HOUSE OF REPRESENTATIVES

Wednesday, January 13, 1999

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for St. Joseph and the Member for Diego Martin West who have asked to be excused from today's sitting. The leave of absence which they seek has been granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Fernando City Corporation for the year ended December 31, 1988. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]

2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Fernando City Corporation for the year ended December 31, 1989. [*Hon. R. L. Maharaj*]

3. Annual Report of the National Insurance Board for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]

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

4. Financial statements of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 1997. [*Hon. R. L. Maharaj]*

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

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon Members, notice did in fact go out with respect to a Finance Committee meeting and that notice was with respect to 2.00 o'clock this afternoon, so I just put you on notice that we will be coming back to this a little later.

Agreed to.

SALARIES REVIEW COMMISSION
(FIFTY-SECOND REPORT)

[Third Day]

Order read for resuming adjourned debate on question [December 18, 1998]:

Be it Resolved that this House unanimously supports the recommendations contained in the fifty-second report of the Salaries Review Commission. [*Hon. B. Panday*]

Question again proposed.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I have listened to the contributions from the other side and I have tried to make sense of them to find out whether the Opposition supports the report, or whether it does not support the report. I think it is not clear what the Opposition's position is, whether it supports the report as presented by the commission, or whether it does not. The hon. Leader of the Opposition, in his contribution, did not say that he did not support the report.

Mr. Manning: Mr. Speaker, I thank the hon. Prime Minister for giving way. What in fact we did was point out a number of anomalies in the report which ought to be addressed and we made it absolutely clear that we were not supporting the Motion that was before this honourable House.

Hon. B. Panday: It was not the Motion. I said nothing about the Motion yet. I said the report. Even after his statement, I think he made only one reference to an anomaly, to which I want to indicate to him that he is totally wrong. He said that the magistrates would be worse off and that is not so at all. Apparently, he has not read this report properly because if he reads the report properly, he will note that the magistrates will indeed be better off if the recommendations of this report are implemented.

I believe the thrust of argument of the Leader of the Opposition was that the Opposition was not supporting this Motion because the Cabinet, or the Government, can implement it if they want. It is our view that this is a very serious matter. It is a matter that affects the salaries of 677 officers and it will cost a fair amount of money. Is it wrong, therefore, for the Government to seek the support of the Opposition in the expenditure of money of this nature but, more important, in a matter that involves the entire public service?

Because, if this report is not implemented, it will affect not only the 677 officers involved here, but the entire public service; that is to say, public servants

are due to begin negotiations with the Chief Personnel Officer sometime later this year. If there is no movement at the top, it is bound to affect the negotiations that will take place for those officers who are below, because they could not expect an Administrative Officer V to be paid more than a Permanent Secretary. They could not expect that at all, and this report deals with people like the Permanent Secretary. So that, they are playing politics and they are playing games.

The only reason they do not want to support this, according to the Leader of the Opposition, is because, as he says, the Government can implement it without their support and, therefore, he does not have to give that support. Fair enough. But, the only contribution of the Member for Diego Martin East was that the Members of Parliament do not deserve the increase.

Mr. Imbert: No. Government, not the Parliament. Government.

Hon. B. Panday: Oh! I do not know. He sits in the wrong place. He is always in the wrong place, the Member for Diego Martin East. So he says he deserves it, but the Members of the Government do not. I am glad he says that. He says that the Members on the other side deserve it but he will not support them in getting it.

Now, I can understand why the persons who spoke on this debate have spoken in the manner which they have. Who are they? The Member for San Fernando East, honourable and distinguished Leader of the Opposition; the Member for Diego Martin East; the Member for Diego Martin Central and the Member for La Brea.

Mr. Valley: The Member was not even here. What did I say?

Hon. B. Panday: You did not speak. Why did you not speak? On a matter of such importance, the Member for Diego Martin Central did not speak. [*Crosstalk*]

What we do know, Mr. Speaker, is that the Member for Diego Martin West, Dr. Rowley, [*Crosstalk*] disagrees with the Government and said he agrees with the report and he agreed that the report should be implemented.

Mr. Speaker: Order. Order.

Hon. B. Panday: But I can understand the argument now very well when the Member said that the Government does not deserve it, but the other public servants deserve it and Members on his side deserve it, but he is not going to support them to get it. That is obvious. Because you see this Leader of the

Opposition is the highest paid Leader of the Opposition in the political history of this country.

Hon. Member: Yes. That is correct.

Hon. B. Panday: He cares about himself. This Leader of the Opposition receives a salary of $8,000 in addition to all the perks and so forth and, in addition, receives a pension of $3,200; so his salary is nearly $12,000 a month. [*Crosstalk*] That is more than any Leader of the Opposition in the history of this country has ever received. Do you see why he does not care about his colleagues, Mr. Speaker?

Mr. Speaker: Order please! Order please!

Hon. B. Panday: The point is, he does not care about the Member for Arouca North and he does not care about the Member for Tunapuna. He cares about himself and when he retires from this Parliament, his salary will be some $11,000 a month. What will theirs be?

Mr. Manning: He gets from the union, from Parliament, from his private practice.

Mr. Speaker: Quite clearly, that is not how we should proceed and I ask hon. Members to hold their fire, please. New year, new behaviour, new standards, please.

Hon. B. Panday: If I am saying anything that is factually wrong, I stand corrected because I am not God; I make mistakes; but my information is that the distinguished and honourable Leader of the Opposition is the highest paid Leader of the Opposition this country has seen in its entire political history. He gets a salary and he gets a pension of $3,200 a month which will increase when he is separated from this House, either voluntarily or involuntarily. He will get a pension of nearly $12,000 a month. Do you think he cares about the Member for Arouca North? Do you think he cares about the Member for Tunapuna? Does he care about the Member for Laventille West?

Mr. Manning: Mr. Speaker, I thank the hon. Prime Minister for giving way. I think the fact should be known that as a former Prime Minister of Trinidad and Tobago, I am entitled to a prime ministerial pension which comes up to a certain figure which is mitigated by what is paid by the Parliament as Leader of the Opposition and then the difference is made up. In all, it is $11,250 per month, which is public knowledge.

Hon. B. Panday: So that, again, I did not say anything untrue, that your income from this Parliament is over $11,000.

Mr. Manning: No, Sir. I get $8,000 from here.

Hon. B. Panday: Plus a pension of $3,200. Why does the Member want to say he does not get that? It is either he gets it or does not get it. What happens? Does he put one in the right pocket and one in the left pocket and the right does not know what the left is doing? Is what he has as an income for the month compared with that of the Member for Tunapuna, the Member for Arouca North and the Member for Laventille East?

1.45 p.m.

I do not care whether you support this, you are free to do what you want. What I am saying is, this House must know the motive why you are not supporting this Bill. It is because you are okay. I am all right Jack and I do not care what happens to other Members, far less to what happens to Members on the other side.

One can understand very well why the Member for Diego Martin East is not supporting this Bill, he has a company called Imbert Construction Group Limited; that is one company. There is another company called Imbert Construction Services Limited and in that one the directors are John Rahael of 18 Windsor Road, Colm Imbert and so forth.

Mr. Speaker, this paper company is engaged in running its business and making its deals up the Islands. For example, this Imbert Construction group has an EC $8.7 million contract in St. Kitts and Nevis. *[Desk thumping]* Why should he care whether the Member for Arouca North gets an increase when he is getting over $100,000 per month. Do you think he cares about the Members for Laventille East/Morvant, or Toco/Manzanilla, or San Fernando West? If one looks at his contribution, one would see it centred around that: "I do not care for any increase. I am all right."

Mr. Sudama: There is nothing about you that is honest.

Mr. Speaker: Hon. Members I appeal to you to allow the debate to proceed in an orderly fashion. It is not acceptable that for one word the mover of the Motion utters, you have two coming from the Opposition side and three from the other side. We cannot proceed like this. Once more, I appeal to you gentlemen to allow the debate to proceed in an orderly fashion. If anybody has a point of order, one is entitled to rise on it, but I ask you please, let us not start the year like this.

Hon. B. Panday: May I add that no annual return of the company has been submitted for 1997 and 1998. So, I am all right Jack. Nobody else matters, the Members on this side do not deserve it but be deserves over $100,000 per month.

Hon. Member: He is violating the Company Act.

Hon. B. Panday: And the Member for Diego Martin Central has his consultancy. He works for LIAT.

Mr. Valley: Mr. Speaker, let me just correct the record. I do no work for LIAT; no work at all.

Hon. B. Panday: And for companies in which he was involved as a Minister. But that is all right, I am all right Jack.

Mr. Valley: Mr. Speaker, when I was a Minister I was not involved in any company.

Hon. B. Panday: I did not say that. I said, now he is consulting for companies with which he was involved when he was a Minister. I am all right Jack.

I know that the Member for La Brea receives a handsome pension from Petrotrin so I can see why he does not care what happens to the Member for Laventille West. I am all right Jack.

Mr. Bereaux: You did not hear me properly. I said at this time.

Hon. B. Panday: The Member for La Brea made a good point to which I intend to refer. He made some very good points which I want to review a little later on.

The issue before this House is: does the Opposition support or does not support the report? As I see it, they are not too sure themselves. Do they agree with the rationale of the Salaries Review Commission that the public sector, particular those at the top echelons of the public service, has been losing its qualified people to the private sector because the emolument packages in the private sector are far superior to those in the public sector? We are losing many of our people and that is bound to affect the ability of any government, whether it is this one or another government. You have to deliver and governments do not deliver, the public servants deliver. The government has the policy and they rely upon the public servants.

If therefore, you are going to lose your best people as the commission says, unless you provide them with some kind of reasonable package, do they support

that, or do they not? Does the Opposition realize that their failure to support this Bill will affect 60,000 public servants, not only the 667 officers mentioned here starting from the President down and members of the Elections and Boundaries Commission, local government officers, deputy mayors and so forth, but the entire public service? Everybody knows that when wages and salaries emoluments are being negotiated, where there is always a differential, having regard to the hierarchical structure of the organization involved, if you put a seal and freeze the wages and salaries and emoluments of those at the top, those at the bottom cannot move so that the entire public service is going to be affected by the move that the Government is making here and 60,000 persons with five children each at an average; that is 300,000.

The point which was being made by the Member for La Brea was a good point and we think we would follow that path. He made a couple of points which I did not understand. He talked about a 10 per cent cut. I do not know if he was saying that he is proposing that the Parliament accept this report with a 10 per cent cut across the board. I am not sure. If he is, is that the proposal coming from the Opposition or do you have several parties within your party?

Hon. Member: It is not a proposal.

Hon. B. Panday: It is not a proposal. Then he is out of order! Sorry, Mr. Speaker, I should speak to you. Obviously, he is out of order. Afterwards, I spoke to him privately and I said, "May I find out exactly what you are saying, is it a 10 per cent cut on this or the present salary?" And he said on the present salary of everybody there should be a 10 per cent cut. If that is a proposal please put it forward and the Government would consider it, but come up with a proposal. You cannot stop the salaries of the top echelons of the public service without a proposal. What are your ideas? Do you have any ideas, are you capable of any ideas?

Mr. P. Manning: Yes—*[Inaudible]*.

Hon. B. Panday: Do you know I am beginning to be concerned about the honourable and distinguished Leader of the Opposition? He objected to the office of the Prime Minister being moved to Whitehall because he says people must see the Prime Minister going to work. I am very concerned. He does not object to the Prime Minister going to Whitehall, but the route he takes. All right I will pass down Frederick Street and go down St. Vincent Street before I go to the office if people must see me. One can be so facetious and silly. I begin to get worried. I

know the Member has been ill of late, apparently he has not yet recovered. That is his response to the lives of 667 persons, 60,000 public servants, 300,000 children.

Mr. Speaker, the other point made by the Member for La Brea was that this matter was an important issue and that we should consult and add the views of those people who are going to be involved, that is to say, the 60,000 public servants and so forth.

Mr. Bereaux: Me, when did I say that?

Mr. Maraj: *[Inaudible]*

Mr. Bereaux: Listen, I do not jump ship like you and cross the floor.

Mr. Speaker: With the greatest deference, one rises either on a point of order, or one asks the Member who is on his legs to give way, which is what I understood happened. And if one gives way, one deals with an issue, one does not deal with another person with an aside. Please, I am appealing to you, let us conduct the business of the House in an acceptable fashion.

Mr. Bereaux: I was provoked, Mr. Speaker. To the Hon. Prime Minister, I cannot remember ever having said anything like that. I am sure if you consult the *Hansard* you would see I did not say that. I know he is trying to quote what I said but please, try and say just what I said.

Hon. B. Panday: I have absolutely no intention of provoking the Member for La Brea. As a matter of fact, I know his temper, he may take off his jacket and deal me a few blows. *[Laughter]*

Please forgive me if I misquoted you, but having said that, I would now like to ask the Member if he thinks it is a matter that should go to the public. If you did not say that, I apologize; I must have misheard a good suggestion which he did not make.

Mr. Speaker, we believe that we should go to the people who are involved in this and, in the circumstances, before my speaking time is over, I would like to move that this debate at this point in time be adjourned so we can go to the people involved in this matter.

Thank you kindly.

Question put and agreed to.

Motion deferred.

FINANCE COMMITTEE

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this honourable House do now resolve itself into Finance Committee to consider matters related to the 1998 account.

Question put and agreed to.

Mr. Speaker: I need to indicate to members in the public gallery that the Standing Orders provide that while the House is in Finance Committee the gallery must be cleared.

2.00 p.m.: *House resolved into Finance Committee.*

3.30 p.m.: *House resumed.*

The Minister of Finance (Sen. The Hon. Brian Kuei Tung): Mr. Speaker, I wish to advise that Finance Committee has met and has considered matters related to the 1998 accounts. The report of the Finance Committee will be prepared for presentation to this House on Friday, January 15, 1999.

Mr. Valley: Mr. Speaker, could the Minister of Finance give a commitment that the Opposition would get copies of the responses that we sought in Finance Committee by Friday noon for the latest? Could we please have that commitment because we have had commitments before which were not honoured, so I am asking once more?

Hon. B. Kuei Tung: I will undertake to provide them as best as I can by noon Friday.

CRIMINAL PROCEDURE (PLEA DISCUSSION AND PLEA AGREEMENT) (NO. 2) BILL, 1998

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to establish a system of plea discussions and plea arrangements and matters incidental thereto, be now read a second time.

The main purpose of this Bill is to introduce an extended and regulated system of plea discussions and plea agreements in the criminal justice system. The procedure of plea bargaining, as it is called in some jurisdictions, has been used to

not only save the cost for persons charged for criminal offences and not only to reduce delays in the administration of criminal justice, but has been used to get at persons who would normally not be convicted. For example, under the plea bargaining system, persons who have committed offences and who have been charged can give very vital information to law enforcement agencies which can result in the main culprits of offences being detected. Therefore, one can have a situation where in a plea bargaining procedure accomplices can be used to detect the criminal offences of some of the "big boys"—if I may use that expression—in respect of criminal matters. I will deal with that in greater detail later.

The history of this matter would show that after this Administration took office, it decided that it should look at this issue and whether it should be introduced in Trinidad and Tobago. The Law Commission was instructed to prepare a paper in which this issue would be analyzed to see whether the concept of plea agreements, plea discussions, otherwise known as plea bargaining, should be introduced in Trinidad and Tobago. Mr. Speaker, the paper which was presented was studied and discussed with the main players in respect of the administration of justice—the main parties involved: the police, the prosecution department and the other related departments in the administration of justice.

Based on what discussions took place, a Bill was prepared and submitted to Cabinet which agreed, in principle, to the measure of plea bargaining to be introduced in Trinidad and Tobago but requested that the Bill be published for public comment. It was published for public comment and the comments were considered by the Law Commission, and in this matter, comments kept on coming in regularly. Even though after the Bill was introduced in Parliament, there have been consultations and comments from interest groups.

Mr. Speaker, the main purpose of this Bill is to enable prosecutors and defence counsel to engage in plea discussions aimed at arriving at a plea agreement in respect of a course of action to be taken in the prosecution of a summary or indictable offence. This concept for its introduction in Trinidad and Tobago, as I mentioned, was developed in response to the problem facing the criminal justice system in Trinidad and Tobago and in respect of not only to reduce the cost of criminal matters and to save time, but also to assist in the investigation of offences; in particular, drug offences.

The Government is of the view that the introduction of a plea bargaining system would assist in solving some of these problems while it will also provide an expeditious means of dealing with some criminal matters at minimum cost. Plea

bargaining can be described generally as the process of negotiation by which the defendant in the criminal case agrees to plead guilty and gives up his right to go to trial in return for a reduction of the charge or a real or anticipated reduction in the sentence.

No doubt, one would have noticed that the Bill's title and content desist from the use of the term “plea bargain”. It is our view, shared with that of the other Commonwealth jurisdictions, that the process may be better described as that of “plea discussions”. The object of that process being to reach a satisfactory agreement and not to give the accused a bargain. Therefore, the term “plea bargain” has not been used in this Bill, and instead, plea agreement.

Plea agreement is defined as an agreement by the accused to plead guilty in return for the prosecutor agreeing to refrain from taking a particular course of action. If I may first take Hon. Members to a position where we can see an international perspective in relation to this concept, plea bargaining, plea negotiation or plea agreement is acknowledged and practised to varying degrees in Commonwealth jurisdictions such as England, Scotland, Canada and Australia. In non-Commonwealth countries such as Belgium, Germany and Italy, the system is rapidly gaining acceptance and the principle of obligatory prosecution is gradually being abandoned in favour of the principle of prosecutorial discretion in respect of pursuing criminal matters if there is an agreement and if the public interest can be satisfied.

Mr. Speaker, it is in the United States, however, where the practice is most developed and is carried out extensively. The United States Supreme Court has summed up the practice in the following way:

“Properly administered, they (plea bargains) can benefit all concerned. The defendant avoids extended pre-trial incarceration and the anxieties and uncertainties of a trial. He gains a speedy disposition of his case, the chance to acknowledge his guilt, and a prompt start in realizing whatever potential he may have for rehabilitation...the judges and prosecutors can save vital and scarce resources.”

The manner in which plea bargaining is practised in the United States differs from that practised in Commonwealth countries. The key figure in the American system of the plea bargaining process is the District Attorney—the official who bridges the gap between the police and the judge and who has the power to negotiate a plea. None of the Commonwealth jurisdictions which I have mentioned

above has a prosecutorial official which is the equivalent of the United States District Attorney.

Mr. Speaker, the local position is that to the extent that plea negotiating operates in Trinidad and Tobago, we would see that under the Constitution of Trinidad and Tobago, anyone who is charged for a criminal offence is entitled to certain safeguards which include his entitlement to communicate with a lawyer to get the particulars of the charge and the protection of the law, and the laws and the Constitution provide that a person charged for a criminal offence is entitled to have the prosecution establish his guilt beyond a reasonable doubt.

This Bill in no way intends to take away that right if the individual does not want to plead guilty. The Bill does not put any pressure or coerces anyone to plead guilty. It has to be a voluntary plea. Therefore, it is an accused person, whether it is an indictable offence or in a summary matter in the Magistrate's Court, the person must agree whether he or she wants to negotiate such a plea, and whether he or she agrees to such a plea. There is provision in the Bill that if the person has an attorney, such negotiation cannot be conducted by the Director of Public Prosecutions or the prosecutor on his behalf unless it is done with the attorney being present.

Mr. Speaker, notwithstanding the provisions of this Bill, a person is entitled to plead guilty without entering a plea discussion, and that is specifically provided for in clause 3 of the Bill. It says:

> "(1) This Act applies to a plea discussion and a plea agreement in respect of an indictable or summary offence.
>
> (2) This Act does not affect the right of an accused person to plead guilty without entering into a plea discussion.
>
> (3) Where this Act is at variance or in conflict with any other law the provisions of this Act shall prevail."

Although there is no expressed legislative provision dealing with plea negotiation and plea discussion, there is in existence in Trinidad and Tobago, to some extent, an informal system of plea negotiating and it is practised at a minimal extent. The information which I have got from the DPP's office shows that it is used most often when the state feels that the justice of the case can be appropriately met by a plea on a lesser included count in an indictment: where a person is charged with wounding with intent to cause grievous bodily harm and he

is also charged on the same indictment for attempted murder, or the person is charged for unlawful wounding on the indictment but he is also charged for wounding with intent.

In those circumstances, in most of the cases, there has been discussion and there are occasions in which the person pleads guilty to the lesser count and the prosecution decides not to proceed with the other matter.

3.45 p.m.

Mr. Speaker, I am also informed by the office of the Director of Public Prosecutions that a consideration that frequently impels acceptance of a guilty plea to a lesser included count in an indictment is the not uncommon unwillingness of prosecution witnesses to testify at the trial for their poor showing as witnesses. Very often, therefore, the use of plea bargaining, if we call it that, is a simple question of pragmatics; either stand the risk of the accused being altogether acquitted or settle for an intermediate position.

The Director of Public Prosecutions' Office has, however, informed me that the absence of a regulated plea negotiating system has impacted negatively in the area of narcotics prosecution. In Trinidad and Tobago, with very few exceptions, narcotics prosecutions are for their substantive breaches of the relevant legislation, such prosecutions leading only to those persons at the lower end of the scale who are in physical possession of the narcotics. So that, for example, if Mr. "A" is found with narcotics and the police charges him for possession for the purposes of trafficking, that is the person who is held, who will be prosecuted and who, if the evidence satisfies the test, would be convicted. The person with whom he conspires or for whom he is working, or who forms the network of the financiers, those persons are not before the court.

What has happened in jurisdictions like the United States, England and countries where there is this plea bargaining system, there is the situation where, when Mr. "A" is held and charged, from the information that is got as a result of plea negotiations, information would be obtained about the financiers, about the big boys, and then what happens is that one brings the prosecutions also for conspiracy in respect of the offence. That is why in most of the drug matters abroad in which people have been found in respect of drug trafficking, there is a conspiracy charge in which there are at times some, most, if not all, of the persons who are involved in the transactions. What has happened is that persons who are charged for conspiracy, together with the persons who are charged for drug

trafficking, there will then be a situation where, based on negotiations and agreements in the public interest, perhaps, the person who is found with the drug may be able to give information and able to even testify against the persons with whom he was conspiring and he would, in effect, get a lesser sentence by agreement in respect of the arrangements.

Mr. Speaker, therefore the absence of a regulated plea negotiating system really means that in very rare cases where a low level person in the narcotics chain gives evidence against someone at a higher level, he either has to be immunized from prosecution by the Director of Public Prosecutions or he has to be allowed to plead guilty and allow the judge to impose the appropriate sentence with no discount for his co-operation.

In either case there are clear disadvantages. This is also the view—if I may say so—of the Director of Public Prosecutions, which I have in writing. If he is granted upfront immunity, he escapes liability altogether and the defence will be able to exploit the fact to the advantage of the accused by seriously impeaching the credibility of the witness or accomplice. For example, let us say that Mr. "A" decides that he would give evidence against the person or persons for whom he has been working and it is decided that he has to give evidence and he says, well, because of the situation involved—as we have done in the past in Trinidad and Tobago where persons are given immunity from prosecution, when the person who gets this immunity, Mr. "A", goes into the witness box, obviously, any lawyer worth his salt in the cross-examination would obviously try his best to weaken the credibility of the witness. Then into the minds of the jury there would be the situation where the jurors can have doubts as to whether he was doing this merely to protect himself or merely because he wanted to enter into a deal with the prosecution for some other reason. So that, if you had a plea bargaining system and you have the legal framework to do it, then you would have a situation where he also will be punished, he would also have to serve a term of imprisonment, but he would also testify against the person and there would be a situation where there can be a position whereby the jury would have to say, "Well, if this man is pleading guilty and has to serve a term of imprisonment, why would he lie?" Because it is not a case where he has immunity and he can be said to have sold his evidence for the immunity which he has got.

Let us take a recent example which has occurred and I can talk about this matter now because the trial itself has been completed, the matter has reached another stage. In this recent matter of Dole Chadee, we had a situation where the

main prosecution witness was killed. Without that main prosecution witness, one would have had a situation where the jury, if they had to assess the evidence, they would not have the evidence of a live witness, nor would they have the evidence read. That evidence read to 12 members of the jury in which all of them have to agree unanimously to make a finding of a verdict of guilty, it would have been very strange or unusual, in light of the statistics on jury trials with respect to depositions alone, for a verdict of guilty to have been returned. What happened in that case was that the Director of Public Prosecutions at the time had the option of giving a defendant a complete immunity, and if that accused was given a complete immunity, we would have had a situation where in cross-examination it would have been put to the jury that he bought his freedom because of his evidence and, therefore, his evidence could have had the impression of being contaminated or tarnished.

What happened in that case, and for the first time it was done in Trinidad and Tobago, was that the man pleaded guilty, but there were negotiations for him to get a conditional pardon, that his sentence would be commuted to life imprisonment. It is because of the evidence of that witness that Dole Chadee and his companions were convicted.

As a matter of fact, it was a trial which was published, people read about it and, therefore, one can quote from what was stated in it. It was a trial in which the defence was saying that this witness was lying, was untrue, but the prosecution was saying: "Well, would you think that a witness who is lying would plead guilty to murder and be able to get a commutation to life imprisonment?"

I have quoted that instance to show how in Trinidad and Tobago there is an informal system of plea bargaining, plea arrangement, and how the system can work well to the advantage of the public interest. What has happened, therefore, is that if there is a system in which there is a legal framework in which defendants can negotiate with the prosecution and one can have a reduced sentence or not to proceed with certain charges, one can have success in the criminal justice system in an area in which, at the present time, the prosecution cannot have success.

Mr. Speaker, I was talking about the case where, at the present time, the person either has to be immunized or allowed to plead guilty and allow the judge to pass the sentence without any discount for his co-operation. In either of those cases there were disadvantages because if he had been granted immunity, he would

have escaped liability altogether and would have been able to exploit the fact that his credibility leaves much to be desired.

On the other hand, there is too little incentive at the present time for witnesses to co-operate and plead guilty since his co-operation with the state is not formally taken into account in the sentencing process. It is therefore, hardly likely, that accomplices/witnesses are generally unwilling to come forward in the first place, even though a successful prosecution could be built around his or her evidence.

Mr. Speaker, I understand that before the Director of Public Prosecutions gave me this memorandum, a study was done of the situation and it is the considered view of the department—or it supports the principle that there should be a system of legal framework for plea bargaining in Trinidad and Tobago in order to assist, especially in narcotic prosecutions, in the detection of narcotic traffickers and persons who are involved in money laundering and those matters.

4.00 p.m.

Mr. Speaker, under the existing system, one sees from the statistics that there is a small percentage of persons who plead guilty. What I have done—just to give an idea to Members—is to take, for example, the Port of Spain assizes for the year 1998. There were 1,174 matters listed, and out of that number 58 persons pleaded guilty. In San Fernando, for the months of September, October and November of 1998, 132 matters were listed and 11 persons pleaded guilty. It is believed from what assessment was done, that these figures would considerably increase in light of the fact of the conviction rate and if there could be benefits given to accused persons in pleading guilty, because you can only do that with the proper legal framework.

Although there is an informal system now, the position is that the prosecuting lawyers cannot tell the judge that there is an agreement on the sentence. That is considered to be professionally improper. The reason for this is, it is held that the court decides the sentence and it would be totally improper and wrong for the prosecution and the defence to agree on what sentence there should be.

What has happened because of that principle, the informal plea negotiating system has not gone forward as it should. On the other hand, from what we have done, we believe that we do not want to go as far as the American system has gone, because we do not want it to be totally uncontrolled. It is in this setting that we have a system under the Bill—when I go through the Bill one would see—where there are controls. For example, it must be the office of the Director of

Public Prosecutions (DPP) or persons that he gives permission to negotiate this matter. A policemen on his own cannot do it, it would have to be through the office of the DPP, so there would be control by the Director of Public Prosecutions.

In any event, under the Constitution of Trinidad and Tobago, the Director of Public Prosecutions has the sole discretion in withdrawing or commencing a case. He has that power under the Constitution. We decided that we should leave it with that control so that the Director of Public Prosecutions would be responsible for any matter being negotiated, not that it would happen, but in practice, in respect of any prosecution, the DPP could decide and nobody could question it. Thus, whether he discontinues or commences a prosecution, or whatever, if one is dissatisfied one can file pleas for damages and, in effect, could query it in the court or try to have the person acquitted. That is the position of the DPP at the present time.

What has happened also, and I think I should mention it to Members at this time, it was thought that we should give the court some control over this matter. Therefore, we should make it clear that any plea agreement entered into, the court has the discretion not to accept it. That is an amendment which we are going to insert, which would therefore mean you cannot even have a situation whereby even the office of the DPP can agree to have an arrangement for whatever reason—and I am not going into the reasons—but that the court which normally has the power to supervise the administration of criminal justice, should not be able to say, "We do not want that".

Mr. Sinanan: Mr. Speaker, earlier on the Minister alluded to the fact that the magistrate or judge would not be bound in terms of a suggestion, as to the sentence. Is that what he is saying? In other words, if the prosecutor and the defendant agree on three years, and the magistrate thinks that the crime is worth five years, is the discretion solely to the magistrate, or is he bound by the agreement of the prosecutor and the defence?

Hon. R. L. Maharaj: What I said before was that under the existing system, it is considered unprofessional for a lawyer to tell a magistrate or judge, "The prosecution and the defence agreed that in consideration of my client pleading guilty, he should get a term of imprisonment of three years". Under the Bill that would be permissible for lawyers to do, but under the Bill, as I am going to introduce this amendment, the court can in its discretion say that in the light of this matter it is not prepared to accept this agreement, because it does not think—

[*Interruption*]—yes accept the agreement. It would, therefore, mean it is either you go back and negotiate, which is acceptable to the court or the trial goes ahead.

Mr. Manning: I thank the Member for giving way. Does it mean that the magistrate, the presiding officer or judge can say, "I accept the plea bargain but I think it should be five rather than three years", and impose the five years? Could he do that without sending it back for further discussion?

Hon. R. L. Maharaj: No, he would say that he could not accept the plea arrangement, then the man would have his option that he would not pursue this plea. What would then happen is that it would go before another court and he could contest his matter. [*Interruption*] He cannot go before the same court because it would be a violation of the rules of natural justice.

If there is a situation that can occur—and arrangements are being made in the Bill for all those matters to be done in chambers—the fact of the matter is, if the prosecution and the defence agree, and it goes to the court, obviously the court would have to get the facts of the matter, the circumstances of the offence and so forth. The Bill also provides for the victim's and the family's views, if there is no victim, to be had. So there must be all those considerations.

There has been a strong view expressed that if we start off this plea bargaining system in Trinidad and Tobago without some control, it could probably get out of hand. It is in that context, apart from the DPP who was already in the Bill, that we have acceded to the fact that in order to have some control over this, we put the court as having overriding control or discretion in determining whether a plea agreement should be accepted or not. [*Interruption*]

You cannot accept the plea and sentence, because Mr. "A" would decide to plead guilty if he gets a term of imprisonment of three years, and when the magistrate says, "I am not accepting that, I want to sentence you", it would be denying him the opportunity of litigating his case. He is entitled to that, because he would have agreed on the basis that he would get three years. Therefore, if the court is not prepared to accept that, it is only fairness that demands he makes up his mind.

There could be a situation where you negotiate and you say five years, and the court may accept five years. Mr. Speaker, one knows how this thing works. In practice, when it works and you go before the judge or the magistrate in chambers, the magistrate would probably call in both counsels and say, "Listen, this is not

something for three years, but it is something for five years", no matter what the matter is. It may be that if the maximum is 10 or 15 years, and the man decides that he even gets five years, the court may decide to accept that. It is in those circumstances that there would be a situation where the person would either have to go back to court with a new agreement or go before another court in order to have the matter heard.

Mr. Manning: One more question; the fact that a plea bargain arrangement was not accepted by a court, would that work against the defendant in the prosecution of a case in another court? In other words, could the prosecution take the view that he had said he was guilty in a plea bargain arrangement that was not accepted by the court?

Hon. R. L. Maharaj: We have specifically provided that those matters would not operate against him. As a matter of fact, whatever happens in a plea agreement, if it is not accepted it cannot be used in subsequent proceedings. In other words, if Mr. "A" had a plea agreement in which he agreed to plead guilty, let us say to larceny, and the magistrate decided that he would not accept that plea agreement, and he decides that he is not going to take an additional term of imprisonment, let us say that the agreement was for five years and the court is saying it should be for five, he is not going with that, but wants to contest this matter and have his day in court, it would not be open for the prosecution to adduce any evidence of that. He cannot be cross-examined on any matter relating to that. That is totally as if it never occurred. It would also go before another magistrate or judge.

As we do know, there is provision that even if the matter is before another court and there is evidence or a feeling by the defence lawyers or the man himself that the magistrate may have known about this, he is entitled to make an application for the magistrate not to sit on the matter on the mere appearance of bias.

We have seen quite recently in the Pinochet matter in London where the Judicial Committee of the House of Lords decided that for Pinochet there could be proceedings for extradition. It was subsequently found out that one of the judges of the House of Lords knew certain things about that matter, he or his wife had been employed by Amnesty International and had taken a pro-active approach in relation to the matter. The House of Lords found that one did not have to go with the actual bias, but the question of the appearance of bias, and justice did not

appear to be done. They set aside the order and is to hear the matter. One knows that even in circumstances where there can be such situations, it would be open for people to do that. This Bill does not take away any of those rights or any of those safeguards at all.

If one looks at the Bill one sees that it specifies who is the director. There are some amendments to be circulated. We decided that we must specify who was the Director of Public Prosecutions. In the proposed amendment we actually state that the Director of Public Prosecutions is a public officer appointed under section 19 of the Constitution to undertake to execute the responsibility assigned to him under that section. We specifically refer to that person as the Director of Public Prosecutions. We did not want there to be any doubt that there could be another Director of Public Prosecutions, so we said "that is the DPP". I was told that we had to make it absolutely clear.

In the definition section of the Bill one sees that there is a definition of "improper inducement". It would be an offence for one to make improper inducements to cause a person to accept a plea bargaining of the arrangement. We found that the definition thereafter, in talking with the Chief Parliamentary Counsel department again and looking at some of the comments, that we should have a much tighter definition, because it appeared to be somewhat vague, and we want it to be tighter.

So the definition would be, as we see from the proposed amendment—

"'improper inducement' includes—

(a) the coercion of an accused person to enter into a plea discussion; and

(b) the fraudulent misrepresentation of a material fact by the prosecutor either before a plea discussion is entered into or during the course of such discussion."

So we will know exactly what it entails. *[Interruption]* No, what we were thinking of doing is replacing that definition with this proposed definition.

4.15 p.m.

We also specified in the Bill—as you see, we are leaving what we discussed as plea agreement—

"'plea agreement' or 'agreement' means an agreement entered into—

(i) between the accused person and the prosecutor; or

(ii) between attorney for the accused person and the prosecutor,

whereby the accused person agrees to plead guilty and the prosecutor agrees to take a particular course of action;"

Then we defined particular course of action later on. The Bill also makes it clear what a plea discussion is and it is stated quite clearly. What we want to do is make it clear that plea discussions can even take place after the arraignment. So we have included after "prosecutor"—

"either before the arraignment of the accused person, or at any time after the trial of the accused person commences with the view towards arriving at an agreement."

Then we talked about the particular course of action, that is what the agreement would relate to. It includes the following:

"(i) a recommendation to the Court to dismiss other charges;

(ii) a recommendation to the Court as to a particular sentence;

(iii) an agreement not to oppose a request by the accused person, or his attorney, for a particular sentence;

(iv) an agreement that a specific sentence is appropriate for the disposition of the case."

Mr. Speaker, in respect of the definition of prosecutor, I think we wanted to tighten that a bit also. We said:

"'prosecutor means the Director of Public Prosecutions, an attorney in the office of the Director of Public Prosecutions, a police officer or an attorney to whom the Director of Public Prosecutions has granted a fiat;'"

So we have limited it and there can be no doubt as to who these persons are. The relative would be important when we are dealing with respect to the victim. We have defined what the relative is and I have dealt with clause 3.

Mr. Speaker, those aspects of the definition in the Bill would sort of demonstrate how we want to ensure that there are safeguards in the Bill. The Government is quite prepared, if it is thought without thwarting the Bill or if it is thought that we need to put any additional safeguards and it finds favour, to even amend it further. The importance of this matter is to find a machinery whereby we

can create a legal framework in order to achieve the objectives without, in any way, jeopardizing the public's interest.

Mr. Manning: Before the hon. Attorney General takes his seat, I am just interested in hearing what the legal profession has to say; the Criminal Lawyers Association, for example, any comments they may have submitted on the matter and to what extent those comments have been taken into account. We do not know and we are just trying to get information.

Hon. R. L. Maharaj: All I can tell the hon. Member is, there has been consultation with all, we have taken the comments into consideration, we have met and, in effect, considered all the matters. I do not get the impression that there has been any objection, in principle, to the Bill. Some of the comments the lawyers have made, our officers have met, considered the matter and taken them on board. *[Interruption]* That is my information but if you have information otherwise and you can show there is something wrong in the Bill—I am not saying that everything they have advocated I have agreed with, but it has been considered and there has been consultation, bearing in mind also the Bill has been published for public comment.

Mr. Speaker, if we look, therefore, at clause 4—and I thought the best way of doing this Bill was to go through it in this way so we would be able to understand it. It has not been an easy Bill to formulate because it has to be done particularly for Trinidad and Tobago. There is no precedent in the Caribbean and even if it is taken from another country it cannot just be copied, it has to be adjusted to suit. So I am not saying this is even cast in stone.

Mr. Speaker, under "Plea Discussions", the proposed amendment to clause 4 says:

> "Subject to subsection (2) a prosecutor and an accused person or where the accused person is represented by an attorney, a prosecutor and the attorney for the accused person, may engage in plea discussions."

So it specifies the persons who may engage.

Then under the amendment it reads:

> "'A prosecutor other than the Director of Public Prosecutions shall not enter into plea discussions with an accused person or his attorney, unless he first obtains the written permission of the Director of Public Prosecutions.'."

Mr. Speaker, what I am putting there is another safeguard. I do not want it to be said that the person has the authority and the discussion begins. We want it to be said that before the discussion begins he must have it in writing. So there will obviously be an administrative machinery where the office of the Director of Public Prosecutions will have a register because, in effect, it is an independent office and he must be able to deal with these matters.

Under clause 5 the prosecutor would be subject to criminal liability if he should improperly induce the accused person to participate in a plea discussion. The clause further makes it an offence for a police officer or attorney for the accused, to conspire with the prosecutor in attempting to improperly induce the accused.

Mr. Speaker, that is there in order to prevent even prosecutors from trying to induce wrong plea agreements. Clause 5(3) reads:

"A police officer or the attorney for an accused is liable to a fine of twenty thousand dollars and to imprisonment for five years where he—

(a) conspires with the prosecutor in the commission of an offence...

(b) attempts, incites, aids, abets, counsels or procures, the commission of such an offence under subsection (1)."

As not uncommon in matters like this, the proposed subsection (3) reads:

"No prosecution under this section shall be without the written consent of the Director of Public Prosecutions.'."

We do not want a situation where a police officer can just go and lay a prosecution. It should be under the regulation of the Director of Public Prosecutions.

Mr. Speaker, clause 6 merely says that persons are entitled to have an attorney and—

"...a prosecutor shall not engage in a plea discussion directly with the accused person in the absence of his attorney.

(2) A prosecutor shall inform an accused person of his right to representation, by an attorney, in the plea discussion.

(3) An accused person who cannot afford to retain an attorney may apply for legal aid under the Legal Aid and Advice Act."

And as you know, that has to be amended.

"(4) Where an accused person is not eligible for legal aid, the prosecutor shall not have any discussion directly with the accused, unless the accused person informs the prosecutor, by way of the form set out as Form 1 in the Schedule that he does not wish to be represented by an attorney."

What we wanted to do was not depend on word of mouth but have the particular form which will be filled out. That form is Form 1 which is a declaration by the accused, dependent on his desire to represent himself in the matter.

Mr. Speaker, the clause goes on:

"(5) Notwithstanding subsection (4), the Judge or Magistrate, in the exercise of his jurisdiction, may appoint an attorney for the accused person."

Prohibition against plea discussions. Clause 7 reads:

"(1) A prosecutor shall not suggest, conclude or participate in any plea discussion that requires the accused person to plead guilty to an offence that—

(a) is not disclosed by the evidence; or

(b) requires the prosecutor to withhold or distort evidence."

Here we see that we are, in effect, making it clear that this will be an offence if the prosecutor does that.

Clause 8 reads:

"(1) A prosecutor shall, unless the circumstances make it impracticable to do so, obtain the views of the victim or a relative of the victim before concluding plea discussions."

Mr. Speaker, this is important because in so many of these matters even at the present time or in other matters, the views of the victims are left out. Obviously, there cannot be a situation where one would have to agree with the views of the victim but it must be important for the views of the victim to be given and considered because one does not want a situation where the exercise of the prosecution's discretion would be at the behest of anyone.

"(2) A prosecutor who arrives at a plea agreement with the accused person shall ensure that victims are told the substance of, and reasons for, the agreement, unless compelling reasons, such as the likelihood of serious harm to the accused or to another person, require otherwise."

So it requires the prosecutor to inform the victim of the substance and the reasons for the agreement.

Mr. Speaker, under clause 9, one sees that there is a Form 2 of the Schedule in which the plea agreement which is concluded, will be filled out in a particular form which will be filed with the Registrar of the Court or the Clerk of the Peace, as the case may be. Clause 9 reads:

> "(2) A plea agreement which has been concluded between the prosecutor and an unrepresented accused person shall be set out as in Form 3 of the Schedule and where such agreement is concluded it shall be signed by both parties in the presence of a Justice of the Peace and filed with the Registrar or Clerk of the Peace...
>
> (3) The Registrar or the Clerk of the Peace shall, upon receipt and filing of the agreement, set the matter down for hearing before a Judge or Magistrate sitting in Chambers."

Here we have a situation where the initial hearing—if I use that expression—in relation to a plea agreement would be in Chambers.

Clause 10 reads:

> "(1) The prosecutor shall disclose to the Court, in Chambers in the presence of the attorney for the accused or, where the accused is unrepresented, in the presence of the accused—
>
> (a) the substance of, and reasons for, the agreement; and
>
> (b) whether any previous agreement has been disclosed to another Judge or Magistrate in connection with the same matter and, if so, the substance of that agreement."

After those discussions take place inside—

> "(2) The Judge or Magistrate shall in open court, before accepting a plea agreement determine to his satisfaction that—
>
> (a) no improper inducement was made to the accused person to enter into the agreement;
>
> (b) the accused person understands the nature, substance and consequences of the agreement;

(c) the offence to which the agreement relates adequately reflects the gravity of the provable conduct of the accused."

Mr. Speaker, so there is a situation in which the plea agreement is being examined in open court. And the reason for open court is that it is said justice should be administered openly in order for the court to be satisfied that it can proceed without any undue hindrance.

Mr. Speaker: Hon. Members, the sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. R. L. Maharaj: Mr. Speaker, when the adjournment was taken I was dealing with clause 10 of the Bill. Part IV of the Bill deals with the question of the views of the victim in open court and that deals with the procedure. It says:

"Subject to subsection (2) the Judge or Magistrate shall, in open court, seek the views of the victim or a relative of the victim, before recording the terms of the agreement and passing sentence."

It gives the court the duty in open court to seek the views of the victim and the judge or magistrate may, where he considers it prudent to do so, retire to chambers to hear the views of the victim or relative and such view shall be heard in the presence of the prosecutor and the attorney for the accused and if the accused is unrepresented, in the presence of the accused.

What this attempts to do is to get the views of the victim recorded in open court and if the judge believes that it needs further investigation he can go into chambers and hear the other matters. It is really to get a situation whereby the public would know whether the victim agrees with what is being proposed or not.

Mr. Speaker, I should say that this aspect of the Bill has caused a lot of discussion and there has been conflicting views. One of the views taken is that all these matters should be done in chambers and the other view taken is that all these matters should be done in open court. The other view was that at least the preliminary discussion should take place in chambers and then in open court. The court should know exactly what the position is and then we can deal with it.

In other jurisdictions there are situations where there is a mixture but in the American set up you have everything being done in the open and that has produced many problems. Therefore, we have decided to try to blend it and this is probably

one area in which we can probably still get some views, if possible, and we can probably decide what may be in the best interest of Trinidad and Tobago.

Mr. Speaker, under clause 12 of the Bill it makes it clear that the accused person who is charged for an offence offers, at the commencement of the trial or at any time thereafter before its conclusion, to plead guilty to an offence if other charges against him are dismissed. The judge or magistrate shall enquire of the prosecutor whether he agrees to accept the offer of the accused person. This really spells it out in greater detail. My view of the matter is that this clause may not be necessary but I should tell you that the drafting people believe it is necessary. I am saying it like that so we would be able to look at it but out of an abundance of caution we should have clause 12.

Clause 13 of the Bill deals with the question of the withdrawal from a plea agreement. In respect of safeguarding the position of the accused the Bill in clause 13 gives the accused the right to withdraw from a plea agreement or to appeal against a conviction based on the agreement where it was entered into as a result of an improper inducement and where it was entered into as a result of a significant misrepresentation as to the substance or consequence of the plea agreement or the prosecutor has breached terms of the plea agreement. One sees that the fact that an agreement has been entered into before it is accepted by a court, there is the power of the accused or the defendant to withdraw from the agreement.

Under clause 14 where the accused person pleads guilty to an offence and upon his conviction receives a sentence that accords with or is within the range anticipated by the plea agreement, the Director of Public Prosecutions shall not be permitted to appeal against the sentence imposed by the judge or magistrate unless it is shown that the prosecutor, in the course of a plea discussion, was wilfully misled by the accused person in some material respect or the court, in passing sentence, was wilfully misled in some material respect.

The proposed amendment to that section is:

> "(2) Where the Director of Public Prosecutions is of the opinion that the grounds described in subsection (1)(a) and (b) exist he may appeal against the sentence of the Court of Appeal or a judge thereof."
>
> (3) The Director of Public Prosecutions shall give notice of the appeal in such manner as is prescribed by the Rules of Court, within fourteen days of the sentence passed.

(4) The Court of Appeal or a judge thereof may extend the time within which notice of appeal may be given."

If something wilfully misleading in material respects is discovered it gives a discretion to the Court of Appeal to examine the circumstances and decide whether to appeal against the matter.

Mr. Speaker, clause 15, while granting in certain circumstances, a prosecutor may seek to withdraw from a plea agreement either in part or entirely. It also provides the accused with a certain measure of protection. Notwithstanding that an accused person's conviction and sentence pursuant to a plea agreement, the Director of Public Prosecutions may seek the leave of the Court of Appeal to have the agreement, conviction or sentence set aside where the prosecutor was, in the course of plea discussions, wilfully misled by the accused person or by his attorney and was induced to conclude the plea agreement by conduct amounting to an obstruction of justice. The Director of Public Prosecutions shall give notice of this in the same manner under the rules and the Court of Appeal may extend the time.

Clause 16 is relevant in relation to what the hon. Leader of the Opposition had asked. Evidence of a plea agreement later withdrawn or of an offer to enter into a plea agreement or a statement made in connection with any such agreement or offer is inadmissible in any proceedings.

The new clause 17 would be:

"The Judge or Magistrate may reject a plea agreement entered into between the prosecution and the accused person if he considers that it is not in the interests of justice to do so."

That is the clause that I said would give to the court the power to, in effect, intervene.

Clause 17 of the Bill says:

"The Legal Aid and Advice Act is amended by inserting under item 1 in Part I of the First Schedule, the following paragraph:

'(c) plea discussions and plea agreements under the Criminal Procedure (Plea Discussion and Plea Agreement) Act, 1998'."

We see that there will be legal aid if it satisfies the criteria under the Act for an accused person in the discussions that would flow and not necessarily for the trial but even in respect of the discussions.

Mr. Speaker: There is a Bill for second reading: an Act for the incorporation of Project EXCEL.

PROJECT EXCEL (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of Project EXCEL and for matters incidental thereto, be now read a second time:

Bill accordingly read a second time.

Bill referred to a Special Select Committee of the House of Representatives appointed by the Speaker as follows:

Dr. Fuad Khan	-	Chairman
Mr. Chandresh Sharma	-	Member
Mr. Razack Ali	-	Member
Mr. Barendra Sinanan	-	Member
Mrs. Eulalie James	-	Member

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now stand adjourned to Friday, January 15, 1999 at 1.30 p.m. on which date we will debate the Report of the Finance Committee which was held today and the appropriate bill.

I am sure, with the consent of the Opposition, there will be one debate in respect of the matters. I am speaking on behalf of the Opposition in this matter because I do not see any—*[Interruption]* I do not believe that they would want to do that but it will be open to the Opposition, in spite of what I have said, to decide. We will continue, depending on the time, with this Plea Bargaining Bill.

Thank you, Mr. Speaker.
Question put and agreed to.

House adjourned accordingly.

House adjourned at 5.15 p.m.