first instance and then to a High Court judge in the second instance for bail.

So what the police service are asking for is 120 days to deal with repeat offenders who are found in possession of illegal firearms and there are the statistics here to support that the vast majority of those who are found in possession of illegal firearms it is a repeat offence. They are constantly being held by the police service with illegal firearms.

4.15 p.m.

The Acting Commissioner of Police says:

The “Possession of firearms and the commission of violent offences with the use of firearms presents the greatest challenge to policing in Trinidad and Tobago and to the maintenance of the law and order.”

That is worth repeating.

The Commissioner of Police, the Acting Commissioner of Police has said in sworn testimony that:

“Possession of firearms and the commission of violent offences with the use of firearms”—and, of course, these are illegal firearms—“presents the greatest challenge to policing in Trinidad and Tobago and to the maintenance of law and order. Firearm-related violence is the most critical factor which influences the public perception of crime and the fear of crime. The police service’s number priority for 2016 is the reduction of firearm related violence, particular shootings, woundings and murders. It is envisaged that this will be achieved through the strengthening of key specialist units including the CGIU and the OCNFB, along with greater monitoring of points of entry...”

Challenges proposed by development of gangs and he gives evidence with respect to gangs and the challenges there are facing. And he says:

“The use of illegal firearms and specifically high-powered weapons are particularly prevalent amongst gang members. In addition, the increased number of gangs and gang related activity in the country has fuelled an increased demand for illegal firearms and sophisticated weapons.”

The Commissioner of Police then goes to talk about repeat offenders:

“Many persons charged with criminal offences, re-offend while on bail...”

This is the evidence that the country needs to know and what we asking the Opposition to take note of. [*Desk thumping*] None other than the Acting Commissioner of Police.

“Many persons charged with criminal offences, re-offend while on bail and those with previous convictions often continue to lead a life of criminal activity. A more acute threat is posed by those who are gang members in that their access to organised networks and financial resources, high-powered weapons, access to trans-border criminal networks and narcotics facilitate and perpetuate future criminal activity.

In many instances, criminal activity is targeted against persons...”

And this is an important point, and the hon. Member for St. Augustine would be aware of this because of the type of practice. One of the reasons to try and keep people off of bail or out of bail, is that they found—and the police are giving evidence—that the continuation to allow these repeat offenders back out, they often threaten witnesses. So the Commissioner of Police is saying:

“In many instances, criminal activity is targeted again persons who are suspected to be informants to the police, victims who have come forward and reported offences to the police, witnesses who are assisting the police in their investigations, investigating officers within the Police Service and also prison officers. Continued criminal activity therefore threatens to completely undermine successful prosecutions and to subvert the entire criminal justice system.”

He concludes respectfully, Madam Speaker, and this is the plea:

“There is a clear link between the importation and distribution of drugs and firearms and the need for gangs to protect these activities. Furthermore, this

has engendered an increase in firearm-related murders. One major initiative in reducing all of these activities is to monitor the persons who are involved in them. This upsurge in crime has resulted in the”—trend—“to increase the manpower requirements. Furthermore, the restrictions on bail contained in several Acts of Parliament between 1994 and 2015 is just one limb of a multi-faceted strategy to reduce the incidence of violent strategy crimes.”

So the Commissioner of Police is on record saying, in sworn testimony, that this upsurge in crime has resulted in the need to increase manpower requirements and, furthermore the restrictions on bail contained in several Acts of Parliament between 1994 and 2015 is just one limb of a multi-faceted strategy to reduce the incidence of violent crimes committing against society.

So, Madam Speaker, those are the statistics, those are the pleas via sworn testimony of the Acting Commissioner of Police as to why this legislation should continue. He goes on to file a supplemental affidavit, again which should be in the possession of those opposite, and says:

“According to the records held by the”—Criminal Records Office—“of the 793 persons who committed firearm-related offences in 2014, 304 persons”—or—“38.3% per cent had previously been charged with or convicted of a previous firearm-related or violent offence. Of those 304 persons, 110 persons had 1 previous conviction or pending charges, 50 persons had 2 previous convictions or pending charges, 119 persons had 3 or more previous convictions or pending charges.”

So, Madam Speaker, we do not stand here on this side and speak lightly, we do not stand here on this side and speak without the support of statistics, we stand here on this side [*Desk thumping*] and make a plea, as advocates, on behalf of the

citizens of Trinidad and Tobago, to those on the other side to continue the support for an extension of time for this legislation. This is a plea for the citizens of Trinidad and Tobago, to those on the other side, to support this legislation, to provide the law enforcement agencies who are pleading for a continuation of this legislation in their fight against crime. Take the politics out the fight against crime. Let us do what is right for the citizens of Trinidad and Tobago. He goes on to say:

“In 2015, there was a slight reduction in the number of persons committing firearm-related offences. Of the 720 persons who committed firearm-related offences, 250 of these, (34.7...) had previously been charged with and...convicted....

The statistics up to May 10, 2016 are that 222 persons have committed firearm-related offences. Eighty four of these or 37.8% have previously been convicted of or charged with firearm related offences. Of this 84, 27 have had one previous...”

Madam Speaker, the statistics show, without fear of contradiction, the prevalence of repeat offenders, the prevalence of this criminal element in society using illegal firearms to perpetrate the worst types of criminality on the innocent citizens of Trinidad and Tobago. And it is with this contextual background and setting the Attorney General has led the charge here in this House for a continuation of the existing state of the bail legislation to be continued, to allow the law enforcement.

The Leader of the Opposition was correct. Sunset clauses are inserted into legislation to allow the authorities a period of time to try and put their House in order. But what we have here, Madam Speaker, respectfully, is the most compelling plea of none other than the head of Police Service of Trinidad and

Tobago [*Desk thumping*] asking us, as parliamentarians, to continue with these bail provisions. And he says:

“As the statistics have shown, there are persistent re-offenders who pose a significant threat to the administration of the criminal justice system in Trinidad and Tobago and to public safety. It appears that there is little which deters these persons from engaging in continued criminal activity.”

These are the words of the Acting Commissioner of Police.

“There remains a challenge of finding...”—[*Interruption*]

Madam Speaker: Hon. Member for Port of Spain North/St. Ann’s West, your 30 minutes have expired. I would like to suggest now that we take the suspension and we return at 4.55 p.m.

4.24 p.m.: *Sitting suspended.*

4.55 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: Hon. Member, you can resume. You have 15 more minutes.
[*Desk thumping*]

Hon. S. Young: Thank you very much, Mr. Deputy Speaker, and welcome to the Chair.

Mr. Deputy Speaker, before the break I was making a plea on behalf of the citizens of Trinidad and Tobago, coupled with the provision of statistical information that is available to us from none other than the Acting Commissioner of Police with respect to these crimes that can only be described as dangerous scourges on society by being related to firearm-related offences, the crime of kidnapping and criminal activity related to gangs and gang-related activity, and I would like to just pick it back up there with again, and I am finishing off shortly with the evidence and what

I really call the pleas being made by Trinidad and Tobago Law Enforcement Authorities through the Commissioner of Police. He says that:

“These limited statistics give a snapshot of the incidence of re-offending when it comes to firearm-related and violent offences. It is noteworthy that these statistics relate solely to persons who committed firearm-related offences in the years 2014, 2015 and 2016...”

So what we have, Mr. Deputy Speaker, is the Acting Commissioner of Police saying that, look, there are—statistically it is proven that there are a number of repeat offenders who are continuing to use firearms, illegal firearms, and they are very tied or the suspicion—well more than a suspicion, is that they are tied to gang-related activities. What we are seeking to do here today, to just bring the thought process back in line, is provide for a further sunset clause of two years to allow these repeat offenders and persons who are found in possession of illegal firearms or gang-related activity, to be committing gang-related activity, to not have that right immediately to bail, and this is what the expert, the Acting Commissioner of Police says with respect:

“As the statistics have shown, there are persistent re-offenders who pose a significant threat to the administration of the criminal justice system in Trinidad and Tobago and to public safety. It appears that there is little which deters these persons from engaging in continued criminal activity. There remains a challenge of finding an effective deterrent which will arrest the level of criminal activity and particularly that of firearm violence in the country. Until this occurs, the integrity of the criminal justice system is in danger and law enforcement and the administration of justice will be viewed as ineffective.”

The Acting Commissioner of Police goes on to say:

“Having had the benefit of these statistics and this further information, I am of the view that an effective and proper functioning bail system, which ensures that witnesses and suspected informants are not intimidated or eliminated prior to trial, and that accused persons desist from continued criminal activity, is a critical element in the reduction of criminal activity and the maintenance of law and order in the country. Where persons are released on bail pending their trial, there is a significant opportunity for witnesses to be threatened and eliminated either by the accused himself or his associates, including other gang members. Where prosecutions collapse due to the unwillingness of witnesses to testify or on account of the elimination of witnesses, confidence in the justice system is eroded and it becomes more difficult to obtain the co-operation of informants and to bring persons who continue to engage in criminal activity to justice. It is a cyclical relationship which threatens the fabric of society and the administration of justice as a whole. Restrictions on the grant of bail, whilst not a standalone measure, therefore remain a critical element in ensuring public confidence in the administration of justice and the maintenance of peace and good order in society.”

5.00 p.m.

Dr. T. Gopeesingh: Thank you, Mr. Deputy Speaker. I was just wondering from the Minister, what document he has been reading from for the evening period.

Hon. S. Young: Thank you very much, Mr. Deputy Speaker. I have been reading from sworn affidavit testimony of Mr. Stephen Williams, the Acting Commissioner of Police.

Dr. T. Gopeesingh: And where?

Hon. S. Young: Well, it is available on the public record.

Dr. T. Gopeesingh: Testimony to what matter?

Hon. S. Young: To a case that he is in, that Mr. Ramdeen is the junior counsel in and it is case claim CV2016 of 0074.

Dr. T. Gopeesingh: Thank you very much.

Hon. S. Young: Thank you very much. So the point that is being made and I think it is worth repeating is that we have here the sworn testimony of the Acting Commissioner of Police, and I would like to just repeat with your leave this last part, because, to me, respectfully, this is the most important part for the citizens of Trinidad and Tobago to take note of and hopefully for my colleagues on the other side to take note of, because this is not coming from the Government. This is not a plea that is coming from a party to another party. Rather this is the person charged with the responsibility of fighting crime in Trinidad and Tobago and therefore, this is his conversation with the public of Trinidad and Tobago and the citizens to us parliamentarians as to why the continuation of this legislation is important and this is what he says:

“Restrictions on the grant of bail, whilst not a standalone measure, therefore remain a critical element in ensuring public confidence in the administration of justice and the maintenance of peace and good order in society.”

And of course, colleagues, that is to be married with what the commissioner has said previously about the need for this to continue as an important tool in the kit of the law enforcement authorities of Trinidad and Tobago fighting the crimes related to illegal firearm possession, the crimes related to anti-gang behaviour and criminal activity and also the crime of kidnapping.

So on behalf of the citizens of Trinidad and Tobago, being charged with the responsibility of representing their views and in particular the views of Port of Spain North/St. Ann's West, unfortunately a constituency that has felt the effects of violent crime for all too often in our recent past, I plead. I plead on behalf of these citizens with all who are present in the House here tonight and this evening to do what is right, and I think when you have your Acting Commissioner of Police reaching out and saying that the continuation of this legislation is important in the fight against crime, it is not something that we should ignore. So I plead that we do what is right for Trinidad and Tobago and at the end when the vote is taken, to allow them the next two-year period to have the protection of these provisions with respect to bail.

And as I begin to wrap up, I would like to just refer very briefly to section 13(1) of the Constitution of Trinidad and Tobago, because as we all know here, this legislation, this Bill, and as the Leader of the Opposition said, a very short simple, but wide and far-reaching effects of such legislation, they do infringe on the rights, the entrenched rights of citizens of Trinidad and Tobago and therefore they require a three-fifths majority. And the provision in the Constitution that deals with this is section 13(1) which says:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

And I thought I heard it falling from the lips of the hon. Member for Siparia that she felt that there was a risk that the continuation of this legislation infringed on

what I have just read from section 13, and the important legal parts being that this legislation is not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

I would like to alleviate any concerns that there is any such infringement. One, this may be something that is currently being challenged through the courts by those who brought the legislation here before. But certainly one of the tests that is used by a court in determining this is to look at other jurisdictions in the world and other democratic like-minded jurisdictions in the world and see whether they have themselves applied such laws and such measures.

So respectfully, Mr. Deputy Speaker, I would like to inform the Members of this House that, in fact, this is not unique. This type of legislation is not unique at all to Trinidad and Tobago and on a very quick and cursory glance and with some very quick research, the illegal possession of firearms, to use one example, as non-bailable offences is also contained in the legislation of Barbados, one of our nearby neighbours, who one may argue may not have the amount of serious criminal activity as we do; the Cayman Islands, just to use someone else in our region; Guyana, Malaysia, Pakistan and Zanzibar. These are just some of the jurisdictions that have similar-type legislation. So that should alleviate the concern that any challenge via section 13(1) of the Constitution would be ill-placed.

And very briefly, I would like to say on record because we have heard some suggestion today about the involvement of the hon. Attorney General and myself with respect to a report from Sir Anthony Colman and just with response to that, it is now on record that the hon. Attorney General has recused himself from anything to do with it. The hon. Prime Minister, in his statement, said very clearly that there was absolutely no finding, mention, adverse or otherwise, any comment with

respect to the hon. Attorney General, my participation in it. And as usual, unfortunately, no matter how much you plead with Members of the House not to misrepresent fact and not to try and give the wrong perception to society.

My participation in that was merely as, one, counsel for a non-related party who acted as an expert witness, that is for Ernst & Young, and to act as their counsel. Throughout the course of commission, there was no findings, suggestions; otherwise, they were asked to give expert evidence in it. But I expect the Member for Oropouche East to continue in his behaviour and his mannerisms and continue; and one day, we will talk about certain villas in Tobago maybe et cetera, with respect to that. [*Interruption*] Plantation Villa 111.

So having said that—

Mr. Deputy Speaker: Hon. Member, you have two more minutes.

Hon. S. Young: Thank you very much, Mr. Deputy Speaker. So in conclusion, what I would like to say is that we stand here exercising our responsibility and exercising the duties that we have been charged with by the population of Trinidad and Tobago. This is a simple Bill with far-reaching effects that I would like to suggest we all support here tonight because we have had the leading—the person charged with responsibility for fighting crime tells us he needs it as a continuation in a tool in the fight against crime.

With those few words, Mr. Deputy Speaker, I do thank you. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. The Member for Port of Spain North/St. Ann's West talked a little bit about his constituency of Port of Spain North/St Ann's West and I want to start my contribution here today on this Bill before us by talking a little bit about my

constituency of Caroni Central. If any Member of this House has been there, what they will see is a very, very green constituency bordered by the highway and stretching eastwards in central Trinidad, and at the centre of it is the central range and the Montserrat Hills which produce the best cocoa that the world knows [*Desk thumping*] and in which all the people, they are very enterprising and hard-working and they are very peaceful people.

And I am using that description of my constituency of Caroni Central to indicate by—you know, in explaining something, you could either use a process of deductive reasoning in which you come from the big picture, so to speak, to make a generalization or you could start with something specific and then draw a conclusion about the implication of something small that tells a larger story.

And I use the illustration of Caroni Central and how lush and beautiful and quiet and peaceful and full of enterprising people, hard-working people, it is. Because I want to call the names of six people who have been murdered in less than the last six months in that constituency: Ann-Marie Bain murdered on the 14th of March, 2016, case not solved; Rajesh Sookhai murdered on the 14th of March, 2016, case not solved; Indra Seerattan murdered on the 13th of February 2016, case not solved; Gabriella Sohan murdered in December 2015, case not solved; Christopher Ramsawak, murdered in December 2015, case not solved; and Allen Mohammed, murdered on May 16th, case not solved. This is in central Trinidad, in the heart of central Trinidad, in the heart of Caroni Central; the communities in there are communities that produce some of the best cricketers in the West Indies in addition to the productive people.

The reason why I raise this matter is because last night, I went to visit a family in which the head of the household died about three weeks ago and the

members of that family remaining three: the mother, who is the survivor, three sons and a daughter. And on Monday the 16th of June, 2016, they were robbed and on Monday the 23rd of June, 2016, two armed bandits entered their home, made them all lie on the floor, spent 30 to 45 minutes terrorizing them. One of them was on a telephone talking to somebody else, getting instructions and making communication that they could come now, that they had the situation under control, and they took a wad of money and they took jewellery from the people and they left. I called the police who have not attended to this matter in a serious way as far as I am concerned, as far as the residents are concerned, and I am saying that, again, to indicate what is happening in a relatively peaceful place such as Caroni Central in central Trinidad with all of its natural beauty.

Today, we come here to deal with an Act to amend the Bail (Amdt.) Act, 2008, the Miscellaneous Provisions (Bail and Kidnapping) Act, 2011, the Anti-Gang Act, 2011, the Bail (Amdt.) Act, 2011, the Bail (Amdt.) Act, 2014 and the Bail (Amdt.) Act, 2015, and we are here to look at the opportunity of extending these Acts.

5.15 p.m.

The reason we are here to do this is because the Government thinks that it is important. But I ask the question—given these six murders that I mentioned and given the crime that I mentioned that happened on two consecutive days violating the home of this family—how is the extension of these Bills going to make a difference in the lives of these six people and the seventh family that I mentioned?

The truth is that it will make no different at all. It will not make one dent in anything that is happening in Trinidad and Tobago today. And, therefore, the basis on which the argument is being made by the Government that this matter before

this House is to the fight crime is false. And I want to say that because it is false we need to look at other things related to the Bill if we are to have a serious discussion about it.

What are we dealing with here? The Bail Act of 1994, which has been amended several times, as the Attorney General pointed out in his presentation, and with the last major amendment being made in 2008, that Bail (Amdt.) Act, Mr. Deputy Speaker, and which was again amended in 2011, and then called the Miscellaneous Provisions (Kidnapping and Bail) Act, that is one of things that we are doing here, trying to extend. That is the main Bill that we are trying to extend. And then the Anti-Gang Act of 2011, these two Acts have been extended over the last four years and the Government has come to us to ask now for an extension.

The argument of the Government is that they need to be extended because the sunset clauses have been written into the Bills and that these sunset clauses make these Bills about to expire, and the argument is that granting the extension will make these laws still applicable. Not granting the extension will eliminate these as law and the bail issue and the gang issue will have to be treated under different laws which preceded these laws of 1994, 2008, 2011 and the extensions in 2014, 2015, et cetera. But the laws which were enacted in 2008 and 2011, were deemed as necessary at those material times. Extensions were granted because they were deemed necessary when they were reviewed, as the expiry dates approached.

Now, an expiry date was factored into these Bills because the Bills infringed basic human rights guaranteed by our Constitution and because of these breaches the laws were put into effect for a limited duration with the option of review and then at review you could extend or not extend, as the case might be, depending again, on the prevailing circumstances.

The sunset clauses made it clear that such laws should not be contemplated as permanent laws because the constitutional infringements and the human rights violations were too severe to be put into permanent laws. So these laws were conceived as temporary laws which should exist if certain objective conditions continued to exist.

So one of the questions that I would have for the Government and need to be considered by the Parliament today in Trinidad and Tobago is whether the conditions exist today for extension of these family of laws which abrogate rights under the Constitution and which violate fundamental human rights of citizens? It is the responsibility of any Government seeking to extend the life of such laws therefore to make the case by outlining the conditions which make the extension of such laws necessary. And, therefore, the responsibility falls on the current Government, which can hardly justify its continuing existence as a Government. But it falls on them to make the case for extension of these Bills, given the serious human rights violations and their inconsistency of some of these laws with sections 4 and 5 of the Constitution of Trinidad and Tobago.

Now, to get this Bill passed, it seems to me that the Government's obligation is to convince the Opposition Members of this honourable House of Representatives of its necessity. To give this Bill legitimacy, that is the Bill before this House for extensions of the existing laws conceived as temporary laws and of limited duration, to give this Bill legitimacy they must convince citizens of this country, the population at large, that passing this Bill will make a difference to the lives and quality of the lives of the citizens of this country. [*Desk thumping*] And moreover, that passing this Bill will serve a meaningful purpose. The Opposition's job is not to make the case for the Government. [*Desk thumping*] Making a proper

case is the Government's job. The job of the Opposition is to critically assess what the Government is saying, whether it makes sense, whether what they are saying has any value and, therefore, this is important and the reason I am saying this is because a lot of the pre-argument conducted in the public place and carried on here again by both the Attorney General and the Member for Port of Spain North/St. Ann's West is really to put pressure on the Opposition as if it is the Opposition's obligation to do anything in this matter. [*Desk thumping*]

Now, I am reading here I am trying to find the date, Friday 17th June, 2016. Okay. This is the Member for Port of Spain North/East speaking. If the Bill fails it would mean that all the people charged with gang-related, drug-related, firearms, sexual offences, human trafficking offences and certain types of larceny will automatically qualify for bail; an argument produced here again in the House.

They talk about being in discussion with Government and the question that you have to ask about all these people who will be eligible for bail is how many under this law? And the question that needs to be asked is when they talk about the fact here, that is to say the Member for Port of Spain North/East, this is not a Government initiative. It is a continuation by Government and we trust and hope that the Opposition would be responsible. Again putting it in the Opposition's court. The question you have to ask: Why would the Government say that this is not their Bill? They come before the House. They want support for it. They say it is not their Bill.

Then they come here, again. This is Friday June 17, another report. This one is in the *Newsday*. The other report was in the *Express* and they ask—the Member for Port of Spain North East says:

They would have to have a very good explanation to the citizens as to why

they would not want to continue this tool which all law enforcement agencies have indicated is necessary to fight crime.

But again, the Member did not give us any information, did not show any statistics. He mentioned statistics. But I will say something about that in a minute, and he has not shown us how the law has worked. [*Desk thumping*] He also says:

Young explained this was a continuation of something that was given birth under a former People's Partnership Government, stating Government is doing the responsible thing by bringing these Bills forward.

In other words, raising the argument of continuity of Government. But this is selectively practised by this Government. [*Desk thumping*] They want continuity in certain things. They do not want continuity in others and you have to get that issue of continuity straight.

I have often said in this Parliament that the thinking of the Government bothers me. And in this matter it bothers me again. I have often said in this Parliament that the Government does not think things through and that, [*Desk thumping*] again bothers me with this Government.

I want to say that it is evidenced in the presentation by the Member for Port of Spain North East. He starts off by talking about setting the stage. Every time he says that he is going to set the stage for something, he ends up bringing down the stage. [*Desk thumping and laughter*] He talks about what he calls right facts. All right? He always comes here. This is not the first time he has done this. He always comes with the right facts and every time he comes with the right facts, we end up with some argument that does not really follow the logical sequence and with some strange set of information that in the end defeats the whole purpose of providing information. [*Desk thumping*] He accuses the Opposition on every occasion of

providing misrepresentation, and when he is finished you cannot make sense of what he said, in terms of the information that he is giving. [*Desk thumping*]

Now, I want to say that the Member for Port of Spain North East comes here and what does he do?

Hon. Member: Port of Spain North/St. Ann's West.

Dr. B. Tewarie: Port of Spain North/St. Ann's West.

Mr. Young: Misrepresenting again, perfect example.

Dr. B. Tewarie: Of course, that is will be a misrepresentation for you because you do not know fact from fiction. [*Desk thumping*] But he comes here and he says that he will support everything with statistics and he is arguing his case based on statistics. And what is this statistics, as limited as it is, that he provides for us? I was kind of taken aback to hear the representative for Port of Spain North/St. Ann's West, reading from a document which was only available to him, because the person he comes into the Parliament and quarrels about and chastises almost every week, Mr. Gerald Ramdeen, brought a case in court and, therefore, the documents were then available to be read and he used that as the source of information here in Trinidad and Tobago in the Trinidad and Tobago Parliament.

More than that, he takes the affidavit of the Acting Commissioner of Police and he uses that as his buffer.

Mr. Deputy Speaker: Hon. Member, you continue to refer to "he". Please, let us, you know, do the honourable thing and use hon. Member or something of the sort, please. It is a little repetitious.

Dr. B. Tewarie: The hon. Member for Port of Spain North East.

Mr. Deputy Speaker: You continue to use "he", so.

5.30 p.m.

Dr. B. Tewarie: St. Ann's, yeah, St. Ann's West. Okay, Mr. Deputy Speaker, my apologies, then he, [*Interruption*] the Member uses the Commissioner of Police as a buffer, to argue the case for not politicizing the debate, and not politicizing the vote in the debate, and not politicizing the piece of legislation. But again, this is a Commissioner of Police that received the rejection of his Government when the matter came up. [*Desk thumping*] This is a Commissioner of Police who, based on the laws that they had created which our Government had to follow, succeeded in providing a—people other than that Commissioner of Police who according to law, and according to the parliamentary process, in which we did not wish to do what they had done, ended up in situation where he was not Commissioner of Police, and there was other another Commissioner and a Deputy Commissioner, and he is now in the unfortunate situation, in which he is now Acting Commissioner of Police, and he operates as there in the—and has to come here, presented by the Member for Port of Spain North/St. Ann's West, as the person who is being made to make the case for the Government of Trinidad and Tobago. [*Desk thumping*]

And I find this very awkward in both cases. The case of using a case by Gerald Ramdeen, who is often mentioned in the Parliament with scorn here, in a derogatory manner, and then using the case of the Acting Commissioner of Police, in order to make the case of the Government. [*Desk thumping*]

So, and the whole focus as well is to—he also uses something very curious. He reads out from the articulation in *Hansard*, recorded in *Hansard*, from the former Attorney General, Anand Ramlogan, who also is spoken of in this Parliament with disapproval, by the Government side, and he uses that and commends it, and he says that this is my argument for the case that we are making; an amazing situation.

You want to put—not the Attorney General, the Member for [*Interruption*] Port of Spain North/St. Ann’s West. He wants to put—the Member wants to put pressure on the Opposition to conform to whatever Government wishes. The question to the Government is—the question he puts to the Opposition is, “What has changed”? What has changed is this, you are coming now with a different position than any you have articulated, prior to this point on this piece of legislation. That is the first thing.

The second thing that is different, the second thing that has changed is that the PNM and your Government is the Government that is in power now, [*Desk thumping*] and the crime has escalated in the situation. The murders have gone up, they seem out of control. A place like Caroni Central that was once peaceful and unviolated is being assaulted as never before. And all over Trinidad—it is Central Trinidad which was a relative safe zone, it is not that it was crime free, but it was a relative safe area of the country, has now been assaulted. [*Desk thumping*]

So he makes many statements here that are all misleading. He reads from the Acting Commissioner of Police’s affidavit, and he talks about reoffenders taking place while—reoffenders repeating crimes while on bail; that they will threaten witnesses. Listening, what happens—we have to deal with the reality of Trinidad and Tobago. You have prisoners in Trinidad and Tobago who call the shots from inside the cell. “Whey yuh telling me about bail”. Talking about importation of guns and gangs, et cetera.

Well, the solution to that is not this Bill. The solution to that is to begin to look at the process, the stages in the value chain, of criminal activity from entering our borders with guns and with criminals, human trafficking, et cetera, and the value chain on the land itself. Whether it is from the prison to the rest of it. I think

that there is a total mis—what can I say?—mis-assessment of what this Bill requires of the Government, in coming to this House to convince the population, to convince the Opposition, that we should in any way, consider what the Government is saying and doing seriously.

When the Attorney General spoke, he spoke about 92 gangs. He spoke about 1,500 people involved in these gangs. He talked about unprotected borders. He talked about grenades. Of course, he chastised us, he said the work was not done by our administration. Today he came, he talked about the socio-macro-political context. He talked about reasonableness. He talked about the state of crime, the challenge to the Judiciary, if this Bill was not passed, et cetera, and all of those things. But all of these, by and large, when you think about them, they are really fear tactics that they are using. They are threatening the Opposition and “dey trying” to blackmail the Opposition, [*Desk thumping*] and to basically in a disingenuous way to convince—[*Interruption*]

Mr. Young: Standing Order 48(4) please, Mr. Deputy Speaker. There is absolutely nobody on this side trying to blackmail anybody. That is not language we associate ourselves with; Standing Order 48(4).

Dr. B. Tewarie: Can I proceed?

Mr. Deputy Speaker: Hon. Member, you care to clarify the term, of using the term “blackmail”?

Dr. B. Tewarie: Yes, they—blackmail is used in this sense, in the sense of the Members on the other side basically saying, that such and such a terrible thing will happen, if you do not support it, and then speaking to the population and saying, “If you—if this Bill is not passed, do not blame us, blame the Opposition”. So the whole strategic approach of the Government side is to basically put the Opposition

in a corner, for not being able to live up to the responsibilities and obligations as a Government, to make the case, [*Desk thumping*] for passing this particular Bill.

I wonder—I am surprised to hear the Member for Port of Spain North/St. Ann's West. I wonder what the Member for La Horquetta/Talparo has to say about these matters. I wonder what the Member for Port of Spain South—she is not here now—has to say about these particular things. I wonder what the Member for Laventille East/Morvant—I have no doubt that he will speak—I wonder what he will tell us. [*Interruption*]—Member for Laventille West, I wonder if he will explain to us why he is supporting this Bill. So anyway—

Now, there are many things that I could say about this Bill, and many reasons why we should be cautious about our approach to it.

Mr. Deputy Speaker: Hon. Member, your speaking time has expired. Do you care to avail yourself of the additional 15?

Dr. B. Tewarie: I would like to take a few more minutes.

Mr. Deputy Speaker: Proceed.

Dr. B. Tewarie: Thank you very much, [*Desk thumping*] Mr. Deputy Speaker. Thank you very much, colleagues. One of the things about the Constitution is not only that it deals with the fact that—of rights which are then allowed—which are then—which Parliament is then allowed to interfere with in a certain way. But one of the important things about the—one of the important things about this country and this Constitution is that the Executive does not have unlimited power.

The second thing that is important about our Constitution is that Parliament is supreme, and the Executive is accountable to it, which is why the Government has to make its case. And the other thing about this case—and I am making the case of trying—the Government trying to put pressure on the Opposition. The

other thing about the Constitution is not only that the Executive does not have unlimited power, and that it is accountable to Parliament. It is not only that Parliament is supreme and, by and large, it conducts its own affairs in a certain way, but the Constitution also tells us that the Leader of the Opposition is a Member appointed by the President, because of the support of Members of the House of Representatives that do not support the Government. [*Desk thumping*]

So what that means really is that the role of the Opposition is a critical role, in terms of its assessment of whether to support or not to support. [*Desk thumping*] We do not support the Government automatically. We do not, not support them automatically. It is a critical support and, therefore, it is based on critical assessment, and you have to come here as I said, and make your case. You have to argue your case. [*Desk thumping*] You have put forward your case. You have to put the case in such a way that in our judgment, we will know that we are protecting all of those people who have supported us, all of those people, discerning people in the country, who might have concerns about the excesses in terms of constitutional and human rights violation, and we have to take that assessment basically being a check on the Government of the day. Therefore, we are playing our duly constituted role. We are playing our constitutional role. [*Desk thumping*]

You cannot come here and try to corner the Opposition, and say to us in a way that verges on blackmail. You cannot come here and say to us, “Support it or else this is what is going to be the consequences”. We will support or not support, based on what we assess to be the appropriate thing. [*Desk thumping*] I make these points because the entire approach by the Government, has been to wrongly frame the debate on the measures before this House, [*Desk thumping*] to intimidate the

Opposition and to prejudice public opinion, as to the significance and value of these measures.

Now, we do not intend to tolerate any disrespect from what is essentially a very partisan approach by this Government during the legislative life of this Tenth Parliament so far. [*Desk thumping*] They brought a Bill here to give the Minister of National Security power which undermines the constitutional powers of the Police Service Commission—that matter is being tested in the court. They brought a Bill here to create a spy agency under the aegis of the SSA, Strategic Services Agency, in which the AG explains to the country that one of the informing principles behind the Bill is that there are no privacy rights; [*Desk thumping*] that is something I have no doubt that will be tested also.

They took the unusual step of inviting Independent Senators after a Bill was being debated and passed in the House of Representatives, amidst the strongest objections, because the Bill needed at least one Independent senatorial vote to pass.

The Bills before us here, when they came in their original form, met no support from you when you were in the Opposition. Why the change of heart? [*Desk thumping*] Why the change of position?

5.45 p.m.

When you look at all the issues involved in the increase in crime in this country, you begin to see that none of the issues that are being raised in relation to this particular Bill before the House have anything to do with the prevention of crime, with investigation of crime, the detection of crime, the case preparation that goes into winning a case and making a conviction and the correction of people who have gone wrong or the rehabilitation. [*Desk thumping*]

Now, will anything in this Bill deal with matters such as these and the

contexts which make matters such as what I outlined in Caroni Central with the six murders—*[Interruption]*—the six murders. You do not change my number. I told you six. *[Interruption]* The seventh was—Mr. Deputy Speaker, your protection please—the home I visited last night. *[Crosstalk]*

Mr. Deputy Speaker: Hon. Member for Laventille West, please give the Member the opportunity to continue.

Dr. B. Tewarie: None of these things will affect that tragic situation that I talked about. But I want to say that the hon. Leader of the Opposition was outlining some of the benefits of the last administration in terms of the management of crime in this country, and the things that we did in order to improve the situation in Trinidad and Tobago. I simply want, in these closing moments that I have, to read from the manifesto that we took to the country in 2015. *[Desk thumping]* And yes it is true that we lost the election—that also is being tested in court—and in that situation, I simply want to say that we came to the country with a number of things that would have been very important had they been implemented now.

“The investment made”—I am reading from page 42 of the manifesto—“by the People’s Partnership government in the acquisition of seven long-range patrol vessels and interceptors for the Coast Guard will be buttressed by ongoing actions to strengthen the Immigration and Customs and Excise Divisions.” *[Desk thumping]*

The boats that you are using now to patrol the borders, let me remind you, they were brought here by the People’s Partnership Government. *[Desk thumping]*

- “Social interventions aimed at discouraging a lifestyle of crime and violence including understanding the success of the Citizen Security Programme and deepening impact and extending its reach.”

Now, that was a programme introduced by the PNM Government of Patrick Manning, and which we strengthened and supported, and I hope that that is something that can also be supported.

- “Reform of the justice system...
- Rehabilitation of offenders...
- Reduction in delays in the determination of court matters by freeing up the backlog...
- Establishing specialised courts to address issues such as family matters and juvenile matters.
- Applying technology to the judicial system, such as the video conferencing of remand hearings and digital audio recording to supplement transcription.
- Introducing parole and community supervision...
- Providing support to help newly released inmates...
- Providing greater support for former inmates...
- Developing a programme for incarcerated gang members...
- Developing a programme that links imprisonment with agricultural production.
- Implementing tracer studies to determine the effectiveness of rehabilitation...
- Fostering community solutions to crime through public education...
- Setting targets for reduction and containment of crime categories on a station-by-station basis with daily monitoring and reporting.
- Strengthening community policing efforts through every police station.
- Establishing clear, consistent hotspot, safe zone, roving reinforcement

- squads to back up as required in situations of challenge or emergencies.
- Expanding the rapid response unit.
 - Strengthening of community comfort patrols and effecting greater synergies...”

Now, these are things that are applicable and doable to manage the state of growing crime in this country. Our hon. Leader of the Opposition likes to say that one of the few growth industries in the country is the crime industry, and that is true [*Desk thumping*] and we have measures here that can solve it.

I have raised with the Minister of National Security, and I did not mean it in an adversarial way. I said it to him as a colleague, as a friend, as someone I felt had an interest. I said, listen, the safe zone concept is applicable. The controlled zones concept is applicable. I think to some extent they are trying that now in the hotspot areas, although I do not know the extent to which they are actually as results oriented as they can be, because you are seeing the spillover in central Trinidad now.

I want to say something very important here to the Minister of National Security which is that, Mr. Deputy Speaker, if you have a situation in Trinidad and Tobago where there are known hotspots that can be managed in a certain way—and maybe the Minister is doing a positive job on that. In most of those communities, inside those communities, you are not hearing as much crime as you would have heard day-by-day over a long period of time, but the crime is going elsewhere.

What is happening, therefore, is that you have migration—you have movement, you have squatter settlements, you have connectivity between communities—and unless we create the concept of safe zones in different parts of

the country in areas where you have large numbers of people, in areas that are relatively peaceful—unless you have the control measures which allow police and army and other elements to work together, and you have community policing in every station and you have support mechanisms such as squad cars at every intersection, technology of communication, deployment capability that is fast and effective that can allow you to support it, et cetera, we are not going to be able to gain control of this situation, and the control of the situation cannot be—
[*Interruption*]

Mr. Deputy Speaker: Hon. Member, you have two more minutes.

Dr. B. Tewarie: Thank you for alerting me—cannot be gained by these Bills before us by extending the life there. [*Desk thumping*] The control has to be gotten on the land, first of all, in the corruption that has become an epidemic that makes it so difficult to manage the crime situation here involving institutionalized element of a governmental apparatus—I am not saying that casting any aspersion to the Government, but it has been there for some time—and by managing the sea with your seven boats, and in collaboration with others in a way that you could manage what happens offshore together with what needs to be managed onshore, and together with dealing with the corruption endemic in the system. I want to say, let us focus on those things that would stop the murders, that would stop the serious crime, that would give the citizens a sense of peace, that would restore Caroni Central to a place in which homes are not violated and people are murdered outside and inside their homes, but a place in which they could enjoy the greenery and be productive and make a contribution to society in a very safe environment of freedom. Thank you very much. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank

you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I rise this afternoon to give support to what I consider to be a very critical Bill in the fight against crime and criminality in Trinidad and Tobago. [*Desk thumping*] The Bill, Mr. Deputy Speaker, seeks primarily to extend the life of the Anti-Gang Act of 2011 and the amendments to the various Bail Acts.

But, Mr. Deputy Speaker, let me just before going into the height of my debate really speak to some issues raised by the Member for Caroni Central. He touches on the issue of the lush green area. It is a very lovely area, I must say it is. And any murder for me as Minister of National Security is something that pains me and I am concerned about, deeply concerned about. But for the Member to use that as something that is contrary to what we are trying to achieve here today—and the Member who I know is a man of critical thinking—in fact, he is the one who introduced critical thinking as Principal of the University of the West Indies—but his deduction seems to be almost not in line with what he is saying. Because if it is, Mr. Deputy Speaker, you are being confronted with murder not only in central but throughout Trinidad and Tobago, then there must be a menu of choices available, not one single thing to treat with the issue of murder. There must be a menu of applications, and one such application, Mr. Deputy Speaker, is this Bill that is before us. [*Desk thumping*]

He mentioned that the role of the Opposition is to oppose. [*Crosstalk*]

Mr. Singh: He did not say that.

Hon. Maj. Gen. E. Dillon: He said the role of the Opposition is to oppose. He said it is a duly constitutional role. [*Crosstalk*]

Mr. Deputy Speaker: Members, Members, please. [*Crosstalk*] Please, Members. Continue, Member for Point Fortin.

Hon. Maj. Gen. E. Dillon: The duly constitutional role of the Opposition is to oppose and yeah that may be so, but the Opposition comes with a certain degree of conscience and a certain degree of consciousness [*Desk thumping*] that takes place in the very society that we live, Mr. Deputy Speaker.

And here he talks about the vessels and so on, and with respect to—yes we have the vessels, and we are using it. This Government is a responsible Government. We are not going to do away with the vessels that we have inherited. We will use them because we understand that they are required in the fight against crime. But what has happened over the last five years, Mr. Deputy Speaker? Three offshore patrol vessels that were ready to sail into Trinidad and Tobago—
[*Interruption*]

Mr. Singh: They were not ready to sail. [*Crosstalk*]

Hon. Maj. Gen. E. Dillon: I was there. I was the Chief of Defence Staff. They were ready to sail, Mr. Deputy Speaker. What has happened? The previous administration do away with those. For five years we remained with our borders porous—porous borders to the extent where almost everything came through that border unprotected.

You know, I met an officer from the Brazilian Navy. He came to a conference here earlier on this year. I spoke at that conference and I said that one of our most threatened areas is our maritime security environment. You know in front of that audience what that Brazilian officer came up to the mike and said? He said to us, Mr. Deputy Speaker, how can you say to us that the maritime security environment is the most threatened space, yet your Government did not take the three offshore patrol vessels that we inherited, and they are satisfying our requirements right now? He said that in public. He called it Trinidad-class vessels.

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. R. Charles

2016.07.01

So when we talk about and understanding what is required in our security environment, let us realize that there was a contribution made by the previous administration where we are at this point in time, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker, today, why are we at this juncture? Why are we here? Why are we here today, Mr. Deputy Speaker? We are here because of sunset legislation, and the old philosophy of sunset legislation is time specific, created to deal with issues in a certain time to give one the ability to evaluate, to analyze, to measure with respect to the success of the particular legislation.

Mr. Deputy Speaker, as I sat down here, I think of a book written by Robert Louis Stevenson, *Dr. Jekyll and Mr. Hyde*, one individual with two different characters. It suggests to me that somewhere along the line that what we are seeing is one character—one individual with two different characters, not understanding that this Bill was passed in 2011 and amended in 2014 and 2015 under the previous administration, Mr. Deputy Speaker.

6.00 p.m.

It is almost as if there is no Dr. Hyde or they are all Mr. Jekyll, because it seems [*Desk thumping*] to be there is no memory as to what took place as to the very arguments that were made in support of this very same Bill. Mr. Deputy Speaker, this Bill requires an extension for us to further analyse, further evaluate because the situation has not changed. The very reason for Bill in the initial phase has increased somewhat, and, therefore, Mr. Deputy Speaker, what has not happened is that the Bill has not been operationalized. It has not been operationalized, Mr. Deputy Speaker, and so what is required today is to give that extension, that two-year extension to operationalize the very aspect of the Bill that

was argued in the previous administration.

So when one looks at the Member for Siparia who argued some time ago, a while ago in this very House—and if it can simply quote, if you would permit me, quoting the *Express* of January 26, 2011, the Member for Siparia, then the Prime Minister stated:

“Tough anti-gang legislation and the Bail Act are now before the Parliament as we up the ante in several areas to attack the crime situation head on.

As a government we do not intend to shirk from our resolve to defeat the criminals.”

What has changed, Mr. Deputy Speaker? What has changed? The very Member for Siparia again mentioned, quote, the very same quote from January 26, 2011 in the *Express*:

She “described the increase in murders as ‘horrendous’, saying”—“that—“it was critical that the Anti-Gang Legislation...be fast-tracked so her Government could address the situation.”

Jekyll and Hyde syndrome, Mr. Deputy Speaker, a Jekyll and Hyde situation.

Mr. Deputy Speaker, the short time that this Government has come into office we have taken time to examine the security landscape, and based on what we have found this Government recognizes that there is a need extend the life of the Anti-Gang Act and certain amendments in the Bail Act as crucial elements in this fight against crime. When we looks at the security environment, gang murders and gang membership, gang-related murders are in fact the number one issue. Mr. Deputy Speaker, the statistics right now with respect to January to June 30, 2016, tells us that out of the 229 murders to date 77 are gang related, roughly 33.6 per

cent of the murders are gang related. Gangs pose a serious threat to our security environment throughout most of the communities in Trinidad and Tobago. While it is widespread throughout the East-West Corridor it is throughout of security environment in Trinidad and Tobago at this point in time.

Mr. Deputy Speaker, many gangs in Trinidad and Tobago are in fact engaged in a number of illegal issues, drug trafficking, burglaries, break-ins, prostitutions. This is the characteristic that we are living in, and, therefore, there must be a menu of applications available to treat with these issues. Police statistics right now tells us there are roughly between 1,600 to roughly about 1,800 members in gangs in Trinidad and Tobago. When put we put that together with the whole movement of illegal arms and ammunition in Trinidad and Tobago we understand the security environment. If we look at gang-related murders between 2010 to 2015, in 2010 there were 75 gang-related murders out of 473 total; 2011, 93 out of 352; 2012, 144 out of 380; 2013, 197 out of 408; 2014, 142 out of 405; and 2015, 141 out of 420.

One murder is too much, Mr. Deputy Speaker. This Government is one that is always cognizant of protecting the individual rights and freedom as guaranteed to each and every one under the Constitution, but, Mr. Deputy Speaker, there is a time for us to treat with the common good. You know, the famous English philosopher, Thomas Hobbes, once said that in the state of nature life is short, nasty and brutish; it is all about all against all, and so developed the concept of the Leviathan that the individual surrenders their rights to the State. Today, Mr. Deputy Speaker, while there are laws enshrined in our Constitution, on 4 and 5 of our Constitution, for our individual rights, there is a time when we have to give up some of our individual rights for the common good of the State, and this is what

this Anti-Gang Bill and the Bail Bill is all about. We have to be able to give up some of our rights for the benefit of the common good. We are at that stage, Mr. Deputy Speaker.

So when we look at the statistics with respect to weapons, firearms, as mentioned before, remains the number one choice. It remains the number one choice of murders in Trinidad and Tobago. As of today there are 178 weapons, firearms were used in murders between January 01st and June 29th, 2016, roughly 79 per cent. To date, while the Trinidad and Tobago Police Service continues an exercise with respect to the seizure of arms and ammunition, and they are doing an excellent job, Mr. Deputy Speaker, they are doing an excellent job; today they have recovered 385 firearms between January and June, 2016, which have surpassed 2015 by far.

In terms of ammunition they have seized almost 5,306 rounds of ammunition of the streets of Trinidad and Tobago. I say that, Mr. Deputy Speaker, to show that the Trinidad and Tobago Police Service and, to an extent, the Trinidad and Tobago Defence Force are presently doing their job. They are doing their job to treat with crime and criminality in Trinidad and Tobago, but those are just two elements that must be part of the mix. We look at serious crimes, Mr. Deputy Speaker, and I am just putting the stats to paint the environment that we live in today, to paint the security environment, to give you an idea what is the characteristics of the security environment, and as for the people in Trinidad and Tobago to understand that the security environment right now is charged with gang-related murders, arms and ammunitions, firearms, illegal firearms, trafficking in persons, money laundering, and all these issues shape the environment right now. And while we can target them from different areas, I go back and I stress the

importance of this Bill as part of the menu of choices available to us to treat with these issues, Mr. Deputy Speaker. And just for statistics purposes, serious crimes, serious crimes right now in terms of murders, wounding and shootings, rapes, and so on, has decreased somewhat in 2016, has decreased, but it is not at the level that we want it to be at this point in time, Mr. Deputy Speaker. There still requires a number of significant input from different sources to bring it even lower at this point in time.

When one looks at the statistics of persons who are in the prison system right now, and I quote with respect to people who are bailable offences and not on bail, and I know that the Attorney General mentioned the total figure but I want to drill down a little deeper because I want to truly paint the picture of the true environment that we exist in, with respect, that has implications with this Act, Mr. Deputy Speaker: inmates not on bail but not charged with murder, 668 of which there are 13 females right now; armed robbery, 91; abduction, 13; arson, 4; armed assault, 2; assault, 17—I am go to go right down because I want the public to understand what we are treating with, so permit me, Mr. Deputy Speaker—attempted murder, 19; attempted rape, 3; attempted sex with a minor, 1; break-in and entering and larceny, 22; buggery, 4; carnal knowledge, 1; child neglect, conspiracy to murder, 2—you know, I can go on and on and just highlight the larger ones—larceny, 24; possession of firearm, 86; possession of cocaine, 55; possession of ammo, 76; possession of pistol, 4; possession of cocaine—there are a number of situations there right now that tells us that these individuals, total 668 at this point in time, what are the implications of these people not being held on a bailable offence, Mr. Deputy Speaker?

The Member for Caroni Central said that we are almost like if we are scaring

the population; we are not scaring the population, we are dealing with the reality of the situation. [*Desk thumping*] We are not hiding anything from the population, we are dealing with the reality of the situation, and while the Member for Siparia says, well, they can apply for bail, of course they can apply for bail. Well, chances are that they can be freed, they can be sent on bail. And we have heard the Attorney General, we have heard previous speakers talk about repeat offenders; there is a situation with repeat offenders in the jurisdiction, and so we must be cognizant of what are the implications of not extending this Act at this point in time.

We know that it is sunset legislation but at the same time, Mr. Deputy Speaker, the question we must ask ourselves, have we exhausted all the scenarios that can really prove to us that the Bail Amendment and the Anti-Gang Act did not work? Have we witnessed all the scenarios? I will submit that we need some additional time to really test this law before we can say, this is the sunset of these laws. We need to test it against different scenarios. We must get a true sense of whether it is working or not. We had amendment just as recent as 2015 in the Bail Act, and so the time is too short, I submit, Mr. Deputy Speaker. The extension is necessary for us to truly get an understanding to the true effect of the Anti-Gang Act and the Bail Bill, Mr. Deputy Speaker.

Mr. Deputy Speaker, when I ponder on the broader implication of these two pieces of legislation on the national security landscape I am reminded of the words enshrined in the report of the Secretary General to the United Nations Assembly on March 21, 2005. He says, and if I may quote, Mr. Deputy Speaker:

“In the twenty-first century, all States and their collective institutions must advance the cause of larger freedom—by ensuring freedom from want...from fear and freedom to live in dignity. In an increasingly

interconnected world, progress in the areas of development, security and human rights must go hand in hand.” Critically—“There will be no development without security and no security without development. And both development and security also depend on respect for human rights and the rule of law.”

The necessity of linking and integrating security and development is vital to the arm of national security.

Mr. Deputy Speaker, in the broader context of national security, in the broader context in the development of Trinidad and Tobago, we have to understand that the measures in the Anti-Gang Bill and the Bail Act, I repeat, is just one such measure to create the kind of environment that is necessary for the development of Trinidad and Tobago, because, as was mentioned, without security there is no development, and they go hand in hand.

Mr. Deputy Speaker, there is a social contract that has been established between us and the citizens of Trinidad and Tobago. That social contract suggests to us, and we in this House are part of that social contract, it says that we have a responsibility for the security and safety of our citizens of Trinidad and Tobago. We have a responsibility for the safety and security of the citizens of Trinidad and Tobago. They have given up some part of the alienable right for that, and so it is our duty to look at all the measures that are available to us and take the necessary measures. In the absence of that consciousness that we are opposition we cannot, we have to look at the boarder picture; we have to look at the common good when we are treating with issues of crime and criminality in Trinidad and Tobago.

6.15 p.m.

Mr. Deputy Speaker, it is critical to know that the Government’s role and

obligations are to protect and safeguard its citizens. Thus these two pieces of legislation, both locally and abroad in many ways, must be part of the menu of choices available to us. Even so, Mr. Deputy Speaker, it would be helpful to consider when we look at some other countries. We can look at what is happening in other countries and this is nothing new. I recall and I can look at, if you will permit me, this very issue of looking at other countries, August 23, 2012 in the *Express* the former AG said to us:

“The Anti-Gang legislation worldwide...

The Anti-Gang legislation has served its purpose. In most countries of the world where it has been enacted...”

It has served its purpose in most countries where it has been enacted. This is a statement made by the former Attorney General.

“...it has been an immense deterrent to psychological value...”

And so, Mr. Deputy Speaker, we look at what has happened in Australia, for instance. Australian anti-gang laws were designed to turn up the pressure and make gang lifestyle less comfortable and less attractive using that psychological approach; a psychological approach, which is the same approach that was mentioned by the former Attorney General. He says and I can quote, again August 23, 2012, the *Express*. He said to us:

This—“...legislation was not enacted to prosecute criminals, it was aimed at ‘psychologically’ breaking gangs and adversely affecting their recruitment of new members...Attorney...Ramlogan.”

So he talks about the psychological effect of the very Act that we are talking about; the psychological effect. So when we argue and we look for statistics the then Attorney General was talking about:

“...it was not enacted to prosecute criminals, it was aimed at ‘psychologically’ breaking gangs and adversely affecting their recruitment...”

What is new, Mr. Deputy Speaker? Yet we are hearing argument on the other side that they are looking at statistics. Statistics are not the only thing. You see, in terms of crime and criminality, there are two aspects. There is a quantitative aspect that deals with figures and numbers, but there is also the qualitative aspect that deals with the mindset, the consciousness. And we know about the fear of crime is worse than crime itself. So when we argue and we depend on statistics alone, it is just one part. We must be able to balance that by the qualitative approach. What do the measures mean in terms of the qualitative approach? It gives the sense of security for our citizenry. It gives the sense of deterrence to our citizens, and that is the aspect that is more important.

And it was said so by the former Attorney General. The psychological effect, the qualitative effect, the fear of crime in the mindset of our citizens is an area that we must address and this—*[Interruption]*

Mr. Singh: Hon. Minister, thank you for giving way. I hear what you are saying, but I only have an impression and a perception that what you are saying may be true. But I need the hard data to assist. *[Desk thumping]*

Hon. Maj. Gen. E. Dillon: And I believe that you have had some hard data, you may choose to ignore it. But I am saying too, the data by themselves could not be the movement, could not be the determining factor. The data by themselves could not be the only factor that you must consider. Why do you stress on data, on data, on data? The data alone cannot be. Because again I mention there is a qualitative aspect and a quantitative aspect when you are dealing with crime and criminality.

There are always both aspects and you must deal with that. [*Desk thumping*] You must deal with qualitative and quantitative aspect. To stay on statistics alone will give you a false impression. If I use my critical thinking hat from the then Principal of UWI, deductive reasoning suggests that you have to be able to balance both. Alright? Otherwise you may end up with some fallacious arguments.

And so, Mr. Deputy Speaker, I talked about Australia, but I can also bring it home to even Jamaica. Because Jamaica has passed the new anti-gang laws in 2014. And that new legislation criminalizes a broad range of behaviour linked to gangs in Jamaica including gang membership, facilitating gang-related criminal activities and recruitment for gangs. The law also established new penalties for such gang activities with most punishable up to 20 years if convicted in the Circuit Court in Jamaica.

But what was important, Mr. Deputy Speaker, when you looked at the Jamaica situation, and Jamaica's crime situation, of course, we are not near to that yet and we hope never to get there. But what is even more instructive when I looked at the Jamaica situation and I looked at the website called insightcrime.org/news dated February 19, 2014. And on that website you had:

Jamaica passed the new anti-gang legislation when the House of Representatives—"approved the Criminal Justice (Suppression of Criminal Organisations) Act with..."—Mr. Deputy Speaker—

"...with unanimous cross-party support."

And I repeat:

"...with unanimous cross-party support."

In other words, the House of Representatives in Jamaica realized, understood the importance of the anti-gang law, understood what it meant for

security in Jamaica, what it meant in Jamaica. And so you had unanimous cross-party support in Jamaica. And so I hope that today we can emulate Jamaica and have the similar cross-party support.

Mr. Deputy Speaker, here in Trinidad and Tobago we have to continue to build confidence in national security and we know we have to—require targeting the gangs, targeting the gang leaders. We have to be able to, in some sense, outsmart them rather than outshoot them and then sometimes we may have to outshoot them also. But we have to use the certain legislative framework that is available to us. We have to use the certain strategies that are available to us to treat with the gangs and gang-related offences, firearms and firearm-related offences. We have to be able to integrate the youths who are unattached and at-risk, enforcing existing laws. But we also have to look at new laws to treat with the issues, Mr. Deputy Speaker. We have to engage the public as much as possible and this is one way in which we must understand that the crime and criminality belongs to all of us and so it affects each and every one of us in Trinidad and Tobago.

We have to be able to increase our investigative capacity. We have to be able to bring cases to court and prosecute people, but we have to, at the same time, minimize the amount of repeat offenders within that continue to perpetuate the life of crime and criminality in Trinidad and Tobago. We have to be able to act, send strong messages of the deterrence.

Mr. Deputy Speaker, it is a fact that violence, crime and corruption have had a profound and terrible impact on the economy of Trinidad and Tobago. If there ever was a time that we need to work together, that time is now. That time is now. To my mind, it would be timely and appropriate to look at how can we treat with the issues in a cooperative and collaborative manner. We cannot at this juncture

keep ourselves in chimneys, in stovepipes. We cannot separate ourselves from the reality that exists right now.

And so the impact on national security that these two pieces of legislation can have is deterring and prosecuting those engaged in criminal activities. And one of the central features there is the deterrent factor; the deterrent factor. And I am saying to you, Mr. Deputy Speaker, and to the citizens of Trinidad and Tobago that the extension of these legislation would allow us to treat with the deterrent factor. We have to be able to preserve the peace and stability of our society. We have to be able to rupture the adverse impact of transnational organized crime, the movement of illegal guns, human trafficking, contraband and drug trafficking within our society. We have to ensure that our economic, strategic and industrial resources are protected from external aggressors.

Mr. Deputy Speaker: Hon. Member, your initial 30 minutes have expired. Do you care to avail yourself of the additional 15?

Hon. Maj. Gen. E. Dillon: Yes, Mr. Deputy Speaker.

Mr. Deputy Speaker: Okay. Proceed.

Hon. Maj. Gen. E. Dillon: I thank you very much. [*Desk thumping*] The Government's fight against crime is therefore a fight for development, measures to reduce social and economic damage caused by the pervasive crime has to be integrated within the development framework. Security should be seen as both a core development goal and an essential precondition for the delivery of other developmental goals.

Mr. Deputy Speaker, Government's spending on national security we know is a primary investment. It is an investment for the peace and stability which are preconditions for investment in our country. So that when we treat with the whole

matter before us, when we treat with the issues of the extension of the Anti-Gang Act and the Bail Act, they must be viewed, again, within the context of the development of Trinidad and Tobago. We cannot put these things in packages. We cannot put them in packages and isolate them and say we are not supporting this, but we have to look at the overall implications. And so we are looking at development, the effects of development in the total security environment. We cannot divorce one from the next.

So investment in national security is an investment in Trinidad and Tobago's future development and prosperity. Trinidad and Tobago's development has been damaged by violence, by crime and by corruption, and so there is really no point in merely trying to contain these problems and limit the damage that they have done, but have an understanding that any measures that we adopt must be put in part of the overall pie, part of the overall concept to treat with the issues of crime and criminality.

So therefore, Mr. Deputy Speaker, the goal now is to transform Trinidad and Tobago by decisively breaking the grip on crime, crime and corruption especially with respect to the Bail Act and the Anti-Gang Act, with respect to the gangs, gang-related murders, the movement of illicit drugs and firearms. It means to a large extent dismantling the gangs, arresting the leaders and the people who have facilitated the operations, conducting seizures of their assets and putting out of business.

You see, Mr. Deputy Speaker, crime and criminality and, in fact, national security on the whole, is a multidimensional phenomenon. And so any measures to treat with crime in the area of national security must also be multidimensional both in scope and application. It cannot be unidirectional, it must be multidimensional

because the phenomenon itself is multidimensional.

And so this Government has adopted what it considers to be a whole-of-government approach which suggests that almost all the departments of Government must have a semblance of focus and purpose to deal with crime and criminality. And I can say that we can even extrapolate that to a whole of country approach, a whole of community approach and perhaps a whole of Parliament approach when we come to the issue of crime and criminality in Trinidad and Tobago.

You see, falling out from that, Mr. Deputy Speaker, the Minister of National Security, and through the Ministry of National Security, articulated four strategic elements. One, we say is prediction in terms of the whole aspect of intelligence gathering and being proactive. The other is based on deterrence. Deterrence is in terms of presence, in terms of legislation, in terms of offence, in terms of defence and legislation forms a very important part in that deterrence pillar of strategy. And so the Anti-Gang Act and the Bail Act form a very important part of that strategic element in terms of the deterrent pillar. Then we talk about detection and of course prosecution at the end of the day. Those are strategic elements going forward.

And so, Mr. Deputy Speaker, this Government's intervention to address crime in Trinidad and Tobago has been directed towards making the relevant institution most effective with respect to strengthening the capacity of organizations under the Ministry of National Security. The Trinidad and Tobago Police Service, Trinidad and Tobago Defence Force, Strategic Services Agency, the Trinidad and Tobago Prison Service, the Trinidad and Tobago Fire Service, the justice sector are to strengthen the capacity, again, understanding that there is an inter and overlapping with respect to the agencies under national security.

And so, Mr. Deputy Speaker, there are major target areas carded for reform in areas such as crime detection which we know right now is about 17 per cent. We are not comfortable with that, but we have to be able to develop the capacity to increase the crime detection and this is a measure that we are adopting right now. The areas of police management and human resources are areas that we are tackling right now.

And so, Mr. Deputy Speaker, these interventions occur in most areas affected by violence and are concerned with creating the kind of opportunities to deal with the issues of crime and criminality that confront us.

6.30 p.m.

And just to simply mention some of the initiatives that have been taken by this Government, Mr. Deputy Speaker, we continue the establishment of an electronic monitoring programme through the prison system; establishment of a national forensic DNA data bank and custodian unit, construction of video conferencing facility at the Remand Yard, Golden Grove. That is ongoing, Mr. Deputy Speaker. We are looking at the construction of a new remand prison at Golden Grove, Mr. Deputy Speaker; initiated process for the selection of Commissioner of Police. We are establishing the joint border protection agency and, of course, we are looking at developing adaptable defence and security posture to our navel assets, our air assets, our land assets using our coastal radar system and of course developing the capability of our land based Trinidad and Tobago Regiment.

Mr. Deputy Speaker, before I close, I think it is important for me to just mention as we deal with the issues that confront us, as we talk about extending for two years the Anti-Gang Act and the Bail (Amdt.) Act. I quote from March 31,

2015 by the then hon. Ramlogan. He said:

I firmly believe that this Bill, however, is an exceptional and constructive weapon in our fight against crime that shall benefit both private citizens, the corporate world and indeed the nations as a whole. The Government intends to safeguard the rule of law and uphold the integrity of the Constitution of guarantees. The fundamental rights and freedoms enshrined in our Constitution are paramount importance to this administration and they remain at the fore front of our legislative purpose when we bring legislation in this honourable House.

Mr. Deputy Speaker, I want to close with an article of the *Guardian* of June 17, 2016. The headline was:

“End political posturing over crime”

And I quote from the reading:

“On the issue of crime, for the good of all T&T, both parties need to demonstrate maturity and bipartisanship by co-operating on anti-crime laws and policies.

Time to put a top to the useless, petty posturing and squabbling and focus on what needs to be done in terms of reviews, restructuring and constitutional changes to transform law enforcement systems and make the country more secure.

As much as possible, crime needs to be taken out of the political arena.”

Mr. Deputy Speaker, when we look at what is before us, when we understand the security environment that confronts us, it affects each and every one of us throughout Trinidad and Tobago. And so, the extension that we are asking for today is merely one and part of the menu of choices available to us. It is only

filling part of the puzzle, Mr. Deputy Speaker, together with a number of initiatives that are taking place. So what we are asking for, the philosophy of sunset is to evaluate, to analyze, given time and scenarios. We have not exhausted the scenarios that are available to truly test the laws before us.

And so this extension for two years and during that extension, Mr. Deputy Speaker, this Government will be responsible, this Government will hold itself responsible during those two years to test this legislation. But as we go forward, let us do so in an understanding that no one entity could treat with the issues of crime and criminality before us. It must be done on a basis of co-operation and collaboration. Mr. Deputy Speaker, I thank you very much. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*): Thank you very much. I thank you for the opportunity to join in this debate, Mr. Deputy Speaker, on this omnibus Bill. Before I get into the thrust of my contribution I would just like to comment for a while on some of the comments of my friend, the hon. Member of Parliament for Point Fortin. He came here this afternoon and indicated to us that Jamaica and the Opposition in Jamaica had worked with the Government to develop a legislative agenda to deal with crime and anti-crime Bill such as we have today. I wish to remind him that—I am just reading:

“Jamaica Anti-Gang Bill Approved by House Amid Controversy”

And it says here:

“Jamaica passed controversial new anti-gang legislation, which opponents fear will criminalize broad sectors of vulnerable youth, and even supporters admit will be of little use unless politicians sever gang ties.”

And it continues and I will just take one line:

“After nearly two years of delays and fierce political debate, the Jamaican

House of Representatives...approved...”

The source was the insightcrime.org. And it speaks to a collaboration and a discussion and a consultation that extended over two years. [*Desk thumping*] It was not a situation as they come today in the sunset of this session of Parliament to say, here, it is your legislation, take it and you have to support. No, we on this side say, let us treat together, let us talk, let us analyze in the interest of the citizenry of Trinidad and Tobago. [*Desk thumping*]

I heard the talk about a menu of the applications to deal with crime. This is just one aspect of a menu. It is important to say how this bit of legislation will interconnect with other crime fighting strategies in order to resolved the problem of crime in Trinidad and Tobago. [*Desk thumping*] We need to see the interconnectivity. And I keep hearing on the other side, Mr. Deputy Speaker, the question of three OPVs and how this would have been the panacea for the resolution of all our guns and ammunition coming into the country.

I wish to remind them that the United States with 11 aircraft carriers, 88 large surface vessels, 48 attack submarines, amphibious warships, 33, ballistic missile submarine, 12 and 328,000 active duty personnel have not been able to stop the drugs from Colombia entering into the United States. [*Desk thumping*] OPVs are just one part of the connectivity in solving our problems, not the panacea.

Did I hear, when I was listening to my friend the question that crime is down. I keep hearing that. But serious crime is down. But, Mr. Deputy Speaker, the major element in serious crime are murders and any murder as a citizen of this country we have to be sad that that exist. But as of today's *Guardian*, six months into this Government, we have 228 murders in today's *Guardian*. That we are heading for 456 murders in 2016 under that Government. In 2015 it was 410; in

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. R. Charles

2016.07.01

2014; 403 and 2013 was 408. It means therefore that this legislation interconnected with the other Acts that Government or our Government is doing, is not working when it comes to the statistical quantitative data with respect to murders in Trinidad and Tobago. [*Desk thumping*]

I also heard about the Jekyll and Hyde situation, argument. And they ask the question, what has changed from the last time the legislation was brought to this honourable House till today. Well, a lot has changed. I wish to remind them on that side that they did not support the legislation in 2014. [*Desk thumping*] Do not come providing false information, because my *Bible* tells me that there shall come false prophets in the last days and they shall deceive many. We will not be deceived on this side. [*Desk thumping*]

And what has changed? What also has changed? You know what has changed, Mr. Deputy Speaker? You know what has changed? The PNM is in power now and we on this side do not trust the PNM Government. [*Desk thumping*] All the legislation they have brought so far, apart from the economics, the part that is running the country, the finances of the country, seek to take away the rights and entrenched privileges we enjoy under the Constitution of Trinidad and Tobago. [*Desk thumping*] And we have an Attorney General who tell us that we have no enshrined right to privacy. [*Desk thumping*] Well, I wish to tell him that the Member of Parliament for Naparima, I have an entrenched right, enshrined right protected in the Constitution to privacy and nobody is going to interfere with that.

So today we are here to discuss, to amend the Bail (Amdt.) Act, 2008. We are here to amend the Miscellaneous Provisions (Bail and Kidnapping) Act 2011, the Anti-Gang Act also of 2011, the Bail (Amdt.) Act, 2011 and 2014 and the Bail

(Amdt.) Act, 2015. I will be focusing my contribution on the Bail (Amdt.) Act, 2015 and specifically the Act seeks to amend the Bail Act by prohibiting the grant of bail for persons charged with an offence under section 6 of the Firearms Act, Chap. 16:01, except one under section 6 of the Firearms Act and the prosecution has informed, sorry, or a person convicted of an offence under the First Schedule of the Bail Act and the prosecution has informed the court that the person involved or any other person used or had in their possession a firearm or imitation firearm during the commission of the offence.

So I am dealing specifically with that and I am dealing with that in the context of the fact that it infringes on the fundamental rights enshrined in sections 4 and 5 which has been discussed by my colleagues previously and consequently we are here to get a final vote of three-fifths of the majority of each House as required in accordance with section 32 of the Constitution. So we are here to discuss, to get the required constitutional majority to ensure that the legislation is passed. And that is why we have been looking at the question of proportionality that— [*Crosstalk*]

Mr. Deputy Speaker: Members, please, please let us hear the Member.

Mr. R. Charles: We are looking at the question of proportionality. Our entrenched civil rights are being infringed upon and we have to balance that with the benefit of the society that this legislation purports to give, to reduce crime to improve our common wheel and good governance in our country.

So there is a requirement—a sunset clause was put in because it was dealing with our fundamental rights and privileges. And the sunset clause has been indicated by my colleagues before, exists so that we could have an appropriate review of the legislation. [*Desk thumping*] And in reviewing this legislation we

have to understand that it is significant and we have to analyze what are the benefits of this legislation to the people of Trinidad and Tobago and what rights are being infringed.

In this regard, Mr. Deputy Speaker, I wish to point out that when this matter came up in 2010 in the House of Representatives it was Miss Marlene Mc Donald who said, Mr. Speaker, the hon. Member for Port of Spain South, who said, and at that time it was the Attorney General, Anand Ramlogan, she said:

“Throughout the Attorney General’s presentation, I have not heard him discuss or put to this House the draconian measures of this Bill, talking about the fundamental rights of people being breached and I know he is a human rights person, he is a constitutional attorney and I know that he knows that these measures here are totally draconian in nature, and certainly an offence against section 13(1) of the Constitution of Trinidad and Tobago.”

She also went on to say that if we wanted to pass this legislation in the context of a crime plan she asked, what is the crime plan?

Mr. Deputy Speaker: Member, please, the word “she”, honourable would be better, please.

Mr. R. Charles: Sorry, I apologize. The hon. Member indicated:

“What is crime plan? You have been in office for six months”—so we are almost in the stage in which we are today. “You have been in office for six months and you have not enunciated how you are going to deal with crime.”

So we have it from the Members opposite that there were concerns, significant concerns about the draconian measures in this legislation, in the bits of legislation, we are looking.

6.45 p.m.

I am going to read what the honourable as subsequently—but not only the hon. Member for San Fernando West, but only, Mr. Deputy Speaker, did we have a Member opposite raising some reservations about this Bill, but we have recently, the Law Association indicating and I quote:

“The Bail and Anti-Crime Acts, proclaimed during the term of the People’s Partnership government, have done little to reduce the crime rate, and should be repealed...”

They have indicated that the data does not exist qualitative or quantitatively to suggest that it is having an effect on the crime rate, and they are suggesting that it should be repealed. I quote:

“In fact, the legislation whose life would be extended under the proposed amendments has significantly increased the number of persons on remand”—yard. The conditions on remand where these accused are kept acknowledged to be deplorable and have been judicially described as ‘barbaric’ and ‘inhumane’”.

[Ringing of cell phone]

Mr. Deputy Speaker: Somebody’s phone, please.

Mr. R. Charles: Thank you very much. It continues:

“The pre-trial detention of persons without bail for a period of 120 days is not reasonably justifiable in a society that has a proper respect for rights and freedoms of individuals, given the unarguable inability of the criminal justice system to process those who are incarcerated...”

It goes on.

But to show that there is a disquiet in the society about this legislation, now

that we are reviewing the sunset clause, it is not only at the level of a Member of Parliament on their side, it is not only at the level of the Law Association, it is also at the level of members of the Judiciary. I am reading an article in the *Guardian*, Tuesday 28, 2016, and a magistrate agrees with defence lawyer that the Bail Act is draconian and I quote:

“A senior magistrate has agreed that the Bail Amendment Act 2015 (No. 7 of 2015) which denies bail to a person on any gun-related charge for a period of 120 days as draconian.”

She was saying:

“‘It is draconian,’ said the Senior Magistrate Nannette Forde-John as she agreed with the defence attorney Subhas Panday who”—requested—“...a man charged with a series of gun-related offences”—who a represented a person who was charged with a series of gun-related offences—“in the San Fernando First Court.”

Panday, who was the defence attorney, indicated that all a prosecutor had to say was that there was a gun involved in the crime and the person would be denied bail. And that was the significance of the concern with the draconian nature of this legislation, and they would say, on that side, that we passed this legislation.

Yes we did, because at the time we were looking at a crime fighting strategy, and putting a sunset clause with the view that at some stage we would be able to come back, analyse and determine whether this thing was, with the utility of this bit of legislation, and see whether at some time in the future it was warranted that the legislation be continued, be amended, or stopped, and that is why we are here today. [*Desk thumping*] The concern is not only at the level of the members of the Magistracy, it is not at the level of the Law Association, it is not at the level of

comments from those opposite. It was Thursday, June 30th, the *Trinidad Express*, and they asked the question—and this is not a bit of data, but it gives some idea of the level of disquiet in our society at all levels, and the question was: would you support an extension of the Anti-Gang and Bail Acts?

Hon. Member: The man in the street?

Mr. R. Charles: That is the man in the street. We had somebody from Laventille and I would not call their name. Somebody from Laventille said, “It is a scary law. No, I don’t support it.” That is a gentleman, Laventille. Somebody from Beetham said, “No, I don’t support that at all...remanding people too long.” This is our citizenry talking to us, and our job in this honourable House is to get the views, tie that with best practices, understand the legal implications and come to some kind of consensus as to what will work in the interest of the citizenry of Trinidad and Tobago.

Another gentleman, 59 years old, from Laventille—and we are talking about the support base if I am to take the demographic profile of the people talking here, matching that with the results of the election. There is a gentleman from Laventille, he said, “I am not supporting it at all.” In the interest of full disclosure, there were two persons who supported it—I will support it, two persons—but three of the five said that they were not supporting it at all. When they went to San Fernando, two supported it and two did not. One gentleman said, “I think there should be a review of it first before there is any extension.”

So what we are seeing here is the citizenry, we are seeing here the media, we are seeing here the members of the Judiciary telling us that we need to look at this legislation, analyse is it effective or not, is it working for Trinidad and Tobago. It is not to come here and rubber stamp a legislation because you say so, and you are

in charge and we must obey. When we talk about quantitative at this stage, how many persons denied bail were eventually convicted so we could say, yes, they were denied bail for 120 days and it gives us the time to do the necessary research so that we are able to have a conviction. We have no data whatsoever. We have broad splashes of information about crime in general. I want crime as it relates to this Bill [*Desk thumping*] to tell me that this Bill is working, and therefore, we should amend it and extend the sunset clause.

By what percentage this legislation has reduced or is reducing crime? I have sat here today and I have not heard any indication at all from anyone about the efficacy of this bit of legislation. Jail them, jail them, lock them up. If this legislation was not passed, what would the damage, especially as it does not apply in murder situations? That is the one that is increasing on their watch, and as my political leader indicated, the world would not collapse if this legislation is not amended. It will not collapse because it will give the Judiciary the discretion to deal with whether bail or not should be granted, and how does this bit of legislation fit in with their overall crime plan. We are still at a loss.

But you see, Mr. Deputy Speaker, the world is moving towards what we call evidence-based policymaking. It is not a question of coming here and telling us that this is the legislation, there are a million crimes in the country, and therefore, you have to stand up and support this in the absence of data that drives the policy. [*Desk thumping*] I will refer them to the Pew Charitable Trusts, and they talk about Evidence-Based Policymaking: A Guide for Effective Government. It says:

“In today’s fiscal environment, policymakers face tough...policy choices that affect the outcomes they can deliver for citizens. By using rigorous evidence to inform these decisions, policymakers can achieve substantially

better results by funding and operating public programs that are proven to work.” [*Desk thumping*]

They “don’t” like to hear—Mr. Deputy Speaker, our colleagues opposite do not like to hear about best practices in Singapore, Australia, the United Kingdom, et cetera. They do not like to hear about that, because, you see, they believe that to govern, all you need to be a Minister is a level head and common sense, and that will not work in the 21st Century. [*Desk thumping*]

The report indicates that if you have evidence-based policymaking, you will look for certain characteristics, and I wish to point so that—because they keep saying that we brought the statistics, and I wish to show them that what they brought was just information. It was not relevant statistics, not applicable to our circumstances, and thereafter, there is a need for rethink in terms of the justification for this legislation. [*Desk thumping*]

I quote:

“The report presents five key components to implementing evidence-based policymaking”—and they say—“Program assessment”

Where today have we heard where this legislation has performed or not performed? Has anyone given any information whatsoever to tell us that they have assessed this bit of legislation and that it is working or it is not working? Not a word, not a clue.

They talked about “Budget development”; they also talk about “Implementation oversight”. So you have this bit and you monitor it to see how it is going and the efficacy of it. “Outcome monitoring.” What is the outcome of this legislation; how many people are incarcerated awaiting the 120 days for firearms; what would have been the effect had this legislation not been there; and what are

the benefits, and the pluses, and the minuses so that we could come to some informed decision?

Mr. Singh: Cost.

Mr. R. Charles: “Outcome monitoring.” Cost as my friend, the colleague, the Member for Chaguanas West is advising me. And “Targeted evaluation.” no evaluation at all. Just come, take their word for it. Take their word for it. They know it all. They are the PNM, they are in charge. I wish to tell them, they keep pointing back at us every time a bit of legislation comes, they come, they are in charge now. They are in charge and they have indicated we must deal with that. The country has to deal with that. But in charge means “you run things, things do not run you”. [*Desk thumping*] It means leading from in front. It does not mean looking backwards. They call that review mirror effect leadership. You look looking forward, but you are only talking about Anand and Ramdeen and thing in the background. We passed that stage.

We are a First World country. [*Desk thumping*] In charge means “you have a vision and an action plan”. Where is the vision behind this bit of legislation? What are the support mechanisms and the support institutions to make it work? You are just going to lock up people and put them in the Remand Yard to suffer because they are poor? Our job is to stand for all citizens of Trinidad and Tobago: north; south; at the Caroni, East and West. All citizens, we will protect their interest. And by the way, they have a right to privacy and they have a right to equality and justice before the law. [*Desk thumping*] In charge means, “you decide your decisions are data driven and customer focused”. In charge means “it is not about looking back and blaming your predecessor, and it is not about looking for scape goats.” We are talking about visionary leadership, 21st Century leadership.

But “leh we” see what the data says. We talk about qualitative data. Remember the representative that I quoted from? The magistrate said that all you need to do is to say that there was gun in the person’s possession, or in his house, or a gun was used in the crime, and he has lost his rights for 120 days. But let you see what the data says and I am talking, *No Other Life: Gangs, Guns and Governance in Trinidad and Tobago* by Dorn Townsend, and it is published in Switzerland. So the Swiss experts come to Trinidad—we are talking about the situation of a poor person, because they are not going to this against the wealthy, or those from a particular demographic profile.

You could have a situation and we have heard about it, where there is pressure put on the poor in our society and evidence has been concocted. You heard it does not happen too much. I will just read from this report. They are talking about the police service that we have to trust, and I have relatives who are police officers. The majority of police officers are hard-working citizens who earn their pay.

7.00 p.m.

But there are some, even from the Scott Drug Report.

Maj. Gen. Dillon: What year is that?

Mr. R. Charles: This—I will have to get that for you because I only asked them to give me the first page but I could give you the whole thing—I will send it to you, because, as I say, I want you to succeed. It says:

“While some parts of the T&T police perform admirably...”

And we all agree with that and they talk about:

“such as the Repeat Offenders Task Force, numerous interviewees say that elements of the police force operate in ways similar to those gangs, i.e. they

operate drug corners...”

—not me saying so.

“control the inflows of drugs, undertake large robberies, and commit extra-legal murders.”

And this was done in 2010. As it says:

“As of September 2009, 29 police were under suspension and 249 were facing formal criminal charges, out of a total force of 6500.”

That is qualitative data. We, in this legislation, are going to entrust the well-being of the particularly male, young males, to officers, some of who, it only takes one bad officer to make this thing not work. And this is why, as we take away the civil liberty of these people, these citizens, our fellow citizens, we have a responsibility to act in their interest and not turn a blind eye.

But we talk about this great plan and my political leader had to make the point. This is their—no planning man, when you talk about evidence-based governance and whatnot. Here is what this says and my political leader made reference to it. The Anti-Gang legislation, in the Ten Point plan, it says:

“Review the Anti-Gang Legislation to ensure its usage is more effective.”

Today, we are reviewing the Anti-Gang legislation. Has it been reviewed? Have they indicated to us any instance in which it is more effective? All we have been called upon today, Mr. Deputy Speaker, is to come, “you rubber stamp this thing”, you must do it because, if you do not do it, we might say that you do not have the interest of the country at heart. Who has the interest of the country at heart? Who? Who?

I am of the firm view that by rubber-stamping this legislation and not allowing the Government to do the informed analysis and getting the requisite data,

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. R. Charles

2016.07.01

we are short-changing the country [*Desk thumping*] if we totally support this legislation, without getting them to do the hard work that is necessary to governance. Governance is not driving “ah big car” and blue lights and flashing thing and honourable this, honourable everything. It is about servant leadership, it is about recognizing that we are here to serve the people of Trinidad and Tobago and nothing else.

So if we do the research, qualitative data and I am dealing with the guns part. [*Interruption*] This is for—

Maj. Gen. Dillon: Quantitative.

Mr. R. Charles: Qualitative data—no, but this is quantitative here. Sorry, yes. It is Charles Kong Soo—no relation, right. It was published in the *Guardian*, Sunday, May 29th, 2016 and he said:

“Eight-five per cent of the murders in T&T are gun-related, according to figures from the T&T Police Service...”

And it talks about the detection rate for murder was 13.6 per cent in 2015, a decrease from 16.1 per cent in 2014, according to records from the TTPS. But you see, we do not even know whether the data is correct or not.

Mr. Deputy Speaker: Hon. Member, your time has expired. Do you care to continue?

Mr. R. Charles: Yes, thank you.

Mr. Deputy Speaker: Pursue.

Mr. R. Charles: We do not know the data because we have here and this is what they call—they are called Powerful Ladies of Trinidad and Tobago, PLOTT, and PLOTT is saying that the:

“...detection rate...varied from three per cent to nine per cent in 2015, how

many of these murders are and will remain unsolved?”

So we come to the analysis. The analysis would show, for example, that according to experts, several security experts, former Executive Director of the National Operations Centre, Garvin Heerah; Florida International University Prof. Anthony Maingot; firearms weapons specialist Paul-Daniel Nahous and President of the Confederation of Hunters. They talk all about guns coming in from Venezuela and guns exchange—foods for guns relationship that is taking place on the Icacos peninsula.

“Heerah noted...that guns were not only coming from Venezuela and Latin America but also North America.”

And this is why, you see, when we go without a comprehensive plan and we enter into relationships with Venezuela, we have to be mindful in an all of Government approach, which they boast about, to understand that when you do this, there are implications and locking up people will not be the solution if you do not take into consideration the comprehensive nature of the problems we face, which require brain and intellect and hard work, not talk and gallery.

It says:

“In 2006 Venezuela bought 100,000 Russian AK-103 rifles, 5,000 Dragunov sniper rifles and the manufacturing licence and equipment for domestic production.”

Nahous said Chavez bought these things and whatnot. The Dragunov sniper rifle uses a particular type of ammunition, which you would know better than me, is extremely reliable in all conditions from snow to heat and sand, in the Middle East desert and all over the place.

“Nahous said that the danger that these rifles posed was that the gangs here

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. R. Charles

2016.07.01

would know how to operate them, as the mechanics were similar to the Kalashnikov rifle variants in the country.”

So they are talking. Miller who is a hunter, and I would presume he knows about what is happening, he says:

“Every type of weapon going into Cedros and Icacos from Venezuela.”

He is part of the hunters’ group, said:

“...guns have always been coming into the country from the South Western peninsula. He said illegal hunters were mainly interested in the cartridges and shotguns from Venezuela, as licensed hunters were only legally allowed 100 shotgun...per year.”

But you go to England. This is *The Economist*, the reputable magazine, and I am short of time, so they say that:

“In a continent awash with guns, Venezuela is among the most inundated. There are...9m-15m illegal weapons in circulation, according to a 2009 estimate—roughly one for every two men, women and...”—child

And it goes on. You see, to solve crime is not about legislation. When you talk about developed countries, Canada and they look at crime and I am looking at the report, which I will make available, “Strategies for Reducing Gun Violence: The Role of Gangs, Drugs and Firearm Accessibility”. You know what this says? I want them to listen and I am just quoting this time because I am short of time:

“As noted on several occasions, you cannot arrest your way out of a gun violence problem.”

I want to make that—[*Interruption*]

Mr. Singh: Repeat that.

Mr. R. Charles: Repeat:

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. R. Charles

2016.07.01

“...you cannot arrest your way out of a gun violence problem.”

Mr. Deputy Speaker, what we are doing today is the exact opposite. We are attempting to arrest our way out of a gun violence problem knowing that research is telling us that that will not solve the problem. Well, my colleague talks about all of government, it is a holistic approach.

“A balanced approach involving prevention and intervention is needed to address the underlying factors associated with gun violence be they gangs and drug markets.”

And I took this report because they have a situation similar to us. US, there are free guns about the place and most of the guns are coming from the United States and I read:

“In addition to better understanding the flow of guns from the United States, it is also important to understand the flow of legally purchased firearms to prohibited possessors in Canada.”

I come to my friend, the hon. Member for Parliament for San Fernando West, and this was him speaking in *Hansard* Tuesday, April 12th, 2011, Anti-Gang Bill, 2012, and you know, he is good with language.

“I wish to point out that the bugbear for us this afternoon, the mischief this afternoon, if I use that term in a very proactive sense—and I do not mean to be using anything in the pejorative sense this afternoon—the mischief which we seek to address this afternoon as an Opposition...”

Then they were in Opposition.

“...is whether the legislation as crafted now is going to constitute proper medicine for...”—all the ills—“of”—Trinidad—“society? And by that I mean, Madam Vice-President, is this legislation going to deliver the solution

which we as a country need and deserve?”

I ask him that same question today. [*Desk thumping*] Is your legislation going to deliver the solution by which we as a country need and which we deserve?

So what did we do in our time? I could just talk about the Arms Trade Treaty which, at the UN, was piloted by the then Prime Minister, Mrs. Kamla Persad-Bissessar as part of the global approach to dealing with a domestic problem to ensure that guns can be traced at where they are manufactured and do not get into our country unnoticed. But I looked at your data. You said police took a total of 229 firearms, 2,600 rounds of ammunition off the streets, 2,000. In her time, Kamla Persad-Bissessar’s time, she took 1,000 pieces of ammunition [*Desk thumping*] out of the circulation and she did this in collaboration with the United Nations. I am reading here from *Newsday*, Tuesday, October 11th, 2011, just when we got into power and she said that—this is a national security Minister John Sandy speaking and he says:

“The Government has identified some 4,000 obsolete, seized and unserviceable weapons for destruction.

The process will begin with the cutting of a minimum of 1,000 weapons.”

And this was done in collaboration with UNLiREC. So we do things, we had an all of Government approach to the solution of the problem. And in terms of, again, qualitative research, illegal gun markets in Trinidad and Tobago, they do not speak about legislation, nothing. In all of the data, in all of the universities, in all of the best practices that we can learn from abroad, nobody speaks about legislation. They say in terms of guns:

Are guns used in crimes are mostly imported illegally or do they originate as legal guns in Trinidad and Tobago? If guns used in crime started out in the

legal market, how did they migrate into the illegal market? Where do illegal guns come from when entering Trinidad and Tobago and how are they entering the country?

If you do not do that research and you cannot tell me 40 per cent of the guns go through Icacos and 60 per cent from wherever else, then “We spinning top in mud. We not running ah serious country. We gallerying and we gallerying. We come and we dress nice with kerchief in pocket and all kind ah thing and we pontificate but we not doing the hard research.” What are the distribution methods in Trinidad and Tobago and who are the brokers?

I could talk about what we did, not legislative efforts, when we were in power. Read. If you read, if you do research, you will understand about good governance. “Buh if you doh wanna read, if you wanna make a joke of everything we say and we reach to documents and you cyah deal with the documents, you going ad hominem arguments”, then that is all. [*Desk thumping*] Country will suffer, your grandchildren will suffer, my grandchildren will suffer, but let us work together, let us put our brains together. As the *Bible* says, study to show thyself approved onto man. “Ah workman, ah workman”, proud of his tools.

We had the creation of a Ministry of Justice. We had initiation: non-taxable special allowance of \$1,000 to police officers; introduced 21st Century policing initiatives; the National Security Specialized Operations group, the National Security Training Academy; the Energy Sector Security Initiative, ESSI; the Rapid Response Unit, the Counter Human Trafficking Unit, reestablishment of the Transnational Organized Crime Unit; launch of E999 and I could go on and on and on. Launch of the Community Comfort Patrols; banned the use of cell phones while driving; established 13 surveillance bays on the nation’s highway. Right.

Acquisition of four coastal patrol vessels and two utility vessels for the Trinidad and Tobago Coast Guard. The largest number of coast guard vessels ever approved in the history of the Defence Force was done by us. And I could go on and on but time does not permit.

All I want to tell my colleagues opposite, that Trinidad and Tobago is on the cusp of greatness. God gave us the energy, we did nothing to make that happen. He put on this country all the great religions of planet Earth: Islam, Christianity, Hinduism, and Orisha, and He put us in 2,000 square miles so we could interact and draw from the philosophical greatness of those philosophies. [*Desk thumping*]

7.15 p.m.

Come up with something that is unique to the world. We would be, what you call, “Homo sapiens internacionales”. We would be great people. But you see on that side, they have a view that great is the PNM. We do not need to read anything else. We do not have—no new ideas since Perspectives for a New Society in the 1970s. We will run this country. “We in charge and all yuh deal wit it”. Well, my idea for Trinidad and Tobago is that we could work together and it is my hope that we will do the necessary groundwork to make this legislation such that all of us could be justly proud. I thank you. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith): Mr. Deputy Speaker, it is my pleasure to rise at this time. One reason I happy to rise is that I am relieved of the ranting and raving of a mind, and it reminds me of a famous calypsonian, David Rudder.

Mr. Deputy Speaker, I cannot stand here and listen to the ranting and raving in a Bill where we are planning to save this country by berating police officers. I cannot stand here this evening, after hearing the pleas of our Acting Commissioner

of Police stating the situation that we face in Trinidad and Tobago today and feel happy. Mr. Deputy Speaker, at least my colleague on the other side, he got one thing right, do not trust the PNM, do not trust the police.

I want to read something here Mr. Deputy Speaker. [*Desk thumping*] Because I want to remind you, do not trust the PNM. Do not trust the police. I want to remind you this evening what is a gang member. A gang member means a person who belongs to a gang or a person who knowingly acts in the capacity of an agent for or an accessory to or voluntarily associates himself with any gang-related activity, whether in a preparatory, executory or concealment phase or any such activity or a person who knowingly performs, aids or abets any such activity. So do not trust the PNM because we intend to represent the people of Trinidad and Tobago. [*Desk thumping*] Today is not about political games. Today is not about political games. Do not trust the PNM. We intend to represent and stand for law and order in this country.

Mr. Deputy Speaker, I want to start off by reiterating that safety and security for all of Trinidad and Tobago should be at the forefront of the minds of all persons in this honourable House. And, indeed, it remains at the forefront of this Government's agenda. Let me remind this honourable House, Mr. Deputy Speaker, as the Attorney General rightly proclaimed, the Anti-Gang and the Bail (Amdt.) Acts were enacted with bipartisan support when they were initially brought to this House in 2011. One of the reasons is that we all recognized as a Parliament that there was a need to discourage gang membership and reduce or even eradicate violent criminal activity, together with the alarming number of guns being found in the streets of Trinidad and Tobago.

Mr. Deputy Speaker, gang violence, as we would expect, accounts for a

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mrs. G. Jennings-Smith

2016.07.01

significant number of serious crimes and homicides taking place in Trinidad and Tobago. It is linked to a clear pattern of reprisal killing and repeat offending. Mr. Deputy Speaker, between 2011 to present, gang-related murders contributed to over 30 per cent of all murders in Trinidad and Tobago, with the highest percentage of gang-related murders occurring in 2011 at 48.3 per cent of all murders committed for that year.

Mr. Deputy Speaker, statistics on firearms show that between 2010 and 2015, and the ending of May 2016, firearms found and seized reached an all-time high of 691 in 2015 and 334 for the year, up to May 2016.

[MADAM SPEAKER *in the Chair*]

Madam Speaker, these rates should leave any right-thinking individual feeling unsettled and with a burning drive to see an end to this evil which has been ravaging our society. Madam Speaker, the fact is that gun violence and gang culture continue to poison our streets and our communities and rob our nation of so many of our young people who could have been so much more than what they ended up to be because of the presence of guns, gangs and criminal activities in our communities. Madam Speaker, they say the devil comes to steal, kill and destroy, and that is what it has been doing, stealing, killing and destroying our youth population. Madam Speaker, this has taken a toll on the lives of many families, communities and the entire nation of Trinidad and Tobago. It is the desire of no Government, no country, no community, to be burdened by the presence of guns and gun violence. Today, this is not a game to be played for political reasons or otherwise. If we continue to do that, pretty soon we will know someone close to us who has been impacted by gang violence in some way.

Madam Speaker, when the Anti-Gang Bill that we are only seeking to extend

its life was first brought to this House by Members opposite, who were then seeking our support for it, and the then AG at the time speaking on behalf of the then Government, stated, and I quote:

I firmly believe that this Bill is an exceptional and constructive weapon in our fight against crime that shall benefit both private citizens and the corporate world and, indeed, the nation as a whole.

Madam Speaker, the Anti-Gang Act and Bail Act were created with the intention of discouraging and suppressing criminal gangs and criminal activity in order to protect the people of Trinidad and Tobago from violence, physical harm, fear and intimidation that these criminal gangs bring to families, communities and the society as a whole. Madam Speaker, this legislation was relevant and necessary when the then Government, now on the other side, brought it to this House and it is still relevant and necessary today.

Madam Speaker, just listening to the commissioner's affidavit this afternoon, it brings my own expertise into play. Being an officer of the law for 34 years, Madam Speaker, gang murders are something that we describe as a circle of activities. It depends on reprisal murders, repeat offenders, firearm, drugs and gang activities. Though we are aware of the scandal that took place with respect to the Anti-Gang Act, where law enforcement officers sought to utilize it during the state of emergency in 2011, with so many persons being arrested and held on the Act and later these persons were released, I want to bring to this honourable House, Madam Speaker, firstly, there was the requirement that evidence on individuals held at the time had to be collected after the passing of the Anti-Gang Act and not before, in order for that evidence to be utilized. Therefore, law enforcement officers could not utilize any evidence that they might have collected on these

individuals before the passing of that Bill. Therefore, there are things that should have been put in place after the passing of the Bill in order to ensure that it was successfully utilized as a tool in fighting against the existence of gangs and criminality.

Madam Speaker, Trinidad and Tobago and the Government must move to improve the capacity of the police service and other arms of the national security apparatus in order to equip them with the necessary capabilities. Madam Speaker, we recognize that this is important for a sustainable case and to ensure the greater effectiveness of these legislation. We have also realized from information gathered that in order to strengthen the effectiveness of this legislation, we must address the challenges which require that proper procedures are followed in conducting surveillance of suspects, that statements of witnesses are sworn to by a Justice of the Peace, that proper investigation files be generated, that there is a proper surveillance of intelligence.

Madam Speaker, we must strengthen the foundation and the ability of the police service and other protective agencies to control gang violence across this nation. The Government has already begun to address these issues, such as the gathering of information through a collaborative effort, which the SSA Act would enable and which we also had to fight to bring on board through this honourable House.

We are also presently engaging an assessment of the Criminal Gang Intelligence Unit, with respect to strengthening the unit and providing the requisite training needed to operationalize this unit. Madam Speaker, in order to ensure a holistic overview and improvement of the system and how it operates within the framework of the legislation, the Government would require time to treat with this

overhaul, and what we have done is to come before this honourable House today seeking two years, or if you want to look at it in months, 24 months, in order to put things in place to remedy the issues that have come to light.

Madam Speaker, if the Government is given the time to do this, then we can move forward in our effort to curb, reduce and abate the issue of crime and gang violence that has been ravaging our nation for far too long and all that was requested was some effort to connect the dots and some political will to get it done.

Madam Speaker, we have been examining the police service, we have been examining the systems in place, we have been seeing the shortcomings and if this extension is not supported by the other side then there can be serious implications for the safety and security of the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the facts show that 86 persons who are in custody right now for possession of firearms would be eligible to be released; 91 persons who are charged for armed robbery would be eligible to be released; 44 persons who are charged for robbery would be eligible to be released; and to add to this, 24 persons charged with shooting would also now be eligible to be released.

7.30 p.m.

Madam Speaker, our Government is already committed to ensuring that we do as much as we can to prevent individuals from seeking alliances with gangs in their communities, and there are a number of programmes in place to aid in this regard. The Government understands that collaboration is important in achieving any worthwhile goal. It is in this context that the Government strategy to adopting a whole-of-government approach in protecting our people is both prudent and relevant. The legislation is also prudent and relevant in our fight against crime and how it is organized today.

Madam Speaker, it is through a combined effort that we will best achieve the goal of reducing and preventing crime. Unfortunately, certain requirements to the proper implementation of the Anti-Gang Act did not materialize over the ensuing period after 2011. And we are now seeking to pick up that mantel, carry on the task at hand and ensure, that within the two-year period, we would have reviewed the framework within which these pieces of legislation operate, and ensure that the necessary systems are in place for its effective application within our justice system.

Madam Speaker, it is neither necessary nor wise to have these legislation expire, so that what remains is an empty space where there needs to be something in place to assist our justice system. The Government is endeavouring to get this thing right in order to protect the safety and security of the people of Trinidad and Tobago. I reiterate, eh, that if implemented properly, these pieces of legislation is an important weapon in our fight against gangs, against crime and criminality.

So, Madam Speaker, we have made it clear, the importance of collaboration in our fight against crime, and today, I stress the importance of that in bringing this to past. One of the ways in which Members opposite can assist the Government, and the people of Trinidad and Tobago in this fight against crime, is by lending their support to this Bill brought to this House today.

We have identified the importance of the extension that this Bill seeks to provide for, in order to address the issues that exist in the system, and to strengthen the effectiveness of the legislation, law enforcement and the Judiciary. But, Madam Speaker, the Government recognizes too, that much more must be done. So far, we have forged strategic alliances with key Ministries and international partners in an effort to implement a more whole-of-government approach to

governance and service delivery across Ministries, department and divisions. Very soon you will be seeing the launch of these supportive intervention programmes. By lending our collective support to the Miscellaneous Provisions (Anti-Gang and Bail) Bill, 2016, this is a chance we are giving the citizens of Trinidad and Tobago.

On the other hand, if the Opposition withholds their support, they are going to be doing a disservice to the people of Trinidad and Tobago. With no deterrents in place, what will happen to crime and criminality in this country? Here is the stark reality, with these extra persons being brought to be given an opportunity to access bail, think of the multiplier effect this will have on the already high crime rate. We are removing the only special offences dedicated to suppressing gang offenders. This is the true purpose of the Anti-Gang Act of 2011. Do we want to be known as the Parliament who said no to the nation, that being a gang member is okay?

Madam Speaker, the choice is clear. All we are asking for this evening is the opportunity to do what you on the other side did not do. All we are asking for is for you to show—you on the other side to show how much you love your country. [*Continuous desk thumping*] I love my country. My colleagues on this side love our country. [*Desk thumping and interruption*] Yes, I love that phrase and I love my country, and I would stand here [*Desk thumping*] in defence of my country.

We understand the patronage of our leader from Diego Martin West, and we are prepared to do what it takes to show this country that we care. Your response, you on the other side, through you, Madam Speaker, will show how much you care. So when the others tell you—the PNM is the party that founded this great nation call Trinidad and Tobago. [*Desk thumping*] We have the best interest of our people at heart. [*Desk thumping*].

Miscellaneous Provisions
 (Anti-Gang and Bail) Bill, 2016
 Mrs. G. Jennings-Smith

2016.07.01

So when others tell you do not trust the PNM, as I started off by quoting them, [*Interruption*] do not take heed. [*Desk thumping*] The PNM is the only party that stands for truth. [*Desk thumping*] The PNM is the only party that stands to defend this country. [*Desk thumping*] The PNM is the only party that would make decisions to protect the people of Trinidad and Tobago, [*Desk thumping*] and the PNM is only party that is prepared to make the tough decisions. [*Desk thumping*]

Madam Speaker: Member for San Fernando West?

Mrs. G. Jennings-Smith: The principles that our great party is founded on, are reflected in the watchwords and our motto. [*Interruption*]

So, we have identified the importance of the extension of this Bill, which seeks to provide for—in order to address the issues that exist in the system and strengthen the effectiveness of the legislation, law enforcement and the Judiciary. We reiterate our commitment to the fight against crime and I hope that the Members opposite will do what is right. So trust the PNM; trust the police, [*Continuous desk thumping*] trust the police service, [*Desk thumping*] and do what is right in the interest of the people of Trinidad and Tobago. Do you love your country?—and support us with the passing of this Bill, as we did in 2011, [*Desk thumping*] and may God Bless our nation! Madam Speaker, I thank you. [*Desk thumping*]

Mr. David Lee (Pointe-a-Pierre): [*Desk thumping*] Thank you, Madam Speaker. I rise to join this debate and I thank you for opportunity to speak. I want to take my time because after listening to the hon. MP, Member of Parliament for Toco/Sangre Grande, I now understand why I wore a red tie today. [*Desk thumping*] I wore a red tie today because I have heard her voice tonight, that she says and she agrees with us, do not trust the PNM, [*Desk thumping and crosstalk*]

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. D. Lee

2016.07.01

but I do not agree when she also made a comment, do not trust the police. I believe we should trust the police, because they are there—[*Interruption*]

Madam Speaker: Member for Point-a-Pierre, a matter on the Standing Orders. Are you asking to give way?

Mrs. Jennings-Smith: Yes.

Madam Speaker: It is up to the Member.

Mr. D. Lee: No, Madam Speaker. [*Crosstalk*]

Madam Speaker: Order please, continue Member for Point-a-Pierre.

Mr. D. Lee: It has been a long day. I really do not want to keep other Members who would like to speak here tonight. So I do, Madam Speaker, really was taken aback because I had much to say in this debate, but after listening to the Member for Toco/Sangre Grande and, you know, her statement of do not trust the PNM, you know, I think that is really the crux and the matter of this afternoon's debate here. [*Desk thumping*]

But suffice it to say, I must take part in this important piece of legislation that the hon. Member for San Fernando West has piloted here this afternoon, today, tonight. I must go back and do a little history about this Miscellaneous Provisions (Anti-Gang and Bail) Bill, 2016. The Bail Act has been amended as you know, Madam Speaker, over the past 20 years, and as the crime situation becomes more intractable. The original Bail Act provided that a person charged with any offence other than murder, treason, piracy, et cetera, will be eligible to be granted bail.

Let us fast-track to 2005, the Parliament reduced the number of convictions from three to two, as we have heard here today. In 2011, we amended the Bail Act

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mr. D. Lee

2016.07.01

to include people charged with offences under the Anti-Gang Act and other related crimes to be held for 120 days.

In 2014, we came to Parliament here and amended the Bail Act again from two strikes to one. I really want to quote from Sunday, June 26, 2016 from the *Newsday* article the:

“Bail Amendment Dishonesty”

I want to quote—the writer of that article is Jamille Broome and he says, or she says:

“Yet again, another government is attempting to extend the very piece of legislation which they labelled as unconstitutional and soundly rejected every time they sit in the House with a minority of seats.”

Madam Speaker, it is very important that when we came here today, the Attorney General, the hon. Member for San Fernando West really did not bring any salient points, to convince us on this side, that we should support this Miscellaneous Provisions (Anti-Gang and Bail) Bill, 2016, [*Desk thumping*] other than asking for our support to continue with the sunset clause for another two years

When I look at the PNM’s manifesto, one of their—page 26, under the heading “Partnering with the Judiciary”, it says:

“...the protection of human rights.”

They talked about protecting human rights.

“Introduce common sense, evidence-based, cost effective policies in the justice system.”

And I ask: where is that? When will that be happening, Madam Speaker?

7.45 p.m.

Madam Speaker, we heard today, this afternoon, and I would like to also

quote to show how our support or lack of support is required or needed by them. The hon. Prime Minister, Keith Rowley on—it is an article by Cecily Asson on Thursday, June 23rd and I quote:

“PRIME Minister Dr Keith Rowley waded into the United National Congress...Opposition on Tuesday night for refusing to support his government in Parliament on critical pieces of legislation, which he said, the PNM had supported when the party was in Opposition. In a wide ranging address...at the Scout’s House in Embacadere, San Fernando...”

I do not think the hon. Attorney General was there at that time.

Madam Speaker, I want to present an argument here this afternoon. In 2011, the then Opposition Members supported a Bail (Amdt.) Act in 2011. They voted for it. In 2014, Madam Speaker—and the reason why I felt they voted for it, was because they felt we would not have lasted in Government in 2011, [*Desk thumping*] but I want to assure that we lasted all. In 2014, Madam Speaker, when we came here in Parliament to amend the Bail Act in 2014—January about that time—they voted against those amendments [*Desk thumping*] in this House of Representatives and also in the Senate, they voted against it.

Mr. Al-Rawi: Why?

Mr. D. Lee: Well, you will wrap up. [*Crosstalk*]

Madam Speaker: Member for Laventille West, please.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson- Regis):

Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House sit until the conclusion of the matter before it.

Question put and agreed to.

MISCELLANEOUS PROVISIONS
(ANTI-GANG AND BAIL) BILL, 2016

Dr. D. Lee: Thank you, Madam Speaker. Madam Speaker, in 2014, the then Opposition Members, both in the House and in the Senate, voted against the People’s Partnership Bail (Amdt.) Bill. I heard the Attorney General said, tell us why. I would say, I want to quote from the *Hansard* Dr. Keith Rowley’s introductory statements with respect to this Bill. The Government does not support the Opposition.

“Maybe the Government has the required majority in this House and maybe they can get it elsewhere, but those of us who were present in this House, we entered in the debate and we told the Government in no uncertain terms that we are not prepared to support what the Government has brought here.”

That is in 2014 by the hon. Dr. Keith Rowley, who is the current Prime Minister.

Also in the *Hansard* on that 2014 debate, Madam Speaker, in the Senate, we have the hon. Attorney General, Faris Al-Rawi, response. [*Crosstalk*]

Madam Speaker: Members for Diego Martin North/East, Port of Spain North/St. Ann’s West and St. Joseph. Please continue.

Dr. D. Lee: The Bill, and I quote the hon. Attorney General, at the time in the Senate, January 21, 2014.

The Bill does not solely include violent crimes but encompasses a wide variety of crimes such as larceny and the people of Trinidad and Tobago must be aware of this. Even ridiculous crimes are included.

So they did not support the Bill in 2014, but even the hon. Member of Parliament for Diego Martin North/East, who during his debate on December 06, 2013: The PNM would not support legislation that would:

“...limit bail in situations where persons had one previous conviction...”

He emphasized that himself:

“...the Member for Port of Spain South and former Sen. Hinds...will not support”—the Bill.

So, Madam Speaker, in 2014, they did not support this Bill, but it is surprising in 2015, around March, they supported the Bail Bill and I ask why when I was preparing for my debate. The only reason I could come up with, Madam Speaker, is that it was a general election year and they felt it was politically correct to support the Government of the day. [*Desk thumping*]

So, Madam Speaker, for the last 10 months, this present Government, I am surprised today that they are asking us to support or even continuing with our Bill or their Bill, because their style has been, over the last 10 months, to dismantle everything the People’s Partnership Government has built. [*Desk thumping*] So I am surprised here today they are asking us for our support. [*Crosstalk*]—one thing?—the Point Fortin Highway, the Central Bank Governor, non-opening of the Couva Children’s Hospital, the stoppage of the Debe Campus. The list goes on and on. So, Madam Speaker, I am very surprised that the Government of the day is asking us for our support, because that has been their style for the last 10 months.

Even when we sat on this side a few weeks ago, and we asked about the SSA Bill, they did not care about supporting us. When the Bill went to the Senate there were various amendments, and no amendments were taken from our side. So, Madam Speaker, I am really taken aback that they are asking us for our support here today.

Madam Speaker, during this debate, I had not heard one word from any of the presenters on that side about trying to look at a holistic way of reforming the

judicial system. There has not been a debate so far about reintegration of the criminals into society as a measure of reducing the reoffending. And I ask, Madam Speaker, let us look at reintegration. According to the United Nations in a publication on Custodial and Non-custodial Measures in 2006:

“Social reintegration can be understood as the support given to offenders during re-entry into society following imprisonment.”

Simply defined, Madam Speaker, reintegration is all activity and programming conducted to prepare an offender to return safely to the community and life as a law-abiding citizen.

Madam Speaker, it would be noteworthy that we could have discussed and heard from the Attorney General what measures are in place, because we understand, as he has said it, that he has a problem getting information from the Judiciary, from the police service, from the DPP, but they are in charge, Madam Speaker. I am surprised that the Attorney General, the eminent attorney that he is, because he talked about in another place where he was able to move some overcrowding of some prisoners to certain sections of the prisons that are not overcrowding. I am surprised that he could not get the kind of information that the Opposition has been asking about over the last time we met. So I am sure the Attorney General, in his astuteness and his way that he has of cajoling and making things happened, should have been able to get that information, and not have to utilize, again, Gerald Ramdeen’s information.

So, Madam Speaker, I ask about what is being done about reintegrating the offenders into society. Have we looked at the probation system, Madam Speaker? As you know, the failure of this Bill to reform and rehabilitate individuals, it is widely understood that in Trinidad and Tobago today, the crime rate is spiralling

out of control, reaching unprecedented levels and essentially what this Bill seeks to do is to use bail as a tool to fight crime.

Madam Speaker, just today, before I came to this debate, when you look at the firearm issue—and that has not been addressed by the Member of Parliament for San Fernando West—this is a real situation, a true situation, where there is family just came out on bail, because they just finished the 120 days. There was a gun that was found on the premises of the home. The people that went in and spent 120 days were two individuals and a gentleman who had suffered a stroke. At the point in time the police raided the home, they were there, and the magistrate had no other choice but to incarcerate them for 120 days. Madam Speaker, that is a draconian piece of legislation, and that is why when we had passed that Bill, we had a sunset clause, and as the Leader of the Opposition had said, it was time to pause for a cause.

We are saying it is time now, Madam Speaker, that the Attorney General, the Member of Parliament for San Fernando West, should have taken the time, because they have been in Government for 10 months. They knew the sunset clause was coming to an end, was expiring on August 15th, and something of substance should have come here today to give us a chance to be able to say whether we can support the Bill or some amendments to the Bill. So, Madam Speaker, what I just spoke about is a real life situation and this family is from Laventille. So that it breaks for the people, innocent people can be set up.

There is another situation, Madam Speaker, that someone called me this morning they asked me to bring it up. The person is a legal firearm holder and he is now afraid to carry around his firearm, because if God forbid something was to happen and he had to defend himself and he was charged, he would be incarcerated

for 120 days, because the law is the law, and the magistrate has no discretion other than to incarcerate that individual for 120 days and after then apply for bail. So, Madam Speaker, I am yet to be convinced today, tonight, that the Member for San Fernando West, the Attorney General and also the other attorney in the Ministry of the Attorney General and Legal Affairs, the esteemed Member for Port of Spain North/St. Ann's West, did not come with something of substance to give us comfort that we can support this Bill.

Madam Speaker, you know, even in the reintegration, there is an NGO that I am close too called the Vision on Mission and run by an esteemed individual, Mr. Chance. There are two centres, one in Wallerfield that can house 100 men who are either deportees or released from prison, and they have been asking the Government for financial assistance to be able to make this centre viable and financially viable. They have been asking for approximately \$1.2 in recurrent expenditure to assist them in running the centre, which will help alleviate and reduce—as the hon. Attorney General is doing in his prison reform. I think a few months ago he had talked about the cost of a prisoner, and when I look at the cost to rehabilitate someone in the Vision on Mission Centre in Wallerfield, it is far less than the number the Attorney General came up with. Also, there is another centre that is in the Pointe-a-Pierre constituency that is part of the Vision on Mission in Claxton Bay, which is a home that is for women, deportees and also current released inmates.

8.00 p.m.

Madam Speaker, that building is still in a state of repair. They need approximately half a million dollars—*[Interruption]*

Hon. Member: Disrepair.

Dr. D. Lee: Disrepair, sorry—to complete it. They are also pleading with the present Government to assist them to help them make this centre viable and to fruition. These are two centres that will help alleviate or reduce, and help deportees or inmates that were recently released, and to help them come out of a way from crime, Madam Speaker, because the Vision on Mission NGO is doing fantastic work.

So, Madam Speaker, you know, I am yet, as I said, the Attorney General has yet to convince me to be able to convince my constituency of Pointe-a-Pierre why we should support this Bill. Madam Speaker, he has not spoken about the overcrowding in the Remand Yard, and that is a serious, serious issue. When I look at, and I was doing my research, and when I did my research and looked at the *Hansard* by the Member for Diego Martin North/East—I am quoting here from the US Department of State, Country Reports on Human Rights Practices for 2015, and the heading is the Prison and Detention Center Conditions—it is the same report you quoted, Minister:

“Conditions in some of the prison system’s nine facilities continue to be harsh. On June 16 and June 17, riots erupted in the remand yard of the Golden Grove Prison, which resulted in injuries to dozens of prisoners and five prison officers.

Physical Conditions:”—the report states—“Convicted inmates constituted approximately 37 percent of the country’s average prison population, while the remainder were in pretrial status.”

Madam Speaker, when the report also goes on under the heading Arrest Procedures and Treatment of Detainees, under the heading Pretrial Detention:

“Lengthy pretrial detention resulting from heavy court backlogs and

inefficiencies in the judicial system continued to be a problem. Pretrial detainees or remand prisoners represented approximately 63 percent of the prison population. Most persons under indictment waited five to six years for their trial dates in the High Court, although some waited much longer. Officials cited several reasons for the backlog, including an understaffed and underfunded prosecutorial office, a shortage of defense attorneys for indigent persons, and the burden of the preliminary inquiry process. Additionally, the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every 10 days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.”

So, Madam Speaker, the Attorney General came here this afternoon and not for once today, or a week ago, spoke anything about the rehabilitation of the justice system. And I am sure it might be on his agenda—[*Interruption*]

Hon. Member: Wrap up. Wrap up.

Dr. D. Lee:—but we would like to see—no, the night is—we have a long time here, “man”.

Mr. Al-Rawi: No, in my wrapping up.

Dr. D. Lee: Oh, sorry. [*Laughter*] I thought it was the Member for Diego Martin North/East. Madam Speaker, you know, again I go back and I have to agree with the Member for Toco/Sangre Grande, we cannot trust the PNM on this side, [*Desk thumping*] and I cannot help but keep repeating that because it has made my life a little bit easier here this afternoon, it really has, you know. [*Interruption*] It is all part of the course. But, you know, Madam Speaker, I really do not agree with her when she said do not trust the police, as she as an experienced ex-police officer of

34 years' experience, I was taken aback by that statement, you know.

So, Madam Speaker, I want to make a statement here from the *Hansard* at page 116, on the 6th December, 2013, by my hon. esteemed Member of St. Augustine, when the Bill was passed in his statement he said:

“So it is not an Act, not a law that we intend to have in perpetuity, but at the end of three years—the sunset clause as we call it—it will come to an end. Hopefully by that period, there would be no need—as they had many times in the 1990s...—to return here and extend it year after year...”

And, you know, he is an esteemed attorney so he would know what he was talking about back then, because it infringes, and he knew it infringes on the constitutional rights of individuals, and that is why the Law Association is not in agreement with extending this Bill, the sunset clause. The Law Association totally has been consistent in not supporting this Bill.

Madam Speaker, even Martin Daly—[*Interruption*] You have to get use of it. Martin Daly in a comment *Sunday Express*, you know, he states—[*Interruption*]

Hon. Member: “He geh it wrong, boy.”

Dr. D. Lee: “No, I ent quoting de part he geh wrong”, there are other parts that he is correct.

Mr. Imbert: Which part? [*Laughter*]

Dr. D. Lee: But he is the president in waiting.

Mr. Imbert: “He say it lapse.”

Dr. D. Lee: I thought he is the president in waiting. Madam Speaker, Martin Daly's article here, he talked about, you know—anyway, I would not quote Martin Daly if the Minister—[*Desk thumping*] “I ease him up. I ease him up. I ease up the president in waiting. I ease him up.” Madam Speaker, you know, as we—

[*Interruption*]

Hon. Member: I feel that tie confusing you.

Dr. D. Lee: “Nah, nah, it is not, is de red dress, de red dress dong on the end”, she confused me with that statement. She really confused me.

So, Madam Speaker, this Bill is really about the administration of justice and it infringes on the Constitution of the people of Trinidad and Tobago, and I am really surprised that my good friend—I could call him my good friend, the Attorney General, did not come here with just asking us in a simple way to support—[*Interruption*]

Madam Speaker: Hon. Member, I just want to caution you on the Standing Order against tedious repetition. [*Crosstalk*] Members, please, when I am standing—I have heard that point three times. I would ask you to kindly move on, please.

Mr. D. Lee: I am guided, Madam Speaker, thank you. So, Madam Speaker, I really did not intend to talk for long, you know, [*Laughter*] after hearing that dissertation by the Member for Toco/Sangre Grande. I will close, Madam Speaker, [*Desk thumping*] with a quote from—I want to close with a Mandela quote:

“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.”

I thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for St. Ann’s East.

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Madam Speaker, I thank you for the privilege to rise to support this Bill, and this Bill is an Act to amend the Bail (Amdt.) Act, 2008; the Miscellaneous Provisions (Bail and Kidnapping) Act, 2011; the Anti-Gang Act 2011; the Bail (Amdt.) Act, 2011; the Bail (Amdt.) Act of 2014, and the Bail

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Hon. Dr. N. Gadsby-Dolly

2016.07.01

(Amdt.) Act of 2015. Madam Speaker, my contribution tonight does not necessarily have to be long, we have been here for many hours, and we have had very good speakers on this side going before me. The AG was pellucidly clear in his contribution, [*Desk thumping*] the Member for Port of Spain North/St. Ann's West articulate, [*Desk thumping*] the Member for Point Fortin coherent, followed by the Member for Toco/Sangre Grande, lucid, and all of them clearly stating the facts of the issue. [*Interruption*]

Hon. Member: And what about Naparima?

Hon. Dr. N. Gadsby-Dolly: I said on this side. I said on this side, Member.

Madam Speaker, the facts of the issue are plain, these amendments were put into law by the Opposition, then in Government. Enough speakers on this side have shown that in 2011 they passionately supported these same amendments, the *Hansard* shows it, and what did they use to justify their support for what they wanted to put into law, the crime situation in Trinidad and Tobago at the time of 2011. And what were they supposed to do at that time after putting it through as law? They were supposed to collect the required statistics between 2011 and 2015 that would analyze the need for the law to be continued; that is the situation before us.

The Member for Port of Spain North/St. Ann's West read out onto the record today the fact that the Acting Commissioner of Police is on record as saying that gangs, illegal firearms, kidnapping, human trafficking, illegal narcotics are as much of a problem now in 2016 as they were in 2011. As a matter of fact, I dare say, Madam Speaker, some statistics may show that it may be more of a problem now in 2016. So according to that statistical evidence, and if we are saying that the reason why this law was put into place in the first time place is because the crime

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Hon. Dr. N. Gadsby-Dolly

2016.07.01

situation justified it in 2011, then in 2016 how could we, as a responsible Government, allow the sun to set without having the correct data that we need to ensure that we have to continue this. [*Desk thumping*]

Madam Speaker, the issue is simple, we need to determine whether or not the law has been useful. To allow the sun to set without finding this out will make us irresponsible, and if we had the reasons in 2011 to do this then it is incumbent upon us now to ensure that we do not need this law before we allow the sun to set. Madam Speaker, the AG gave statistics showing that over 1,000 persons, potentially, will be released on bail if the sun is allowed to set on this legislation. And he raised the issue, can the Judiciary reasonably be expected to deal with that influx of bail cases that will come before them at that time; what type of chaos are we are going to unleash on the society. In addition to that, those that are released on bail, where will they go? They will go directly into our communities.

Madam Speaker, all of us here are Members of Parliament, representatives, we represent constituencies that are made up of communities, and if we are not concerned that repeat offenders can get out into our constituencies then that is something that really should concern the persons who we represent, because what is the effect of the repeat offender on society? And, again, the Member for Port of Spain North/St. Ann's West gave statistics to show that repeat offenders usually are ones that would get involved in more crime, recidivism, and, therefore, what are we going to support if we allow this, the sun to set on this legislation? We are going to allow repeat offenders back into the communities to cause what types of problems?

8.15 p.m.

Madam Speaker, there a direct correlation between crime communities and

youth crime. Gang members going back into communities after committing crimes are usually hailed as heroes. And who hails them as heroes?—many times it is the young people. They go back and boast about how much “ghosts they take”. And why is it that we are not supporting legislation that will allow us to completely analyze whether or not this legislation that is put in place is actually working to prevent that scenario from taking place?

Do we want our youth exposed to that situation without having the data necessary to say whether or not it was working? That is the issue before us? Are we willing to risk the communities which we purport to represent simply to score cheap political points? Because it is mind-blowing that the very same Opposition who sits there today, as the Government, could have understood the necessity of this type of legislation when they were on this side. So how is it now that not having collected the data means that you simply throw the baby out with the bathwater? That cannot be the approach. That is not a responsible approach and it is not one that this Government intends to take or to recommend. We do not have the evidence at this point, Madam Speaker, to say that this legislation is not working, and without that evidence we would really need to take some time to look at it closely.

At this point, Madam Speaker, we have an indication and statistics from the Acting Commissioner of Police that crime is still a problem which needs to be arrested. I want to consider the effects of crime in my own constituency, and the importance of allowing us to find the correct data for this legislation grows.

In my constituency of St. Ann’s East, gang-related violence has not escaped us. We have crime—Febeau Village, Cantaro, Warater, Luengo Village, Las Cuevas, La Canoa—there is no area of the community that crime has not

infiltrated. And therefore, when a government is trying to put things in place to ensure that we deal with this situation, why is it that the very same Opposition who understood why they needed to do this so well and we heard them on the *Hansard* pontificating as to why this law needed to come into being, why is it that against that background at this point in time we are hearing, “We cannot support this legislation because we do not know that it is working”.

But we do not know that it is not working either. So therefore, we are saying, let us take the time to find out what is happening and then we make a decision based on the data that we have collected. This is not politics. [*Desk thumping*] This is about your communities. This is about your constituency, about the families that will be affected if we allow the sun to set on this legislation. If it was important then, it is more important now.

A few bad apples can spoil the bunch, Madam Speaker. The majority of persons in the communities are law-abiding citizens who stand in solidarity with this effort today to ensure that they are insulated from the few who will go back into the society, into the community and spoil the bunch. That is what we are trying to prevent as a responsible Government. Yet still we are seeing politics being played out. The safety of our citizens has no place in—politics has no place in that. We have to put, above everything else, the safety and security of our constituents, of our communities, of our societies.

Madam Speaker, the proliferation of gated communities and neighbourhood-watch groups all over this country, they all speak to one thing. They all speak to the desire of our citizens, our constituents, all over this nation to feel safe in their homes and in their communities. And to this I want to say to all of those citizens who are looking on today and wondering why the Opposition will not support

legislation to simply ensure that they are safe, I want to say to them, that your Government is on the job [*Desk thumping*] and we are taking the steps to bring back safety to your communities. If we do allow the sun to set, Madam Speaker, we will win the cheap political points, but all of us will be affected by what happens after if we do not take the time to simply ensure that we are making the right decision.

So the data was not collected from 2011 to 2015, and we are saying, regardless of the fact that it was not, we will do it. We will do the work to ensure that the decision that we make at the end of the day is one that will redound to the benefit of all our citizens. [*Desk thumping*] This is too important for us to play games with it.

So, Madam Speaker, having given a brief contribution, I want to conclude that on behalf of the law-abiding constituents of all the communities which make up not only the constituency of St. Ann's East, but the constituencies of the country, that I stand in support of the amendments which will promote the safety and the security and the data-driven decision-making which will redound to the benefit of our country. And as a responsible Government, we call on the Opposition to support this so that your constituents can be safe, your communities can be safe and Trinidad and Tobago can be a safer country. Madam Speaker, I thank you. [*Desk thumping*]

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Thank you, Madam Speaker. [*Desk thumping*] It gives me great pleasure to speak here on this debate on these six pieces of legislation. And I must say, three Ministers of National Security and six pieces of legislation later, we are still nowhere closer to solving crime than we were nine months ago. [*Desk thumping*]

Madam Speaker, I have listened to the other side and I have heard so many arguments about this amendment if it were not put in place that it would collapse and that everyone would walk out free. And I cannot begin to imagine how uninformed the Government is concerning that.

As our political leader, Member for Siparia, indicated earlier today that the courts are there, the Judiciary is there functioning as usual and if the Bill were to lapse, people would not automatically walk out free. They would, in fact, have the opportunity to reapply for bail and so the magistrate would decide at that point. And therefore, it is not for us to say that people would just walk out and that criminals would be walking free and things would just, you know, go chaotic. That is furthest from the truth.

And you know, Madam Speaker, I just want to emphasize on a couple of points that some of the Members made. For instance, I was listening to the Attorney General as he gave his—he was winding up and—[*Interruption*]

Hon. Member: He was not winding up.

Mrs. C. Newallo-Hosein:—in preparing for us to respond. He was piloting the Bill and he spoke about this. He spoke about two things. He said we have the rights of the citizens to consider and then he asked: did you consider the socio-, macroeconomic implications? And I sat here and I wondered, did he consider—did the hon. Member consider that aspect?

Because, Madam Speaker, when we brought this legislation to Parliament, it was with great concern, so much concern that we placed a sunset clause in place. But not only did we put a sunset clause in place, we also put a number of social-security nets in place [*Desk thumping*] to provide for persons. For instance, we wanted to have preventative measures in place. So when someone was

incarcerated, we ensured that if that person who was incarcerated, there were a number of mothers who—wives who would have been out on the outside, left without a person there, a husband to take care of them because they were incarcerated, we had a number of grants in place, Madam Speaker, grants that this Government just arbitrarily shut down, removed.

We had a baby grant that we had put in place that would have assisted mothers whose husbands would have been incarcerated and had no other means of taking care of—many of them had unborn children. And we had put in place something to take care of them, at least, [*Desk thumping*] and to help these mothers—train them, not only to care for their babies, but to train them, to help them not to go into a life of crime to support their children, unborn and otherwise. But that, Madam Speaker, has been removed. There is no baby grant again. Because you know what?—when they thought about just incarcerating people, they did not think about the social implications. [*Desk thumping*]

We had in place, Madam Speaker, we had in place the ability for persons to come and apply for a food card. Anybody, once they can prove their social situation, can walk off the street into any one of the offices throughout Trinidad and Tobago and receive a food card. Madam Speaker, months since September 08, 2015, nobody can go into an office and collect a food card. [*Desk thumping*] How can you speak about the Member for Toco/Sangre Grande, “we care, we care”. PNM founded this country and, my God, PNM is Christopher Columbus! [*Desk thumping*] Founded this country and cannot and do not have that ability to put in place—[*Crosstalk*]

Madam Speaker: Members, I would like to hear the contribution from the Member for Cumuto/Manzanilla and I address this to Members on both sides.

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mrs. C. Newallo-Hosein

2016.07.01

Mrs. C. Newallo-Hosein: Thank you, Madam Speaker. But, you know, the Government would not know that because they are trying to change the history of Trinidad and Tobago. So maybe the history of Trinidad and Tobago—
[*Interruption*]

Mr. Deyalsingh: Would the Member give way to clarify something?

Mrs. C. Newallo-Hosein: So anyway—[*Interruption*]

Mr. Deyalsingh: Would you give way to clarify?

Mrs. C. Newallo-Hosein: No. Madam Speaker, I am on my feet. You will have your chance. [*Crosstalk*]

Madam Speaker: Order, please.

Mrs. C. Newallo-Hosein: The Member for St. Ann's East indicated that, "We will do it; we will collect the data and we will bring it". You know how many things we are waiting on in this Parliament? We cannot even get questions answered in this Parliament. [*Desk thumping*] They would come and they will be—[*Crosstalk*]

Madam Speaker: Member for Naparima, I believe you made a contribution already. Continue, please.

Mrs. C. Newallo-Hosein: Thank you, Madam Speaker. Let me be pellucidly clear, [*Desk thumping*] they would come and they would speak about a number of things and never give an answer. They would never articulate—we would ask something: can you give us the cost? They would go around the world and still we do not know the cost. We cannot get any answers, nothing at all. We would ask about all sorts of questions that are pertinent to the citizens of this country and particularly to our constituents and we cannot—[*Interruption*]

Mrs. Robinson-Regis: Madam Speaker, I would like to invoke Standing Order

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mrs. C. Newallo-Hosein

2016.07.01

48(1), please.

Madam Speaker: Okay. Member for Cumuto/Manzanilla, I believe you began on a certain trend, I just ask you to bring your contribution back in line with what is before the House.

Mrs. C. Newallo-Hosein: Thank you, Madam Speaker. And so I was saying now that there is in place a programme where you assist persons who are incarcerated. When you are incarcerated there is a public assistance that is given to children of imprisoned persons. And all I am stating is that if all these grants are stopped and being reviewed, and they are being reviewed without even any continuity to it, it means that there is a social aspect of this bail Bill that will impact upon the people who are incarcerated and who are outside.

8.30 p.m.

I am saying, Madam Speaker, that it is important for this Government to consider putting back a number of programmes. They want us to support a Bill that we brought, but we brought a Bill with clear understandings that it would be expiring in a particular time because of the serious implications to your human rights and also to social issues that may arise as a result of it. The Government has not considered those rights and they have not considered the implications.

Madam Speaker, just up to yesterday there was this ad that stopped the biometric card. Just stopped it, just like that. And they told persons that it is under review and that now there will be direct deposit.

Mrs. Robinson-Regis: Madam Speaker—

Mrs. C. Newallo-Hosein: I am coming to explain that, Madam Speaker.

Mrs. Robinson-Regis: Standing Order 48(1), please.

Madam Speaker: Member for Cumuto/Manzanilla, I give you a little leeway to

link what you started dealing with to the Motion. But you are going to be very circumscribed in that leeway, please.

Mrs. C. Newallo-Hosein: Thank you. Madam Speaker, what I am trying explain to the Government is that if you do not have monitoring and evaluation, control and monitoring of all the systems you will find that they will have little accountability and you will not achieve what it is you hope to achieve. With a card opened up like this, removed, persons who you can get off of the system in terms of drugs and whatever it is, have now, access, [*Crosstalk*] Madam Speaker, to funding which you can buy anything like drugs or guns and not food. Because the card that—

Mrs. Robinson-Regis: Madam Speaker, I invoke Standing Order 48(1), please.

Madam Speaker: Member for Cumuto/Manzanilla, unless you could show that what you are speaking about relates to the Motion I would ask you to leave that point and move on, because I myself are at a pain to see the relevance.

Mrs. C. Newallo-Hosein: Offenders, Madam Speaker, when they come out on bail, when they come out, they will need access to grants to help them with the rehabilitation process.

Madam Speaker: Please, the Member for Cumuto/Manzanilla, you are now speaking about when they come out on bail. I am not sure if this is the objective of the legislation that is before—[*Laughter*] Members, please. I am not sure this is the objective of the legislation that is before us for debate. Okay, so could you kindly move on please.

Mrs. C. Newallo-Hosein: Madam Speaker, my point here is to show the Government that they have not thought out their process in terms of the six legislation that they have brought. [*Desk thumping and crosstalk*] The Attorney

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Mrs. C. Newallo-Hosein

2016.07.01

General has indicated that there was serious socio, macro, economic implications and I am telling him yes, [*Crosstalk*] there are and he has not considered it and as such it would not be possible for us to support this Bill, [*Crosstalk*] because unless this Government is prepared to consider—that is what the AG said—

Madam Speaker: Members, Members, the crosstalk is becoming intolerable and I would ask Members to restrain themselves. Any Member who wishes to speak, the night is young. Any Member who has not as yet contributed and who wishes to speak will be entitled to do so. And therefore I would ask you all to exercise some restraint. Please continue the Member for Cumuto/Manzanilla.

Mrs. C. Newallo-Hosein: Thank you, Madam Speaker. And to continue that the argument that the Government has brought today is extremely weak and does not convince us that they need support to extend the sunset clause of the six pieces of legislation.

Madam Speaker, we are asking for accountability, we are asking that they provide a clear coherent plan which is severely lacking since they have come into Government. They have no plan and therefore we believe, Madam Speaker, that this attempt to bring a sunset clause to these pieces of legislation is an attempt to show that they do have a plan which, of course, has been quite clear to this side.

And as such, Madam Speaker, on this, I would like to ask the Government to go back and to prepare a plan that would be acceptable on both sides and that will benefit the citizens of this country. Thank you. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. [*Desk thumping and crosstalk*] Madam Speaker, I thank you—

Madam Speaker: I have recognized the Attorney General. I paused, I saw no one.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, we have had a

significant amount of debate on the Bill before us. Indeed, we heard the Leader of the Opposition, the Member for Siparia give us a treatise on the law in relation to sections 4 and 5 of the Constitution in relation to proportionality. After the statement of law, regrettably there was not much more to say from the Member of Siparia.

We heard a treatise on the benefits of the food card system, lastly delivered by the Member for Cumuto/Manzanilla and there is indeed merit in the socio-economic connections in the prison management for persons who go on bail as she put it, but if I could just most politely remind the hon. Member that we are here speaking about denying bail and not necessarily the converse position of food cards associated with people who have been granted bail. So I think that that could perhaps answer the position of the last speaker.

We heard from the hon. Member for Naparima, who has now fled the Chamber. And what was rather disturbing about the Member's contribution which was echoed in part by many of the persons who spoke opposite, was the insistence by Members that there had to be the presentation of some form of fact and that fact had to be analyzed and that analysis had to have quantitative and qualitative characteristics. They said that that analysis must have been engaging the Government in the period of the last nine months whilst we have been elected into office. But they conveniently and studiously avoided any reflection whatsoever of the period of time whilst they held the reins of Government for five years and a half, and brought umpteen amendments to the laws before us.

Specifically, there was Act No. 9 of 2011, which was the Kidnapping Act. I will add into their tenure, Act No. 4, 2011 which was Miscellaneous Provisions (Remand) Act, 2011 which took the remand period under the Summary Courts

jurisdiction from eight days to 28 days and under the indictable court experience from 10 days to 28 days. They then brought Act No. 10 of 2011 which was the Anti-Gang legislation; they then brought Act No. 11 of 2011 which had to deal with bail; they then brought Act No. 1 of 2014, again, which dealt with amendments to the Bail Act and then brought Act No. 7 of 2015.

If we count that, Madam Speaker, we are talking about one, two, three, four, five, six pieces of law. And in those six pieces of law, chapter and verse studiously avoided by the hon. Members where contribution was made by every single person on the then Government Bench, in particular, including Anand Ramlogan as Attorney General, the Member for Oropouche East as leader of Government Business then, including Brig. John Sandy, as Minister of National Security, including Dr. Suruj Rambachan in the House of Representatives, good contribution, an excellent contribution I might add, including Mr. Prakash Ramadhar, hon. Member as he sat then and coming most recently up to Garvin Nicholas, passing over Subhas Panday, including up to current Senator, Wayne Sturge. And none of the contributors put on to the record the fact that the Government then specifically said that the law was necessary, that is the law to amend the Bail Act, that the Anti-Gang Act was necessary.

Specifically, the then Attorney General had to say there is clear indication that the framers of the Constitution were cognizant of the fact that mechanisms must exist for it to adapt to evolving needs. Accordingly, although the tenets of the Constitution must be treated with utmost respect it is my respectfully view that we cannot allow the fundamental human rights given to citizens to be enjoyed by a select few who take advantage, exploit and hold to ransom the rest of the country. The Constitution is not a grave or dead but rather a living and growing instrument.

It must be capable of responding not just embodying.

Speaker after speaker went on effectively in summary to balance the section 4(a), right to life and liberty against the sections 4 and 5 rights which talk about due process, innocent until proven guilty and the right to bail. And everybody in then Government seats, now in Opposition, brought not one scintilla of qualitative or quantitative evidence, absolutely no process of analysis.

We heard the hon. Member for Naparima talked about a Joint Select Committee. I have the report of the Joint Select Committee—[*Crosstalk*] You spoke about a Joint Select Committee I did not say which one yet, do not get too jumpy. You spoke about consultation in other jurisdictions [*Crosstalk*] yes, Madam Speaker, I apologize. You spoke about contributions, the hon. Member for Naparima, in other jurisdictions where there was a process as he called it. And those other jurisdictions involve committee work and I wish now taking that platform to say that there was in fact a Joint Select Committee under the UNC Government. That Joint Select Committee considered the Anti-Gang and Bail amendment laws and nothing in that Joint Select Committee which I have here has a scintilla of quantitative or qualitative analysis.

So what happens, most respectfully, under the UNC watch is, do as I say and not as I do. There was an undertaking given in Parliament by the UNC that there would be information gathering, qualitative analysis, and I wish to certify for the record here tonight, that on assuming the office of the Attorney General and Minister of Legal Affairs there has been absolutely no form of statistical information produced by those two Ministries in relation to the Bail (Amdt.) Act, all 11 of them, and also the Anti-Gang Act.

Specifically, I recognized, and I wish to put on record now that there has

been, if the Member for Oropouche East will keep his cool, there has been a consistent call for an explanation by Members of the Opposition as to why the PNM Opposition did not vote for the 2014 Bail amendments.

And permit me, Madam Speaker, to deal with the voting record in relation to the number of pieces of law.

8.45 p.m.

Starting with 1994 when the Bail Act came into operation, as Act No. 18 of 1994, what specifically happened was a codification of what was prior to that law, the common law and various small bits of legislation. That codification came to the Parliament and in 1994 the voting record was all 33 for and none against. In the Senate, all 28 for and none against. Remember it was 33 seats in those days. The Bail (Amdt.) Act, No. 32 of 2005, in that period there was a PNM Government, the voting record then was 30 votes for, none against; 29 votes for in the Senate, none against. So that was House and Senate.

The Bail (Amdt.) Act, 2008—permit me to go instead before we jump to 2008. Let us go to the periods in between. When we get to the United National Congress, sitting in Opposition, a very interesting phenomenon is to be observed, Madam Speaker, specifically when we deal with the 2007, 2008 amendments. It is conspicuous to note that the UNC has a track record when in Opposition of saying, “Take short-term amendments when it comes to bail for sunset clauses.” They say three months, one year, 15 months, but they never quite have the courage to say, “You, as a Government, have the mandate, we will give you the support for your entire period of time.” There is a track record by the UNC of saying, “We want to hold you to a chain, and you must come back and report to us every time”. But there is no reflection as the statistics for voting will show, that when a PNM

Opposition is there, the PNM's position, as led by the hon. Leader Dr. Rowley, then as Leader of the Opposition, was specifically to say, as Dr. Rowley has on the *Hansard*, that there will be support for all measures that are required to be supported. And so in 2011, you saw a full support by a People's National Movement Opposition to give a sunset period for five years in respect of bail amendments and anti-gang.

Now the question has been asked and I had paused for a moment to go on some of the voting records, why did the PNM not vote in 2014 for the bail amendments and why did they in fact vote in 2015 for bail amendments? And I want to put on record now something which is very important. You see, when the Member for Naparima quoted the words that I had to ask, he did not quote the fact that he was dealing with a contribution I had made in Opposition in 2011, where I said, "We will give full support for the law, but the question is, is it the right medicine?" As an Opposition Senator then, I was saying to Trinidad and Tobago, through the President of the Senate, the PNM will support this law, give a five-year sunset period beyond the life of the then Government, but that I cautioned that we must be making sure to operationalize the mechanisms so that we can actually see the effect.

In 2014, a very important thing happened. Then Attorney General Anand Ramlogan came to the Parliament and he sought to harmonize all the laws into basically a one-strike provision. Moving away from three-strike into two-strike, he went to a one-strike provision. I cautioned the hon. Attorney General then, that there was potentially an unconstitutionality to be faced in relation to the amendments that he proposed, and I was very, very specific, Madam Speaker, to point him to what was then section 5 of the Bail Act, Part II, in what was to

referred to as the chausseure, or the footing of the law. It said in section 5(2):

“A court shall not grant bail to a person who is charged with an offence listed in Part II of the First Schedule and has been convicted on three occasions arising out of separate transactions—

- (a) ...any offence; or
- (b) ...any combination of offences.

listed in that Part...”

Now hear these words:

“unless on application to a Judge he can show sufficient cause why his remand in custody is not justified.”

The hon. Member for St. Augustine understands what I am about to say. That chausseure to section 5 reversed the burden of proof on to the accused to come to court to explain why he should not be remanded. That is the very law which prevails in England right now, and I warned Anand Ramlogan then, you are skirting an unconstitutionality because you may be deemed to be breaching a separation of powers principle and you may find yourself in court. Do you want to know what the irony of it is?

Dr. Rowley: He is going to court right now.

Hon. F. Al-Rawi: He is in court right now arguing that exact point on the law that he put into effect.

And so, Madam Speaker, it is not inconceivable—maybe the Member for Naparima cannot understand it, but I know the Member for St. Augustine does—that a responsible Opposition should warn the then Government, look, be careful about harmonizing all of this into one-strikes, be careful about changing the discretion which we have and reversing the burden and, in those circumstances I

had to object.

When we came to 2015, the detection and conviction rates were climbing down, down, down, down, down. They again skipped over all of that. The Member for Siparia in her ramblings this afternoon did not reflect on any of that. Nothing to deal with detection and conviction rates. Why? Why no detection and conviction rates?—because it matters not how low you get certain crimes, how the incidence of crimes falls because it is detection and conviction, but the figures that have been produced by the Trinidad and Tobago Police Service, in the affidavit of the Commissioner of Police—and allow me to stick a pin for a moment. I heard the Member for Siparia’s contribution, I heard the Member for Naparima’s contribution, and they shamelessly read from Dorn Townsend paper, Scott Drug Report, food for guns articles—*[Interruption]*

Dr. T. Gopeesingh: Standing Order 48(4). *[Crosstalk]*

Madam Speaker: Member, I do not uphold your invocation of the Standing Order. Please continue. *[Desk thumping]*

Hon. F. Al- Rawi: Thank you, Madam Speaker. And they shamelessly read from a number of pieces of literature which the Member for Naparima in fact quoted from. And I say that because that information came from the affidavit of one Keith Reno and came from material, and next to the affidavit of the Commissioner of Police in the Ryan Reno Mahabir matter. Now why do I say that? It shows notwithstanding the pretence—*[Interruption]*—I said they—that they have no facts, they have no figures, they have no qualitative and quantitative information, they read from information which was obviously given to them by Sen. Gerald Ramdeen who is the lawyer in the litigation which the State is fighting. And, Madam Speaker, I say that it was shameless mainly because they complained that

they had no information and they have been asking for information, so where did they get the information from?

Now I heard a very interesting point from the Members for Siparia and Naparima. They are saying, “Look, stop calling Ramdeen, stop calling Ramlogan name”, but Gerald Ramdeen is a Senator of this Opposition, Anand Ramlogan, past Attorney General, leading charge in court, propping up the Member for Siparia in her submissions in court as I am sure he should. The point is this, you cannot disown them now. They are in fact yours. [*Desk thumping*] You are asking us not to reflect on them, but they are in the forefront of the UNC, despite protestations. [*Crosstalk*]

Madam Speaker, so I—[*Interruption*]

Madam Speaker: Members, the Attorney General is replying to contributions that were made. So that once it is in response to a contribution, I cannot see how the issue is relevance. Continue please, Attorney General.

Hon. F. Al-Rawi: And, Madam Speaker, I had raised that point because the cry across every Member that spoke today, for justification not to support, is information, information, information, information. So where did you get the information from, number one? You heard a very excellent contribution—I wish to compliment my colleague, the Member for St. Ann’s East, for her contribution this evening. Did a very excellent analysis of why we are here.

We are not here, Madam Speaker, most respectfully, to ask for the continuation of these laws for any other reason than, we are obliged to do the work which the last Government, despite having spent \$400 billion of revenue, did not do. And it would be infra dig, it would be intolerable, it would be unconscionable for a Government to allow the sun to set on legislation until we brought the

information to the public and said what was or what was not happening. And I say so because, if one wants to find efficacy in the use of laws of this kind, I want to focus on kidnapping for ransom, and the figures in relation to kidnapping for ransom are very telling.

Kidnapping for ransom was wrestled to the ground courtesy the operationalization of the Special Anti-Crime Unit working in conjunction with the Anti- Kidnapping Squad or unit of Trinidad and Tobago Police Service. Specifically, kidnapping for ransom from the serious crimes reported/detected for the years from 2005 to 2013 shows from Trinidad and Tobago Police Service that kidnapping for ransom in 2005 was 58; by the time we got to 2013 it was four.

Dr. T. Gopeesingh: Thank God for the PP Government.

Hon. F. Al-Rawi: In the period 2005 to 2010 the figures went 58, 17, 14, 17, eight, seven; 2010 under the PNM, three; under the People's Partnership it survived at three, three, four.

Dr. T. Gopeesingh: Very good. [*Desk thumping*]

Hon. F. Al- Rawi: And I am glad they are beating the desk because it shows that the utilization of bail amendments specifically to prohibit the access to bail for people for kidnapping for ransom had a positive effect on curbing the criminality associated with kidnapping for ransom. Thank God for the People's National Movement. [*Desk thumping*] Thank God for the Special Anti-Crime Unit working in conjunction with the Trinidad and Tobago Police Service and the TTDF. Thank God for that, and thank God that they had the opportunity to inherit something which worked.

But, Madam Speaker, permit me to come back to what is the germane point tonight. It is not six pieces of law that we are looking at alone. It is 12 pieces of

law, and tonight when this irresponsible Opposition chooses not to support, hiding behind “doh call Ramlogan, doh call Ramdeen, give us statistics”. When that happens, the law cascades and collapses back to 2005, which only amended the 1994 law by changing “shall” to “may”. So we are going to the schedule of offences and the bail provisions in 1994. We are 22 years later and the irresponsibility to be put on the heads of the people of Trinidad and Tobago will be specifically—and I caution now tonight on kidnapping for ransom as one of the major events.

Dr. Rambachan: He inviting kidnapping bandits.

Hon. F. Al-Rawi: We—hear the Member for Tabaquite—“inviting kidnapping”.

You will be causing exposure to the people of Trinidad and Tobago by irresponsibly not doing what you should have done. [*Desk thumping and interruption*]

9.00 p.m.

And I want to say this further, the 1994 schedule of offences, three strikes in 15 years. Anand Ramlogan came to the Senate and said, as Attorney General, “you know what was so dotish about the PNM—I am paraphrasing—they said three strikes in 15 years, but if yuh get jail for 10 years and yuh get jail for five years, how yuh getting ah third strike.” He said the three strikes could never work because you fail to discount the time that you were incarcerated. And what we did, in amending the laws 11 times, in the period 2010 to 2015 in particular, is we specifically discounted the time spent in jail. What they will be doing, the hon. Members of the Opposition, is to say go back to the unworkable three-strike formula, do not worry to discount time in jail and specifically, they will be moving from the schedule of offences which now stands as law—and I want to read the

schedule of offences that we are going to lose tonight because of the Opposition. One, this is where you are denied bail on a charge and a charged basis.

Remember, Madam Speaker, the three strikes, two strikes, one strike, migrated from—here is what three strikes mean. You have a charge, you want bail, you have three convictions, you do not get it. You have a charge, you want bail, you have two convictions, you do not get it. The law migrated to, you have a charge and you have a charge, you do not get bail. That is where the 2015 law stands right now, which we want to assess to see if it works.

But here is what the schedule of offences of the charges or strikes are grounded into. Part II of the Bail Act of the First Schedule, we will no longer, if the Opposition does not support, have:

“(a) an offence under Firearms Act which is punishable by imprisonment for a term of ten years or more, or an offence under sections 8, 9 or 10 of that Act;”

We will no longer have:

“(b) an offence under the Larceny Act which is punishable by imprisonment for a term of ten years or more;”

We will no longer have:

“(c) an offence under the Malicious Damage Act which is punishable by imprisonment for a term of ten years or more;”

And I want to focus on this one. We will no longer have:

“(d) a sexual offence in which the alleged victim is a child, including a sexual offence under the Sexual Offences Act or the Children Act, 2012 or any Act repealing or replacing any of those Acts;

(e) an offence under Sexual Offences Act...”

Any:

- “(f) ...Offences Against the Persons Act...
- (g) an offence under the Dangerous Drugs Act...
- (h) an offence under the Trafficking in Persons Act...
- (i) perverting or defeating the course of public justice;”

Like raping the Treasury, for instance.

- “(j) an attempt to commit an offence listed in...Part I...”

Tonight, if this Opposition, under this Leader of the Opposition, the Member for Siparia, does not vote for this Bill, all of that is gone.

And I want to caution, as the Member for Princes Town is wont to do, all hail Leader of the Opposition, champion of children’s rights he says often, hon. Member. I want to say tonight, when children who are raped and we know who the perpetrator is and they are on charge, as we have seen in the papers recently where a man raped a child twice and charged on both occasions, where he could have been remanded, when that falls on Trinidad and Tobago’s head, I want to hear the Member for Princes Town talk about the Member for Siparia in the terms that he talks about her too.

You see, Madam Speaker, what I am saying is, when we return to the 1994 law, we are going to say trafficking in narcotics or possession of narcotics for purposes of trafficking, possession and use of firearms or ammunition with intent to injure, possession of imitation firearms in pursuance of a criminal offence. When we deal with these things, we have taken 22 years of amendments of the law, progressing with society as we do, trying to give the police a fighting chance, take 22 years and just throw it out the door. I see the Member for Siparia covering her ears “like she cyah hear” the truth no more.

Hon. Members: The volume, the volume.

Hon. F. Al-Rawi: And the volume is important you know, because you hope that maybe they will hear you at some point. Maybe [*Spanish spoken*] We have to speak Spanish, we have to speak to English, French—

Madam Speaker: I would just like to warn you that the language of this Parliament is English.

Hon. F. Al-Rawi: Yes, Madam Speaker. Maybe we need to speak Spanish, Arabic, “but if stick break in yuh ears, yuh hata try anything yuh can tuh get yuh to listen”. [*Desk thumping*]

Hon. Member: Salaam, salaam. “Break fast, man.” [*Laughter and interruption*]

Hon. F. Al-Rawi: Madam Speaker, this obsession with my lineage that the Member for Princes Town has, I do not want his affection, I do not want his attention, I am happy the way I am. I would just like to say—

Madam Speaker: Hon. Member for San Fernando West, your 30 minutes have expired. You are entitled to 15 more minutes. Do you intend to avail yourself of those?

Hon. F. Al-Rawi: Yes, please, Madam Speaker.

Madam Speaker: Please, continue.

Hon. F. Al-Rawi: Madam Speaker, we heard the hon. Members say that this is not—the Member for Cumuto/Manzanilla repeated it. This is not an automatic get-out-jail position. Let us put this into context. I have shown that the statistics are that there are approximately 2,300 people in remand, roughly 50.5 per cent of them or 51 per cent of them are eligible for bail or are incarcerated right now. The rest of them, the 1,000 odd, are in there for murder. We heard references to statistic for murder from the Member for Naparima. Murder is not aailable offence. We do

not need to talk about murder because you cannot get bail for murder, Member for Naparima, under any circumstances. So wasting time on those points takes us nowhere.

But of the 1,000 odd people, I want you to factor this, most respectfully, Madam Speaker, there are 1.3 million people in Trinidad and Tobago. There are 1,000 people right now and I want to show the dangers of the simplicity of the argument offered by the Opposition. The 1,000 people who would be remanded in circumstances not yet known, because we are awaiting statistical information from the DPP, from the Judiciary in particular, and we have done a significant amount of work with the prisons. We have got information from the prisons in part but they are unable to tell us the case typologies because very often people are not put into jail for one offence only. There may be multiple charges. So it is not as simple as saying one charge. A man may be in for six or seven charges. That information must be disaggregated.

But I want to paint the danger. Immediately upon the effluxion of the law when the sunset is applied, as the Opposition seems intent for it to happen, what happens? One thousand people are automatically obliged to be brought before the court back to where the remand period now stands. It will no longer be 120 days or even longer for one year trial not having started or started, because remember, the 120 days is not an automatic position. You may in fact be denied bail entirely right now. You are now back to the remand period in the 2011 Miscellaneous Provisions (Remand) legislation of 28 days. If somebody is remanded two days before August 15th and they are remanded for 120 days, they must be brought back within 28 days, so 26 days later or people may have passed the time already. But how many judges do we have in place to deal with this? How many magistrates do we have in

place to deal with this? How many DPPs or police prosecutors do we have in place to deal with this?

And if someone is not brought and they are not brought in a timely position, it is open for them to seek to have a habeas corpus to have them brought before a judicial officer, and in certain circumstances, as confirmed to me by senior counsel, they may very well bring in their habeas corpus applications an associated claim for constitutional breach which is visited with damages. And therefore, Trinidad and Tobago should take note that Anand Ramlogan, as attorney-at-law and Gerald Ramdeen, as attorney-at-law, not only are seized of this position, but the same thing happened in the Children's Community Residences, Foster Homes and Nurseries legislation, where children were deemed to be unconstitutionally held and the damages were for \$450,000 for one child. And therefore, while it seems that this may all be happenstance for the Opposition, I almost—I am tempted to believe that this is actual real business and revenue for some [*Desk thumping*] and it seems to be—

Dr. R. Moonilal: Madam Speaker, 48(6).

Madam Speaker: Member for San Fernando West, I am sure you could find another way to put that case.

Hon. F. Al-Rawi: Sure. Madam Speaker, I put it this way. I said business for some so I do not know who the hon. Member is talking about. There is business for some. I do not mean—I can clarify this way. I am sure it is not any hon. Member of the House but there is business for some and there is no honour in that and it is a fact. So, Madam Speaker, you are tempted to believe this is all happenstance, you know, but it seems to be as clear a position as when the Members of the Opposition, when they were in Government, systematically dismantled every

single piece of national security apparatus that this country had inextricably.

I would like to mention a few of these. The hon. Member for Naparima, there he goes again. He was talking about success points from the last Government. He said they have a Ministry of Justice that they established and he did not go a little bit deeper to ask about what the Ministry of Justice did. There were four Ministers of Justice. We had judicial complexes to build. I know my learned friend for St. Augustine came in late in the day and could not salvage the situation, but there were Ministers of Justice. They had a simple thing, to build judicial complexes. We heard questions about Chaguanas, about the Magistrates' Court there. The judicial complexes were so myriad in corruption and breach of procurement that they could never be built. So I do not know what the Ministry of Justice did.

Secondly, I could tell you that the jamming equipment inside of the jails was turned on by a PNM Government that came into office now. And I told the nation, through you, in an earlier debate, Madam Speaker, that we jammed in a 30-day period, a 99-day period, approximately three million phone calls and hundreds of thousands of text messages coming from inside the jails. We heard 21st century policing—and I am hearing the Member for Siparia going “ahhhhh, wow”, [Interruption] 21st century policing. The hon. Member for Chaguanas West, the previous Member, Jack Warner, unceremoniously in dismissing Gibbs and Ewatski, said “we eh know nothing about no 21st century policing”. Where was the Member for Naparima when his own Government then denounced 21st Century policing? Today, he stands up to call it as a triumph, not knowing that his own Government, in fact, denounced 21st Century policing.

He said training academy. Well, oh Lord, apparently he did not know the

training academy existed long before the UNC got into power and existed specifically when SAUTT came in. He talked about the counter human trafficking. Do you know that the hon. Minister of National Security, the hon. Maj. Gen. Dillon, is the gentleman, hon. Member as he is, who operationalized the anti-trafficking, Trafficking in Persons laws which stood aimlessly bouncing around under the last Government and that happened in the last nine months? [*Desk thumping*]

Well, we heard about Community Comfort police as a big success story. Nobody know who they are, where they are, what they are getting paid for and this Government has specifically said that that service, upon review, which is complete, will see the birth of the municipal police and the Trinidad and Tobago Police Service [*Desk thumping*] in the human resource manpower of the police service. Kicking, screaming or posing, it will be done.

Well, we heard about vessels but I wondered where the hon. Member for Naparima was when Trinidad and Tobago had no form of coastal protection for five years. I know that certain Members returned on to political campaigns, then reduced themselves into wheel spinners asking for plan and plan and plan. I could tell you there are some people I pray for good health for. The hon. Member for Naparima is one of them. I want him exactly where he is.

I want him exactly where he is, ever lively and in the United National Congress in Parliament to keep them on the same track that they are going on right now. Because if he continues along that way, the PNM is guaranteed to stay into office for a very long time. [*Desk thumping*]

9.15 p.m.

Madam Speaker, you know, what I find quite interesting about Members

opposite is the statements that, you know, murders are all of a sudden under your Government, last nine months, last 10 months, your Government seeing criminality. They have asked for a whole-of-government approach. I can tell you, and they are asking for a plan, most respectfully, when one has the courage to publish a legislative agenda—we heard the Member for Siparia talk about laying 41 Bills in their first year. I would like to ask the Member for Siparia how many of those Bills actually passed. More particularly, I would like to ask the Member for Siparia, how many of those Bills were actually operationalized? Because what I can tell you is that the Data Protection Act, not operationalized; Electronic Transactions Act, not operationalized; electronic monitoring, not operationalized; public procurement, never operationalized, had special majority in the House to deal with it, could not deal with it. You see, they certainly simply say to you we will operationalize what we want, but not what we want.

We saw the birth of section 34, well operationalized, executed, put into perfect effect surreptitiously, deceitfully and without explanation, and we are still waiting for explanation.

Dr. T. Gopeesingh: Madam Speaker, I stand for 48(6), deceitful and deceitfully, that is offensive.

Madam Speaker: Member for Caroni East. Standing Order 48(6) does not lean with offensive language and there is no improper motive ascribed to any particular Member.

Dr. T. Gopeesingh: I stand on 48(4).

Madam Speaker: Standing Order 48(4), in terms of offensive and insulting language? May I ask, Member for San Fernando West, if you can use different language in respect to that.

Hon. F. Al-Rawi: Sure. Madam Speaker, section 34 was proclaimed and operationalized in circumstances where the public felt that it was surreptitious, deceitful and done without explanation, and that has been well traversed in the public.

Madam Speaker, my learned colleague passed me a little note there. I forgot about this. Do you know one of the legacy gifts given to us by the UNC? At the airport there was facial recognition software for people coming in. You know what happened, under a UNC Government? It was ripped out physically, physically ripped out and put away. Not a peep. Head of National Security Council the Member for Siparia was. Not a word about that, you know.

Madam Speaker, I find it extremely interesting about the way this Opposition manoeuvres. [*Continuous interruption and crosstalk*]

Madam Speaker: Members, could you curtail the crosstalk, please?

Hon. F. Al-Rawi: Yes, Madam Speaker, that is to be added with the Prime Minister's cameras inside of the Diplomatic Centre gone. We still do not have an explanation for a state of emergency. We heard about an assassination attempt. We saw all the police removed from the Prime Minister's residence. None of these things explained.

So, Madam Speaker, the fact is I want no advice from the Members of the Opposition on what to do or not to do, you know. [*Desk thumping*] No advice. Because they say that they will participate. But I want to put on the record why I want no advice. Number one, the holistic plan, apart from your legislative agenda, which shows the amendments, which they never had the courage to do, is one which specifically says you have to get your Trinidad and Tobago Police Service moving in the right direction, let us have a permanent Commissioner of Police. Do

you know who is in court fighting down the appointment of a Commissioner of Police? The Member for Siparia.

Secondly, Madam Speaker, we are talking about the Strategic Services Agency. They wanted us to listen to them chapter and verse in the Senate. All their reports for five years show that had exactly the same plan we did and they want us to listen to them. Madam Speaker, we have a country to run with 50 months ahead of us. We will stand at the general election, when the next general election is called, on our record, Madam Speaker. And it is clear that the UNC's sole strategy is to distract, obstruct, raise all sorts of pyrrhic arguments which will take us nowhere.

Madam Speaker, it is simple. We require time to do the work that was not done, to report to the people of Trinidad and Tobago, and Madam Speaker, I want to warn Trinidad and Tobago, through you, when 22 years of advances in the law are thrown away by the Leader of the Opposition, and all of the Members that support her, I warn the country that you need look no further than the United National Congress. I beg to move, Madam Speaker. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 10 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

9.30 p.m.

Question put: That the Bill be now read a third time.

Madam Speaker: This Bill requires a three-fifths special majority. I now will ask the Clerk to take a Division.

The House divided: Ayes 22 Noes 18

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Olivierre, Hon. N.

Cuffie, Hon. M.

Garcia, Hon. A.

Smith, Hon. D.

Francis, Hon. Dr. L.

Miscellaneous Provisions
(Anti-Gang and Bail) Bill, 2016
Hon. F. Al-Rawi

Leonce, A.

Jennings-Smith, Mrs. G.

Mc Donald, Miss M.

NOES

Singh, G.

Persad-Bissessar SC, Mrs. K.

Lee, D.

Ramadhar, P.

Karim, F.

Rambachan, Dr. S.

Tewarie, Dr. B.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Moonilal, Dr. R.

Indarsingh, R.

Khan, Dr. F.

Charles, R.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Miss R.

Question negatived. [Desk thumping]

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson Regis):

UNREVISED

Thank you very much—[*Interruption and crosstalk*]

Madam Speaker: Members! Members! I am on my legs. Leader of the House.

Hon. C. Robinson-Regis: Thank you, Madam Speaker. I beg to move that this House do now adjourn to Monday, July 04th at 1.30 p.m., at which time we will be doing the Finance (No. 2) Bill and we will be taking it through all its stages.

Question put and agreed to

House adjourned accordingly.

Adjourned at 9.35 p.m.

The following question was asked by Mr. Rushton Paray earlier in the proceedings:

Acquisition of Privately Owned Land

(Details of)

112. Mr. Rushton Paray (*Mayaro*) asked the Minister of Agriculture, Land and Fisheries:

- A. For the period September 8, 2015 to date, could the Minister please list all instances where the Government has either acquired or is negotiating to acquire by lease agreement, privately owned parcels of land in Trinidad and/or Tobago; and
- B. For each instance listed in part A, could the Minister state:
 - i. the location of the land(s);
 - ii. the name of the state enterprise that is the lessee;
 - iii. the name(s) of land owner(s);
 - iv. the market value of the property;
 - v. the value and terms of the lease; and
 - vi. the name of the attorney(s) representing the state in these matters?

The following reply was circulated to Members of the House:

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- A. Pursuant to the Land Acquisition Act, Chapter 58:01 of the Laws of Trinidad and Tobago, the Commissioner of State Lands is responsible for the acquisition of lands by the State. Since September 8, 2015, the Commissioner of State Lands has not acquired or negotiated to acquire by lease agreement any privately owned parcels of land in Trinidad and Tobago.
- B. In light of Ac above, there is no information to provide in this part.

The following question was asked by Mr. Rushton Paray earlier in the proceedings:

Disbursements from (PSIP) for Fiscal 2016

(Details of)

143. Mr. Rushton Paray (Mayaro) asked the Minister of Agriculture, Land and Fisheries:

- a) a breakdown of the disbursements from the Public Sector Investment Programme (PSIP) for fiscal 2016, by Division as at March 30, 2016;
- b) the purpose of each release in relation to the development of the sector; and
- c) a reason for each PSIP project that has not commenced for fiscal 2016.

The following reply was circulated to Members of the House:

Breakdown of Disbursements and Purpose of Release of Funds for PSIP Projects of the Ministry of Agriculture, Land and Fisheries as at March 30, 2016

Division	Project No.	PSIP Project Description	Releases	Purpose of release
Horticultural	004/13/B/001	Rehabilitation	700,000	Construct

Services		of Facilities - Botanic		picnic sheds and build a bridge to access the sheds
	004/13/B/005	Development of the Queen's Park Savannah	900,000	Install rails to prevent parking on the Queen's Park Savannah, purchase of equipment to maintain the sand track and build a gazebo
Land Management	003/11/K/001	Acquisition of Sites for Non- Agricultural Development Purpose	7,646,000	Acquire sites for non- agricultural development purposes
Survey and Mapping	005/06/A/024	Survey Plans Restoration Project	600,000	Repair of forty books required for the creation, of a functional national

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				archival library of survey plans
	005/06/A/032	Production of Nautical Charts of the Gulf of Paria	60,000	Mount and attach hydrological survey equipment to a piroque utilized in this project
	005/06/K/005	Aerial and Lidar Survey of Trinidad and Tobago	1,200,000	Facilitate extraction of a large scale may data (vector mapping) through the acquisition of storage devices for aerial imagery and Lidar data and the purchase of two large format plotters
Forestry	003/01/E/001	Forestry	110,000	Tend and

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		Regeneration North East Conservancy		supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe
	003/01/E/003	Forestry Regeneration – North Central Conservancy	135,000	Tend and Supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe
Forestry	003/01/E/005	Forestry Regeneration – South East Conservancy	165,000	Tend and Supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe

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	003/01/E/007	Forestry Regeneration – South Central Conservancy	145,000	Tend and Supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe
	003/01/E/009	Forestry Regeneration – South West Conservancy	125,000	Tend and Supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe
	003/01/E/011	Production of Pine Seedlings and Teak Nursery	270,000	Produce pine and mixed species of seedlings at Cumuto, Melajo, Cap de Ville and St. Joseph

				Nurseries
	003/01/E/013	Re-afforestation of denuded Northern Range Hillside	334,000	Tend and Supply 2015 forest coupe and site preparation and establishment of 2016 forest coupe
	003/01/E/015	Improvement of Forest Fire Protection Capability	400,000	Undertake education, training, community mobilization and support services for forest protection
	003/01/E/017	Improve Management to the Natural Forest – South East Conservancy	263,000	Undertake improvement felling in block system, seed collection and seedling production

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	003/01/E/019	Community-based Forestry and Agro-Forestry	100,000	Undertake training and publish bulletins on forestry
	003/01/E/021	Wetlands Management Project	100,000	Implement Caroni Swamp Operational Plan and Nariva Swamp Restoration Initiative
Forestry	003/01/E/023	Forestry Access Roads	200,000	Rehabilitate access road for establishment and harvesting of forest trees
	003/01/E/025	National Parks and Watershed Management Project	250,000	Establish trails at Aripo Savannas Scientific Reserve and upgrade facilities at Cleaver Woods Recreation

				Park
	003/01/E/027	Rehabilitation/ Construction of North and South Offices	100,000	Upgrade of facilities at the Head Office of the Forestry Division
	003/01/E/033	Outreach, Community Empowerment and Mobilization Planning Project	150,000	Undertake exhibits (including via the environmental bus) and media display, prepare booklets and documentary on forestry
	003/01/E/035	Northern Range Watershed Protection Research and Planning Project	120,000	Undertake watershed studies and preparation of management plan
	003/01/E/037	National Forest Inventory of Trinidad and	190,000	Undertake field data collection for

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		Tobago		verification of new forest cover maps
	003/01/E/038	Sustainable Management of the Wildlife Resources in Trinidad and Tobago	100,000	Undertake wildlife surveys (at wildlife sanctuaries) and studies
	003/01/E/039	Caroni Swamp Management Project	160,000	Upgrade Caroni Swamp visitor Centre
Engineering	003/01/K/001	Water Management and Flood Control	1,000,000	Develop two communal ponds and grade the channel to facilitate irrigation at Orange Grove
	003/01/K/003	Rehabilitation and Development of Physical Infrastructure at Plum Mitan	700,000	Establish a low embankment on the western side of the Plum Mitan Project

		Project		
Research	003/01/H/540	Establishment of a Mandatory Citrus Quality Programme for Trinidad and Tobago	500,000	Purchase of laboratory equipment to test budwood for citrus viruses
	003/01/H/533	Coconut Rehabilitation and Replanting Programme in the East Coast of Trinidad	111,000	Purchase of seedlings and laboratory equipment
	003/01/J/426	Rehabilitation of Cocoa Industry	375,000	Undertake work for the improvement of disease resistance in Trinidad Selected Hybrids (TSH) cocoa varieties, establishment of germplasm with resistance

				to Frosty Pod Rot disease and mitigation of the heavy metal Cadmium on cocoa farms
	005/06F/004	Upgrade of Infrastructural Facilities at Research Division	1,000,000	Remove and replace the roof of the building which accommodates the Analytical Service Unit at Centeno
Animal Production and Health	003/01/H/552	Development of Forage Farms at Mon Jaloux and La Gloria	116,000	Pay outstanding wages
Regional Administration South	003/01/J/403	Provision of Offices and Other Facilities for South Region	1,000,000	Construct a retaining wall at the Craignish Demonstration, Princes Town
Extension	005/06/F/147	Provision of	25,000	Pay

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Training and Information		Accommodation for Extension Training and Information Services Division		outstanding bill from 2015 fiscal year
Agricultural Planning	005/06/A/202	National Adaptation Strategy for the Sugar Industry	50,000	Construct a sand bank across the lower reaches of the Caparo River
	005/06/F/150	Provision of Infrastructure for the Praedial Larceny Squad	256,000	Pay outstanding bill from 2015 fiscal year