HOUSE OF REPRESENTATIVES

Friday, February 19, 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 had received communication from four Members of this honourable House who have asked to be excused from today's sitting. They are: the Members for Port of Spain North/St. Ann's West who has asked to be excused up to Wednesday, March 10, 1999; the Member for Diego Martin East who has asked to be excused from today's sitting; the Member for Tobago West, and the Member for Ortoire/Mayaro, who is ill and in the region of the hospital and is unlikely to be here today. They are all excused from the sittings.

CONDOLENCES

Mr. Speaker: I also wish to advise hon. Members that it has been brought to my notice that a former Deputy Speaker of this honourable House, Mr. Hugo Ghany, died on January 30, 1999. He has, in fact, served as a Member of Parliament for Tabaquite from 1971 to 1976, during which period he was the Deputy Speaker of the House. He had served as Chairman of the Joint Select Committee on the Reduction of the Voting Age and the Age of Legal Majority in the 1971—1976 Parliament.

I believe that Members on both sides may wish to express condolences.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I did not know the late Hugo Ghany personally; but when anyone has served the nation of Trinidad and Tobago in the capacity of a Member of Parliament, especially when one has the additional burden of presiding over the Parliament, even though in an acting position—having been here for as long as I have, I can readily express appreciation for that person.

Mr. Speaker, as you well know, I had given my quota of pressure to the Chair; so I appreciate the burden of the person in the Chair. I am sure all my colleagues in Parliament will agree with me, especially those of us who have been here a long time and feel very at home, that there are times when we really exceed the bounds of what is acceptable in terms of human behaviour. For that, I would like

to apologize on behalf of everyone in the House. I know the Members here personally, and I know they are all people with good hearts, because although we fight like cats and dogs in the House, once the session is over and we go through that door, those sentiments are not taken outside. So, I am happy to be a part of the parliamentary process.

So when one of our Members goes to the great beyond, I think all of us would be very happy to pray for his soul and to look back; and even though we did not know him personally, to know he can be appreciated for the role he played as a Member of Parliament.

So, Mr. Speaker, on behalf of the Government side, I wish to express condolences to the late Hugo Ghany's family and to wish that the Almighty looks well on him and enables his soul to rest in peace eternally.

I thank you.

Mr. Patrick Manning *(San Fernando East)***:** Mr. Speaker, I rise to join you and our colleagues on this other side in paying tribute to our late friend and parliamentary colleague, Mr. Hugo Ghany.

There are only two of us who are alive and who were Members of Parliament and colleagues of Mr. Hugo Ghany during 1971—1976; that is you, Mr. Speaker, and I. We both knew him as a very quiet and unassuming Member of Parliament, but one who was very assiduous in the discharge of his parliamentary functions and in the representation functions, which is what brings us here in the first place.

He became a Member of Parliament as a result of that "No Vote Campaign" in 1971. That is also how you, Mr. Speaker, became a Member of Parliament; that is how I became a Member of Parliament in 1971. There are those who would have felt that the commitment as a consequence may not be there, it was not so in the case of Mr. Hugo Ghany. He was a lawyer and he sat as a Member of Parliament at a time when Trinidad and Tobago was giving serious consideration to reform of its Constitution.

It was around 1972, if I recall it well, that a Constitution Commission was set up. But notwithstanding what was taking place at the Commission, there were deliberations in the national community and, indeed, in the People's National Movement on the various aspects of constitutional reform, that we thought relevant to the circumstances of Trinidad and Tobago in that period between 1971 to 1976.

It was in that context that Mr. Hugo Ghany sat as Chairman of a Joint Select Committee of Parliament—of which I was a member—to look at the reduction of the voting age and the age of legal majority. What it resulted in was giving the franchise to 18 year-olds in Trinidad and Tobago. *[Desk thumping]* He would be best remembered for that. All of this, of course, culminated in a new Constitution, our Republican Constitution of 1976, and his contribution which we fondly recall today, will etch him indelibly in the history of Trinidad and Tobago. *[Desk thumping]*

I therefore would like on behalf of all of those of us on this side and joining the Government and of your good self, Mr. Speaker, in extending condolences to the family of Mr. Hugo Ghany, in publicly recognizing his contribution to the development of our parliamentary democracy. And, may I express the wish, Mr. Speaker, that Almighty God have mercy on his soul.

Thank you very much.

Mr. Speaker: Hon. Members, I wish to be associated with the sentiments expressed by both sides of the House on the passing of Mr. Hugo Ghany.

I think that for the sake of the record, I cannot help but just correct one thing which was said by the hon. Leader of the Opposition. I think I heard him say that it was as a result of the "No Vote Campaign" that himself, Mr. Hugo Ghany and I found myself in here. He could speak for himself but, indeed, I was up against opposition, and my coming to this august Chamber in 1971 had nothing to do with any "No Vote Campaign". So, hon. Members, that type of thing may be used in later years, but certainly not here.

I am sure that both the Leader of the Opposition and myself had very fond memories of the Member for Tabaquite who was jovial and was able to crack the odd joke and who took his responsibilities very seriously and who antagonized no one, and who was very much a gentleman.

So, hon. Members, on your behalf, I would ask the Clerk of the House to forward a suitable letter of condolence to the next of kin of the late Hugo Ghany.

I ask you to stand for one minute of silence in honour of his memory.

The House stood.

1.40 p.m.

Mr. Speaker: Hon. Members, I simply ask the House to note that a Member of the House has had a recent bereavement. The Member for Chaguanas, the

Minister of Social Development, Sport and Youth Affairs, who, while being away on official business, has had to cope with the passing of his mother-in-law. I express condolences on behalf of the House.

PAPERS LAID

1. The report of the Auditor General on the accounts of the Small Business Development Corporation of Trinidad and Tobago Limited for the year ended December 31, 1997. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]

2. The report of the Auditor General on the accounts of the Siparia Regional Corporation for the year ended October 01, 1991 to December 31, 1991. [*Hon. R. L. Maharaj*]

3. The report of the Auditor General on the accounts of the St. Patrick County Council for the year ended January 01, 1991 to September 30, 1991. [*Hon. R. L. Maharaj*]

4. The report of the Auditor General on the accounts of the Agricultural Development Bank of Trinidad and Tobago for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]

Papers 1 to 4 to be referred to the Public Accounts Committee.

5. Report of the Fifth Actuarial Review of the National Insurance System. [*Hon. R. L. Maharaj*]

ORAL ANSWERS TO QUESTIONS

George E. Huggins Building

13. Dr. Keith Rowley *(Diego Martin West)* asked the Minister of Finance: Could the Minister of Finance state:

(a) With respect to the acquisition of the George F. Huggins building on South Quay, was the National Insurance Board involved in providing any funding or guarantees?

(b) If the answer to (a) is in the affirmative, could the Minister outline the details of all the financial transactions which eventually facilitated the occupancy of the building by any government department/agency?

(c) As of January 1, 1999, what sums were due and owing to the NIB and has the National Insurance Board recovered any or all moneys owing to it as a result of the above-mentioned transaction?

(d) Could the Minister further state whether the NIB was approached, at any time, by any of the previous owners with an offer for sale? If so, when was the first contact made and what was the price of the offer at that time?

The Minister of Finance (Hon. Brian Kuei Tung): Mr. Speaker, the National Insurance Board was not involved in providing any funding or guarantees with respect to the acquisition of the George F. Huggins building on South Quay. The National Insurance Board is the legal owner of the building known as the "Huggins Building", situated at 72—74 South Quay, Port of Spain.

In December, 1997, the National Insurance Board purchased the building from Quay Property Development Company Limited, for the sum of $10 million, subject to tenancy in favour of the Government of Trinidad and Tobago. The tenant at the time was the Ministry of Legal Affairs. The property was vested to Quay Property Development Company Limited, subject to a mortgage in favour of the Bank of Nova Scotia Trust Company. The National Insurance Board disbursed the full purchase price to the mortgagee: Bank of Nova Scotia Trust Company.

As of January 1, 1999, outstanding rental owed by the Government of Trinidad and Tobago, the Ministry of Legal Affairs, to the National Insurance Board, amounted to $784,134.00. This amount is currently outstanding.

The National Insurance Board was not approached by the previous owners. The approach to the National Insurance Board was made by NIPDEC, in December of 1997, by way of an investment proposal. The price of the offer, at that time, was $10.1 million.

NYC'S Contract—Piarco Airport

14. The following question stood on the Order Paper in the name of **Dr. Keith Rowley** *(Diego Martin West):*

(a) With respect to the award of the contract to NYC for construction works at Piarco Airport, under what specific authority was this contract awarded?

(b) If NIPDEC was involved, could the Minister outline the entire process and state whether or not this agency complied with its statutory obligations by adhering to its own tender rules.

Hon. R. L. Maharaj: Mr. Speaker, with respect to this question, I have spoken to the Opposition Chief Whip, for a deferral of one week, and he did not express any objection. Is that correct?

Mr. Valley: He objected strenuously. [*Laughter*]

Hon. R. L. Maharaj: Is that not correct?

Mr. Speaker: I take it, hon. Members, that there is agreement on both sides, with respect to question No. 14. If not, would one speak up, or forever hold one's peace.

Mr. Manning: I ask that we defer it for one week.

Mr. Speaker: In these circumstances, we would ask that question No. 14 be deferred to the next sitting of the House.

Question, by leave, deferred.

Carenage Boys' Government School

15. **Dr. Keith Rowley** (*Diego Martin West)* asked the Minister of Works and Transport:

(a) Is the Minister aware that upon commencement of construction of the Carenage Boys' Government School in 1997, a completion date was set for March, 1998?

(b) Could the Minister state where the construction has reached as at January 7, 1999?

(c) Could the Minister further state what is being done at this time to effect this project and what is the new date of completion which has been established?

The Parliamentary Secretary of the Ministry of Works and Transport (Mr. Chandesh Sharma): Mr. Speaker, yes, I am aware.

As of January 7, 1999, approximately 20 per cent of the construction work on the project was completed.

The contract for the construction of this school was originally awarded via the Central Tenders Board, reference number 13/4/18, dated March 19, 1997, to Homes Affordable Limited, for the sum of $4,210,960.75. This is VAT inclusive.

The contract was for a period of 10 months and was terminated on July 1, 1998, for two reasons: firstly, failure by the contractor to proceed with the works; and secondly, without reasonable cause, the contractor suspended the carrying out of the works, before completion thereof.

The Ministry of Works and Transport took possession of this site on August 6, 1998, and the performance bond was forfeited by the ministry. A proposal was done for the completion and resolution of the work; however, new funds had to be identified. The release of $2,623,340 from the Ministry of Education was made available on December 29, 1998, to enable resumption of works.

The Construction Division of the Ministry of Works and Transport has engaged National Maintenance Training and Secondary Schools Limited (MTS) to complete the construction of this school within a six-month period. MTS has invited sub-contractors to bid on the completion of this project, which is now scheduled for July, 1999. MTS will provide project management services and the Ministry of Works and Transport will monitor the project. The estimated cost of completion of this construction is $4,551,270.00. This is VAT inclusive.

The Construction Division of the Ministry of Works and Transport is currently evaluating claims submitted by the contractors, in order to make a final settlement for works done.

1.50 p.m.

Dr. Rowley: Mr. Speaker, supplemental question to the Minister. I wonder if the Minister can enlighten us as to what happened to the original sums of moneys that were allocated for the project when the contractor was put on site in 1996, since he has just advised us that new funds had to be sourced from the Ministry?

Mr. C. Sharma: Mr. Speaker, I will make that information available at the next sitting.

Dr. Rowley: Another supplemental to the Minister. Now that we have been told that after over a year of non-activity on the site, the MTS is put in charge of that project for construction, could the Minister tell us whether MTS has built any school or managed any construction project like this before?

Mr. C. Sharma: Yes.

Dr. Rowley: Mr. Speaker, I would like the Minister to tell me which school did MTS build or which construction project of this size MTS managed in this country.

Mr. C. Sharma: A list of such work will be furnished at the next sitting.

Dr. Rowley: Finally, Mr. Speaker, I just want to ask the Minister if he is aware that MTS is a Maintenance, Training and Security Company and not a construction company.

Mr. C. Sharma: MTS has the ability to do the work.

FORESTS (AMDT.) BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I beg to move,

That a bill to amend the Forests Act, Chap. 66:01 be now read a second time.

Mr. Speaker, the Bill before this honourable House seeks to resolve the many deficiencies of the existing legislation, which have impacted negatively on the serious attempts of the Forestry Division of the Ministry of Agriculture, Land and Marine Resources to control the spate of forest offences, and in particular, the practice of illegal logging, as well as to protect our valuable forest resource base.

The fundamental problems which adversely affect the control of illegal logging are the deficiencies of the existing Forests Act, Chap. 66:01. This Act was last amended in 1980 and since then no attempts were made to identify or correct these deficiencies. Therefore, in order to reduce the incidence of illegal logging, in particular, in Trinidad and Tobago, it has become necessary to review this Act with a view to correcting the existing deficiencies.

Mr. Speaker, increased demands for timber in the construction and furniture manufacturing sectors and the concomitant depletion in the supply of feedstock from our natural forests has resulted in an increase in the incidence of illegal logging. This shortfall in timber supply has resulted in the harvesting of timber on fragile hilly areas and, in particular, the northern, central and southern watersheds, thus destroying our watersheds by way of soil erosion, our natural wildlife habitat and our capabilities for eco-tourism. Furthermore, illegal logging has escalated in our teak plantations due to its easy access and high profit margin.

Mr. Speaker, I am advised that trade in stolen teak over the past five years is estimated at TT $2 million annually. Most of the illegal activities occur during the night and on weekends when Forest Officers are not on active duty. Discussions have already been initiated between the Forestry Division of the Ministry of Agriculture, Land and Marine Resources and the Chief Personnel Officer with a view to changing the terms and conditions of work for Forest Officers in order to correct this shortcoming.

Proposals are also being developed to encourage joint army/ police, forest officers, game wardens and honorary game wardens patrols in an effort to strengthen the policing of illegal logging practices. Mr. Speaker, illegal logging

has also been enhanced with the advancement of technology. Our saws have been modified to portable saws, and are used to convert logs into rough sawn, dimensional stock *in situ* in the forest. The resulting dimensional stock are then transported by hand to nearby vehicles such as vans and pickups and with the aid of covers, transported to furniture shops. In this manner, the procedure of obtaining a legal private Removal Permit is obriated.

In 1998, Mr. Speaker, two raids on furniture factory shops in the south of Trinidad, have resulted in the recovery of over TT $45,000 worth of stolen teak. Despite the fact that Forest Officers receive no remuneration for work done outside their normal working hours, they have shown a great deal of commitment and venture to work at nights and weekends to solve the problem of illegal logging. These efforts should not go unnoticed, and I wish to thank publicly the officers for their dedication and time in reducing the incidence of illegal logging.

In Trinidad alone, Mr. Speaker, over the period January 1, 1998 to September 30, 1998, 173 cases of illegal logging were recorded at the Forestry Division. The breakdown is as follows:

Conservancy	**No. of Cases**
North-east	38
North-central	46
North-west	6
South-east	49
South-central	20
South-west	14

Despite our limited resources, Mr. Speaker, the Forestry Officers have for the period January 1, 1998 to April 6, 1998 recovered stolen timber in 64 of these cases, estimated at TT $165,000; a recovery of 79 per cent. Thirty-one persons have since been apprehended and charged.

Mr. Speaker, the amendments to the Forests Act, Chap. 66:01, which I shall deal with now, address some of the issues which have arisen since its last revision in 1980 and these are as follows:-

1. Increase in theft of trees from state owned forests and from other private lands.

2. Harvest of trees on the northern slopes of the Northern Range and transporting the logs along the sea coast.
3. Establishment of load limits.
4. Monitoring the felling of trees on slopes above 30 degrees to maintain adequate forest cover.
5. Transporting of all species of trees destined for commercial purposes including those harvested on private lands.
6. Increasing the fines for offences committed under the Act.

Section 2 of the Forests Act is being amended to include all species of trees. In other words, a Removal Permit will now be required for the removal of all species of trees of commercial value, inclusive of those harvested from private property.

Clauses 5 and 6 of the Forests (Amdt.) Bill seeks to do the following:

1. Repeal section 7 of the Forests Act by prohibiting the felling of all trees including those grown on private lands.
2. Extract the requirement for a Felling Permit from section 8 of the Forests Act, Chap. 66:01 and highlight that requirement into proposed section 7 of the Act.
3. Establish a regime for the control or monitoring the removal of timber throughout Trinidad and Tobago. This is contained in the proposed section 7.
4. Establish the requirements for certain permits, for example, removal permits and bulk removal permits and the procedure for obtaining same. These are also contained in the same proposed section 7.
5. Provide that loads limits should be established by the Conservator of Forests to minimize the destruction of all roads as per section 7(g) of the Act.

These provisions, Mr. Speaker, may be perceived to impinge on the fundamental rights guaranteed by section 4(a) of the Constitution of the Republic of Trinidad and Tobago which provides for the regulation and the use of private property but by due process of law. These rights may be perceived to be affected but, if this is the case, the aggrieved has the right of recourse in the reviewing of the grounds for refusal by an authorized officer or the Minister with the final application to the courts.

Notwithstanding, Mr. Speaker, Government recognizes that it has a mandate to manage our forests sustainably, to protect our watersheds, to maintain our biological diversity and, at the same time, prevent the degradation of our forests.

2.00 p.m.

Mr. Speaker, approximately 65 per cent of the south-facing slopes of the Northern Range is privately owned and indiscriminate felling of trees on these slopes cannot be entertained. The unwarranted felling of trees, especially on the Northern Range destroys the ecological integrity, causes soil erosion and landslides. These are the main causes of flash-flooding and siltation of our watercourses. These matters are critical to the management of our watersheds. Without watersheds there will be serious shortage of water to domestic, industrial, manufacturing and agricultural users of water; in other words, no watersheds means no water.

Certain amendments were made in the other place to ensure that the rights of owners of private property are not infringed without due process. A proposed new clause 7H grants a right of appeal to a Minister if a permit is refused and reinforces the right to apply to the courts for redress in accordance with the Constitution of the Republic of Trinidad and Tobago.

During the debate on this Bill in the other place, concerns were expressed about the fines and penalties for offences under the Forests Act. By the list of amendments that have been circulated today, all fines and penalties are being further increased to a more realistic level in order to act as a further deterrent to the activity of illegal logging. Details of these new penalties are listed in the proposed section 7 and the amended section 8 of the Act as follows: section 7 (1)(b) from $2,000 to $10,000; section 7A(5) from $3,000 to $10,000; section 7B from $3,000 and imprisonment for six months to $10,000 and imprisonment for one year; section 7C(3) from $1,000 to $10,000; section 7F(4) from $3,000 to $10,000; section 8 from $5,000 to $20,000. The fine and penalty for unlawfully or fraudulently using a Forest Officer's timber-mark, which is the subject of section 10, has been changed from $5,000 and six months' imprisonment to $20,000 and one year imprisonment respectively. The fine and penalty for assaulting or obstructing a Forest Officer in carrying out his duties, will now carry a fine of $20,000 or two years' imprisonment.

Mr. Speaker, basically these are the amendments which are being proposed here in this Bill. It is my view, in my capacity as Minister of Agriculture, Land and Marine Resources, that the charges for the management of our forest resources,

the amendments proposed and the reasons for the amendments provided would serve in the best interest of our forests, our watersheds and, in fact, Mr. Speaker, the environment as a whole. With these few words, Mr. Speaker, I beg to move. *[Desk thumping]*

Mr. Valley: The proposal on this side is that we debate both Bills together as was done in the other place.

Mr. Maharaj: Mr. Speaker, I did discuss it with the Opposition Chief Whip, and he said that he would get back to me, obviously he probably forgot, but we will welcome that. It will save a lot of time.

Mr. Speaker: If that is the feeling of the House and nobody is prejudiced by it, I would invite the Member for Princes Town to move accordingly and present—the idea being that, you have presented the other one and you have in fact moved. Therefore I would invite the hon. Member to speak on the other and we would put both of them at the same time.

Dr. The Hon. R. Mohammed: Mr. Speaker, the Sawmills Act, Chap. 66:02 is being amended to deal with some of the problems which are faced by the forestry officers in the execution of their duties, under the present legislation.

To reiterate some of the concerns, Mr. Speaker, they are as follows: firstly, the use of small bandsaws and circular saws in furniture shops; secondly, sawmill fees; thirdly, damage to forest roads by haulage or logging equipment; fourthly, indiscriminate use of power saws in converting logs to dimensional stock inside forested areas and, fifthly, the illegal stockpiling of logs at sawmills without records.

Section 2 of the Act is being amended to revise the definition of "sawmill" to include furniture factories where circular and bandsaws are prevalent as well as portable mills and power saws that are used to fashion logs on site.

Mr. Speaker, the definition for a sawmill compound is being included to refer to an area enclosed or not and which is used to operate one or more sawmills. The traditional sawmills do not account for all logs leaving the forest. The rapid progress in the development of saws and the availability of these in the furniture industry, causes the use of small circular and bandsaws which are capable of converting logs into dimensional stock. These are utilized successfully in the furniture industry without any records.

Logs are stolen from state-owned plantations and brought into furniture shops where they are converted for use into furniture manufacturing. It is imperative,

therefore, that we monitor movement of logs into the furniture shops, by including these saws under the Act.

Within the last decade, Mr. Speaker, portable saws other than chainsaws have been introduced into Trinidad and Tobago. In addition, power saws with a capacity of over 80 ccs are utilized to convert logs into dimensional stock on site in the forest.

2.10 p.m.

While these have been serving the private owners well, Mr. Speaker, offenders have started setting up these sawmills in state-owned teak plantations and the natural forests, and illegally logging trees. This sort of illegal activity affects the sustained view from our forests. The present Act requires that a licence be paid per sawmill, that is, one sawmill licence per sawmill compound. The sawmillers, under the Bill, would now be required to obtain a licence for every sawmill that is being used to convert logs into dimensional stock on any given compound. In other words, Mr. Speaker, if there are four mills on one compound, a licence must be obtained for each of the four mills on that compound.

By clause 3 of this Bill, section 3 of the Act is amended to increase the sawmills licence from TT $500.00 to TT $2,000.00 per annum. The last time the fees for obtaining sawmills' licences were increased, Mr. Speaker, was in 1980 and since that time, lumber prices have tripled and profit margins have grown tremendously.

A new section 4(A) has been added to the present Act as a means of controlling damage to the forests, and also to access roads by mechanically driven equipment, such as trucks, truck tractors, farm tractors and timber-jacks. These log haulage permits, Mr. Speaker, are not intended to deprive anyone of their rights. The Conservator of Forests shall grant the permit to anyone who applies.

This was the situation as it existed when this Bill was presented late last year in another place, Mr. Speaker, but because of certain concerns expressed by various sectors of the industry, for example, the Sawmillers Co-operative Society, and the landowners, sawmillers and woodworkers, and upon further reflection and consideration during that time to now, good goverance demands that we further amend section 3 allowing furniture shops to pay TT $500.00 and not TT $2,000.00 for their licences. Mr. Speaker, sawmills should also be required to pay licence fees of TT $2,000.00 per mill annually, as furniture manufacturers will only pay licence fees of TT $500.00 as per clause 2 of the Bill. Also, Mr. Speaker, instead of the two-tiered system for the licensing of power saws, there will be a fee of TT

$258.00 charged for power saws of 80ccs and over which are already in use or to be purchased.

By clause, 5 Mr. Speaker, renumbered 6, a new section 8(A) is being added to the Act to hold sawmillers accountable for logs stockpiled on their sawmill compounds and/or the surroundings of their mills.

Within recent years, sawmillers have been defining their logs' storage as outside of their sawmill compounds. Logs stockpiled around their sawmills are disclaimed by them, or they deny any knowledge of the logs even though these logs are destined to be sawn at the mill. This is one of the most common reasons, Mr. Speaker, which affects our ability to bring offenders to justice.

By clause 6, Mr. Speaker, renumbered 7, section 9 is being amended to allow forest officers access to inspect the sawmills and compounds during the hours of operation of any of the mills, whether gates and fences surrounding them are opened or closed.

Mr. Speaker, it is my view that with these Amendment Bills that are before this honourable House, there will be closer accountability in all sawmill transactions, closer scrutiny of the movement of all types of timber, a reduction in the spate of illegal logging and a greater protection of watersheds and conservation of a higher diversity. Mr. Speaker, I beg to move.

Mr. Speaker: Hon. Members, I have already put the question, that the first Bill be read a second time. The procedure should now be that Members would be able to speak on both Bills, but eventually, they would be put separately and treated as one. So you could feel free to speak on both Bills and then I will put the questions quite separately thereof. The Member for Diego Martin West.

Dr. Keith Rowley (*Diego Martin West*)**:** Mr. Speaker, I rise to contribute to attempts by the Minister to deal with a national problem of which most of us are aware. The question of extraction of timber and degradation of our forest cover is something which should be of grave concern to all of us. Here in the Caribbean we have one of the world's worst examples of mistreatment of timber cover, in neighbouring Haiti. And while we are a long, long way from that, I recall, I think in 1994, we had the pleasure of hosting here in Trinidad and Tobago, the Director General of the FAO soon after he was elected.

As part of our courtesies to him, we took him on an over-flight of Trinidad and Tobago, and one of the things that impressed him very much was the extent of our forest cover. He was quite surprised to see the amount of greenery that existed on a small densely populated island-nation like Trinidad and Tobago, for that matter.

We have a record in this country, Mr. Speaker, of which we can be proud, but we have a problem with respect to the harvesting of our timber, as the Minister said. There is a question of demand and supply; there is a greater demand than there is supply as a result of which there is pressure on the resource.

Fortunately, or unfortunately, the state has under its control the vast majority of those lands from which timber can currently be obtained and, therefore, the state has a tremendous burden to manage this problem of supply and demand, not only on state lands where natural timber is growing, but on the cultivated lands, as well.

But, Mr. Speaker, when the Minister comes to Parliament with these two pieces of legislation, I could come to one of three conclusions: One, is that the Minister does not understand the nature of the problem. Two, the Minister understands the problem, but he does not genuinely believe that the solutions as offered here, would be anything but ineffectual in dealing with the problem as we know it. Or thirdly, worse, Mr. Speaker, that the Minister is being entirely hypocritical.

Mr. Speaker, what is happening is that we have in this country a number of sawmills where logs are cut into usable boards and planks and other things for the market. We have over 60 sawmills in this country, and those sawmills are licensed by the state, and the whole idea behind licensing sawmills is to bring some kind of control on the activity. Having had the experience in working in the ministry for four years, I am quite familiar with some of the problems that the Forestry Department faces in keeping people away from areas where no logging should take place and even in areas where logging is allowed to take place, in preventing people from stealing the state's resource.

The Minister made one point about protecting the integrity of the environment. Yes, that is true; that is a very important point. But there is another very important point that goes alongside that, which is that the state's timber, whether it is under natural growth, or under cultivated lands, represents an asset base which can be, and which is, stolen in a way that will shock you, Mr. Speaker. And, until I can see some action, or unless the Minister can point out to me, somewhere in the Bill, where these amendments will result in greater enforcement, improved surveillance and greater penalties—deterring penalties— I have to come to the conclusion that these two Bills, taken together or singularly, would have no real impact on the problem as we know it. And I want to point out, Mr. Speaker, the basic tenet on which this Bill is based is that, if you license something, you will stop something.

I want to draw the Minister's attention to something, Mr. Speaker: the vast majority of motor-vehicle drivers who break the speed limit, are driving licensed vehicles. The vast majority of drivers who drive after being intoxicated, are driving licensed vehicles. So, the fact that you licensed something, does not mean that something that you do not want to happen would not happen. The people who are doing those things, whether they license the vehicle or not, there is a tendency that they would break the regulation. That is why I am saying that all this question about licensing mule hooves, licensing donkey carts, lincensing power saws and licensing furniture factories is entirely a nonsense which will not impact on the stealing of timber in this country.

2.20 p.m.

How is it done, Mr. Speaker? Either people go there when they believe that they are not observed, or worse, when those who should have observed them, turned a convenient blind eye, they cut the timber and hauled it away to a place where it is converted into material for the market. If we have approximately 60 sawmills where the bulk of this stolen timber is cut and, up to this day, we cannot demonstrate an effective ability to police and enforce action against those sawmills, it follows logically that by increasing the number of premises to be examined for licences, like furniture shops and other such places, just by increasing the number of places that are licensed will, in no way, prevent stolen logs from ending up in sawmills and prevent people who are enquiring to steal logs, from going into the state lands, cutting logs and stealing them.

The Minister proposes in the Bill the question of creating a permit. If we look at clause 4 of the Sawmills (Amdt.) Bill, we see at 4A(2):

> "A permit to be called a Log Haulage Permit shall be issued...upon application from the owner or driver of the vehicle or user of equipment..."

Now, any of these categories can apply for a permit and the permit is granted, or the application can be rejected.

Mr. Speaker, the majority of offences I see in this Bill creates the requirement for this permit and, as we know, this permit is going to be granted with the involvement of probably the lowest level officer in the Forestry Department and our experience and history show us that the bulk of the corruption that takes place with respect to the management or mismanagement of the state forest resources, takes place at that level.

All we are doing here, the only real effect of this Bill would be to create additional opportunities for persons who are so inclined to take advantage of a

situation where they have the right to say yea or nay to people who want to harvest timber. It is not going to prevent anybody who wants to steal timber from stealing timber.

For example, if a person gets a permit which spells out all the details there, how much can be taken, how much can be hauled and so forth, I see nowhere in this amendment Bill that the permit is specifically attached to any identification on a particular log. So, if a permit is had for a certain number of logs in a certain area, the law is being observed. Someone goes in there and harvests those logs and makes his or her way to a sawmill. If the person encounters no enforcement action in-between, what is to prevent the person from using the permit again? It says the permit has to be submitted back to its source sometime later on. But, what is to prevent the person from having another haul, or having another cutting before submitting the permit?

Of course, there is all this bureaucracy of having to take the permit back within a certain period of time, having to apply for a permit, having an officer come in to the person and, of course, all this is added bureaucracy on a failing arrangement, because I see no new activity other than the ones we have now.

All I am seeing here are deadlines. For example, a person gets a permit and has seven days in which to use it. Now, Mr. Speaker, it says in the other Bill, the Forests (Amdt.) Bill, at 7C(1):

"A permit to remove timber from private land shall be valid for a period of

Any serious thought given to this would show that seven days is too short and, if we look at the Tanteak experience, the people there will tell us—and this was a state company which was dealing directly with the Forestry Department, so it was state to state—if Tanteak's documents are read, it will be seen, time and time again, listed as part of its problem, this whole question of timely and effective release of timber by Forestry Officers, either because there is understaffing or an unwillingness of authorized officers to co-operate in releasing timber in a timely manner. This is from areas where releases are authorized.

Now, a much larger picture will be created where this same base worth of public officials will now be required to release virtually every tree that is cut in the country. How is that going to work? How is that going to improve on the situation? Is it going to create an improved supply or further shortages? If it creates further shortages, is that not in itself an incentive to the thieves? Because,

once the market condition is such that there is that kind of situation, the thieves have an environment which is encouraging.

So, we are not going to rectify any problem with this. As for the penalty of $3,000 within the context of sawmilling, logging and converting logs to dimension stock, that is nonsense. No log or timber thief will be deterred by a fine of $3,000. One truck load of timber is worth many thousands of dollars and if he or she is inclined to be a thief, the maximum fine of $3,000 is worth the risk of trying. If they could get away 10 times and get caught once, the most they pay is $3,000. The odds are good. That is precisely what they do.

So, if the Minister was serious about amending the legislation to put deterrent conditions in place, I would have expected to see this presented in a different kind of way. These clauses are pretending to solve a problem. Look at 4B:

> "No person may use a power saw of eighty cubic centimetres or more without a permit to do so..."

Now, a power saw is a very noisy instrument, whether it is 79 or 100 cubic centimetres, the onus is not to be put on the size of the power saw. If a person is stealing timber with a power saw and that person can be so located through surveillance and enforcement, that person should be arrested and be made to face the brunt of the law. That is not rectified by licensing power saws and assuming that by licensing power saws, log thieving has been dealt with. Suppose they start stealing with axes, are they going to return to Parliament to license axes? [*Desk thumping*]

Mr. Sinanan: What about razor blades?

Dr. K. Rowley: Yes, razor blades. [*Laughter*]

Clause 4 says at 4A(1):

> "No person may carry or transport logs or use equipment for the haulage of logs from the forests, without a valid permit..."

Okay, so they say so. That is not going to stop anybody. What this will do, in the event that they find somebody doing that, it allows them to be penalized and this, therefore, says there has to be surveillance and enforcement improvements. I do not see that. I do not know of it and unless the Minister could tell us later on exactly how this will improve surveillance—and I am not talking about rehashing what is there now, I am talking about improved surveillance and more effective enforcement.

Because, I live in this country and I happen to be one of the Members of this House who make laws in this country, but I do know that the problem in Trinidad and Tobago is not about more laws, it is about enforcement of the plethora of laws that we have in this country. [*Desk thumping*] That is the problem. If we enforce 10 per cent of the laws which we have in this country, the quality of life will improve dramatically in this country.

Mr. Sudama: What percentage did the PNM enforce?

Dr. K. Rowley: I will ignore that comment from where it came. The bottom line in coming here and creating more bureaucracy is not addressing the problems that we all acknowledge exist amongst us. Therefore, when I say that the Minister does not understand the problem, let me give you an example.

The bulk of the timber thieves do so under cover from state land. Most state lands, whether they are reserves or non-reserved land, are adjacent to private lands. What the timber thieves do is, they get access, proper or otherwise, to the private lands, they go into the private lands and they haul the state's timber through the private land and unless there is a mechanism by which you can identify the timber on the private land and approve its removal from the private land, a log is a log, is a log of cedar or a log of cypre and the biggest problem we have is when they come out on the road or any other place, if you arrest somebody with timber and they say, "This is from my private land", you go to court and there is great difficulty in demonstrating to the court. The officers could be very convinced in their own minds that this man stole the logs, but when they go to court, there is great difficulty in presenting that evidence to the court to convince the court that it was state reserve or from state land and not from private land. So, if you are going to try to address this problem, you have to come up with some system that says that logs are to be identified at source, otherwise we are wasting time.

On the other hand, coming to the Parliament and making a glib statement that you are getting the Coast Guard and the Army to conduct joint patrols and that is somehow going to give me some comfort that that will prevent log thieves from cutting the state's timber and going down the highway.

What we want is a system where any officer, whether it is a policeman, or forest ranger, or any other officer brought into the system, on seeing logs being transported, can stop the driver of a vehicle, look at the logs, look at a permit and see whether the permit and the logs on the trucks match, or if there is any permit at all. In that case, there is no need for the Army and Coast Guard doing it.

As long as you are using the public roads, you are open to scrutiny, but if the permit is going to be such that it does not identify the log in such a way as to allow an officer who is conducting surveillance to come to the conclusion on the spot that these logs are improperly being transported and may have come from a source where they have been stolen, then we are still going to have a system where log thieves can extract logs from the forests and go down with them along the state's highways to the sawmills, licensed sawmills at that, convert them to timber and market their ill begotten goods.

Nothing in these amendments tells me that such a system can be put in place to allow officers, who are responsible for checking on the roadways and elsewhere, to do that in such a way that it will be an effective deterrent to people who are inclined to steal valuable resources from the state's assets base, namely the forests.

But, again, the Bill is so *vaille que vaille*, if we look at clause 2(b) of the Sawmills (Amdt.) Bill, it now says that every furniture shop must now pay a licence fee because some furniture shop, whether it is one out of 500 in the country or 10 out of the 500, one or two thieves have been stealing timber and somehow getting it to a furniture factory, so every law-abiding furniture factory operator is now to be penalized by paying a licence fee to operate his *bona fide* business. So, now Peter is paying for thieving Paul. That is all this will do, allow the state to penalize law-abiding people without effectively dealing with the law breakers.

Because I do not know, given what we know of log-stealing in this country, how many furniture shops are involved in major activity in thefts. It is the sawmills where logs are cut and we know the sawmills because they are licensed sawmills and we know that what is required is greater control over sawmilling activity, but it is extended down to furniture shops to penalize them with a licence.

It talks about licensing power saws, so a man who goes to buy a power saw now, listen to this clause in this Bill, big amendment in the Parliament, 4B(2) says:

> "(2) Where on coming into force of this Act, a person already has in his possession a power saw to which this section applies, he shall pay to the Conservator a fee of one hundred dollars..."

a year to use it.

> "(3) Where a person intends to purchase a power saw...he shall apply to the Conservator for a licence, hereafter called a 'Power Saw and...shall pay a fee of fifteen per cent of the cost of the power saw."

So all the law-abiding citizens in the country who have power saws or who intend to buy a power saw now have to pay a 15 per cent tax because one or two or 20 thieves are being allowed to get away with illegal activities.

2.35 p.m.

Mr. Speaker, I had the experience, as Minister, of being advised of a particular log thief from South Trinidad and the officers in the ministry took night to make day to catch the particular thief and seize his equipment. It got to the court and under strange, dubious and mysterious circumstances, the matter was thrown out, and within a matter of 48 hours, he was back in the forest stealing again. So, if the Minister believes that his two by four amendments would put an end to log theft in this country, he has another thought coming, because the action to prevent the theft of logs starts at one end and it goes right down to the jailer in the State Prison on Frederick Street: otherwise we are wasting time. It makes no sense if the ministry's officers work night and day, as he says, to apprehend the thief and then he goes to another arm of the state and walks free, because as far as we are concerned, this aspect of praedial larceny is not taken very seriously in some quarters, because it is a form of praedial larceny. In this case it is not a tomato or a car: we are talking about tens of thousands of dollars per truckload of state material which is being stolen time and time again.

Mr. Speaker, I see nothing in this Bill that would tell me that the problem we acknowledge and have been grappling with would be addressed in an effective way. What I do see, is that this Government has that penchant to disregard things that we hold sacred in this country, and one of those things is the right to property. We hold that very dearly in this country. The Minister wants to deal with persons stealing logs, so he brings a Bill to Parliament saying if you have private lands on which you have cultivated timber, from here on in, you will have to get the permission of the state to harvest the timber on your own land. Some public servant would tell you whether or not you could harvest the timber which you have cultivated.

Let us return to what the Minister said earlier on. He said that there is an under-supply of timber to the sawmills in this country, so there is a shortage of timber, and every harvesting day, it becomes worse because trees take a while to grow. So every time a tree is cut down at the end of the year you are worse off than you were last year, because I do not know whether we are conducting any serious afforestation programme at the moment. Even if we were, because of the timeliness of the timber coming to market and the demand, we would have this shortage.

I would have thought that in addressing this overall problem, the Minister would have done something to provide an incentive to persons to grow timber because that is an accepted way of solving the problem. We were getting much of our timber from the natural forest, and since that no longer supplies our need at the rate needed to supply it, we need to encourage people to grow timber as a business. Moreso, the Minister acknowledged in the other place that one of the greatest problem areas we have is the southern foothills of the Northern Range, where most of the lands are private and they are the most degraded in the country. It is not where a tree is cut here or there in Toco in the Northern Range; or the southern flank of the Northern Range where slash and burn operations, squatting, and annual forest fires have denuded some of our forest and pose the greatest threat to our watercourses and so forth. How do we rectify that?

I recall a few years ago, working with a group in the ministry to come up with some kind of system to encourage these private land owners and the state to embark on some major reafforestation programme in this area. But the reafforestation programme implies putting out resources and waiting a very long time to get them back. What this Bill does is send the greatest signal as a disincentive to persons who may be inclined to cultivate forests and, in fact, it creates great fears on the part of persons who have already taken the bit between the teeth to grow some forests because in the Bill, somebody comes up with the great idea that there is to be no harvesting of forests on slopes above 30 degrees. Just like that. If your slope is above 30 degrees then you cannot harvest timber on it.

Mr. Speaker, that has to be a misunderstanding of what this is all about, because I happen to know that some of the few persons who have actually gone into cultivating timber in this country have done so on old cocoa estates considerably above 30 degrees, and the extraction of that timber in no way poses any serious threats to the environment, because the people were extracting timber in a way to get back a return. If you cut down a timber tree, within a matter of a short time growth comes back. No slash and burn or squatter and so forth. You cut the tree down, there is some regrowth.

What this Bill is saying to these people is that they would now require a permit from the ministry to harvest the timber which they have grown for the last 25 years and if it is on a slope of over 30 degrees, they are not going to get a permit. What is worse, somewhere in the Bill, there is some formula about harvesting one or two trees per hectare. When that is put into legislation who in their right mind in this country would take their hard-earned money and pay the Government $20.00 per acre tax for 30 years to grow cedar trees to find out in year 30, or year 25 that the

public servant of the day is not giving them approval to harvest cedar trees on your land because he does not like where their place is located?

This Bill ensures that one of the avenues of solving our problem of shortage of timber would not be attractive to investors because this is bureaucracy which is meant to solve a problem albeit, in fact, creating a climate of concern to any person who would want to cultivate timber in this country. We should be encouraging people to go through reafforestation, not go over their heads and have public servants with permits who would come when they want, do not come when they want.

I had the experience of ministering this country when a junior officer was transferred on promotion, and he came to see me to object and I could not figure out why. Why would someone object to transfer on promotion? Then I found out the grazing was so good in that pasture that he did not want to leave the pasture. These are the people who are there among a large number of conscientious and hard-working officers, but they are the bad eggs who would make life a living hell for any person who is crazy enough to invest their money by growing timber in this country. The Government has this thing wrong. *[Desk thumping]* It is sending a wrong signal.

Over and above saying to you: if you want to tell people that they should not be able to access the assets on their own land, this Bill has to be passed by a special majority. I take great offence to this Government's attitude when I read the Minister's contribution in the other place. There is an attitude which the Attorney General picks up from time to time. He says: "I will do this and if you do not agree, you can go to the court." Well, he does not give me that right to go to the court: I had that right long before he came into office. If they really want to run this country in a conscientious and decent way, they would not trample on people's rights and then tell them, if they do not like it go to the court. That is not the way to run a country.

Even if it is the correct thing to do, you cannot tell people that if they grow timber on their own land, or have timber on their own land, some public servant may tell them that they may or may not be allowed to harvest it in a market where the Minister has admitted that there is a shortage of timber. That is probably the most fundamental part of this Bill which is going to have the effect of depriving us of adequate supplies; and all this matter about licensing this, that and the other is absolute nonsense, because it would not generate a significant revenue for the state. It would create more bureaucracy, open more opportunities for low level

corruption, and that is one thing we do not need any more of in this country. We have enough to spare and to export since this Government came into office. All the two measures do, is pretend to be addressing a problem which we acknowledge is a very real one.

I am saying that the Minister should look at this again and come with something that has some chance of success in dealing with the problem. This is ineffectual bureaucracy gone mad. When I say not understanding the problem, that is what I meant. Either the Minister does not understand what goes on, or he understands and knows that these triflings are not really having any effect, because there were laws before these people were stealing timber. There are laws existing right now and they are stealing timber. What makes the Minister think that timber theft would be stopped because this is passed?

Mr. Speaker, what I want to see are amendments which put the onus on the major culprits, and the minor ones too, mainly persons who have access to sawmills and who are stealing large volumes of timber. Surveillance should be improved and if a person is convicted, the penalty must be such—a sawmill is an industrial operation and if on conviction in the court you have been found guilty of knowingly receiving and taking part in stealing timber from private or public lands, then you should face substantial fines commensurate with the earnings of the material which you have stolen. I am talking about fines in the order of $100,000 or $250,000 and removal of the licence where the sawmiller has been found guilty of stealing timber. That is what I am talking about.

If you have been convicted of stealing timber, you should not be considered for a licence to operate a sawmill. If those penalties are in place, a sawmiller would think twice about getting involved in stealing timber because if he is caught and convicted, he can pay a substantial fine—not $3,000. He has to pay a substantial fine and worse, he must face the loss of his sawmilling licence and the country would not miss him, because as the Minister himself said, we are over-supplied with sawmills. So why do we have to worry about removing the licence from a sawmiller who is found to be a thief? These measures are “Mickey Mouse” measures in dealing with a major problem.

Mr. Speaker, when I say the Minister is pretending: it is either the Minister is not aware, or he is being hypocritical and I want to demonstrate to you what I mean by that. The Minister is not making a sound on advice about other thieves who are taking material from state forest reserves or from state lands all over the country. I would have thought that if the Minister was genuinely concerned about the state’s loss of material and revenues in the conduct of the areas where he has

some direct control which is the cultivated forest, he would have demonstrated the kind of concerns about which he is talking.

2.50 p.m.

Mr. Speaker, what we have in Trinidad and Tobago today is that the greatest amount of theft of public timber comes out of the office of the ministry, but it is theft by authorization. "John Public", "James Public" and "Mary Public" go out there and steal a log or a truck load of logs and we are saying—and I am advocating—that they must be penalized firmly; but what have they done? They have done something inimical to the national interest without authorization. What the Minister does is to authorize the same thing. What makes the authorized action of the Minister any less a kind of thievery than the action of "John Public" who bypasses the Minister, does not pay the Commission, and goes straight to the forest? The same thing!

Mr. Speaker, long before I was born there were visionaries in this country who saw the need to plant teak and pine in this country—mainly teak—and over the years, Trinidad and Tobago has built up a large stock of standing teak which, at the last valuation sometime in the early 1990s was upwards of $2 billion! Over $2,000 billion of standing timber, cultivated by colonial and post-colonial governments of Trinidad and Tobago. The Government eventually created a state company to market this thing. Unfortunately, that has been a bad failure, but that does not say that the asset is not there and valuable.

Recently, the same Minister who comes here this afternoon and is professing to be so concerned about people thieving timber here, and wants to license everything to try to prevent that in effectual measures in the Bill, what has been happening since he came into office? Mr. Speaker, I regret to tell this House that the Minister has been facilitating a rape of the state's cultivated teak fields. *[Desk thumping]* When this Government was permitted to form the government coalition, the Prime Minister was the one who thanked Ish, Brian and Steve for contributions to the campaign. He was not the only one who was thanking. He was the one who spoke loudly because he was the spearhead, but the shaft behind him is the likes of the Member for Princes Town. He was thanking Dan Rampersad, his campaign manager who, in the face of the Minister coming here and saying that we have more sawmills than timber, the first thing he goes in and does is not to plant more teak, but to harvest the teak planted by his predecessors and give his campaign manager a teak coop. So, all of a sudden, this journalist goes from

journalist to a marketer of the Government's teak, authorized by the Minister. *[Desk thumping]*

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

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

Question put and agreed to.

Dr. K. Rowley: I thank you, Mr. Speaker, and Members for the extension. So, the Minister has a responsibility to manage the assets and as far back as 1997, his way of managing the state's teak—not the wild forest, but teak which was nurtured by the state for many decades—was to make it available to his campaign manager when, at the same time, there are sawmills in the country that are undersupplied and, as a result of their undersupply, some of them regard that as an excuse to steal. The campaign manager immediately sells the said timber to the said sawmill and, of course, how the proceeds are divided, we are to be told this evening, but that is how the state's teak is being marketed.

I would like the Minister, instead of coming to this House, as he has done before, and trying to tell us some nonsense about some previous Minister—namely me—owing for Tanteak, to tell us what system he is using to allocate teak, because before he came into office, the state's teak was marketed through Tanteak, and as the Government has an authority to do, they have now decided that 60 per cent of the teak would go to Tanteak and 40 per cent would go to private sawmillers. You may or may not agree with that, Mr. Speaker, but that is not the point. The point is, how are the private sawmillers to access this teak? What is the system?

This Government encourages no system of transparency. They are only interested in using the systems that create opportunity for corruption. So, the next thing we know is that some of the best teak in this country from the 1947 coop: teak that is 50 years old—some of the best timber in this country—is available for auction to sawmills, but only the Minister—*[The Minister rises]* Where are you going? Come and sit down! *[Laughter]*—and three of his friends know about it.

So, they conduct some *vaille que vaille* auction and the next thing we know is that some of the best teak at Mount Harris is auctioned to a former colleague of theirs; a travel agent called Govinda Roopnarine who is now a teak miller at Mount Harris. The bid was for $1.2 million. An auction! Mr. Speaker, where in the world have you ever heard that someone goes to an auction, puts the best bid

up and they say, “Sold to you!”? Then they decide after, on a bid of $1.2 million for the state's best teak, he pays down $20,000. On a bid of $1.2 million? Then, the corrupt Minister and his colleagues—*[Mr. Speaker rises]* I take it back. I unreservedly take it back.

The Minister facilitates a situation where this person who is now supposed to have won this bid in a contrived auction is now harvesting the state's A-1 teak, milling the teak and paying as and when he harvests. So, what will happen is that every time a truck load goes from that field to a sawmill without someone having a document of authorization, that truck load could be viewed as a stolen truck load, because at the end of the day, he will have to report on how much teak he harvested from the field.

Whereas at the auction stage it was supposed to have a certain volume, at the end of the clear fell, he will simply say, “What I got was this, and that is what I am paying for” and the state would have no way of recovering its money, because even at the auction stage, this unusual kind of business transaction where friends of the Government—in fact, I am told that that particular gentleman who is in receipt of our teak from Mount Harris was the campaign manager for my friend from Siparia. *[Desk thumping]* So if one wants Government teak, manage a UNC campaign. So, it is not only Ish, Brian and Steve who are being thanked. We have these jokers who are being thanked by significant portions of the state's assets.

Mr. Speaker, last night I did some calculations just to have an idea as to what they are being given in return for their campaign activity. Of the 1947 coop it is 35 hectares. That is approximately 90 acres of the best teak in the country. On each acre, there are about 200 trees. That is 18,000 trees. So, for managing the campaign of a UNC Member of Parliament, one can get 18,000 of the best teak trees in the country. Then, when we calculate about 200 board foot per tree, we end up with over 3.5 million board feet. That is the value of that. Of course, teak in the open market is $10 per board foot. That is about $35 million worth of public assets given to a campaign manager. That is the level of corruption that is going on in this country.

So, when the Minister comes here to talk about “who tiefing a tree in Toco”, I said earlier on, that the rape of the state's forest plantations takes place out of the office at St. Clair, the Ministry of Agriculture, Land and Marine Resources. *[Desk thumping]*

There is one other gentleman of no fixed place of abode. He has already clear felled Victoria. He has not even got a razor blade, not a band saw or hand saw, not even a cross-cut saw, but my Minister sees it fit to give to this gentleman a whole teak coop near Lengua in Victoria. He sold it. He is in the market selling teak now. Mr. Speaker, if you want teak, call Romando Rampersad in Couva. He could sell you any amount of teak you want. He has just been given a coop in Marac. The best teak in the country; and all of it is being done under the instructions of the Minister, who is instructing public servants to do these kinds of things.

If we look back, the teak was always there. What was missing was a Minister like this and a Government like this. There was Minister Myers, Minister Samaroo and I was the next Minister. That did not happen, but "is we time now"! What we are seeing is the action of "we time now"; the rape of the state's teak plantations for their enrichment. *[Desk thumping]* I do not want to hear. This Minister had disqualified himself from pointing his finger at even the most menial of thieves with an ox cart, because thief with a capital "T" and thief with a common "t"—thief with ox cart, thief with power saw, thief with a tie and Cabinet post are all the same thieves. *[Desk thumping]*

He said to us that there are too many sawmills in Trinidad. This is true. I knew that. So, there was a kind of moratorium on the granting of licences. The whole idea behind the licensing of sawmills is to control the amount of cutting capacity in the country because we do not want this excess cutting, and we agree that there is too much cutting for the amount of timber available, so there is a little moratorium on the sawmills. What happens? His friend operates a sawmill illegally and the public officials whose duties are to ensure that that does not happen take the illegal operator to court.

While the matter is pending, what does the Minister do? He instructs them to re-open the licensing regime. Then they would be giving new licences so his friend gets a licence, even while he is being charged in the court for operating illegally and, of course, the floodgate is open, so we now have three additional sawmills in the country. At the same time he is bleating here about too many sawmills to facilitate friends and relatives and payers and payees, they open up the system to facilitate the very said thing he is presenting here so eloquently: that we have too many sawmills and too much cutting.

Mr. Speaker, it is all words from their side. By their deeds, one shall know them. All the old talk about concern for theft on public land and theft from state

reserves, all of those concerns are hypocritical crocodile tears. *[Desk thumping]* By the time they are finished with the state's teak reserves, they will all be driving BMWs—as one of them is already driving—from the proceeds.

3.05 p.m.

Mr. Speaker: They? The Minister?

Dr. K. Rowley: No, no! I said all of them! I did not call his name. I am advised that a low level functionary is driving a BMW since this transaction. Well, he must have an aeroplane!

One other matter I want to raise in the context of this matter. In 1996, soon after these people came into office, the question of the Guyana debt was raised in this Parliament. Guyana was owing Trinidad and Tobago over $2.5 billion. I made the point over and over again. I drew to my colleague's attention that just before I demitted office one of the things that was in the pipeline was a situation where we were bringing the local sawmillers together under the Government's umbrella and, on a government to government basis, access Guyana timber for Trinidad and Tobago's sawmillers to allow the sawmillers to stay in business. Because way back then we realized that we were running out of timber, but Guyana has no end of timber and Guyana owed us over $2.5 billion. I begged and beseeched this Government to follow through on our initiatives and get from Guyana some kind of concession to harvest timber in Guyana or provide us with timber, because Guyana was making its timber available to all: Tom, Dick and Harry except those of us here who were owed $2.5 billion. What did the Government do? The Government, with great glee, wrote off the $2.5 billion Guyanese debt and the Minister of Finance came to this Parliament and misled the House about this matter. Remember that story, Mr. Speaker? You were right here!

Today, what is happening? The struggling sawmillers in Trinidad and Tobago are having to go to Guyana to buy the very said timber, and it is coming here on a regular basis and that is what is sustaining a number of our sawmills today. So we paid them their money, wrote off the debt and buy the timber now in cash. While we are doing that, the Minister and selected friends: campaign managers, travel agents, journalists are harvesting and marketing the few trees we have in this country.

Mr. Speaker, we have to be serious about this matter. If the Government was serious, what it would have done is take the opportunity to send an encouraging signal to private investors that, if they take up the mantle of growing timber and waiting that long period for returns, we will give them some support. One of the

easiest and most direct ways of doing that, having designated cultivated forests as a special category and activity in the agricultural sector is to remove from those lands a tax which was put on there a few years ago when it was meant to force land owners to put their lands into use.

I recall, I think Mr. Chambers was the Minister of Finance at the time, and there was an argument that there was too much idle land in private hands which was not being put to use and a sort of punitive tax was put on: $20 per acre. So if one is not using one's land, and one owns large blocks of land, one had to pay substantial amounts of tax, and that tax is still enforced.

One of the ways we could send a signal to people who are in that position is to remove that tax, especially for persons who put those lands under forests. Because remember, one is paying that $20 per acre for 20, 30 or 40 years before one gets any returns. So you will give them some relief and encouragement to convert those lands to cultivated forests.

Instead, what do we get? We get a law saying that if one does that, and one is on a slope above 30 degrees, one cannot harvest it and one has to depend on the good graces of a public servant to say whether one can or cannot.

Mr. Speaker, because of the long gestation period involved in growing timber—because if we do not grow additional timber, there would not be any to harvest, because the natural growth is so slow, given the consumption rate, we are not going to have much to harvest. We need to pursue that solution of growing some timber, but given the investment and the long period of gestation, if any enterprise or endeavour cries out for tax relief in some form or fashion, it is that. Because when one is growing trees one creates climate, one protects the watercourses, the environment, wild life habitat and, at the end of the day, we get timber. All of these things we get. I am sure we are giving away tax relief for things that do not contribute anywhere as much, so we can consider that kind of encouragement. If any area in the country is suitable for that, it is the southern foothills of the Northern Range which is juxtaposed against our main population centres.

If the Minister had come here with something like that, I would have given him my entire support and those of us on this side would support him right down the line. He does not come with that! He comes with some Mickey Mouse thing about $3,000 fines, some permit that does not change the price of cocoa, and some concern for the loss of state assets while his ministry is in the forefront of authorizing on top of the table what should not be going to Dan Rampersad, Govi

Roopnarine and people like that. At the same time, *bona fide* sawmillers with employees, contracts to fill, the Minister will tell us this afternoon that the reason Ramando Rampersad got one of the best teak coops in the country is because he has a yacht to repair in Chaguaramas. Understand? What are sawmills for? Sawmills cut timber to sell to the market. Why is it necessary for the Minister to give teak fields to people who claim that they have a contract somewhere in the road? If you want teak to put a floor in your house, Mr. Speaker, you do not need a teak field for that, you go and buy teak at Tanteak or wherever they sell teak!

Dr. Mohammed: You took it from Tanteak.

Dr. K. Rowley: I am glad you mentioned that. Mr. Speaker, I crave your indulgence. Every time one draws to the attention of the Parliament and the country the Government's misgivings, the Government hits back with some kind of PNM did that" or "Three PNM ministers were on the oil company's payroll".

When I raised this action about my concerns about how the Minister is conducting his portfolio with respect to Tanteak, he got up in this Parliament and his way of responding to the accusation about his own misconduct, which is before all of us to see, is by saying: "Do not worry with me and that, the previous minister owed Tanteak and did not pay". But Mr. Speaker, I crave your indulgence to set the record straight on that. He is carrying on with it still. I first saw that in a newspaper. I heard him with it in the Parliament first and the next time I saw it was in a weekly newspaper in an article by the said Dan Rampersad, his campaign manager! *[Desk thumping]* My back is broad, my shoulder is strong, I could deal with this. It spoke about the Tanteak dollar bacchanal and my name is in there, the same argument put up by the Minister that I am owing Tanteak money.

I wrote to Tanteak on June 3, 1996 because, as far back as 1996, I was alerting this country to the Minister's behaviour. One will recall him bringing Tanteak workers to demonstrate outside Parliament for the CEO to go, because he wanted to give the teak to his friends whom I have described. *[Desk thumping]* It was one of the strangest demonstrations ever seen around this Red House, but he knew what he was doing. He came into the Parliament, because they intend to use the institutions to carry out their acts. So as far back as June 3, 1996 I wrote to Tanteak asking the Comptroller of Accounts:

"I would be very grateful if you would indicate to me (in writing), the nature of

I want to put on record in this Parliament, because the Minister is hell-bent on slandering me under the privilege of Parliament.

I got a reply from Tanteak on June 3, 1996 and with your indulgence, Mr. Speaker, I want to read this into the record. So the next time you hear him talking about Tanteak and who owes Tanteak, we will know where to put that. The letter is dated June 3, 1996 and was addressed to me at my constituency office. It says:

"Re: Indebtedness to Tanteak.

We refer to your letter dated 3rd June 1996 and wish to respond as follows.

(i) as at 31st May 1996, your indebtedness to Tanteak was zero.

(ii) as at 9th February 1996, indebtedness recorded in the books of Tanteak had been $1,803.50."

Same figure in the papers. Strange, eh? But they go on to explain. The Comptroller continued:

> "My investigations have revealed that the amount of $1,803.50 had been erroneously charged to your account rather than the account of the National Quarries Limited.
>
> Further investigations have also revealed that in February 1996, the said amount ($1,803.50) had been written off, as the National Quarries Limited was no longer in existence.
>
> We hope the above information clarifies your account with Tanteak."

Mr. Speaker, I do not know how in God's name I can be personally responsible for any debt whatsoever that a state company might have owed to another state company! But the malice is here, you hear his conduct? He and his receiver of Tanteak fields, trying to slander me in the newspaper, but that is not to divert our attention away from the fact that the Government of Trinidad and Tobago today, charged with the responsibility of prudently managing our asset base of teak, pine, or the Treasury, that the Government's actions are worthy of great concern on the part of all the holders of those assets, the people of Trinidad and Tobago. *[Desk thumping]*

It will not prevent us; as fast as we receive the information of their misconduct, it is our intention to bring it to the attention of the Parliament and the country every time we see that, because governance is about accountability and responsibility, and transparency is a prerequisite for good governance. When the Minister replies this evening, I exhort you, Mr. Speaker, to disregard anything he

says in his defence. Because the record in this House shows that he is a gentleman—and *Hansard* provides the proof, that nothing he tells you should be taken at face value. He does not speak the truth. *[Desk thumping]*

Mr. Speaker, this Minister, if he wants to deal with the problem of theft of public assets in the form of logs and plantations, the first and most effective thing he can do is submit to the Prime Minister his resignation. *[Desk thumping]* When he does that, we will live in the hope that his successor would be a man of honour and a man who does not see state assets as there for the enrichment of him and his friends, and there is some chance that our state fields, whether natural forests or cultivated forests, those assets are secure in the hands of people who understand the oath that they have taken.

I put it to you this afternoon that this Minister is in constant violation of his oath and the Prime Minister of Trinidad and Tobago does nothing about it. Nothing whatsoever! He is not going to calypso in the Savannah because he finds Sugar Aloes offensive. What is more offensive in this country than a Minister of Government who comes to the Parliament, does not speak the truth, provides documentary evidence, but he sits there and conducts his business in the way I have described. If the Prime Minister wants to run away from anybody, not Sugar Aloes, run away from that Member for Princes Town. *[Desk thumping]*

Mr. Speaker, we would like to support any measure that can effectively deal with this question of unauthorized access to state assets, whether it is timber or otherwise. Unfortunately, what is before us is just a sham and nonsense and a pretence at doing something by a person who is not fit to present even this.

Thank you, Mr. Speaker. *[Desk thumping]*

3.20 p.m.

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Thank you, Mr. Speaker. [*Crosstalk*]

Mr. Panday: Where are you all going? [*Interruption*]

Dr. The Hon. M. Job: Listening to the Member for Diego Martin West reminds me of Shakespeare's masterpiece, *King Lear*. The particular line I recollect—and I cannot remember what went before—but the words go like this:

"Plate sin with gold,

And against it the strong lance of justice hurtless breaks;

Arm it in rags, a pygmy's straw does pierce it."

Mr. Speaker, I agree with much of what the Member for Diego Martin West had to say. [*Desk thumping*]

Mr. Speaker: Order!

Dr. The Hon. M. Job: It is not often I stand here in agreement with people on that other side, but I will go through and explain why I think there are elements of his contribution which were extremely worthwhile.

I am not sure that the Members of this honourable House and the people who will listen on the radio and in the gallery are sufficiently sensitive to the fact that there was an admission of great profundity, which was: that the stealing of government teak, the rape of the forests, the degradation of our environment and the massacre of our species, did not start three years ago and, indeed, that the Member for Diego Martin West had at least four years to put an end to this tragedy and failed miserably to do so. [*Interruption*] Keep quiet nah man! [*Desk thumping*] [*Laughter*]

Mr. Speaker, we have had an occasion this afternoon to point our minds to matters of great national importance. I am part of a Cabinet that is to bring to this House, very shortly, a Freedom of Information Bill, something that has never happened in this country before. The philosophical foundations of that piece of legislation and others that are to support it, have to do with much that the Member for Diego Martin West has been railing on this evening: accusing this Government of abandonment of its responsibility to protect the public interest in conserving forests; in preventing the stealing of teak and other timber; of degrading the environment; of encouraging a narrowing of our bio-diversity; and a disintegration of our genetic bank in various species.

It is important that we focus on these things, because the Member for Diego Martin West spent the latter half, perhaps, of his contribution dealing with the matter of corruption; in that, I join him. [*Desk thumping*] I join him in the sense that as a responsible Government, there is no greater legacy that this Government could leave this country, than to create a culture of corruption which is antithetical to that which the PNM has left us.

Corruption is not merely a matter of law and legislation. The Member for Diego Martin West was right when he said that we have laws here, the problem is that we do not implement them. But this flagrant disregard for law-abiding behaviour and indulgence in lawlessness, is that a legacy of this Government? This

environment where everyone believes and feels that it is part of their human rights written into the Constitution to break every law, did it start in 1995? We have to understand that, indeed, we must all support the Member for Diego Martin West when he said that the problem is not law; it is imposing the law.

When you come inside here to pass a Bill to hang people, they oppose it. [*Desk thumping*] If you cannot hang people and cannot impose the law in this country, what grave disregard for lawful behaviour would take place in society? [*Desk thumping*] If the courts of this land can get no respect from observing the constitutional right "to be hanged by the neck until dead", imposed on people who have raped babies and committed all kinds of heinous tortures on innocent human beings—[*Interruption*]

Mr. Hinds: Speak on the Bill!

Dr. The Hon. M. Job: Why did you not tell him to speak on the Bill?

Mr. Speaker: The Member for Tobago East is used to observing a very high standard without responding to interference from the other side. He slavishly speaks to the Speaker, and I suggest he continues that. [*Desk thumping*]

Dr. The Hon. M. Job: A little lapse, Mr. Speaker, sorry.

I am trying to respond to matters of substance from the Member for Diego Martin West and I am agreeing with him. I am giving support. I do not understand why they are objecting to my supporting the Member! He called for high moral standards and I am supporting him. I am saying why, and they would not allow me to. Did these people go to school?

Mr. Speaker, I did not tell the Member for Diego Martin West what to come here and say, and how to deliver his statement. If he chose to spend half of his time talking about corruption, and I choose to support him, why should I not be left alone? Supporting, that is what I am doing. [*Laughter*]

I would repeat what Shakespeare said in *King Lear*:

"Plate sin with gold,
And against it the strong lance of justice hurtless breaks;

Arm it in rags, a pygmy's straw does pierce it."

So when the Member for Diego Martin West said that he does not care too much about the one man who cuts down a tree in Valencia, or five trees in Toco, he was pointing our minds to something substantial: that we have a culture in this country which did not start three years ago, that permitted people to forget those

committers of sin that were painted gold and focused on the little fellow. I am agreeing with him. This is a kind of tradition that we need to get rid of in this country.

I am saying that the information I have available to me, would suggest that this Government is on the brink of bringing to this country, pieces of legislation to help the Member for Diego Martin West to deal with that thing. I would come back to that, but let me comment on another profound statement the gentleman made. He said that you pay $20 an acre now for land tax, for land that could grow forests.

Mr. Speaker, I want this honourable House and this country to know that when George Chambers brought in this $20 tax—[*Interruption*]—I opposed it on the same premise. There are extant documents that I can bring to this House to demonstrate that I strenuously and vehemently argued that the thing was subversive of our national interest, in that it provided a disincentive to all those who might wish to just keep land in its pristine and natural state as an environment that would harbour and sustain birds, bees, lappe and deer, to the benefit of the nation.

They did not understand it then, and that was not a UNC Government, but a government that was very crass in its understanding of environmental matters. I also maintained that instead of charging people a $20 tax, they should give them a $200 subsidy per acre to plant forests and maintain it.

Thus, I am agreeing with the Member for Diego Martin West. He said some very interesting, substantial, and edifying things here this afternoon. I am supporting him! He is an honourable and wise man in terms of what he said this afternoon. We really should agree with him that a programme to plant forests and silviculture is something that we should focus on.

This does not say, that in terms of the particular problem of these two Bills, which have to do with securing the forests against sawmillers—an Act to amend the Forests Act, Chap. 66:01, and an Act to amend the Sawmills Act Chap. 66:02—that we ought not to do whatever is within our power to send signals that would create an environment to cause grief to people who are now making a safe and dishonest living from stealing teak in Marac and raping the forest wherever we find it. I find we should all support this Bill, not only because it has to do with timber and sawmills, but as the Member quite rightly said, because it has to do with the whole idea of environmental protection.

I remind this House that the Member for Diego Martin West is so right, that it is not just forests we are dealing with. We are dealing with the fact that a minister

in the government of the former PNM regime—I would not say which one, I do not want to be too particular—ordered people to go into the Nariva Swamp and mash it up, and then created a subsidy that gave them $6 million or $7 million—I cannot remember how much—to reward them for doing that. What then was the care for the environment?

We are hearing figures trotted out here about how many millions people make from selling teak and all of that, and I have no way to verify or nullify these kind of things. I am sure the Minister who piloted the Bill would defend himself, but I know as a matter of fact, that this country should be aware that under the PNM regime people profited by tens of millions of dollars from degrading the environment, undermining bio-diversity and destroying the Nariva Swamp and elsewhere.

Where is the Valencia forest reserve? We have one of the most unique eco-systems in the Aripo savannah. There are plants there that are insectivorous. As a student at the university—maybe also the Member for Diego Martin West, I do not know—I had to make a tour there. I did Botany for three years, studying these plants and rare palms. It is the only place in the world you could get them.

Under the PNM regime, they put people inside there to dig up the place too, to mine gravel and to squat. Where was the concern for protecting the environment and the national heritage? Where is the Valencia Stretch? Where is the forest there? There are so many instances of deliberate state abandonment of the responsibility to manage the patrimony of this country, that can be laid at the door of these people, and not a word about it.

We are regaled here today, as if the first time responsibility for environmental degradation became a national problem was this afternoon, yesterday or three years ago! It is all mystifying to me. It is all mischievous.

Dr. Rowley: I wonder if my colleague would give way.

Dr. The Hon. M. Job: I do not appreciate your disturbance.

Portable sawmills in the forest—Every law has to be appropriate to the circumstances in which that law must be obeyed.

3.35 p.m.

Laws do not come from nowhere. This is why you have some laws being totally disobeyed, because the people do not understand them, they do not understand how they benefit from them; they do not understand from where they come. So that in terms of the environment in Trinidad and Tobago and the way the

forests have been degraded in Tobago—and the people who are doing it, there must be some consensus as to an appropriate measure, a law that is responsive and comes out of that circumstance.

There is such a thing as a portable sawmill. If you take a power saw and you rig it on a frame, however you do it, I do not know—but you take that power saw and rig it on a frame, take it into the forest and cut down trees and saw them into logs, and put them into a pick-up or a truck—we have to deal with that. Therefore, on the question of making regulations with respect to power saws—and power saws that are used in the forest are not inappropriate as I was hearing my colleague asserting here this afternoon—we have to deal with the reality, and that is the reality—that people do rig up power saws and turn them into sawmills. You cannot blindly ignore that, you have to deal with that.

Now, it might be legitimate to say that there are alternative possibilities, measures and mechanisms that we might use to deal—we might ban power saws, for example. It is possible to imagine you are saying that if I find a power saw in your possession I would put you to death. If the state can turn a man into a woman, they could pass such a law, and maybe that would preserve the forest, but I do not know that such draconian measures can even be thinkable in Trinidad and Tobago. But to say that you should not have a law that restricts what you do with a power saw or how you use a power saw, I find it alarming, amazing and inappropriate in the context of a Parliament that must deal with such an important issue as protecting the national patrimony. So we have to deal with power saws. I do not know if anybody has ever taken an axe and rigged it up like a portable sawmill. How are you getting the power to go on to this axe handle to cut down a tree, or to saw it? So that an axe is not a useable instrument; an axe is not an instrument of importance in the context of the problem and the society that we have.

Then, too, I am advised that there are some small power saws that you use in the back of your yard to cut the lawn, little twigs and branches and to prune the trees. Those power saws are not ever likely to be rigged up as portable sawmills, so they are not part of the problem; nobody is worrying about that.

With respect to the naming of trucks, I heard the Member for Diego Martin West assert that by passing laws naming truck drivers and truck owners, and people who have interest in vehicles which transport logs, that would not solve the problem. Trucks are an integral part of moving a log and moving roughsawn timber from the forest to sawmills.

So that if the Bill seeks to address all the mechanisms that are part of that instrumentality to degrade the forest, I find it appropriate. I do not think it is fair to say that is a useless measure, and has nothing to do with the issue. What is more important? A log in the forest is useless to a furniture manufacturer. As a matter of fact, there is a whole tome, a whole treaty, a whole section of economics, dealing with what is a good; and the same log in the forest is not the same good as the log at the sawmill.

When you change the location and the time of the same physical commodity, it becomes something entirely different. Any student of marketing should know that from First Year 100 economics. So that trap is a very, very powerful instrument in transforming the commodity, which we call a beautiful tree into other commodities like boards, like timber, like planks. Therefore, if you really understand the process of transformation from tree to table, from tree to coffee-table, from tree to chair, you know that a truck is something at which you have to look: a truck is something on which you have to focus. Mr. Speaker, I want to support those aspects of the Bill that have to do with load limits and licensing of trucks and so forth.

I want to divaricate a bit, because the Member for Diego Martin West has been quite right in widening the discussion of these two Bills from merely sawmilling and cutting down of trees to making it an environmental issue.

He talked about Haiti and said that he drove somebody over Trinidad and he was amazed that we were not like Haiti; and therein lies an important connection. I have mentioned this many a time before, and I want to mention it again for the benefit of the House, because I want to support the Member for Diego Martin West. Much of the distraction of our forests, as he says, is not merely a matter of law, it is a matter of imposing law. But when you study how laws are to be imposed and why people support laws, you come to the question of understanding the question of education. These people had 40 years to educate the people about environment. What did they do? They encouraged the immigration of people from all over the Caribbean to come and squat and cut down the forest.

Many of the problems with which we are now dealing in terms of, every dry season you burn down the forest to plant marijuana; you burn it down to create a patch, you can plant corn and peas, it is not a problem that is limited. As the Member for Diego Martin West quite rightly implies, even if it was not clearly stated, it is a problem of education. The problem of Haiti is a problem that came about because you had many poor people struggling for survival due to brutal and

tyrannical regimes in a culture where they did not understand anything about democracy and property rights.

The PNM regime had been abundantly successful in creating generations of people who have no notion of the benefit of private property—absolutely no benefit, no notion, no understanding that you can have no civilization without private property. So they were left to believe that you can go and squat anywhere; you could live in a planning house and do not pay the rent—it is Williams' house, it is Government's house, it is we thing. You had IDC, DFC, all kinds of ways of giving money and they just use it because they do not understand the idea of private property.

The Member for Diego Martin West has done us a great service—

Mr. Valley: Mr. Speaker, I wonder whether the hon. Member would just tell us whether a revolving loan is in that group also.

Dr. The Hon. M. Job: Mr. Speaker**,** I will not be provoked and I will not be side-tracked.

Mr. Speaker: I would not allow you to be provoked.

The hon. Member does know—I thought that you were asking him to give way, not make a speech while he was on his legs—that should not be done.

Dr. The Hon. M. Job: Mr. Speaker, I will not be deflected.

I am saying that the lack of knowledge and understanding of the value of private property is one of the fundamental reasons we have so much degradation of our forests. This problem is not a three-year old problem; this problem is the basis of many other problems like the disrespect from persons, for the private property you yourself own. We have to thank the Member for Diego Martin West for pointing these things out for us this afternoon. So we can understand, as he quite rightly says, that it is not just the bringing of two Bills here, it is a matter of understanding all these other connections, all these other cultural circumstances and appurtenances, that are relevant to the idea of respecting private property as owned by the people, as protected for the children, for the future generations, as the patrimony of Trinidad and Tobago.

So that when he brought in the question of Haiti and flying these people over the country, I thought it was a very beautiful example of how Government must respect its mandate; how people must become alive to the oath, as he said—you took an oath at the President's house. What is my oath? What is it to do? It is to

manage and protect the environment. I do not know that on the basis of the evidence that we have available, some of which was adduced here this afternoon by the Member for Diego Martin West, that the problems that we have in degradation of the forest today were ever a high priority on the part of previous Governments, including the one to which the Member for Diego Martin West has responsibility, the particular responsibility to manage the largest holdings of forest reserves in the country, the largest land-owners in the country with respect to that particular issue.

On the question of bureaucracy, he says, "Bureaucracy encourages thieves." I thought again, that I might give life, I might vilify and animate a concern for the sensible presentation from the Member for Diego Martin West, because it was his regime that over-bureaucratized this country and burdened us with all these opportunities for using the veto to skim off corrupt earnings from innocent and helpless citizens in this country. So that I am indeed happy that the national community would be afforded an opportunity by the Member for Diego Martin West to understand the necessity, the imperative to unburden this country from bureaucracy, the bureaucracy that has hanged like a can around the neck of this nation, that was created by the great PNM.

3.45 p.m.

What are the problems that we have in this country, Mr. Speaker? It has to do with exactly that problem: that anybody who tries to limit the force and the brutal effectiveness of bureaucracy in this country is likely to run afoul of that culture; that set of ideas; that set of decadent, obsolete, obscurantist ideas which I sometimes put under the rubric of "statism". Everybody feels that the state must run everything. You must have a bureaucrat to tell you what to do and what not to do. That is not something that started three years ago. This Government is running into the same problem as the NAR before it; trying to make the management of this country mean, lean, effective, and efficient. That is one of the burdens of the legacy of the PNM that this country has to come to terms with. Make no mistake about it, Mr. Speaker, unless we admit some problems; unless we become conscious and enlightened to some kinds of ideas, we will make no progress.

I have often said—and I say this in respect of supporting the Member for Diego Martin West—that this question of the forests is a question of education and culture. I want to repeat what I have often said: whether it is the crime of stealing forest logs, the crime of rape, the crime of parking on the wrong side of

the road, whatever crime, many of these things have to do with the ideas that people grew up with; the way they were sensitized and acculturated.

Mr. Manning: "Socialized".

Dr. The Hon. M. Job: "Socialized" might be a better word.

Hon. Member: Like the PNM.

Dr. The Hon. M. Job: We have an education system in this country that socializes generations of people to disrespect private property; that socializes people into criminal behaviour. [*Interruption*]

The question raised by the Member for Diego Martin West, Mr. Speaker, is very important. It is not apposite to this Bill, at all. It is important that we understand that if we are going to deal with these Bills—as he quite rightly said, it is not a matter of merely passing laws. So that by themselves, these Bills are useless. You pass laws and you expect them to be effective within a certain kind of cultural context.

I am indeed gratified, heartened, grateful to the Member for Diego Martin West for bringing these points to our notice. So that from understanding where we are, from understanding the reality of the culture of nurturing disrespect for law and private property, we can fashion the instruments, tools, understanding, to get the generation now and those to come, to appreciate the value to themselves of obeying the law, generally, and the laws with respect to protecting the forests in particular.

For this, again, I thank the Member for Diego Martin West.

He then says:

> "I am talking of improved surveillance. The problem is not more laws; it is imposing the laws. Great statements about Army and Coast Guard—waste of time! Why not get any officer to match permits with logs?"

I have on my note pad here: "Was the Member for Diego Martin West not the Minister of Agriculture for four years? Where then was the vision? Why was he so bereft of understanding? Was it cerebral palsy? The convolutions in the grey matter, were they less convoluted then? What is the explanation?" Maybe there was grey matter and there were no—what do you call these chemicals? What is the reason? Four years!

Mr. Assam: Do you not know about the convolutions of the brain?

Dr. The Hon. M. Job: He comes here this afternoon with a brilliant dissertation on what to do to protect the forests; a most animated and agitated discussion on what we need to do now to stop people stealing teak. As if in 1991 and 1995 no teak was stolen. So that between 1991 and 1995, not a stump was removed illegally. Not one. Would you believe it?

Mr. Hart: Who said that?

Dr. The Hon. M. Job: Mr. Speaker, let me repeat for the benefit of those—you know there is some part in the Bible which says something about those having eyes and cannot see, and those having ears and cannot hear.

Mr. Manning: Which part in the Bible?

Dr. The Hon. M. Job: There are none so blind as those who will not see. None so deaf as those who will not hear.

Mr. Assam: What makes you a difficult scholar? You do not even know about convolution of the brain.

Dr. The Hon. M. Job: I am referring to a simple fact, Mr. Speaker, that the discussion in the House this afternoon would lead an innocent person to come to the unambiguous conclusion, that between 1991 and 1995 not one stump was illegally removed from Marac, Victoria, Valencia, Biche, from anywhere. I am amazed, Mr. Speaker, that these profound insights have just arisen in the minds of some of these people who swore, took an oath, "To do the best, so help me, God"—to protect every stump and every tree in the forests of Trinidad and Tobago. Total delinquency of responsibility, and after the fact we have 20:20 vision of what to do.

Mr. Speaker, I believe there is nobody in this country who can exceed my dutiful vigilance, my animated energy, my sense of purpose in protecting the right to private property. Everybody here knows, long before I dreamt that I would be in the House of Parliament, I was there lecturing up and down Trinidad, writing articles, talking to people, telling them: "You can have no civilization, no accumulation, no economic development, until you understand that you must protect private property". So that when I put down something, I know it belongs to me. When I put down one thing, that one is mine. I put down two, they both belong to me, too. So I want to put down 10. I want to put down 100. We have to protect private property.

In no country in this world, at no time, Mr. Speaker, was private property yours to own in Trinidad. If you go to Leviticus in the Bible, you go to the

Amorabic code—that great Babylonian King; you go to Manu and the Ishastras. All of them have laws protecting private property; but not absolutely. You do not own your land and you can do anything you want with it. It was not so in ancient times; it is not so now.

From where comes this—I want to say bogus idea—that it is not the right of this state, because this Parliament does not belong to the UNC. You pass a law on behalf of all the people gathered in Tobago that subscribe to the Constitution of Trinidad and Tobago. And the Constitution of Trinidad and Tobago does, indeed and in fact, say that we have a right to private property. But if one reads the Constitution properly, it does not say that you have a right to do what you want with the private property. I cannot take a car and go and drive it on the pavement; it is my car. I cannot take my cutlass and chop somebody with it; it is my cutlass. I cannot go and dig a big hole in my estate and start breeding the Anopheles mosquito. What is the one that gives Dengue? The Aedes Egypti mosquito. I cannot do that. Minister Rafeeq has the right to come and lock me up, or to charge me. There is something that says I cannot do that. But it is my land.

From where comes the idea that because you have a tree in your backyard, you cannot cut it down?

Mr. Manning: Well, you could cut it down.

Dr. The Hon. M. Job: Mr. Speaker, the gist of what I am hearing—right to private property; must have the right to cut down trees on my own land. Yes, you can cut down trees, but all the Bill is trying to do is to make the statement that we live in a community; we have a community of interests, and private interest sometimes has to make way for the public good. It is not at all times and at any time that because you have a private right to a particular piece of property, or thing, or idea, that you can use it without reference to anybody else. When I cut down my one tree—

Mr. Manning: Would Minister Job give way?

Dr. The Hon. M. Job: All right.

3.55 p.m.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Tobago East for giving way. The point that was being raised is this, that if you have a tree in your backyard which you owned, that yes, by law you can be prevented from cutting that tree down, but on the introduction of that law, it has to be passed by Parliament by a special majority. That is all we are saying. This Bill requires that. That is the point.

Dr. The Hon. M. Job: Be that as it may—Mr. Speaker, I think it was George Bernard Shaw who said that "we get from life or add what we bring to it". So many problems we have in this country. What I call "the semantics crisis of culture", we do not understand the importance of meaning in context.

Now, the same way that I heard that there was a problem with this Bill, because it challenges people's right to private property. I am sure that thousands of people who were here, who would have heard that statement will form the same conclusion—that this Government is trampling on the rights of people. And when you make a whole bunch of statements of how I had this right before I came into this Parliament, Ramesh did give this right, and UNC did give this right and so forth, what the gallery is hearing, what people are hearing is that this Bill is a Bill subversive of our constitutional right to private property. Mr. Speaker, that is what I heard.

I want to repeat again, that meaning is about context. Many people do not understand that. They think they hear what they hear but what they hear is not what was being said. Context. So you start to talk about majority as if the constitutional rights of citizens in this country are being abrogated.

I am saying that there is nothing in this Bill that suggests to me, as an owner of trees—I have trees; I have planted trees; I have planted mahogany trees, I have planted teak trees, I have planted cedar trees—big "
saw timber. I plant them with my own hands. So I am not ready to allow anybody to prevent me to cut down my own trees. *[Interruption]* Trees that I planted.

I have planted trees, because I remember what the great Chinese sage said: "One generation plants trees that the other might live in the shade", and I have planted trees, Mr. Speaker, and I do not know that I will join with anybody to prevent me cutting down my own trees.*[Interruption]*

That is not the purpose of this law, Mr. Speaker. The purpose is to make those qualifications to property rights that are in the public interest, and after all Mr. Speaker, we live on a little island and those of us who do not know ought to be reminded that island eco-systems are very fragile. We do not live in a continent and even on continents today, places like Brazil, Soviet Union, China, are becoming very sensitive to cutting down trees even in those large countries. What about in Tobago? Mr. Speaker, in Trinidad, when you cut down one tree it might not be something that sounds so bad, but when everybody has a right to cut down 10 trees and 1,000 people cut down 10 trees that is 10,000 trees.

Mr. Speaker, I think it is of great importance that this country starts to understand in a more profound and sincere way, the effects of individual actions when they are aggregated across a community. Too many people live as if they are on an island and they forget the poem "that no man is an island, we are all part of the main". Forget it—so you feel that because you have a tree that you can cut it down, and to hell with everybody else. No, you have to start from small—from children—to get people to understand that cutting down my tree, my one tree can have a profound effect, when everybody cuts down their one tree. Kana never understood that. So they did not take from one bandit, and the one bandit became 10, and the 10 bandits became a hundred and then the bandits are out of control now. [*Interruption*]. Never, never understood.

When I was telling them about illiteracy 25 years ago they denied it, Mr. Speaker. They denied it, because, maybe, 10 illiterates were not a problem—so 10 illiterates became 100 and 100 illiterates became 1,000 and now we have 100,000 illiterates. Half the country cannot read and write properly and you want to make this country a first-world nation. Mr. Speaker, they do not understand the profundity of ideas and they are talking about cutting down my one tree on my land. The problem is not my one tree Mr. Speaker, they are missing the whole picture.

The qualification of property rights to subserve, to promote the common good: that is the issue that they do not understand, Mr. Speaker, and if I spend time on that issue it is because of the relative importance of using my time to encourage the people and, in particular, the children of this country to understand that it is not just a question of my one tree and understanding the profound importance of being my brother's keeper. The profound importance in understanding the effect of preserving my one tree or if I have to cut down my one tree, cutting it down in the context of all the trees.

Having said that, Mr. Speaker, let us deal with the question. This Bill is saying that you cannot cut down land and slope above 30 degrees. I do not see anything or read anything in this Bill to suggest that this surveying issue of 30 degrees and under and 30 degrees and over is of such great moment in this Bill that it should occupy the mind and the time of the Member for Diego Martin West to the extent that it has.

Mr. Speaker, it is a well-known fact that in this country people are not sufficiently aware of the importance of erosion on water quality, the importance of soil erosion on the environment in terms of the eco-system. Birds do not get trees to nest on, so

therefore they die because their eggs cannot hatch: they cannot even lay. It is important that we—at every opportunity, reinforce the importance of connecting these elements together. If in writing a Bill you make statements that suggest that the question of erosion is important and is not just a question of preserving trees, if you do that, Mr. Speaker, that is what a responsible Government does.

If the Member for Diego Martin West has a problem with cutting trees on slopes of 50, 60 and 70 degrees, I think it is his right and more than his right—it is his duty—to come into this Parliament and explain to people why the Government ought not to be concerned about preventing the degrading, disastrous effects of filling large areas of mountain slopes that in two rainy seasons are going to be exposed to bear out crops of rock. That is what happened in Haiti, Mr. Speaker. Talk about Haiti. I am sure that if he had the time he would have gone into a dissertation explaining to people how once upon a time Haiti was a lush-green island verger in its beauty and now Haiti is a desert, it is an embarrassment to mankind, it is an ugly scary moon skating in many places. No signs, signs are all in the Caribbean Sea.

Mr. Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Dr. The Hon. M. Job: Mr. Speaker, I am indeed gratified. You know, since I am in this Parliament for two years now I have kept pretty good silence in terms of my appreciation for my colleagues and maybe you know the Bible says: that there is a time for everything and a season for every purpose, and perhaps today—*[Interruption]* is for some strange reason, the first time after Carnival and Bacchanal and the using of the season of repentance for the wrongs we have done—you know maybe there is something good flowing there. I do not know but I want to thank you for your generous gesture. *[Interruption]*

Mr. Manning: The public does not say that.

Dr. The Hon. M. Job: What is it you want to hear? Thank you for your generous gesture.

4.05 p.m.

Mr. Speaker, this Bill and the focus of my presentation, if you would observe, is on thanking the Member for Diego Martin West. I have deliberately done so. I want to repeat that. People must understand that I am sincere in my generosity. I thought that the Member for Diego Martin West has done us a great deal of favour

in the issues that he raised, which are not partisan issues. Given my way of looking at things, I like to judge things on their merit; not like the People's National Movement in their judgment of my statements. They tried to close down my radio programme, they tried to do me all kinds of things. *[Laughter]* They have done me all manner of wickedness, but forgiveness. *[Interruption]* You have no regrets. I know you have no regrets, but I will forgive you. I am a man of a compassionate heart, I do forgive you.

Mr. Speaker, the point I want to make is that, without wishing it, without willing it, perhaps even without knowing it, he has made such a valuable contribution on this issue. Not on the wild allegations or the allegations that have to do with accusing people of massive theft. I do not know the substance of that. I hope the Minister will defend himself. I think that substantially, he was right on target on focusing on the issues. For example, I do not know what the amendments say, but I gather that—I cannot remember them all. I was unable to read all of them.

Mr. Speaker, when he talked about the level of penalties he was on target. I see here, the amendments in fact, are dealing with that. So they are supporting the observations of the Member for Diego Martin West that we need to have penalties that are appropriate, that are equal to the purpose of the law. So again I am in agreement with him, because too often in this country we find that the policemen go about doing their work, the legal system, the courts, the prosecutors, they do the best they can, and then the manufacturers walk out the courts smiling. As the Member for Diego Martin West quite rightly pointed out, when you think in terms of the relative cost of having to pay a fine and the benefits that you get from breaking the law, it is laughable that we have some of these fines in the book.

I have no doubt in my mind that the Prime Minister and his Cabinet are going to address these issues, because you cannot be running a country and taking an oath to do your best according to God or to Ram or to Allah or to whoever you swore, whether it is the Quran or Gita or what. You cannot be hoping to do that and you have laws, penalties and fines that are laughable. Therefore, I am glad that the Member for Diego Martin West has raised this issue. Indeed, it is an issue that the Bill addresses and the amendments come to life to address it in the way that the Member for Diego Martin West wants.

I think that I want to use my opportunity to give full support to both the Member for Diego Martin West and the Minister in terms of focusing the mind on the fact that the penalties must be appropriate to the purpose, and that charging somebody $3,000 when that person can break that same law and make $300,000

does not make sense. You have to charge them $300,000, or at least that. So then, I was glad for that.

Mr. Speaker, I want to say that the substantial clauses of both Bills that were criticized, dealt with the question of the sawmills and the power of the sawmills and the fact that the Member for Diego Martin West was saying that you should not really prevent people from using their sawmills. I think I made statements about that in the context of property rights in the context of saying that even if you own a piece of private property, be it your own land, or having your own tree or your sawmill, you should not feel that thereby you have the right to use it as you please. So I have dealt with that aspect of it. I have dealt with the question of trucks.

One other issue that I did not deal with that the Member for Diego Martin West had raised: the question of improved surveillance. Again, he is on target. He is on target in the sense that I said in my preamble, there are admissions that we can miss, serious admissions. When he is saying that we need better surveillance, what is he saying? He is admitting that the state, under the People's National Movement, for generations had not put into effect, had not institutionalized a system of surveillance that was equal to the task of protecting the forests. So the Government that is now in power has inherited that as a legacy. So that he is right.

The problem of surveillance must arrest our attention. He is very right in forcing the national community to come to terms with the state's responsibility to institutionalize those processes that will protect the patrimony of the nation. He is also right when he mentioned that he wanted to—one of his officers, who was one of the state's officers—was transferred from one office to another, and the gentleman came to him to protest, he is the Minister. Again this says something about the culture. It is an admission.

You are a public servant, you have been transferred; why are you going to the Minister's office? You will do that because that is the culture. You have been nurtured, nourished, cuckolded, consoled and comforted into that culture, where you believe that past morality, past any sense of decency, you can walk into a Minister's office and tell him, "I do not want to be transferred". The Minister must veto, he must override Public Service Commissions' rules, regulations, *[Interruption]* Mr. Speaker, they are trying to deflect me from the matters of substance that I am raising. The Minister said that under his tenure, on his watch, a certain public servant was transferred and he came into his office to protest. *[Interruption]* Mr. Speaker, could I be permitted—

Mr. Speaker: Order please.

Dr. The Hon. M. Job: Mr. Speaker, I think these matters that the Member for Diego Martin West, the former Minister, has raised are so subtly important, so profound, that we must not pass them by without comment. Unless we do these things, we are doomed to go the way of Nigeria, we are doomed to go the way of India and Haiti, where the law is for those who can manipulate it. I started off by quoting Shakespeare:

"Plate sin with gold,

And the strong lance of justice hurtless breaks;

Arm in rags, a pigmy's straw does pierce it."

If you understand the implications, people get inured to a culture of using power to manipulate it for the purpose of partisan interest groups. This is what the Member for Diego-Martin West has been raising. A public servant walks into the office of the Member for Diego Martin West when he was Minister and demands that he not be transferred. This admission, I said admission is made in this Parliament; that is the kind of problem that Government, and everyone to come will have to deal with unless we understand that we need to teach people the proper thing.

4.15 p.m.

When he raised this question of surveillance in the context of all that, I am saying that the lowly rung of Forest Ranger, the guy who is to give the permit, is where the bacchanal exists; the man who has the veto to say: I will or I will not give you a permit to go into the forest. He is the fellow, because he has a veto; he would extract the rents from that veto.

What I mean, Mr. Speaker, if by giving you a permit, I will get you to earn $5,000. If I do not give you that permit, you cannot earn $5,000. So that, I am in a position to extract rent. I can decide: look, you know, let us bargain. What proportion of that $5,000 are you willing to give me to get this permit? If I say, $5,000, you say, no, keep your permit. But we could come to an amicable arrangement, that you give me $1,000 and you take $4,000. You give me $2,000. and you take $3,000. Here is where we have a problem.

So that the Member for Diego Martin West has brought us into a very interesting area in terms of management, not only of state property, but management of the economy, where we have to institutionalize arrangements that

are transparent and that are known to all, so, that all potential transactors and actual transactors will know what the rules are; what the potential rents are; what the benefits and the costs are. And I thank him for raising these issues. Because, I think this is what the Bill is trying to do; to tell everybody what the licence fees are, what the arrangements are. I am sure the Minister is going to institutionalize processes to make these things widely known.

I am sure that the idea that comes from the Member for Diego Martin West, that notwithstanding all that, there will still be opportunity for lowly Forest Rangers and bureaucrats to demand and to extract rent. I am sure that is going to be taken into the process of implementation, so that the taxpayers and citizens of this country will be well served in terms of how these rules do not allow—as he says—the lowly bureaucrat, the Forest Ranger, to have that kind of imperial power, that extractive power, that he can use these rules merely for his own benefit.

So, the question of surveillance, as he raised it in that context, who is looking away—he did say that. He said that many of these Forest Rangers would make an arrangement with the sawmiller who is stealing the wood, to not be looking the day that he is going to cut down the forest. Again, I want to just raise it for the benefit of the national constituency. When did the Member for Diego Martin West learn all these things? Did he learn them after November, 1995—what was the date? November 6, 1995? Did he suddenly learn on November 7, 1995, that there were people looking the other way when sawmillers were parking up their trucks and thieving wood? I mean, a brilliant exposition of exactly how it is done. You get a piece of land, lawfully or unlawfully, bordering on a piece of state land and you use that as the conduit for thieving teak. All these things we have been hearing here this afternoon are in the *Hansard.* How come a process that is better than the one that these Bills are seeking to adjust was not implemented then? I think we need to know that. And I am not saying this just in terms of being a critic or being critical. I think anytime you are dealing with information, such as we are dealing with here, in terms of fashioning law, we need to get all the evidence to put every bit—it is a kind of post-mortem. It is what you do after you fight a battle, after "Desert Storm", all the generals and colonels will get together and share the information, so that when they are planning for the next battle, they get the lessons of this battle.

I am saying to the national community and to this Parliament, it is necessary that we learn; it is necessary that somebody on that side explains to this Parliament and to this national community, why, when the Member for Diego Martin West

was in possession of the authority; was in possession of the mandate, when it was his warrant, how come he had all that information and failed to implement a process that would have avoided the Minister of Agriculture, Land and Marine Resources now from having to grapple with this problem? I think we need to know that. It is important that we understand, and I am not saying this—again, I repeat—in a prejudiced manner. I am saying it in a sincere manner, praising the Member for Diego Martin West for raising the issue, and hoping thereby to learn from his side, why it is that they knew all these things, and yet failed to do those things. And if it was not his administration—if you want to become partisan—I can very well ask: well, you were there for some 30-odd years. Is it that for this 30-odd years, there were no bright Ministers, no bright Permanent Secretaries, and no bright bureaucrats, who had identified these things? No Forest Rangers, no Conservators of Forests? How come it was never done? We need to know all that.

I am thanking the Member for Diego Martin West, and I am saying that he has done us a favour from exposing himself to the danger, as I am exposing it now. How come? Was he delinquent? Why did he not do anything? We need to know that, so that the Minister can be guided; so that he can prevent himself from a similar accusation in years to come—five years down the road—if there is information there.[*Interruption]*

Mr. Speaker, I have to say that I support these two Bills. I think they would make a contribution to doing those things that we must do to protect our environment. I thank the Member for Diego Martin West who preceded me, for the wide range of issues that he raised and some of which I commented on.

I want to end by suggesting, Mr. Speaker, that the issue of corruption, as it is raised in this Parliament, is often very invidious, because it is raised in a context, not to inform the public; not to inform the citizens, that corruption is not an ethnic thing; it is not something particular to a nation or a place. It is a universal phenomenon that is as old as mankind and that indeed, Mr. Speaker, the United Nations, the legal fraternity internationally, business people in groups, Chambers of Commerce—they all know of the problem of corruption. What this Parliament must be burdened with, is to understand the rules, the cultures, the methodologies that we need to put in place to deal with corruption.

I want to say this, Mr. Speaker, because this afternoon, like the times before, and I am sure I would hear it again, and I would have occasion to deal with it again. We are not getting a sufficiency of understanding that corruption is about

culture; corruption is about rules; corruption is about laws and attitudes. And that to come into our Parliament Friday after Friday, Wednesday, sometime, too, to speak as if corruption is something particular to this administration, is invidious of the purpose of Parliament.

I am agreeing with the Member for Diego Martin West, that we should all be dealing with corruption. And I am saying that, this Cabinet, of which I am a part, has legislation to come to this Parliament that will clearly demonstrate an interest in helping the citizenry to deal with corruption in all its forms. A situation which the people on the other side had not attended to with a sufficient amount of energy; with a sufficiency of insight; with a sufficiency of moral purpose and dedication. So, all I am saying, in agreement and in concurrence, is that, it is not that we should not talk about corruption, but we must talk about it purposefully, with a sincere conviction that corruption is not a partisan issue, and least of all, an ethnic issue.

Nigeria is one of the most corrupt countries in the world and the people there look like Morgan Job. India is one of the most corrupt countries in the world, and the people there look like some of these on the other side. So, it is not a question of that. When you use language, and when you come into the Parliament, and spend half the time using the words and phrases as if to leave a resonance in the public mind that there is something about corruption—you know you talk about Sexlie James, you know, linkage—those kinds of linkages. They are indeed invidious; they are burdensome and they are unfortunate.

Mr. Speaker, I support these two Bills, an Act to amend the Sawmills Act Chap. 66:02, and an Act to amend the Forests Act, Chap. 66:01. And, again, I say thanks to the Member for Diego Martin Central. I hope there will be several sundry occasions when he will find merit in asking that my time be extended. I hope I do you justice; I hope I leave you, well-served and well-satisfied. Okay? All right? Thanks, Mr. Speaker. I do beg to leave my support on this issue.

4.25 p.m.

Mr. Jarrette Narine (*Arouca North*): Mr. Speaker, thank you for allowing me five minutes before the tea break, because it is a normal thing that the Member for Tobago East will make up time here on a Friday afternoon to get to 4.30 p.m. when the cameras are out. The last time the Deputy Speaker helped him by suspending the House for 15 minutes. However, he has been repeating himself for the last two years. It was no strange thing today that he has repeated himself,

again. I know that he has a farm in Wallerfield without any animals or crops. I now know that he is planting timber trees.

As far as this Bill is concerned, even the Member for Tobago East alluded to the fact that the Member for Diego Martin West was so effective and knowledgeable today that one would have known from his contribution, the type of Cabinet we had between the years 1991—1995. [*Desk thumping*]

I say so, Mr. Speaker, because when I looked at this Bill, the Forests (Amdt.) Bill, the first thing that I observed was that the Minister came here and throughout the two Bills was seen "Conservator of Forests". It is my understanding that was the old term for the head of the Forestry Department. It is now the Director of Forestry, so I am submitting to the Minister that he changes where he has "Conservator of Forests" to "Director of Forestry", because when I worked at the Ministry of Agriculture, Land and Marine Resources, that changed.

In agriculture, there was also at the Botanic Gardens in the Horticulture Division, a different name to the person who is now in charge so that years ago, it was changed from the "Conservator of Forests" to the "Director of Forestry".

Apart from that, I look at clause 3 of the Forests (Amdt.) Bill, where we are now going to delete from the parent Act that section where the timber trees are identified. For instance, they had cedar with the botanical name at the side *cedrela mexicana* and in one case, there was balata. At that time, when these Acts were in existence, balata was very important because of the latex they got from the tree which was used in rubber. At that time, the plant *hevea brasiliensis*, which is the true rubber from Brazil, was the better plant to use, but it was economical to take the balata rubber which also killed the trees. So that there was a long list in the parent Act which was very forceful for using the latex from the tree at that time. Today, technology has brought that redundant.

But, I am looking at when the Minister says all species of timber and when I worked at the Ministry of Agriculture, Land and Marine Resources, there were species of timber, yes. There were timber trees used for the furniture industry, for construction; also timber trees used for the purpose of ornamental plants. For example, the "Queen of Flowers" is a timber tree, but it is not used in the construction industry; it is not used as timber for furniture; it is just a beautiful timber tree called "Queen of Flowers"—*lagerstreomia flor regina*.

So that I am very concerned about trying to put all species of timber under one heading because I also know that the mango tree—and there are fruit trees used

for timber and you also use the fruit. But, in the case of the mango tree, I recently cut a mango tree in the yard where I live and someone asked me to use the logs to make musical instruments—it is used to make the "dulak" and so forth—and when it was being cut, persons got meat blocks out of it. The mango fibres are very thick and they do not split easily.

Imagine, if I had to cut a mango tree in my yard, I would now have to pay for a permit and haulage to get that mango tree out of my yard, which is used by my friend to help him make an Indian instrument.

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

4.31 p.m.: *Sitting suspended.*

5.08 p.m.: *Sitting resumed.*

Mr. J. Narine: Mr. Speaker, before the tea break I was speaking about the title, "Conservator of Forests" as against "Director of Forestry". During the break I was told by law, there is still the Conservator of Forests although there is nobody who has that position. I am saying that this is an opportunity to change that title from "Conservator of Forests" which is non-existent and put in "Director of Forestry" because he is the person who appears in court if there are any problems in forestry.

Years ago, at the Botanic Gardens there was the curator, there is no curator again, but a Director of Horticulture in charge of that section in the Ministry of Agriculture, Land and Marine Resources. When the break was taken, I was speaking about clause 3 where they are saying that all timber trees which were considered of commercial value would be included. I am saying there was a Schedule in the Parent Act which indicated those plants which are of commercial value both by their common and botanical names. For instance, I was speaking about the mango tree and someone said during the break, the Director of Forestry said that they would not consider the mango tree as a commercial timber product. The point is, he is the director now and it may change tomorrow. There is commercial value in the mango tree. The best meat blocks available in Trinidad and Tobago come from the mango tree and the best musical instruments, as far as drumming is concerned, also come from the mango tree, so there is commercial value.

I am asking the Minister to put out a schedule which states the types of trees which are considered to be of commercial value. One can go on and on. When cremation is done at the Caroni River bank, lumber is used and that is of

commercial value, you are charged for that. Some of them use products from forestry which are not considered for furniture, construction or any other part of the industry. One has to get a permit to carry the logs there. One has to pay because the logs, lumber or timber which are being used at the Caroni River bank would come under that commercial value that is spoken about in this Bill.

I welcome clause 4(b), where the Coast Guard together with the Minister of Agriculture, Land and Marine Resources, and the Minister of National Security are designated to guard our coastlines because recently there was talk of a link road from Blanchisseuse to Matelot and some of our most valuable timber is in that area, hence the reason the environmentalists in Trinidad and Tobago were against linking that part of the roadway on the North Coast. The lands were owned by a deceased Member of Parliament and at that time the Member for St. Augustine had a problem with a former Member of the NAR government who had lost his job as a parliamentary secretary because he made statements about slashing and burning the hillside of Trinidad and Tobago. He is a well-known environmentalist. At that time he had said that under his dead body, that road was not going to be put in. After that, he was given a job by the Government to advise on environmental matters and since that he is very quiet. But the Lord works in mysterious ways and the owner of the property died, so right now it is on hold. In that area there is logging on the coastline and they are using the twin engine boats to pull the logs out, so I am asking the Minister to enforce this clause as soon as possible and under the prevailing laws of Trinidad and Tobago this can be done because they are taking away logs with the anticipation that a roadway would go between Matelot and Blanchisseusse.

As far as clause 5 is concerned, we have heard other Members and even the Minister alluded to the fact that this is an infringement of the rights of citizens of Trinidad and Tobago. The part which states:

> "A person who fells any—(a) tree intended for commercial purposes; or (b) tree on slopes of over thirty degrees within a minimum of one hectare of land;

without a Felling Permit...is liable on summary conviction to a fine..." I do not think that the Minister has done enough to bring legislation to Parliament.

When you speak to the worker in the Forestry Department, he would tell you that there are certain things which can be put in place to stop the stealing of lumber throughout Trinidad and Tobago. I remember an instant in Lopinot where it was reported to me as a Member of Parliament that they were taking trees from the watershed and taking off the hillside trees which were to conserve the water which

I am saying that the ministry must put out a schedule to identify those trees that would be of a commercial value.

5.15 p.m.

will tell them the botanical name. It is jack fruit, but we call it “catahar”. The

botanical name is *artocarpus heterophyllus*. It may not be considered as a timber of commercial value. It is of ornamental value and is used for handicraft. The ebony by the Minister's office in St. Clair is also used for commercial value, but he may not consider that to be of commercial value. The black piano keys are made from ebony; *diospyros ebenaceae*. *[Laughter]*

At proposed section 7C there is also the problem of that seven days that Dr. Rowley spoke about. If I am the owner of a sawmill who is accustomed to hauling logs from the forest, I would have the equipment to do that and I can do it within seven days; but if I am a private owner, then that seven days will be too short and I will lose. After having to pay money to get a permit and having to license a vehicle and pay for that vehicle to remove the logs, it is not practical in many areas for the private person, because in obtaining that, he also has to consider weather conditions. He is not a miller; a person who owns a sawmill. The terrain might be difficult, and it will take him more than seven days to do so. Some part of this law should leave a little laxity for the person who has difficulties in getting the logs out, because many areas are very far from roads. They would then have to use animals to bring the logs out, and it would definitely take more than seven days.

We also have to cater for machinery breaking down and it taking, sometimes, days to be repaired. Are they going to forfeit these people the money they have paid because of a seven-day period? I am saying that the seven days should be extended, especially to private owners who do not have the capability of moving the logs very quickly. It is recommended by the forestry people and persons who buy logs that the private owners should get a month so they would be able to get full value for the money spent.

At proposed section 7E there is something called "bulk timber removal". I have a problem with that—and it appears again at 7G—in that the Conservator of Forests, in the case of access roads through the forest reserves and other state lands, he is to give that permission:

"(b) an officer designated by the Minister with responsibility for agriculture, in the case of agricultural access roads;

(c) the relevant Regional Corporation in the case of secondary roads."

We have a situation where any time they do logging in local government, there are roadways that are totally damaged.

Dr. Mohammed: This is precisely to prevent that.

Mr. J. Narine: Could the Minister prevent people from damaging secondary roads in Trinidad by logging? He is living in the sky! *[Laughter]* I have been a local government representative for eight years, Mr. Speaker, and we have always had that problem. There are reserves in Madamas up on the Blanchisseusse Road. People are logging there every year and persons who have their estates there cannot get access into their estates. Last year when the rains fell, there were 15 landslips. The Ministry of Agriculture, Land and Marine Resources had to pay, in some instances, to clear the roadway.

We are looking at a situation where we have these people removing timber—and some of them are illegally removed because it is from state lands—and as the Member for Diego Martin West said, they go into the state lands, bring it on private property and remove it from there. There must be vigilance. While these people have to give permission, the vehicle that is removing it has to be licensed by the Licensing Authority under the Ministry of Works and Transport. They have the gross maximum weight one can carry. When they say "bulk timber", they may well get it out of the forest, but when they get on the highway, they might get charged because they are in excess of the weight they are supposed to carry.

This legislation is tying up the whole thing. If it is the law of Trinidad and Tobago that one is supposed to carry a certain amount of weight on a vehicle, that should be whether it is agricultural roads, secondary roads or highways. I do not see the need for this, and I would really like that to be explained.

Mr. Speaker, much has been said about the Sawmills (Amdt.) Bill, and basically, the Minister intends to bring this legislation and get it passed to broaden the definition of the word "sawmill", to introduce the requirements for a log haulage permit; and to introduce the requirements for a power saw permit.

It has been said by many and, recently, the acting Prime Minister said that one should demonstrate for what one wants. When the Prime Minister came back, he said that one should train oneself and be trained and retrained to make oneself available for the workplace.

In our senior comprehensive schools there are woodworking shops and there are students who do very well in those schools. They come out and can build a cabinet and have been trained to do this woodwork. They may not get a job instantly, so their parents help them buy some little equipment and in their backyard, they may put up a shed and start a little industry. They may be doing a little handicraft, some tables, chairs, cabinets and even building cupboards.

The Minister is now saying that these people must pay a licence; they must be registered. These are small business people. This is a starter thing. Is he going to consider them to be a sawmill? It is down from $2,000 to $500, but I would feel that the Ministry of Agriculture, Land and Marine Resources, while registering them should charge them a very small registration fee to encourage these young people to go on the job market.

The purpose of the amendment is well-intentioned. However, there will be problems affecting that industry which are indirectly involved in the sawmill. They do not go into the forest, transport wood to their homes and then turn them into boards. They buy something out of the sawmill closest to them. They do not even pay transport.

In my area there are two sawmills approximately a quarter of a mile away, and then there is a third one, Rudolpho Sawmill on Cleaver Road, which is another quarter mile away. One of the most depressed areas in Arouca North is Sherwood Park, better known as "the Congo", and the young people, instead of "liming" by the corner, we encourage them. Over the years, community development has run many programmes to help them build furniture. These young fellows are working, but they cannot meet their expenses every week. So, charging them $500 to register and to keep record is good for a small businessman to do. It would show them the way, but I find that even $500 is too high.

5.30 p.m.

The purpose therefore in this area, clause 2, is to amend the definition of sawmill, to include every furniture shop or place where wooden products are manufactured and in which power saws and, in particular, small-band and circular saws are kept. This amendment seems to be harsh for the following reasons. The furniture industry, as I said, is a starter industry and, the majority of people, as I indicated, are coming from the lower social strata of the society. So that you are putting more pressure on the small man in the country and apparently, every time we get legislation coming here to Parliament, we find that it is targeting the small man; not easing up the small man, but giving the people in the society who have money to be better off so that we will have that middle bracket getting wider and wider. The poor will definitely get poorer when you bring these types of legislation; it is not in keeping.

The machines used, specially in the first instance, are small saws for the conversion of board into furniture material. Most of the time, long ago, it still happens, you know someone in the sawmill, like Mr. Phillip in D'abadie—as a

matter of fact, there are four sawmills within half a mile—who will give you a couple boards to build a little thing out in the yard, and he will give you it free. Now, one will have to pay when one is transporting that material, but one will have to get someone who is registered to transport this wood. So where are we going? Where are we heading?

Dr. Mohammed: We are heading in the right place.

Mr. J. Narine: We are heading in the right place? To squeeze poor people in this country.

The furniture industry is not for felling trees in the forest and all that. I am saying that that law should change and that we should bring it down to the situation where it could be beneficial to the small man. The problem that exists with the felling and extracting of trees from the forest is transportation; that is where the problem lies. That problem is easily solved. As I said, stop haulage from 6 p.m. to 6 a.m. So you would not have people stealing lumber in the night. Put locks on the gates where you have your forest reserves; put up gates and put locks. How are they going to move the logs? If you prevent them from moving the logs they cannot move them. The legislation would not make the difference.

Mr. Speaker, there is also a situation at Chaguaramas which was highlighted in a newspaper last year. We go right back to that situation with the teak. I am saying that according to this article and speaking to people in the industry, they are saying that the yachties who come to Trinidad to repair their yachts, are now going to St. Thomas, Virgin Islands, using teak exported there from Trinidad to repair their boats whereas they should stay here. They had some problems here with immigration and I think that the Member for St. Joseph's Permanent Secretary was at that meeting and gave certain commitments.

But what interests me in this article—and I am not going to quote anything here—is that the Ministry of Agriculture, Land and Marine Resources, through its Permanent Secretary, had promised the industry that 60 per cent of the teak will go to Tanteak, 30 per cent will go to the sawmills and 10 per cent will go to the industry. They felt good about it because they knew that at least part of the teak that they bought will be bought from Government at a better price than buying it outside. Although the prices vary from one person to the next. One person told me they paid $14.50 for a cubic foot. Another person paid $10. Then, the people who get the concessions from the Minister was paying less than that for a cubic foot of teak.

What has happened is that because they are not getting the amount of teak to do the repairs down at Chaguaramas—and last year we boasted here how the tourism industry rose by 6 per cent—they are saying that over 50 per cent came out of that yachting situation where people come here to repair their vessels and they stay for a three or four month period. The teak wood is most suitable for the seafarers, so that they use the teak to repair the boat, but recently over 20 yachts left Trinidad for the Virgin Islands to get repaired up there by lumber which was transported from Trinidad and Tobago to the Virgin Islands.

So I am appealing that if we are to save this industry—and most of us will speak about how it is an industry that we should encourage; and it brings revenue to the country. My understanding is that when a foreigner comes here and docks his yacht for about three months, at an average, he spends about US $5,000. So that if we have 2,000 persons coming here with their yachts and they have to maintain themselves and spend US $5,000, of course it is economical for the country; but if we are going to allow them to leave here to go to other West Indian islands to have their craft repaired, then definitely we are going to be losing revenue. So I am saying that at least find some way to get part of that teak which has been promised to the industry to go to them and they will be able to employ other persons in Trinidad and Tobago.

Because I understand that it is about 900 persons who are directly involved in that industry and the spill-off of that, they anticipate that it would be another 450 or 500 persons. So you are speaking about an industry that will create employment. Although they said employment was on the decline, I understand that when we get the next quarter figures, it will start rising. So that, we are to encourage that and make the teak available.

Mr. Speaker, as the previous speaker on this side said, the legislation here will not change anything and part of the legislation that they are trying to introduce here is infringing on the constitutional rights of the people, then I cannot support these legislations as they are. We will look forward to more amendments and to reach that stage where it is not oppressive legislation.

I thank you very much, Mr. Speaker. *[Desk thumping]*

The Minister in the Ministry of Planning and Development with responsibility for the Environment (Dr. The Hon. Vincent Lasse): Mr. Speaker, I rise to join the debate and make a brief contribution on the Bills before us.

I would limit my contribution to the aspects of the Bill which touch on the question of the environment and, of course, what the provisions of the Bill do to preserve and also conserve the environment. For this reason, I will not get involved in innuendoes, calling names or using parliamentary privileges because I believe that the measure here is one that should be of great concern to Members on both sides of this honourable House.

When I studied the contributions made by Members in the other place, with the exception of the two professors, there had been little reference to the question of the environment or little concern had been expressed. When I read the contribution of Sen. Prof. Kenny in support of the Bill—and that was taken from *Hansard*—he said, "Forget the politics, think about the country and support this". He said he was making an appeal for that approach. I believe the time has come when we must rise above partisan politics and deal with certain questions which, of course, demand the attention of the nation.

Mr. Speaker, I would refer briefly to one point made by the Member for Arouca North. This is simply as a matter of clarification. The Member mentioned that a former Member of Parliament was given the position of advisor to the Government on environmental matters. This is not true, Mr. Speaker. The former Member of Parliament, who is the director of an environmental firm, won a contract through the EMA to prepare a draft national environmental policy. This draft policy was subsequently put out for public comment and, eventually, it was laid in Parliament as the national environmental policy for Trinidad and Tobago. So I just wanted to make this clarification and set the record straight.

The Environmental Management Act, 1995 at section 26(e) will define portions of the Environmental Act and the environmentally-sensitive areas which, of course, would be supplementary to the two Bills we have here before us. This, I believe would clarify part of the comments made by the Member for Diego Martin West.

I want to state also that in the other place Prof. Spence mentioned that if one takes the interpretation of the environment, it means all land, whether state or private. Here, when the question was broached about touching on what was private and more or less the right to property, I wanted to mention that the right to property is not absolute. Because, through the Environmental Act, certain areas, whether privately or government-owned, would be set aside as areas termed environmentally-sensitive areas. I believe this is in sync with the two Bills now before us.

5.45 p.m.

Mr. Speaker, I would also touch briefly on what was said by the Member for Diego Martin West when he mentioned the question of certain regulations and the laws governing permission to cut down certain trees. I would make the point that the laws concerning that are already on the law books of Trinidad and Tobago and have been there for a very long time. Permission is normally given to cut down certain species of trees and, therefore, there is nothing new or novel about this.

Mention was also made about the power saw, but pursuant to the proposed section 4B, mention was made of a certain type of saw, so it was not any power saw. He even went to the ridiculous situation of speaking about an axe, razor blades and so forth. I believe in the Act, what was important was the type of saw which could be mounted and used as a so-called temporary sawmill in the forest.

Mr. Speaker, I would make mention of one of the amendments that is of paramount importance to us, clause 4, which states:

"Delete the proposed 4A(1) and substitute the following 4A

No person may carry or transport logs or timber or use equipment for the haulage of logs from the forests, without a valid permit issued by the Conservator of Forests."

This amendment, in my view, has a direct impact on the degradation of the environment. I say this because there must be checks and balances when we are dealing with the environment: how we use our resources and how they must be utilized. Because it has been said that deforestation, particularly in developing countries, is consequential, not only on the environment but also it leads to a developmental disaster. It is also said that forests and woodlands are one of the world's most important resources. Their true significance can only be evaluated from the perspective which looks at economic and human management issues and long-term environmental issues.

I have had the occasion, and it was a great experience to me, in 1973—1974, when I went on a visiting mission to the Cape Verde Islands, a set of islands administered by the Portuguese Government. One of the islands came to be known as Sal Island. The reason for this was because of the Portuguese love for timber, they decided to cut down most of the trees and utilize it in decorative capacities. The island eventually became a desert, and the only produce one could have derived from that island was salt, hence the name "Sal Island".

This goes to show the environmental impact; when we do not take adequate care to conserve our forest reserves, can lead to catastrophic situations for us in Trinidad and Tobago. This is the reason I decided to make a very brief intervention and to simply address this matter from an environmental perspective.

I do hope that Members on both sides could see the wisdom in the two Bills being presented here this afternoon. Thank you.

Mr. Roger Boynes (*Toco/Manzanilla*): Thank you, Mr. Speaker, for giving me an opportunity to speak on these two Bills. I would just indicate and immediately refer to a statement made by the Member for Tobago East, when he asked: where is the Valencia Forest? The Valencia Forest is situated in the constituency of Toco/Manzanilla and basically borders the Valencia Stretch. It is located on either side of the Valencia Stretch.

I understand the concerns of the Member for Point Fortin when he talked about that environment, but a strange thing took place in this House. We passed the Squatter Regularisation Bill and in it we agreed to regularize the squatters who are presently existing and occupying a forest reserve. In fact, what we have done to our forest reserve area is that we have de-reserved it. So what is taking place now is that persons are slashing and burning. They are cutting the forests and planting their short crops without any form of regulations whatsoever.

When I visit these areas and I tell them look—

Mr. Assam: I did not want to interrupt the Member, but as far as I understand the Bill, it does not give anybody the right, even though there is a Land Tenure Regularisation Bill passed in this House, to continue to squat there if the land settlement agency deems that area is to be reserved for forests or is not suitable, for one purpose or another, to continue the occupation of human beings. Therefore, it does not mean that those who are squatting in the Valencia Forest now, would be allowed to continue to do so. They would be relocated elsewhere. The Member has misunderstood the Bill.

Mr. R. Boynes: Let me explain to the Member, by ensuring that the squatters are, in fact, provided for in the Squatter Regularisation Bill, we have given them a legal status which they are using at present. When in practical reality they approach the courts and the Forestry Division brings them up in the court, trying to get them out of that forest reserve area, their argument to the court is that they have been regularized by the—[*Interruption*]—it is named in the Squatter Regularisation Bill.

I made my protest in Parliament when the Bill was being debated. I said that it goes counter to the place being a forest reserve. Mr. Speaker, do you know what is taking place? I have actually been going in that particular area, trying to get the persons who are occupying the place, to stop cutting down the forest. This is a serious problem, and I am simply saying that if we are really concerned about our environment we should be very mindful of any legal status that we are actually giving them in an area that is already designated a forest reserve.

Let me also mention one of the points of concern in my constituency. Several members of my constituency have approached me and they have written to the administration that deals with the granting of licences to cut teak. They were not even given the courtesy of being responded to. I do not want to call any of the individuals' names, but just today one of them was in my Member of Parliament Office and he realized that we were going to speak on this particular Bill. He was very concerned about the fact that his parents, grandparents and his great-grandparents toiled the soil in Toco/Manzanilla. They planted teak plants and spent their time and effort, and not one person in the entire—and I mean the entire—Toco/Manzanilla area, has been given a licence to cut teak. But yet we see trucks upon trucks taking all of our teak and resources that our grandfathers and great-grandfathers have sweat and toiled to plant, and it is going out of our region. We are very concerned about that. [*Crosstalk*]

When he spoke to me he asked me simply to appeal to the Minister of Agriculture, Land and Marine Resources to try to intervene and ensure that there is transparency in this regard. So much so, that when one wants to apply for a licence, it would be duly advertised in the newspapers, there would be proper tendering procedures and it would be open for all and sundry to see. Thus, even though a man from Toco/Manzanilla does not obtain a licence to cut teak, he would feel in his mind and in his heart that justice prevailed and that the procedure was fair and transparent. Mr. Speaker, justice must not only be done, it must manifestly be seen to be done. The constituent has asked me to implore and appeal to the hon. Member for Princes Town to look into that particular situation that presently obtains in this country.

I would focus on these two Bills. The first one I would focus on is: "An Act to amend the Sawmills Act, Chap. 66:02." In the constituency of Toco/Manzanilla we do not have oil, cane or steel and there are no factories. Do you know what we have, we have good wood. [*Desk thumping*] Therefore, what is taking place in Toco/Manzanilla—

Mr. Speaker: I think that in some country districts you refer to it as *bois*. [*Laughter*]

6.00 p.m.

Mr. R. Boynes: I thank you very much, Mr. Speaker, for your correction.

So, you find what is taking place in that particular constituency is that there are many persons who will have their small shops set up where they produce furniture. They will have their small sawmill with small power saw and so forth; and many of them depend on the wood-working trade for their own survival.

As a matter of fact, when this Bill first came to Parliament, during the first reading, there has been hundreds of hundreds of constituents who have been coming into the Member of Parliament's office and they have also been going to the Member for Nariva. Both the Member for Nariva and myself, we have got so many pieces of documents that were sent to us asking us to intercede on their behalf, since in both areas—Toco/Manzanilla and Nariva—we depend on wood-working as a means of survival for the small man. We do so; and that is a fact.

So, Mr. Speaker, it is my humble submission that this Bill, in its present form, goes against all the dictates that we have heard from the Member for St. Joseph which says that his policy is to encourage the small industry, the small-business sector. It goes counter to that.

Let me indicate immediately, that the most burdensome and undesirable provisions of this Bill are as follows:

(1) the definition of sawmill to include every furniture shop or place where wooden products are manufactured.

And in particular, small bands and circular saws are kept, and the imposition of a sawmill licence fee of $2,000 per year or part of the year.

Now, if I may say this: there is something called a circular saw and a small-band saw. If you go into many stores you can get a circular saw for about $300. And there are some of these circular saws that are monitored, that have a motor and you can get that. People use these things in their homes to do all sorts of repairs to their homes and furniture. They do that these days!

Now, I had a problem with the $2,000 but I see where the amendment took into consideration these small furniture shops and dropped the price to $500. I am asking: If someone wants to purchase one of these small circular saws to do normal maintenance work around the house, must he then, instead of paying the $300, get a licence for $500 and then pay $300? This sum of $250 does not

matter. This is not right, Mr. Speaker. If we really are to encourage small business in this country, that cannot be right. What about the individual in the Drag Mall, the small craftsman? Must he now pay $500 for a licence to purchase something he could buy for about $200, or pay $250 for a licence? It is very difficult for one to contemplate. I am asking the Members on the other side, if they did not look at it from that perspective, just view it from that particular perspective because many people have been approaching us. I say "us", not from my perspective only or from our perspective on this side, but including the Members of the other side.

[MR. DEPUTY SPEAKER *in the Chair*]

May I also indicate that the problem of classifying the furniture shop as a sawmill—now, some persons will have a furniture shop and will be selling to the population at large. Some persons will have a furniture shop like Courts, like Capils, for instance, and they will be selling to the public as a whole, $500 is nothing for them. But the small man who is trying to keep his head above water, he finds that $500 is a lot of money to put out. He finds that it is a tremendous amount of money to put out, so he is saying that it is discriminating against the small man, and that is his concern.

So, if I may just indicate, at this time, that the ideal remedy is to expressly exclude furniture shops from the definition of "sawmill" as obtains in the existing legislation. It is for this particular reason that this existing legislation does not have furniture shops as part of the definition of sawmills; it is for this particular reason, to encourage growth and to stimulate economic activity amongst the small man. I am simply suggesting—

Mr. Maharaj: Would the hon. Member give way?

Mr. R. Boynes: Yes.

Mr. Maharaj: I thank the hon. Member for giving way. I just want to point out that it does not apply to anybody who has a saw; it is a saw in a sawmill, and sawmill is defined in section 2 which says that where you have a furniture shop which manufactures, in which power saws, breakdown saws, *et cetera*, are used, then in relation to power saws of 80 cubic centimetres or more, then you have to have—it is not like everybody who has a power saw, or the small man who has a power saw or a hand saw for the fellow in the drag shop. So, I just thought I should point that out.

Mr. R. Boynes: I thank the hon. Member for Couva South for making the intervention. We will deal with the aspect of the power saw and the 80 cubic centimetres capacity in a short while.

Coming back to the person with the small hand saw and that sort of thing, in most instances, you find somebody would have something attached to their homes where they are manufacturing furniture, as the case may be. In these instances they will have small circular saws as well as the larger saws. Yes, indeed, they will have the small bands and they will have the small circular saws and they will be able to produce certain things as well.

So, with respect—*[Interruption]* Well, you see, those small circular saws and those small bands saws that are contained in an environment as defined by the Bill as being a sawmill, will be captured by the whole definition of "sawmill", and that is my point.

Now, if I may just mention the whole aspect of the power saw licence—now the introduction of the power saw licence for units above 80 cubic centimetres and the requirement to pay 15 per cent of the purchase as the licence fee, would make the acquisition of units of this description prohibitive. Now, the power saw, Mr. Deputy Speaker, is in fact an indispensable tool—

6.10 p.m.

Dr. Mohammed: There is an amendment to that, Mr. Deputy Speaker.

Mr. R. Boynes: May I crave the indulgence of this Parliament, Mr. Deputy Speaker?

Mr. Deputy Speaker: Yes, you may.

Mr. R. Boynes: The sum of $250, Mr. Deputy Speaker. I thank the hon. Member for mentioning that to me. I am sorry that I took so long in identifying the recent amendments. I am glad to see, they at least had the good sense, very good sense, to lower the cost of a licence, in this regard.

If I may read the amendment, Mr. Deputy Speaker:

> "Where on coming into force of this Act, a person already has in his possession or intends to purchase a power saw, to which this section applies, he shall apply to the conservator for a licence, hereinafter called a power saw licence, and upon such application shall pay a fee of $250.00".

This is a power saw licence. It is different from a hand saw, Mr. Deputy Speaker. I am asking, why should he pay $250 for this licence? Why should he pay it, at all? It is something that is normally used for agricultural purposes. If somebody wants to fell a tree, an immortelle tree, that sort of thing, he would normally use the power saw.

Now, I understand the problem with the power saw licence. Certain persons have a problem with this licence, in that it may be used for the ripping of timber into lumber. Recently, in the area of Toco/Manzanilla, in the Sangre Grande area, the Forest Rangers were in position to catch three individuals, who were taken to the courts and dealt with, according to the law of the land. They caught them with a re-modified power saw which would actually rip timber into lumber.

The point I am making, however, is that the problem is not the power saw. The problem is the fact that they used the motor of the power saw and they modified it into a piece of equipment that rips the timber into lumber. That is a fact. That is what happens.

Dr. Griffith: No, no. It was the power saw.

Mr. R. Boynes: So what happens is that, we are looking now to clamp down on power saws throughout. The power saw normally cuts across the tree, across the board. That is how it cuts. Right? It does not rip the timber into planks of lumber. It does not do that; you have to modify it.

What we should be legislating now, is the re-modification of the power saw; for instruments and equipment that use the motor of the power saw to create equipment that rips the timber into lumber.

Dr. Griffith: It is power-driven.

Mr. R. Boynes: That is not a power saw. What the Forest Rangers had confiscated in the forest, and what they took to court in Toco/Manzanilla, was not a power saw. It does not come under the definition of "power saw".

If we are really to deal with the problem, without affecting the normal agriculturist, we should try, as much as possible, to save him from that, and deal with the problem where it really obtains, because people will be actually going with their mini sawmills throughout the forests. It is a modified version, a modification of a power saw. This is my humble opinion, Mr. Deputy Speaker.

Dr. Griffith: It is a power saw.

Mr. R. Boynes: I am saying it is a modification of the power saw.

So the proposal to enact a power saw licence—I am simply suggesting—should be abandoned and the introduction of legislation should be in respect of devices that are to adapt the power to perform as a rip saw. This is my point: this is where the legislation should be hitting; and not at the power saw itself, because the power saw itself affects very many farmers. This is my humble opinion, that our situation is simply that the introduction of licencing in the context of sawmill legislation should be in respect of devices to adapt the power to perform as a rip saw. It is as simple as that.

If I may now direct the Parliament's attention to the Forests (Amdt.) Bill. The commentary on this Bill focuses on two aspects: namely, problems envisaged with the Bill as structured; secondly, the constitutional issue, more particularly, the appropriate parliamentary process for enactment.

The proposed section 7(1) of the Bill requires the owner of private land to make an application for a permit to fell any tree, Mr. Deputy Speaker. Now, in the substantive Act, "tree" expressly includes palms, bamboos, stumps, brushwood and canes. It follows, therefore, that the permit to fell is required for each and every type of vegetation specified in the definition of "tree". This must surely mean a continuos trek to authorized officers before any significant clearing of land, for any purpose whatsoever, to proceed. This will be administratively cumbersome to implement, and frustrating to persons wishing to clear lands for any purpose. So, Member for Princes Town, if you wish to clear your backyard, you may have to apply for a permit. This is what this Bill is actually doing, Mr. Deputy Speaker.

The shortcoming in the proposed section 7(1) is the broad sweep of vegetation for which a permit to fell is considered to be appropriate, bearing in mind the definition of "tree", and consequently the administrative inconvenience to which land owners will be put in obtaining licences for a variety of vegetations. You will find very many problems obtaining, Mr. Deputy Speaker, based on the Bill, in its present form.

I recommend that the need for permits to fell should be thought out carefully, and should be restricted to specified locations, to meet specific environmental concerns. That will solve the problem, to an extent, Mr. Deputy Speaker.

Under proposed section 7(A)(1), there is a general prohibition of removal of any timber without a removal permit, and 7(B)(5) would impose a fine of $3,000 for an offence in this regard. The subsisting Act reads, in part:

"'Timber' includes all wood, whether cut up or fashioned for any

This is an instance of subsidiary legislative power to be exercised by the Minister, without any form of parliamentary scrutiny. This provision stands at odds with subsidiary legislative procedures set out in the existing Forests Act at section 23 which provides for an affirmative resolution in the making of rules.

Mr. Deputy Speaker, the refusal of a removal permit for timber on private lands impinges on the individual's right to enjoyment of his property and, at the very least, subsidiary legislation in this connection should be under full parliamentary scrutiny.

The pattern established by section 23 of the existing Act, that is, the procedure of an affirmative resolution should be adhered to. Indeed, it is questionable whether the proposed section 7E of the Bill is necessary in light of the provisions at section 23(a) of the existing Act at all. The proposed section 7E(2) of the Bill, therefore, should be reviewed with a view to its deletion.

This proposed section similarly contains conferment of a subsidiary legislative power on the Minister and I quote:

"... prescribe such fees... as he may think fit."

The levying imposed on the citizenry is by long history parliamentary practice on activity for close parliamentary scrutiny. Again, at the very least, exercise of this subsidiary legislative power should be in conformity with the procedures established at section 23 of the existing Act, that is to say, an affirmative resolution.

A new section 7H has been introduced at the Senate level—no problem with that. The purpose of the clause is to confer on the Minister, power to review

appeals against the refusal of any permit. The intention, Mr. Deputy Speaker, of the legislative change is to bring lands in private ownership under the purview of the Conservator of Forests and, in so doing, to impose significant restraints on the use and enjoyment of property. Therefore, one should realistically expect a high incidence of contentious and emotionally charged issues between the Conservator and the public. Review of issues of this nature should not be left to the Minister under whose direction the Conservator functions. That arrangement will not have the openness and will not encourage the perception of fairness which the dispensation of justice in this case demands.

All the classical arguments for the establishment of an independent administrative tribunal exist in this situation. The Bill should be revised to accommodate the establishment of an "Administrative Tribunal" to deal with disputes arising out of the granting of felling and removal permits.

Mr. Deputy Speaker, reference to the High Court: It does not detract from this argument, bearing in mind, some of the over-crowded agenda that we see and the high cost of litigation at our supreme courts.

The constitutional issues in respect of this Forests (Amdt.) Bill. Now, the amendments proposed in this Bill do not come under the savings provisions for existing law, that is, section 6(1) of the Constitution, in that the amendments relate to private property, whereas the existing law focuses on state-owned lands. Insofar as the proposed amendment:

(1) alters the existing law;

(2) derogates from any fundamental right guaranteed by the Constitution, to an extent to which the existing law did not previously derogate from that right, to that extent it is unvalid unless *inter alia* passed by a special majority in this House.

The Constitution does not protect the citizenry from the Government placing the obligation to prove a breach of the Constitution or members of the public adversely affected. The cost of time, money, on the average citizen, Mr. Deputy Speaker, to take up such an issue, is an effective insulation of the Government from any challenge of this nature. In other words, any response by this Government to an agreement of unconstitutionality is dependent on the political ethics of the Government at its assessment of the likelihood of a judicial challenge.

The Government, Mr. Deputy Speaker, can and does seek to transfer the duty of establishing the constitutionality or unconstitutionality of any legislative process

adopted onto the public at large. It has done so in this particular instance. So, in other words, if you do not like this Bill and if you find this Bill is supposed to be passed by a special resolution and infringes one's constitutional rights, take it to court. That is what it does.

Mr. Deputy Speaker, I am simply suggesting that the Members on the other side, before passing or before trying to pass this Bill by a simple majority, take heed that in our humble opinion it deserves a special majority.

I have mentioned that this Bill affects hundreds of persons in constituencies throughout the country and, in particular, persons in the constituency of Toco/Manzanilla. They depend on having a furniture shop for their daily livelihood. Having to pay any sum of money discriminates from a carpenter to a man fixing fridges. Why does the man who fixes fridges not have to pay that $250? Why must the carpenter, because he has a power saw or an agriculturist because he has a power saw of 80 cc have to pay this fine? The fee for the licence, persons in other professions do not have to pay. It is discriminatory and I am asking the Members on the other side to delete that particular clause.

I further want to indicate that at clause 4, proposed section 4A(1) of the Sawmills Bill, the word "forests" without a definition will create ambiguities in administration. There is no definition of "forests" in the existing Act, that is, the Sawmills Act. The term "forests" should be so defined in the Act to restrict its application to forest reserves and state lands. So, in order to be tight, we on this side are simply suggesting that the Government take heed of some of our recommendations and ensure that what we pass here in this House is in the best interest of the people of Trinidad and Tobago. I thank you, Mr. Deputy Speaker.

Mr. Kenneth Valley *(Diego Martin Central)*: Mr. Deputy Speaker, when I came here today, I had two difficulties with the legislation before us and after listening to the debate, I am more convinced in my own mind, that they are real issues. But more than that, Mr. Deputy Speaker, it appears that there are other problems as outlined by my colleague, the Member for Diego Martin West, and it seems that really, the best course that one ought to adopt at this time is to have the Minister take this Bill back and look at it because there is a feeling on our side that we can achieve our objective without the bureaucracy or the interference of individual rights that this legislation envisages.

6.30 p.m.

Mr. Deputy Speaker, I think we all agree that something must be done to stop what is really, quite simply, the thieving of logs, the raping of our timber and so forth from the forests. We know that this has been happening for some time. The

Member for Tobago East wanted to know why something has not been done over the last four-year period, over the 30 years that the People's National Movement was in power. Whenever I hear that argument, Mr. Deputy Speaker, I simply put that down as a very simplistic argument. One would expect that a person of the training of the Member for Tobago East would know that as a fact there is always work in progress.

The Minister in moving the Bill mentioned the fact that as late as 1980, two pieces of legislation came into force. So that it is not as though nothing has been done over the period. With time however, changes would be required, and even though one puts a system in place at a point in time, obviously it may require amendment from time to time.

With respect to the last four years, Mr. Deputy Speaker, the Minister would tell his colleague from Tobago East that when he came in, he met an Agricultural Investment Plan—Is that what it is called?

Hon. Member: No. The Agriculture Sector Loan.

Mr. K. Valley: The Agriculture Sector Loan, the policy framework, which he adopted. He came to this House and he said it was well done. He adopted it, all right. So that the Minister, in that period, was concerned with other things and as we can see from the debate here today, dealing with the problem of praedial larceny of logs, obviously, is not an easy thing to solve. I am not blaming the Minister.

When we speak about solving a problem, but in doing so, creating further difficulties for persons who may be innocent, then obviously we have a problem. We take a simple case with respect to the amendment to the Forestry Act, which now states that if I really want to cut down that old mango tree that my neighbour has been bothering me about for the last six months or so, because he feels it is going to fall on his house at some point in time, I now have to get a licence from the Ministry of Agriculture, Land and Marine Resources. That is my understanding, and if that is not so, tell me. Or if, for example, my constituents in Bagatelle want to cut down that termite-ridden tree that we have been begging the Ministry of Agriculture, Land and Marine Resources to come and cut for us for the last year, they now require some permit from the Ministry of Agriculture, Land and Marine Resources, Mr. Deputy Speaker. I am simply asking really, where are we going?

Perhaps, Mr. Deputy Speaker, I am a bit more sensitized to these issues within the last three or four years. I decided to get involved in some small business, and I

can tell you I come face-to-face with the myriad of regulations, things you can and cannot do and the licence you have to get to do any simple thing. When I consider where we are in this economy at present, when I see what is happening in Trinidad and Tobago and when I superimpose on that, the global crisis which is facing us, I know that really if we are to survive, we have to get output up, we have to get productivity up, then I say, as a Government, the main task ought to be the removal of the bureaucracy as much as possible. Removing red-tape, not creating it. Not asking small business persons in the furniture trade to now get a licence for this, that, or the other. Quite simply, Mr. Deputy Speaker, as we move forward it is our productive sector which would have to take us forward. If we attempt to place more and more constraints in their way we would really be hamstrunging our industry.

What the Minister of Agriculture, Land and Marine Resources is doing with respect to the furniture trade may very well be at variance with what the Minister of Trade and Industry wants to do. While he wants to encourage a small businessman, while he wants to create an environment that is going to make it easy for them to increase employment, to increase output and so forth, you are putting, by this simple legislation, a major obstacle in their way. I hope you would see that. After listening to Dr. Rowley this afternoon, I feel certain that we can find a simpler and more efficient method of achieving what you want to achieve.

I have that problem with respect to defining the furniture manufacturer as a sawmill and I have that difficulty with respect to really constraining or constricting the right of an individual in dealing with his property, and I would want the Minister to look seriously at those two issues.

There were some other issues raised in the debate. The Member for Diego Martin West made the claim that the Minister really was, perhaps, the main culprit with respect to allowing the stealing of our logs and so forth. I honestly hope that the Minister would answer that and spell out clearly, the criteria used with respect to those three individuals who were named by the Member for Diego Martin West. Coming out of that however, the Member for Tobago East spoke about his Government taking steps and coming with legislation very soon to avoid corruption. Mr. Deputy Speaker, when he said that I was saying here, now really, the best thing they can do, rather than come with legislation, is to stop doing it; stop participating in the wanton corruption that seems to be the order of the day with this Government. *[Desk thumping]*

You see, Mr. Deputy Speaker, I must go back. This afternoon we heard what is happening in agriculture. We are very well aware of what has happened in the InnCogen transaction where no other person but the Prime Minister of our country is implicated. We have had no word from him up to now saying yea or nay and I am concerned about that. So that when the Member for Tobago East talks about the importance of culture, the importance of having a culture that is going to avoid corruption and these things, I agree with him; and I am saying that, given what has been happening since 1995, there is that clear message that that is what ought to be the order of the day.

[MR. SPEAKER *in the Chair*]

So that while we see it at the Cabinet level, it is now rampant also at the board level. You hear the stories with respect to the Airports Authority, but not only at the Airports Authority, if you are there and you are hearing what the people are saying, they tell you about what happens at Maintenance, Training and Security Company and Solid Waste Management Company. Two individuals are in London negotiating and one looking for his stake, when the guy with whom he is negotiating is about to agree with him on a particular percentage, he gets a call from his boss here in Trinidad; another director of Solid Waste Management Company who is willing to take a lower amount.

6.40 p.m.

So, you are hearing, it does not matter which state enterprise; you asked them, find out what is happening with Solid Waste Management Company; find out about the Directors who went to England to negotiate contracts; find out what is happening. So, I am saying that if we want to have this culture of high morality, the best way of doing it, is to set the example. And, there is no better person to set that example, than the Prime Minister of our country. And, I think he owes it to our country, to tell us clearly, what happened with that InnCogen matter. I am very uneasy, Mr. Speaker, because one would not like to think that the office of Prime Minister, is somehow imbued with corruption. One would not like to think so, but as long as he maintains that silence, one can arrive at no other conclusion.

So, I agree with my friend from Tobago East, that we as parliamentarians, have an obligation to assist in the development of a culture that is healthy; but as a fact, over the last few years, we have seen, really some new norms. We thought that we were accustomed doing things, in Trinidad and Tobago, in a particular way. There was a particular culture; there were certain things that we could do, and certain things which we thought would never have been done. That has changed, Mr. Speaker. I did not want to talk about your office, Mr. Speaker, but

you know, I came up in a system where I never thought someone who fought an election and in the same election could be Speaker. I have a difficulty with that. That has changed. I never thought an active politician could one day be President of the Republic. We see new norms, and what I am saying is that they might be right, they might be wrong. What I am saying also is that, if we want to change, then we must know that we have to do a selling job. And the change agent has a responsibility to make the case, to take the people with them; otherwise there would be questions, and people would say: "anything goes". The end result is simple. The people at the margin would say: if they can do it, we can do it, too. So that, for me, the increase in criminal activity and the kidnapping, and all these sort of things, is simply a result of the culture of what they are seeing. It is simply a result of what is happening, the frustration that the people feel; not knowing whether they are going up or down. And that is what it is.

Then, my friend spoke about some environmental issues, and he was making the point that over the period, the last four years we were in government, we did nothing. I would just remind him, that the Member for Diego Martin West, who was then Minister of Agriculture, Land and Marine Resources was in the courts, as a witness, trying to defend the Nariva Swamp, when the person who now holds the office of Attorney General, was on the other side defending the people. So, do not come now to talk to us about environmental issues. We have championed that all along.

Also, Mr. Speaker, I have a difficulty with the Member for Tobago East, who comes from time to time, and talks about the PNM, and the PNM, you know, spread this culture of dependency, and so forth. There is an old saying that if you live in glass house you ought not to throw stones. Yet, up to today, the Member for Tobago East has not told this Parliament how come his name could have appeared on a list in 1997, for a student loan that he took umpteen years ago. And, if he wants to come to this Parliament and talk about what is right, then he must come with clean hands. He must, first of all, explain to this House. He must say: this is what happened, this is why I was unable to pay my student loan, or I had paid it and it appeared in error. If we want to develop our country; if we are serious about culture and so forth, then we have to do what is required.

My friend from Tobago East has the ability, really, to say some odd things from time to time. This afternoon he spoke about—and he was really quoting, again, the Member for Diego Martin West, incorrectly. The Member for Diego Martin West made the point that he was surprised when he heard that a junior officer who was promoted and transferred, did not want to accept the post. I

assumed that information came to the Minister via his peers, all right. You check the *Hansard*, that is what I heard.

The important point that I want to make, however, is that at a time when the Minister of Public Administration is approaching the Director of Personnel Administration to give the Cabinet a final say in appointments, the Member for Tobago East wants to come and tell us that a politician ought not to be speaking with a civil servant. We know that; and we practised that. The Minister speaks with his Permanent Secretary. We practised that. Appointments are made by an independent Service Commission. And that is going to remain, as long as there is a PNM in Trinidad and Tobago. One thing I can guarantee you, the PNM would outlast the UNC, as it has outlasted the NAR, and it has outlasted the DLP, as it has outlasted the POPPG, the ONR—what is the other one —the ULF, all of them. As long as we are here, we are going to have an independent Service Commission. In Trinidad and Tobago, PNM is, in fact, a way of life.

Mr. Speaker, while we on this side agree that, yes, something has to be done with respect to praedial larceny of logs, we believe that it can and ought to be done without compromising individual rights, or creating further bureaucracy that is going to affect the small businessman. And, we believe that can be achieved. We are willing to work with the Government, either in committee, or whatever type of consultation, to achieve that but, we submit that the bills before the House, would reap more harm than good. I thank you, Mr. Speaker.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed) Mr. Speaker, I just want to comment on some of the concerns expressed by Members on that side of the House. If I may start by commenting on the concerns expressed by the Member for Diego Martin Central, who expressed the view that, what is being proposed by way of amendments to this piece of legislation is counter-productive as far as development of small business is concerned. We on this side, have no problem, with promoting small business. However, whatever the small business enterprise may be, and in this case it happens to be small business in the wood-working industry, that industry must be governed, or must be operated or practised within a legislative framework.

6.50 p.m.

I give an example of what recently occurred. A few months ago, it was reported to me with respect to furniture shops, because I think the contention here is that look, you are putting into the legislation by way of an amendment, a fee for a licence for furniture shops.

At present, we do not know how many furniture shops we have in this country. We do not know where they are. A few months ago, an owner of a furniture shop was arrested and his vehicle, which was a pick-up, seized and held at the Princes Town police station. The reason that was done was that he was found with his vehicle, a pick-up van, transporting pieces of teak which, on investigation, revealed that they came from the Catsill area in Moruga.

We have had numerous examples of this kind of activity practised by furniture shop owners. Under the existing legislation, there is no framework whereby we can manage this kind of situation. As a consequence, the officers of the Ministry, in particular the Conservator of Forests and his staff, as well as the legal advisor of the Ministry, in consultation with the Attorney General's Office, came up with the idea of: Look, if you need to know where your furniture shops are, who are the owners, *et cetera*, and you want to develop a legal framework whereby you can reduce the incidence of illegal logging and the transportation of these illegal pieces of material by way of vans, jitneys and what have you, one of the ways to do that is, perhaps, to impose a licensing structure whereby furniture manufacturers would be required to pay a licence for the operation of a shop.

I do not see how that is in contravention with what is being proposed by the Minister of Trade and Industry, the Member for St. Joseph, in keeping with the philosophy and the policy to encourage the development of small business. Yes, we are encouraging the development of small business, but what I would like to state here with respect to the concerns expressed by Members on the other side is that it has to be done within a legal framework. This is all we are attempting to do, put it within a legal framework so that we can have checks and balances. That is all we are attempting to do, not to stymie the development of the small working industrialists. No, we are not doing that at all. That is absolutely not the intention. The intention is to create a legal framework so that we can have checks and balances which will eventually impact on reducing the incidence of illegal logging. That is what we are about.

Mr. Hinds: How will we check and balance you as a good manager?

Dr. The Hon. R. Mohammed: Mr. Speaker, in the contribution made by the hon. Member for Diego Martin West—and it is a pity he is not present here with us for whatever reasons—he spoke about the increase in fines. Unfortunately, he was not aware that additional amendments were to be tabled at this sitting and those additional amendments, even though he was present during my presentation when I spelt out the areas where fines would be increased, and if I may reiterate what I said. I referred to section 7(1)(b), section 7A(5), section 7B, section 7C(3),

section 7F(4) and section 8 where all the fines were increased. In the case of 7(1)(b), the fine was increased from $2,000 to $10,000; in the case of 7A(5), from $3,000 to $10,000; 7B, from $3,000 and imprisonment for six months to $10,000 and imprisonment for one year; 7C(3), from $3,000 to $10,000; 7F(4) from $3,000 to $10,000; section 8 from $5,000 to $20,000. I went on further to indicate that the fine and penalty for unlawfully or fraudulently using a Forest Officer's timber mark, which is the subject of section 10, has been changed from $5,000 and six months imprisonment to $20,000 and one year imprisonment, respectively.

So that an attempt was made, in keeping with the concern expressed by the Member for Diego Martin West, on the matter of fines by the introduction of further amendments to those respective sections to which I referred, to increase the fines and penalties.

On the question of timber to be harvested on private lands and the fact that the Member for Diego Martin West indicated that the practice, as far as he is aware, of taking timber or logs from state lands through private lands, the intention of the amendments to the legislation was to put in place within a legal framework, a system whereby all timber has to be hammermarked, be it from private lands, state lands, forest reserves or otherwise, and this is one of the mechanisms that we intend to use as a form of check and balance because timber harvested, prior to the amendments brought to this House, on private lands, did not require some sort of certification by the officers of the Forestry Division of the Ministry of Agriculture, Land and Marine Resources. So that within the amendments and the framework of the amendments brought to this House, we are attempting to put in place a mechanism whereby those logs which are being harvested from private lands would be easily identifiable.

On the question of the power saws used to convert logs to dimensional stock, many of the Members who made contributions from the other side today, spoke about the power saw and the fact that power saw owners, those who are presently owners of power saws 80 cubic centimetres in capacity and those prospective power saw owners 80 cubic centimetres in capacity, will now have to pay a licence fee. Again, one of the objectives here is to be able to identify those who are holders of power saws.

I want to give a little story, Mr. Speaker, with respect to the use of power saws in converting logs into dimensional stock *in situ*, that is, within the forest reserves, within the teak plantations, within the pine plantations and what have you. The Member for Toco/Manzanilla spoke about the agriculturists and how this fee structure, the licensing structure, is going to affect the agriculturists and, again,

it is a pity he is not here because what I would have asked the Member for Toco/Manzanilla is this question: Would an agriculturist really have need for a power saw 80 cubic centimetres and over in capacity? I do not think so, Mr. Speaker.

So that the question of developing a fee structure whereby a licence would be required for holders of power saws 80 cubic centimetres and over, as well as prospective holders of power saws, I think that kind of framework provides a measure whereby those who are holders of power saws 80 cubic centimetres in capacity and over will now become easily identifiable and this measure is being included here so that wherever and whenever an illegal act is being perpetrated, that is, the use of a power saw for the conversion of logs into dimensional stock, the individual of the saw will be easily traceable through the mechanism of a licensing system.

In addition to that, I do not think Members on the other side understand what a portable saw is all about. A portable saw constitutes as part of that piece of equipment, a power saw, because it is the power saw which is driven by an engine which is used to convert the logs into dimensional stock *in situ* in the forest. This is mounted on a particular piece of equipment which allows the log to be converted into boards, into scantlings.

Now, the present legislation does not provide any measure of control for removal of dimensional stock from the forests; it provides a measure of control only for the removal of logs. But, as I said in my presentation, with the advancement of technology and the rate at which it has developed, the perpetrators of this illegal act, that is, illegal logging, are so cunning that they have found ways and means of converting the logs into dimensional stock inside the forests because they are very well aware of the fact that the present legislation does not take on board, the requirement for permits and licences for the removal of dimensional stock from the forests.

So that it is within this kind of framework that we have amendments to the legislation which would take care of the use of the power saws illegally, and to note that the power saw, the furniture factory, as well as the sawmill, are all interlinked. We could not focus attention primarily on sawmills alone and leave out of the loop, the furniture shops, as well as the owners of power saws, because as the Member for Tobago East mentioned, the fact is a truck is a crucial piece of equipment in the transformation of a good, from one economic value to another economic value. So, it is a process that is interlinked. Dealing only with the sawmills would not, in our opinion, solve the problem. One had to deal with the

problem along the length and breadth of the chain, so it included the sawmills, the furniture factories, as well as the power saws.

Mr. Manning: What is the consequence of that?

Dr. The Hon. R. Mohammed: The consequence of that, as is being asked by the Member for San Fernando East, is that we would now have in place that legislative framework which will be supported, as I indicated in my presentation, by a policing mechanism, in an effort to stymie and reduce the incidence of the illegal logging practices which are presently being done in our forests. This, as the Member for Point Fortin indicated in his contribution, is impacting negatively on the environment.

I also made the point that without watersheds, we would have absolutely no water. We have three major watersheds. As a matter of fact, I am advised that we have eight major watershed areas in Trinidad and Tobago. In the southern part of the island, much damage has been done to the watersheds. This has also occurred in the northern part of the island. One of the reasons we are incurring so many floods in this country, in spite of the unduly high levels of rainfall, is because of the fact that our watercourses have become so heavily silted because of excessive erosion being caused by the deforestation that has been taking place in this country over a number of years. So that the measures that we are attempting to put in place here, by way of amendments to the legislation, would be of tremendous benefit to the environment, to the wood industry, to the stakeholders of the wood industry and, in the final analysis, to the citizens of Trinidad and Tobago.

The Member for Diego Martin West also advocated the provision of an incentive to encourage holders of land, be it freehold or otherwise, to plant timber trees.

7.05 p.m.

Mr. Speaker, I would advise this honourable House that this Government has already taken that measure which came into effect on January 01, 1999 under the new Agricultural Incentives Programme of the Ministry of Agriculture, Land and Marine Resources and a provision of $2,500 per hectare per annum is included in that Agricultural Incentives Programme for the planting of trees of commercial value. The concerns expressed by the Member for Diego Martin West in that an incentive should be provided to the stakeholders in the subsector. I say that this Government has taken that initiative by putting within the framework of the new agricultural incentives package, an incentive of $2,500 per hectare per annum for the establishment of timber trees for planting on those parcels of land.

Mr. Speaker, the Member for Diego Martin West, and I am sorry he is not here to listen to what I have to say with respect to his concern about the provision of logs to one Mr. R. Rampersad, Dan Rampersad and Mr. Govindra Roopnarine. It is unfortunate that he did not speak with the Member for Arouca North before making those statements, because the policy of the Ministry of Agriculture, Land and Marine Resources for the distribution of land, which I can assure you is very transparent, is as follows.

Having had the experiences with Tanteak whereby—and this is a report which I received from the Conservator of Forests on this matter—Tanteak has the signed concession agreement over the period 1989—2007 which is between the Director of Forestry and Tanteak and it gives the company the right to cut and extract timber in the concession area for its own use, subject to the terms of conditions, limitations and restrictions. An annual felling plan is prepared by the Forestry Division indicating the teak and pine coops, that is the felling areas that are available for felling. This felling plan is discussed with Tanteak.

Mr. Speaker, Tanteak has never been able to harvest all the fields allocated to them in any given year for various reasons. My information indicates that over a five-year period on average, Tanteak has only been able to harvest between 40—50 per cent of the allocations. Bearing that in mind and, in keeping with the philosophy of developing or enhancing small business percentage allocations of the coops in any one period, that is per annum, by way of policy, was developed in the Ministry of Agriculture, Land and Marine Resources whereby private sawmillers and other wood industrialists would now have some degree of access to the state's timber.

Private sawmillers and other wood industrialists have been agitating to get an allocation of some of the teak and pine to maintain their industry. From a report prepared by the FAO consultants in 1994, and I think the Member for Diego Martin West referred to this report, the real capacity of the private sawmill in Trinidad and Tobago totalled 60,000 cubic metres while the real capacity of Tanteak totalled 18,000 cubic metres and the gentleman's concern was nevertheless that Tanteak was given a monopoly on the state’s teak and pine resources. That is from the FAO consultant's report.

Further to that, I am advised that Tanteak has not been paying the royalty due and a backlog in excess of $10 million in royalties is owed to the Forestry Division as at June 03, 1998. It may have increased since that time. The private sector on the other hand is paying more than twice the royalty for teak and pine which

Tanteak could not even harvest due to problems of extraction. Moreover, the private sector pays on a cash basis.

The sawmilling industry employs many more people than Tanteak and should be given the opportunity to expand, or at least maintain the operations. In addition, the private sawmilling industry is capable of producing high value material for export. There are obvious advantages for Trinidad and Tobago by insuring the survival of the sawmill industry and this is in keeping with the policy to enhance the development and encourage the development of small businesses, inclusive of the furniture manufacturer. It is against this background that the following recommendations were made by the Conservator of Forests.

At least 30 per cent of the volume of teak and pine which are available for harvest in any given year be allocated to the sawmilling industry inclusive of the furniture manufacturers and that 60 per cent be allocated to Tanteak. Even though Tanteak has not been able to harvest its allocation, it is felt that an allocation of 60 per cent of the available materials would give them enough material to expand. This would be monitored and adjustments made accordingly. The other 10 per cent is to be made available to entrepreneurs in the wood industry.

I want Members on that side to pay particular attention to what I am about to say because those persons who are deemed entrepreneurs are not classified under Tanteak, sawmillers and/or furniture manufacturers. Entrepreneurs must prequalify to participate in an auction by providing proof of a foreign order for dimensional stock. They must first prequalify by providing pro forma invoices of foreign orders of dimensional stock. It does not speak of logs. It speaks of dimensional stock, that is log, value added, cut into dimensional stock and one has to prequalify as an entrepreneur by providing the Conservator of Forests with pro forma invoices of foreign orders of dimensional stock before one is invited to an auction. Three persons were able to meet that requirement they were: Romando Rampersad, Dan Rampersad and Mr. Govindra Roopnarine. Every stakeholder in the subsector was given that opportunity and those were the three persons who qualified.

Consequently, they were called to an auction and the coops identified by the Conservator of Forests were then auctioned to these three persons. Normally, the price which we receive by way of an auction per cubic foot for teak is around $15 per cubic foot, and out of that auction of those three entrepreneurs, a price of $40 per cubic foot was received. Mr. Govindra Roopnarine was able to pay $40 per cubic foot, the other two persons were not able to pay that amount. *[Interruption]*

I am hearing from the other side that they are two campaign managers. I would tell those Members on the other side who Mr. Romando Rampersad is. He is a member of the General Council of the PNM. He is also the chairman of the Couva North PNM constituency. That is the gentleman to which they are referring. So when the Member for Diego Martin West tries to give the impression that this Minister is giving logs to his friends, I want them to know that Mr. Romando Rampersad is not a friend of this Minister, he is a member of the PNM General Council and Mr. Dan Rampersad was once a member of the PNM party and they are now annoyed that Mr. Dan Rampersad has left the PNM party and he was my campaign manager during the 1995 general election. That is what is annoying them.

I have explained the procedure of which we on this side are satisfied is completely transparent in connection with the allegations made by the Member for Diego Martin West. The Member proceeded to read a document by way of a letter sent to him by Tanteak and it is a pity he is not here because I would have liked him to tell me whether that letter was written to him before or after the selective burning of receipts from receipt books from Tanteak. That is what I would have liked to ask him, but he has absconded and he proposes that this Minister of Agriculture, Land and Marine Resources should submit his resignation to the Prime Minister. I want to submit my letter of resignation to the Member for Diego Martin West. So when they come here with all this garbage and this mischief, it is intended to give the population the impression that this Government is corrupt. I keep reminding them—*[Interruption]*

Mr. Speaker: Everybody has an opportunity to speak in this debate. It is unfair that any Member of the Opposition behaving as one is now behaving while a Member is speaking should do so. I ask that it be discontinued.

Dr. The Hon. R. Mohammed: Mr. Speaker, it is always difficult for those on that side to listen to the truth because it bothers them. Any time a Member from this side gets up and refers to BWIA, we see the Member for Diego Martin Central beginning to itch in his seat and the only thing he does not do is take off his jacket. Something is wrong. Every time this issue is raised in this Parliament he becomes very uneasy, yet they sit there and continue to accuse this Government of corruption. Further to what the Member for Diego Martin West read in his letter, that purchase of teak from Tanteak went through National Quarries and I am asking, why does National Quarries require teak? I am wondering whether there is a relationship between the position held by the Member for Diego Martin West at National Quarries at that time and the so-called purchase of the teak.

Mr. Manning: What year was that?

Dr. The Hon. R. Mohammed: I am not concerned about the year, I am wondering whether there is a link. I still cannot understand the relationship between what was read by the Member for Diego Martin West, and that letter which was sent to him by Tanteak in response to his letter. What is the relationship between National Quarries and the purchase of teak from Tanteak? I am at a loss.

Mr. Speaker, Members on that side continue to criticize, and the truth of the matter is that those on that side have absolutely no moral obligation to stand in this House and criticize Members on this side. Absolutely no moral authority!

7.20 p.m.

Some of us on this side know precisely what went on when that government was in office with their respective ministries. The Member for San Fernando East is going to urge me on to talk, particularly about the Member for Diego Martin West, because the competition for leadership of the PNM continues and the battle is on. So he is going to continue to encourage me to speak about the Member for Diego Martin West because he is going to profit from it.

I just wanted to clear the air about the accusations made by the Member for Diego Martin West about this Minister of Agriculture, Land and Marine Resources because he sat in that chair for four years. He has come to this Parliament today, seven years later, with the solutions. Why did he not have the solutions then? Why could he not have corrected these deficiencies then?

Reference was made to the grey matter, the convolutions of the grey matter and the activity of the acetylcholine necessary to make that grey matter function, and it was definitely missing; because one cannot come into the Parliament seven years later with solutions to a problem when one sat in that chair for four years and had the opportunity to correct it. That is why I am saying that they have no moral authority to come in this Parliament today and criticize this Government, because we are doing something about it. *[Desk thumping]* That is what we are about, and that is why these two amendment Bills are before this Parliament today. They knew all along what was happening!

The Member for Diego Martin West admitted in his contribution that Tanteak has become a failure. Why has Tanteak failed? He had four years to deal with it in his capacity as the Minister of Agriculture, Land and Marine Resources. What did he do? What has he done? Yet he comes to this Parliament today to criticize this Minister of Agriculture, Land and Marine Resources saying that I should submit a

letter of resignation to the Prime Minister. *[Desk thumping]* He did not put me here. The people of Princes Town put me as a Member of Parliament, and the Prime Minister appointed me in my capacity as the Minister of Agriculture, Land and Marine Resources.

Mr. Manning: And he giveth and taketh away.

Dr. The Hon. R. Mohammed: Yes. As he says, I giveth and taketh away. I am the Lord! Mr. Speaker, you see how ridiculous this can become? That is why I continue to say that they have absolutely no moral authority to speak in this Parliament. They know exactly what they did when they were in government. Whenever we raise the issues of BWIA, Ferrostaal and National Fisheries, it bothers them.

Mr. Manning: Is the hon. Minister prepared to give way?

Dr. The Hon. R. Mohammed: No, Sir. Not at this point in time. I am in full flight. I do not wish to collapse. *[Desk thumping]*

Mr. Speaker, the Member for Toco/Manzanilla expressed some concerns about the definitions of “timber” and “tree”. In keeping with good governance, we feel it is only right and appropriate at this juncture to seek your permission for a postponement of the committee stage of this Bill, and to ask that the debate on this Bill be adjourned to a later stage so that we can take on board the concerns expressed by the Member for Toco/Manzanilla.

Thank you, Mr. Speaker. *[Desk thumping]*

Mr. Speaker: Hon. Members, I take it that what has just been done is that in the course of the Minister's reply, the hon. Member for Princes Town has actually asked that he be permitted to continue his reply on another occasion.

Question put and agreed to.

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

[SECOND DAY]

Order read for resuming adjourned debate on question [Wednesday, January 13, 1999]

Question again proposed.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, on the last date, I had almost completed my presentation on this Bill. I indicated

that this Bill would assist the criminal justice system in that if properly carried out, it can ensure a greater measure of justice and would allow for the swift determination of matters. In cases where the people want to plead guilty, it will also give the defendant a feeling of participation in having the sentence passed and he would not resent the final sentence and there will be a question of punishment being effected quickly and the process would, in effect, give more time—if these matters are determined and sentences are passed—for the courts to use that time to do other matters and for the resources of the country to be saved.

There was one aspect which, upon looking through the notes, I want to correct. When I was making my contribution, the hon. Leader of the Opposition asked whether the Criminal Bar Association was consulted and my answer was, yes. This answer could have given the impression that they were consulted orally, but what occurred is that apart from the Bill being published for public comment, the Bill was sent to the Law Association, the Assembly of Southern Lawyers and the Criminal Bar Association, and we did not get any response of their objecting to the Bill or the principle of the Bill. A copy of the Bill was also sent to the Hon. Chief Justice, and the Chief Justice replied stating that he supported the principle and the introduction of plea bargaining in Trinidad and Tobago.

Mr. Speaker, I think I have explained the Bill. I went through the clauses and I need only to say that one would expect in a Bill like this—and I want to give the assurance that there would be guidelines formulated for the guidance of prosecutors, both at the Magistrates' Court and the High Court, in order for this Bill to work, because the police officers, prosecutors, magistrates and, in effect, judicial officers, would have some form of guidelines under which to operate.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Fitzgerald Hinds *(Laventille East/Morvant)***:** Mr. Speaker, having listened to the presentation of the Attorney General, I got no answer to the questions that arose when I took a look at this Bill in preparation for this debate. For one thing, it appears as though the crux of his argument is that plea bargaining, or these measures, would assist to get at persons who would not normally be convicted.

One would have thought that the Attorney General would have presented us with some kind of empirical evidence to demonstrate the need for these measures. I think most lawyers, criminal practitioners, in particular—and I am sure even those who are attached to the state—would recognize that in practice there is

some plea bargaining already taking place; charge bargaining even. One would generally be inclined to the idea of the introduction of such measures, but as has been demonstrated time and time again from this side, while sometimes the intention of this Government might be good, oftentimes, the method that it takes to achieve that good is flawed and fraught with all kinds of dangers—legal, constitutional and social.

We have some concerns about these measures which we will demonstrate. What is the rationale for this legislation? It, of course, impacts on the individuals who are victims of crime and, of course, there is a public justification in terms of freeing up clogged court lists, saving very costly judicial time and other legal time. So, on the one hand, the individual who is the victim of crime may very well feel that here is a situation where someone committed a grievous offence and that person is now able—and it is so called in the United States—to negotiate justice. In other words, that person, in essence, can say, "I am prepared to plead guilty to a lesser count and be absolved of the responsibility of answering the charge on the more serious count". For example, manslaughter as opposed to murder. How does that family, in the case of a murder, or the victim of the crime feel? On the other hand, as I have expressed, there are public benefits to it.

Mr. Speaker, I want to get immediately into the essence of this. In clause 2(iv) there is a definition of "improper inducement". It reads:

> a threat that, if the accused person does not plead guilty to the charge, the Court will impose a sentence more severe than that which is ordinarily imposed in similar cases;"

As a matter of fact, the Attorney General has proposed an amendment. This came on the last day, so I overlooked that. I think this is a useful amendment.

7.35 p.m.

I want to continue, however, with that definition section and there is a definition of the term "particular course of action". It says that 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;"

Now, two things. There are two models that it is quite obvious that the Attorney General and the draftspersons drew on in respect of this legislation. Plea bargaining is practised in the United States and to a more limited extent in the United Kingdom. It is quite obvious that the Attorney General has gone for the US model.

Mr. Maharaj: No.

Mr. F. Hinds: Well, so it appears. However, while there is a definition of "particular course of action" in the definition section, I looked through as thoroughly as I could and I could find no place in the measures where that as a concept is used.

Mrs. Persad-Bissessar: Canadian.

Mr. F. Hinds: That will certainly be something that the Attorney General might want to look at and address.

In the definition of "prosecutor" we had first taken the point—and I brought it to the Attorney General's attention privately—that it should have included the police and I observe in the amendment he brought, he has, in fact, included the police, bearing in mind that 90 per cent of the criminal cases pass through the Magistrates' Court and that is where one finds police prosecutors. So I think it was quite sensible for the Attorney General to have included that in the amendments since, of course, this applies both to the Magistrates' and High Courts.

Mr. Speaker, at clause 4(1), it says:

"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."

Now, it is said in subclause (2) that the permission of the Director of Public Prosecutions must be obtained before the prosecutor who is granted a *fiat* or is otherwise authorized by the DPP is permitted to enter into such discussions. Now, while I respect that this is indeed some measure of safeguard, the Attorney General must agree that this introduces a whole new world of bureaucracy.

One of the major studies in the United Kingdom as it looked at the question of plea bargaining was the so-called Runciman Royal Commission Report. The key point in that report, a point made over and over, is that the plea should be taken as

early as possible. It is observed on the basis of the studies done in that report that the longer one takes to arrive at some kind of arrangement, the less likely one is to get a plea of guilty and to enter into a plea arrangement. Because, of course, by then, the accused person or the defendant begins to play around with the system and there is no impetus for him to act early. So the crucial point is that it should be done and secured as early as possible. Particularly in light of the fact that it may be as a subsidiary benefit to all this, the purpose being, as I say, to reduce the list of cases that is blocking up the channels of the courts.

So that, when one attaches at this stage the need for the prosecutor, those authorized by the DPP and/or those with a *fiat,* to secure first the authority or the permission of the DPP, this can lead to a considerable amount of time and the problems, as identified in the Runciman Report, can certainly become manifest.

Of course, the pool of persons that would be affected at this particular stage would be bigger, it is a lot. These prosecutors are in more direct contact with the accused persons, with the offenders and, therefore, as I indicated, we need to arrange the thing in such a way that even if the permission of the DPP has to be obtained there should not be any long wait or any two weeks. Sometimes, in practice, one may have a situation where, and I have seen it regularly, more than one person is charged for an offence and the prosecution recognizes that it wants to target one of those persons because other persons may have been present in the vehicle or in the house when the police executed the raid and they will all have been arrested and charged for the offence. It becomes very clear at an early stage, and it often happens that courts want to temper whatever consequences could flow upon those other persons who were not directly involved, and it is now the situation where the prosecution or prosecuting authority must get the permission of the DPP and I have seen that take considerable time, while the persons who are affected or are to benefit from this intervention remain incarcerated because maybe they cannot access whatever bail the court might have set. So the earlier the better.

There is another issue insofar as this bureaucracy is concerned. When one looks at—and I am going into Form 1 of the Schedule of the Bill now. In that form it requires a certificate by the justice of the peace and in that certificate he must say:

> "I ....., Justice of the Peace...hereby certify that the above declaration was signed by the prosecutor.....and the accused/defendant.....in my presence..."

This again, obviously means that the justice of the peace must be there and must witness these arrangements. That too, I foresee, can and will take considerable time and it opens up the possibility of a whole tier of bureaucracy yet again, particularly those who appear for the first time on what we call charge cases.

So Mr. Speaker, I would like the Attorney General to consider that while we are contemplating introducing these measures, we want to do it in the most efficient way. We do not want wasting time and creating the problems that the Runciman Report identified.

Mr. Speaker, we have seen several bits of legislation brought to this Parliament over the last three years. There was, I recall distinctly, a Community Service Bill. I remember that it was passed in this House and to this day, no effect has been given to that legislation. None whatsoever! *[Desk thumping]* The Attorney General can boast, and perhaps it enhances his résumé to say he brought 50 or 60 Bills before this House and had them passed. But we have seen several pieces of legislation come, we debate them, they pass them, sometimes against the wishes of the Opposition and then they go somewhere, perhaps, in an ice box. Nothing ever happens to them and it would be very sad if we must be taken through this process yet again.

[MR. DEPUTY SPEAKER *in the Chair*]

We have criticized the Attorney General on various occasions for that kind of thing, but there we go introducing these measures and the question arises: Do we have the infrastructure in place to deal with all of this? The Attorney General understands full well that on any given day in any Magistrate's Court, be it in Port of Spain or Arima, one would see lines of people waiting to see a Justice of the Peace to initiate an action or to have some document checked or to get some date, or whatever. The Justices of the Peace complain on a daily basis that they are overworked, they just cannot cope with it. Here it is we are asking these Justices of the Peace to deal with another level of responsibility, according to the Form I which I have just read in the Schedule, to certify that they have actually the plea arrangement as envisaged in this legislation. So I foresee, and not being any prophet of gloom and doom, that we will be running up the same road again, bureaucracy and stalemate.

Mr. Deputy Speaker, while we are on this, we feel that if you listen to the Attorney General, in trying to deal with the problems that he has highlighted, that is to say, to deal with accomplices who would not otherwise be taken in—every lawyer in the criminal field understands that the common law already deals with the

question of accomplices, cases like *Davies v DPP* and such like. When one person is involved in activity, as long as it could be proved on the facts that he was a participant in the thing he would be dealt with on the same terms as the principal offender. The common law is clear on that.

So if we are bringing plea bargaining legislation and the Attorney General is arguing, as he has argued, that this will enhance the arrangements for bringing in accomplices who would not ordinarily be convicted, I do not very well understand that. Because I understand from my own human experience and as a practitioner that what the system needs right now, as one Member said in another debate earlier today, is better enforcement of the laws that now exist. I remember, and correct me if I am wrong, I think we passed legislation in this House permitting video recorded evidence to be used in trials. Did we not?

Mr. Maharaj: Children.

Mr. F. Hinds: In a specific case. But in general, in the United Kingdom, they use video recorded evidence in all criminal cases where necessary. For example, in drug cases. In one case I sat in at a Crown Court. As a matter of fact, the police conducted surveillance on drug dealers for about six months from a 41-storey building, night and day with infra-red cameras and they filmed and filmed, taking copious notes of dates and times and activities and what have you, and by the time they came from the 41-storey building, arrested and charged persons and presented that evidence in court, the convictions were secure. We understand full well that the jefés in the drug world are not ever—well we do not know as a fact, but it is quite obvious that they are not always on the scene handling the drugs and, therefore, it is difficult to get them. So that video recorded evidence in the way it is used in the United Kingdom might certainly be much more helpful than plea bargaining legislation in an attempt to deal with accomplices in that and other types of matters.

So the point one wants to make is this. There are a number of things that must be done about the criminal justice system that will better achieve the goal that the Attorney General says that this legislation is attempting to achieve. We, for example, understand full well—well those of us in the criminal field and those of us who had the benefit of working in the police service as I did—that one of the problems is the obtaining and the procuring of intelligence; so the police service of itself needs to be fortified.

7.50 p.m.

I know this Government boasted a lot about how well it had done in terms of providing the police with equipment and building police morale, but every police constable understands today that one of the difficulties they have is that morale is as low as you could have it, perhaps even lower than it ever was. Mr. Deputy Speaker, it is a fact that between surveillance institutions in the police, like the Special Branch and the Narcotics Unit, there is no marriage, no communication of information. [*Interruption*]

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I thank the hon. Member for giving way. I beg to move that that this House continue to sit until the completion of the debate on the Bill before the House.

Question put and agreed to.

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

Mr. F. Hinds: Thank you very kindly, Mr. Deputy Speaker. The point I am making—and I am labouring it because I think it is necessary—is that the Attorney General has brought other bits of legislation here and they have come to nought. If we are to deal with the crime situation in this country, these measures here as proposed in this plea bargaining legislation will not take us very far.

As I indicated earlier, it operates in practice every day in the courts. This is really to formalize the thing. I was making the point that the Police Service could very well do with a central processing of intelligence unit; that is to say, all units that do surveillance work whether the Criminal Investigation Department, Special Branch, the Narcotics Unit in particular, or whatever, there should be a unit where they could put all this information together. Because oftentimes one unit operates outside the knowledge of the other, and the left hand does not know what the right hand is doing.

I am making this point against the background of the fact that there are a number of things we can do if we have to achieve the objectives that the Attorney General said this plea bargaining legislation would achieve. Another very important issue is the question of protection of state witnesses. If the Attorney General, as he has argued, said that in, for example, the Dole Chadee matter—[*Interruption*] He said it. It was difficult to pull in accomplices and so forth. Then, one of the major reasons for that is because witnesses for the state, people who saw what happened or who knew what happened and can give cogent evidence to assist the

prosecution in any such matter, are afraid to come forward. That is a reality in Trinidad and Tobago.

Thus, for a long time we have been talking in this country about the implementation of a serious witness protection programme, and to date it has not been properly organized. When you consider that the Attorney General and this Government, the UNC, came into government on a crime platform, "We will solve crime, we will hang by June, we will do this and that." To this day, a proper and effective witness protection programme has not yet been put in place.

In fact, the records would show that as inefficient as it was, there was a young man by the name of Clint Huggins, a state witness who was held fairly securely for his own sake, and during the tenure of this Government he managed to get out under the watch of this Attorney General and his Prime Minister. Today, Clint Huggins is no more. A lot could be done to reduce the elements of fear on the part of the citizenry in this country.

I recall a former Attorney General, Selwyn Richardson, lost his life, and to this day no one has been arrested. We heard that an arrest was imminent and that the police were making headway, but to this day nobody knows what happened. How can members of the public in this country feel safe and secure?

I saw the Chief Justice when the law term opened recently, almost tearing his hair out complaining about the fact that many serious offences—murders, mutilations—take place in this country, charges are laid and when they get to court they just fall flat. [*Interruption*]

Mr. Maharaj: He said that?

Mr. F. Hinds: Not in those words—[*Laughter*]—but he alluded to the fact that there was a serious problem in terms of witnesses not coming to give evidence when they are subpoenaed and expected. The Attorney General knows well about that. [*Interruption*] Do not tell me about my clients. Only last week a judge had to impose contempt proceedings and punishment upon two witnesses who refused to give evidence. It could be that they were bribed and did not want to give evidence to assist the state, or they could be in mortal fear, which is justified in this country today based on how things have gone.

I remember—and the Attorney General must take note—about two months ago four men were charged for a murder somewhere in south. The main witness was in court on day one, by the following day he never came, and four men walked out of the Hall of Justice scot-free as we used to say.

What has happened in this country is this: the system of justice has been made such a mockery of that few people take it seriously anymore. The Attorney General being a former practitioner—and it would not be long before he finds himself practising law again, based on the way he has been performing, and then he would change his tongue again from the position he takes now, as being fervent with enthusiasm to hang people, and he may revert to his former position—understands quite well that section 40 of the Preliminary Enquiries legislation that outlines limited circumstances where, for example, depositions can be used in the absence of witnesses in the trial. He understands it.

You would have thought that since he wants to bring in accomplices and ensure that matters are seen to completion and what have you, a very simple amendment could be made to that legislation. The limited circumstances include, if the person is too ill and unable to travel, if the person is out of the jurisdiction, or dead. What is happening now is that a number of persons, once you cannot establish that the person is sick and cannot travel, or dead, those limited circumstances, then you cannot use the evidence given on deposition. Therefore, a very simple amendment as exists in England, a very wide and all-embracing provision, something to the effect that "if the witness cannot be found".

If the witness simply cannot be found as happened in the case I just described, then that legislation would kick in and the procedure would continue as normal, giving no incentive to people to do the things they are doing. It is said—and I cast no aspersions on anyone—that in some parts of the world—and Trinidad and Tobago is not exempt—there are lawyers who may very well encourage witnesses—when they go to an accused to represent him, they may, for example, say, "Look, my fee is $300,000, but you will have to pay me $400,000; $300,000 for me and $100,000 for the witness. Once the witness gets his $100,000, I can assure you that he will not come, therefore, you will not face conviction in this matter".

I am sure that with the Attorney General's tremendous all-embracing experience, he understands what I am talking about. I have no doubts.

Mrs. Persad-Bissessar: Is that how you run your practice?

Mr. F. Hinds: You are asking me if that is how I run my practice? I will ignore that.

Mr. Hart: Continue to arrange your chutney show nuh.

Mr. F. Hinds: You know exactly who runs their practice like that. You are the Minister of Legal Affairs, and if you force me I shall tell you.

Mr. Deputy Speaker, I wish to continue undeterred. This is a serious business. This is no fun. We have to understand that when that legislation comes to this House, it is not legislation in abstract. It has roots and purposes and will have impact on the society in which we all live and are all privileged to be able to make law to govern. I take these measures very seriously.

I went to my constituency last evening to the wake of a shopkeeper, a hardworking, innocent citizen, trying to earn an income for herself and her family, and I was greeted with blood all over the floor. Two bandits walked in there and disposed of the goodly lady without taking anything. God knows, from what I heard, it may have been accidental. Based on what I saw, I formed that view, because the fellow never even got into the room that he was heading into to get the money, at least where he thought it was. By the time he knocked on the door and the lady's daughter opened it, a shot rang out and with that she was all over the place, and they went.

This legislation is about dealing with crime, and I am happy to tell you that during the last term of the PNM in Government, we implemented a number of measures to deal with crime in a sensible way. The Attorney General and the UNC were very critical of some of the measures we tried to implement. We introduced, for example, the night courts, and we were trying in that way to reduce the backlog of cases in the courts. We sought to improve the management of the police service. [*Interruption*] Yes, we sought to do that.

On the other hand, this Government boasted of providing vehicles, note the word used, "providing vehicles". They did not say purchasing, because it turned out that they rented those vehicles from a friend. To this day—and I filed a question—I am told by the authorities in the police service that more than 50 per cent of those vehicles are on the bum. They are not working.

Mr. Hart: Just like the Government.

Mr. F. Hinds: Many stations today do not have vehicles to send police officers to conduct enquiries. Every service of some of those vehicles—and I am told, and verily believe—cost $3,000 at a time. This Government is costing this country and our citizens a tremendous amount of money, bleeding our Treasury, and we are getting nothing for it. There are police vehicles now without lights, rear lights.

Mr. Maharaj: Are you saying that instructions should be given by the Prime Minister to the Police Service of Trinidad and Tobago to go and search peoples' house?

Mr. F. Hinds: Excuse me, I never said to go and search anybody's house. I am talking about providing the police with the resources they need to fight crime. I never said to search anybody's house. Let me make it abundantly clear, and you can check the *Hansard*, I never said the Prime Minister could authorize the Police Commissioner to search anybody's house. I said he can give instructions to provide the resources that the police need to truly fight crime. And I am saying, further, that right in the middle of his own constituency as Attorney General, the residents of that community tell me—and I saw the fortress; a three-pronged arrangement of barbed wire all around. I saw it. They told me that drugs were being transacted in that place on the day we spoke. I asked myself: Where is the Attorney General? Mr. Deputy Speaker, I think at that time he was in New Zealand; he went on a jaunt. He went on a trip; he went on behalf of the UNC, it would appear, because they did not consult with the Opposition before they left, nor did they, as is customary, take any Member of the Opposition on that

delegation. But we are very, very proud, PNM proud, and we are proud in hindsight because he went to that conference with six proposals and every single one was defeated and rejected in New Zealand. In due time you will hear more about that.

So he has brought a dent in the pride and prestige of Trinidad and Tobago now in the heart of the Commonwealth at a conference quite in New Zealand, when he should be here preserving law and order in this country.

Mr. R. L. Maharaj: He does not know what he is talking about.

Mr. F. Hinds: I do not know what I am talking about? Do not let me read it, you know; all six. Look, I am reading from the—

Mr. Deputy Speaker: I have allowed you to stray a little, hoping that you would come back to the topic.

Mr. F. Hinds: I am coming back.

Mr. Deputy Speaker: Come back now.

Mr. F. Hinds: Take, for example, Mr. Deputy Speaker, getting back to the heart of the matter, in the Port of Spain Assizes—let me start with San Fernando. We have some statistics. In England, there are 70 to 80 per cent of the persons who appear first or plead guilty. The situation in Triunidad and Tobago is the opposite. Many more persons plead not guilty then they do plead guilty. I have some statistics here which could support that.

In the San Fernando Assizes out of 132 matters, 11 persons pleaded guilty. In Port of Spain, thousands—five persons pleaded guilty. The Attorney General has those figures; he knows exactly where they came from.

Now, if we are going to implement a system of plea-bargaining, what is the objective? Look at the statistics! That is the evidence. So I imagine that the Attorney General is hoping that with the implementation of this legislation more persons will say yes, they have plea-bargaining legislation, so let me plead guilty. Is it that?

So, Mr. Deputy Speaker, I want to look—he wants me to talk about the Bill, let me say a bit on clause 5(3), which reads:

> "A police officer or the attorney for the 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 under subsection (1); or

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

Of course, subsection (1) deals with the question of the improper inducement. It is quite common, in fact, as a criminal practitioner myself—or as a practitioner of criminal law, as distinct from criminal practitioner.

Mr. Deputy Speaker, it has often happened that persons have been induced to plead guilty. I have had instructions; I do not know if it is true, but I have personally had instructions, my client told me that the police officer told him to plead guilty. It has often happened. It may very well be that some attorneys in some parts of the world, and Trinidad and Tobago is not exempt, may induce a person to plead guilty in a matter because maybe, you know, for all kinds of reasons. That is a very difficult matter to police.

In England it is quite legitimate in a plea bargaining arrangement, in the limited context that it applies there, for a prosecutor to indicate to the defendant that he will put in a good word for him or her. I want to know from the Attorney General whether he considers that this should be appropriate where the prosecutor will be allowed to so-call "put in a good word" for the accused who enters a plea of guilty in an arrangement such as this. It happens in England quite legitimately.

Now, in clause 6 (3), it says:

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

Well, attorneys in practice are now clamouring for improvements in this area, and that is led by a well-known attorney from San Fernando, the brother of a certain Member of Parliament in this Chamber. I think it is a very legitimate concern because once you are talking about legal aid, the Attorney General is fully aware, that is not, at the moment, considered by most lawyers to be a very rewarding experience, and it is an absolute deterrent from practitioners offering legal advice.

Mr. Deputy-Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes *[Mrs. C. Robinson-Regis]*

Question put and agreed to.

8.15 p.m.: *Sitting suspended.*

8.45 p.m.: *Sitting resumed.*

Mr. F. Hinds: Mr. Speaker, in continuing, it is to be noted that having broadened the definition of "prosecutor", by way of the amendment, to include police officers, what you now have is a situation where police officers can enter into plea agreements. Mr. Speaker, we have some measure of difficulty with that—police officers being able to enter into plea discussions—and we have difficulty here for, I think, almost obvious reasons.

In the first place, most of the matters, as I indicated earlier, begin in the Magistrate's Court. There, with police prosecutors, the bulk of the matters that come to court will be prosecuted by police officers. When one considers that a police officer is the one who would have generally arrested and charged the defendant/accused, he now comes to a court where the prosecutor is a police officer, as well. This used to be the case in England and they used to call them "police courts". Then they re-arranged that, I think sometime in the 1980s, and introduced the Crown Prosecution Service, where now you have an abridgement between police prosecuting and police arresting and charging, having investigated. That was the purpose, I think, to ensure that justice was not only done; that no man be a judge in his own court, almost, and not be prosecutor and charging person, at the same time.

The point here is, that since the police are the ones who investigate crime, they are in more direct contact with the criminal elements, and if they are able to enter into plea discussions, then there is the possibility of some measure of bias, and that bias can lead to improper inducements to plead guilty. Because, as I explained earlier, it has happened where police officers tell people "Plead guilty, I will put in a good word for you", and the person went ahead and pleaded guilty, but the police officer sat down there and he was not authorized to say one word. Because once the person pleads guilty, the matter is between him and the court—he is now in the hands of the court, having pleaded guilty—and it is a matter for sentence. All that could happen now is that the Defence Attorney—if the person has one—can put in a plea of mitigation to soften the blow of the sentence. So that has happened. Therefore, to give the police officer the right to engage in plea discussions can lead to some improper inducements, in our view. More than that, police officers are legally untrained in the generality—of course there are some who are—but in general terms, they are legally untrained.

It is our view that it should be left to officers of the state, lawyers, the Director of Public Prosecutions, and authorized officers to engage in plea discussions. In fact, in a Magistrate's Court, it is only in a very few cases that persons would have a fiat to prosecute. Of course, as we know, fiats are not granted lightly; you must demonstrate a few things, apply, and the Director of Public Prosecutions, in his own judgment, would grant one, or not.

So the position is that we feel that the police should not be able to enter into plea discussions, and that should be left up to officers of the Director of Public Prosecutions Office, lawyers, or persons who are granted fiats by the Director of Public Prosecutions.

I want to move swiftly to clause 11, and this has to do with the impact upon the victim. In essence, it says that the views of the victim could be solicited in open court. So, Mr. Speaker, a person pleads guilty to the lesser count—and, of course, the court is able, under this measure, to listen to the views of the victim; they could be heard publicly in open court, or privately, depending on the sensitivity of the matter at hand. But, at any rate, we have seen cases, within the last year or so, where victims, having been given an opportunity to be heard, or who craved an opportunity to be heard, want to suggest that the accused not be prosecuted or sentenced to a term of imprisonment, as the case might be. Early last year, there was a noteworthy case where a young lady claimed to have become converted to Christianity, born again Christianity, and she had indicated that she did not want to give evidence against her attacker, and she was, in the event, dispatched for a few days for contempt of court.

I know of another case, where I was personally involved, an indecent assault matter, sexual offence, between members of a family, cousins, actually: the accused was the cousin of the victim. By the time the matter had come to the High Court for trial, she too did not want to send her cousin to prison: things had improved between them; they had continued to live on the same compound; and what have you. But, of course, she too, in the event, was actually not heard, was not given an opportunity to be heard, and the fellow was found guilty notwithstanding her pleas and cries that she did not want to see him convicted. He was sentenced to, and is still serving, a term of imprisonment. So it is suspected that this provision will alleviate that kind of circumstance; and where the victim wants to say something that is favourable to the accused, an opportunity will be so given.

Mr. Speaker, it is well known—the Attorney General piloted this; I am sure he must know—that wherever there are plea bargaining arrangements, it is obvious, from the statistics, that many people plead guilty, when in fact one can say they should not. Innocent persons, in other words, have pleaded guilty, on many occasions, and there are any number of reasons for that.

Mr. D. Singh: Bad lawyer.

Mr. F. Hinds: Well, the rate you are going, you will need a good one. *[Laughter]* So you continue.

Mr. Maharaj: He has a good one. *[Laughter]*

Mr. F. Hinds: He has a good one? *[Laughter]* He got one out of fourteen?

Yes. There are any number of reasons why a person would plead guilty when he or she did not commit the offence. One of the reasons that sociologists have come up with is a feeling of hopelessness. Often times, a fellow is arrested—it may be his first offence—he is not accustomed to the trauma of being grilled in a police station, being dumped in a filthy cell, and being told he must stay there from Friday evening until Monday morning. That fellow feels like a caged bird and he wants to come out. He can quite easily be told—particularly if the police are authorized to engage in plea discussions at the appropriate time—that he should plead guilty; and often times they do because they feel sort of hopeless in custody.

Many times—I have seen a case, as well, where a woman is arrested and brought to court; but she leaves at home two or three children who are entirely dependent on her for their sustenance and care, and she is tempted to plead guilty because she wants to go home to look after her children. That has happened.

8.55 p.m.

Sometimes persons are misled into thinking that the sentence that would be passed upon them would be a fine, but of course, we know why—that sentencing is exclusively a matter for the court, magistrate or the judge and, therefore, that person would be "barking up the wrong tree" if I may use a colloquialism; particularly if the punishment includes imprisonment as a sanction. Sometimes the person may not have done it, but in their own mind they believe that the case against them is very strong and that is a realistic proposition. Sometimes the evidence can be so convincing. Innocent people have been sent to jail, innocent people have been hanged, the world understands this. Sometimes the fellow did not do the crime, but he feels that the evidence is so convincing two or three

people are saying to the police.*[Interruption]* Did you say "Inncogen" or innocent? Sorry, Member for Caroni East, I thought you said Inncogen. I thought you said "Little cob". *[Interruption]* Yes. So, Mr. Speaker, there are any number of reasons, and I hope that these classless—anyway let me continue. There are any number of reasons why this can happen and the provisions in this Bill, regarding improper inducements and so forth, can in some way alleviate the possibility of this. But in the event, most persons plead guilty because in fact, they are guilty. The report show that too, although some do otherwise.

Where you have a situation where the evidence for the state is very strong, the evidence for the prosecution is very strong, there will be no impetus or there will be no encouragement on the part of the prosecuting agency to enter into plea discussions, because why do you want to enter into plea discussions with someone, if you feel you have the evidence to prove the higher offence? So that you will find that in practice, Mr. Speaker, the whole question of plea discussions will come down to this: if the prosecution believes that it has an air-tight case it will not be inclined to want to get into plea discussions, even if the accused or the defendant was interested. If, on the other hand, the prosecution believes that it does not have an air-tight case for the more serious offence, then it would be more inclined to enter into plea discussions, and you may find in that kind of practicality, there could be some imbalance favouring the prosecuting agencies of the state as opposed to the accused, whether or not you have this kind of legislation. That is the point. How do we address that? It is something that I hope the Attorney General would give thought to, because this is new to Trinidad and Tobago and we are going into uncharted waters, as it were.

Mr. Maharaj: You must thank me.

Mr. F. Hinds: Mr. Speaker, with those few observations, I wish to say in conclusion, that we support the idea of formalizing plea bargaining in Trinidad and Tobago because it is a fact that it exists in a defacto sense, and formalizing it and putting in the safeguards that are being proposed and even more safeguards as you will hear from a Member on this side shortly, will only improve the practice of the thing. But at the same time, we see in light of the Attorney General's rationale for bringing this legislation, that is to say, to get into the net, persons who would not have ordinarily been convicted—He said so. Then we believe, as I have sought to explain, that much more can be done and ought to be done in order to achieve that and, certainly, plea bargaining legislation will not bring about that objective.

In particular, I have highlighted the need to create a better witness protection scenario The need to tighten the Indictable Offences (Preliminary Enquiry) Act, so

as to leave no incentive for persons, would encourage or countenance state witnesses not coming to give evidence.

I have highlighted the need for the administration that is in Government now—notwithstanding all of its glib talk about police, and in terms of supplying police with what they need to fight crime—I want them to look seriously at doing that. When we put all those things in place, when we improve the practice as it now exists, Mr. Speaker, we will find that the administration of justice will work considerably better and, therefore, even if we introduce plea bargaining, we would still have done a good job in terms of getting the business of crime addressed in Trinidad and Tobago.

Mr. Speaker, with those few words, I merely wish to say thank you.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I am very pleased to speak in support of this Bill that is for debate at nine o'clock tonight. Having listened to the hon. Member for Laventille East/Morvant, I thank him for the suggestions he made. He said that much can be done and ought to be done, and we all agree that there are many things we can do with respect to improving the administration of justice in this country. We also agree with him that witness protection programmes should be put into place and the Attorney General would give you the details of those programmes, and certainly, he would deal with those aspects which he feels you will need to know about.

He talked about amending the Indictable Offences (Preliminary Enquiry) Act; and about this Government making the system of justice a mockery; about this Government being a government of disorder and illegality; the Attorney General bringing a dint in the pride and prestige of Trinidad and Tobago internationally when he was in New Zealand; and about the things that the PNM had done to deal with crime and the administration of justice.

Mr. Speaker, whilst I listened to the hon. Member, once again I was struck with the level of hypocrisy that comes from the other side each time that we talk and debate in this House, because if there was anybody who brought disrepute, internationally, to Trinidad and Tobago, it was the PNM government when it hanged Glen Ashby without due process of law. If there was anybody who brought shame to Trinidad and Tobago, internationally, it was when the PNM locked up a Speaker of the House of Representatives. Do not ever forget those things! Do not ever forget those things!

Mr. Speaker, I am saying that this Bill is another illustration of the commitment of this Government in the fight against crime and I have no qualms in saying I am

Hon. K. Persad-Bissessar: Certainly. This comes from the *TNT Mirror of Friday, February 19, 1999 at page 7.* The headline is "Manning goes to jail".

Mr. Manning: Mr. Speaker, I have not read the article but I can very well imagine it is referring to a visit that my wife made to the prisons in the context of her self-esteem programme. I am sure it is that.

Hon. K. Persad-Bissessar: Well, I hope that the Member will look at the newspaper because it says very clearly, "Opposition Leader, Patrick Manning." There is a picture arrowed. If it is not your picture, you will let us know. "Opposition Leader, Patrick Manning and his wife Hazel." *[Laughter]* So you will need to look at that, hon. Member for San Fernando East. If this is true, Mr. Speaker—*[Interruption]* You are very welcome, Member. I am sure you will deal with it accordingly.

I am saying that this Bill provides an illustration of our continuing commitment to the fight against crime. It is another illustration of this Government's commitment to improve the administration of justice, and it is another illustration of this Government's determination to speed up the wheels of justice in this country.

Mr. Speaker, you may recall that in this House we have brought several measures and, again the hon. Member for Laventille East/Morvant spoke about measures taken by the People's National Movement. I could see that he was very hard-pressed to name measures. He talked about the night courts which remained merely as a pilot project under their watch. He talked about the backlog of cases and dealing with the backlog of cases. Many of us will recall the famous Gurley Report which was commissioned by that administration but which was never brought to this Parliament for debate, despite requests for it to be debated. If my memory serves me correct, it was never brought for debate in this Parliament. It was not debated in this Parliament and the measures in that Gurley Report were never implemented. It was left for this administration to start implementing some of the measures from the Gurley Report to deal with backlog of cases in the courts.

Since coming into office, this Government has been working assiduously together with the judiciary to deal with the administration of justice. We have witnessed, in the last three years, an increase in the allocation of resources to the judicial sector, the establishment of a Computer-Aided Transcription Unit to remove delays in the preparation of records of the Supreme Court. We have seen provision for the appointment of additional puisne judges and justices of appeal and there are numerous measures, which the hon. Attorney General has initiated, with respect to reform in the administration of justice.

In addition, we have seen in this Parliament several pieces of legislation. I can just name a few of them, but there are many of them: Criminal Procedure (Amdt.) Bill, Prisons (Amdt.) Bill, Indictable Offences (Preliminary Enquiry) Act. Amendments to all of these have been brought and the Attorney General, I am sure, will be able to place some more on the record. They are part of the record of this House; several pieces of legislation, all aimed at reform of the system of the administration of justice in this country.

The Member for Laventille East/Morvant talked about the aim of this piece of legislation. He said this is what the Attorney General enunciated, that it had to do with dealing with accomplices. May I say, whilst I am sure that the Attorney General will go into detail with respect to that, that is not the only purpose of this

piece of legislation. In fact, most of your contribution was spent on that, by saying that it was to deal with bringing accomplices into the net, having them caught and brought into the system, whilst you thought that there was so much more that could be done.

Mr. Speaker, the provisions of this piece of legislation would assist, not only in that regard—and the Attorney General, in his presentation of the Bill gave some examples of how that could be done—it would also help in cases where, for example, a person's home is maliciously damaged by fire; maliciously damaged in any other regard. If that home is worth say, for example, $100,000, and the matter is in court, if there is a plea agreement, plea discussion—plea agreement kind of scenario—it may well be that that person can gain some compensation rather than just saying, put the accused person into jail for 10, 20 or 30 years and you end up without any kind of recompense at all whilst the accused is in jail. So there are certain things that could be worked out, because you have to take into account the views of the victims in terms of what is happening.

There are other ways in which this would assist, Mr. Speaker, and it has to do with the question of speeding up—

Mr. Hinds: Would the Member be kind enough to demonstrate which clause of this Bill makes provision for what she has just described?

Hon. K. Persad-Bissessar: The Bill does not make provision for compensation. What the Bill makes provision for are discussions and agreements to be arrived at. These discussions and agreements take place together with the views of the victims. The views of the victims are taken into account. I am saying it may well be that such scenarios could be entertained under the Bill. *[Interruption]* This is my view, you have your chance, you can reply. I repeat, I am saying the Bill does not say that you can have discussions and agreements for compensation, but such scenarios can be entertained, through discussions. That can be one of the results.

9.15 p.m.

In addition, Mr. Speaker, another advantage would be in terms of the reduction of time that could be spent within a courthouse to deal with trials of matters. So, where there is a discussion, there is an agreement to enter a plea of guilty, it is obvious that we would be saving time in terms of an entire matter being litigated within the court, or being tried within a courthouse.

Mr. Speaker, the Member for Laventille East/Morvant asked the question about which model the Attorney General had followed and, in fact, he went so far as to intimate that he felt that the Attorney General had followed the United States' model.

If we look at what happens in the United States, whilst this is a major part of their criminal justice system, we will see that what this Bill contemplates is different from what happens in the United States. There are several important differences in terms of what this Bill contemplates, as to what happens in the United States. So, in the United States, for example, the judge could play an integral role, a very central role in what happens, in that a judge could actually intervene in the process and make suggestions, or recommendations in terms of a plea bargain. This is not what happens at all under the provisions of this Bill.

In addition, in the United States, a very striking feature of the United States' system is that the District Attorney is also a key figure. We have no such functionary equivalent to the District Attorney in Trinidad and Tobago. So that also is not part of the model at all. In fact, what the hon. Attorney General has done with the Chief Parliamentary Counsel's Department, is to tailor a bill to suit the needs of Trinidad and Tobago. And in doing that, it is very remarkable to note that the concerns that have been raised about plea bargaining with respect to what obtains in the United States, with respect to what obtains in the United Kingdom, have been taken into account to provide safeguards within the legislation to protect the accused, to protect the victim and, of course, to look after the public interest as a whole. I do not want to go into all the clauses, Mr. Speaker, because the hon. Attorney General had done that in his opening remarks, but I would just like to point out to a few of them in this regard, in terms of safeguards in the process.

So, Mr. Speaker, for example, in clause 3, plea discussion applies to both indictable as well as summary offences, and clause 5 precludes prosecutors from offering improper inducements to the accused or to his attorney. The Bill recognizes that the accused may feel himself to be in a disadvantageous position in relation to the prosecutor and, therefore, by clause 6, ensures that the accused is made aware that he is entitled to an attorney if he cannot afford one. And in the event that he cannot afford one, Mr. Speaker, one to be provided by legal aid.

It is interesting, the hon. Member spoke about legal aid and the concerns that have been raised about legal aid, because at this very point in time, there is the Legal Aid and Advice (Amdt) Bill which is being debated in the Senate. Part of that debate took place recently and will continue next Tuesday. One of the

provisions within it is the concern that had been raised by lawyers with respect to the amount of fees, and that whole schedule of fees has been increased for legal aid lawyers. Once that Bill succeeds in the Senate, it will come to this House, and I am sure that the Member will agree that his concerns with respect to legal aid attorneys providing service, would be addressed in that regard, with respect to fees.

Mr. Speaker, it should be noted that even if an accused refuses, in writing, to have a lawyer present at the plea discussion, the judge has a discretion to appoint a lawyer for the accused. And I noticed that the Member for Laventille East/Morvant was very concerned about improper inducements. It is my respectful view that there are several safeguards put in within the provisions in the Bill to avoid, as far as possible, improper inducements being put to an accused.

In a further effort, Mr. Speaker, to protect the accused from being coerced into making a guilty plea, clause 7 states that "the prosecutor shall not conduct or participate in any plea discussion that may require the accused to plead guilty to any offence that is not disclosed by the evidence". It also goes into detail as to the many circumstances when the prosecutor cannot engage in plea discussion with the accused. Once the agreement is reached, then it is signed by both sides before a Justice of the Peace. And I think the concern of the Member for Laventille East/Morvant with respect to the line-up at the Justice of the Peace offices at the courthouse is a valid one, and perhaps, this is one where the hon. Attorney General, I am sure, will be looking for administrative measures to deal with that kind of situation that could arise. But it is a valid concern as to what obtains in practice at the Justice of the Peace office at the courts.

In order to ensure that the accused rights have been protected, and all plea discussion agreements have the necessary openness and transparency, clause 10 requires that the prosecutor discloses to the court the substance of, and reasons for, the agreement. The judge also has the right to determine that the plea was freely given and there was no proper inducement offered to the accused, that the accused understands the consequences of his action and that the agreement adequately reflects the gravity of the provable conduct of the accused. When the judge is fully satisfied, then he can accept the plea agreement. So, in the final analysis, there remains in the judge, a discretion with respect to the plea discussion and the plea agreement.

Again, a concern raised by the Member for Laventille East/Morvant, is that where an accused is induced by a policeman, or some other person, a prosecutor,

to plead guilty, saying that he or she would put in a good word when the time comes; he says, "when you go into court, plead guilty" and, of course, no good word is put in; nothing happens.

The provisions of this Bill, with respect, Mr. Speaker, are to deal with exactly that kind of situation. Because, here you will have an agreement entered into, witnessed by the Clerk of the Peace, in front of the Clerk of the Peace, which goes forward, so that you would not have a prominent inducement being given which is not followed-up thereafter. So, I think your concerns with that type of inducement, and the promise, as it were, not being kept thereafter, is very adequately covered within the provisions of this Bill.

Mr. Speaker, the fact that the Bill makes every effort to protect the right of the accused does not mean that it precludes the rights of the victim, whatsoever. On the contrary, by clause 8, which is a very important clause, the victim, or a relative of the victim is to be consulted by the prosecutor as to their views on the plea discussion and the plea agreement. The prosecutor is also supposed to inform the victim of the agreement reached, and the reason for so doing, unless to so inform the victim would cause serious harm to befall the accused.

Clause 11, Mr. Speaker, the judge or the magistrate is entitled to seek the views of the victim also, before accepting the plea agreement and, in some instances, he can even reconsider the plea agreement.

So, this is not some bargain that is taking place between prosecutors and accused persons or defendants only, it is also something that takes into account the rights of the victims in those circumstances. I respectfully believe that clauses 8 and 11 are very important clauses to consider the rights of the victim. So, what the Bill does, or what it tries to do, is to balance the rights of the persons involved in the matter; that is, that of the prosecutor, that of the accused and that of the victim.

Mr. Speaker, there is one other matter that was raised by the Member for Laventille East/Morvant. I think the hon. Member has a misconception as to what the Bill could do or should do, in the sense that throughout his contribution on the Bill, he kept referring to plea bargaining. It is very clear if you look at the Bill, that nowhere within the Bill are the words "plea bargaining" used, and this was very deliberate. Again, it is very different from what happens in the United States. It is not that the person is given a bargain, it is not that he or she has got a reward, as it

were, in that sense a bargain. So it was deliberate not to use the words "plea bargain", but to use the words "plea discussion" and "agreement".

So what happens, first of all, is there is discussion as to how best this matter could be dealt with, and thereafter the agreement is reached. That is one of the concerns we had seen in looking at the research. There were those who felt an accused person, given a plea bargain, could then be proven to be guilty if the trial went ahead, and here you would have had a criminal who is being given a bargain on top of having committed the crime. So, there is this avoidance of looking at the situation as a bargain. And it is not a bargain, because when the person pleads guilty, that person will be sentenced. It is not that the person will be let off scot free completely. I think that is an important distinction between what happens in the United States and what is contemplated, in my respectful view, in this piece of legislation.

So, Mr. Speaker, with just those few comments, I commend this Bill to the honourable House, and I thank you.

9.25 p.m.

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, thank you for recognizing me and, immediately, let me inform the Member for Siparia that I really do not see the distinction that she just made with respect to a plea bargaining type situation and plea discussions and thereby arriving at a plea agreement. Because, in essence, whether it be plea bargaining in the United States of America, in Canada, in the United Kingdom, or wherever, the end result is the same.

You negotiate with the defendant and you either accept a plea of guilty from him, or decide not to continue with other cases. In essence, that is a bargain he has got. Whether you go by the way of plea discussions and, eventually, reach a plea agreement, it is still, in essence, plea bargaining. You could call it what you want but, in essence, it is the same.

I take the point, however, that when you look at the situations and we have looked at situations from the United States of America, from Canada—

Mrs. Persad-Bissessar: Would the Member give way? Just on that distinction, I was just clarifying it with the Attorney General. In the United States system of plea bargaining, where the parties reach an agreement and it goes before the judge in the court, the judge must accept what the parties bring to him. In this situation in our Bill, the judge retains the control; he has the discretion whether to accept it or not. That is the difference that is within the provisions.

Mr. R. Boynes: Well, that is the point I was about to make, but in essence, it is still not a bargain. That does not take away the whole aspect of bargaining. That is just an additional check and balance that we have in the system in Trinidad and Tobago.

What the learned Attorney General has attempted to do is to take bits and pieces from United States, United Kingdom and several jurisdictions, to try to adapt it to our unique soil. That is basically what we have before us here, Mr. Speaker.

But, before I get into it, there are just a few points raised by the Member for Siparia in the initial stages of her contribution. She read an article "Manning goes to jail" and went on to indicate that she did not know why a political leader should actually go to the prisons or jail.

Mr. Speaker, the people who are in jail are human beings as well and if it is that the leaders of our country, whether it is a religious leader or a political leader, if any one of them decides to go to the prisons and meet with these humans of the earth to try to talk with them, to try to change them in any way, that person is doing a wonderful job. I must commend Mrs. Manning for going and dealing with the Self-Esteem Programme in the prisons of Trinidad and Tobago. I also commend Mr. Edward Hart for going to Carerra, for taking time off from his busy schedule, during their carnival celebrations. There was one prisoner who was given a prize for producing the song "Ting Tang". He wrote that song. They are human beings as well, and whether they voted for us or not, the fact of the matter is, they are human beings and we love them all.

Now, she mentioned also that the PNM did not implement the Gurley Report. If I may, for her edification, just mention a few of the recommendations of the Gurley Report that were, in fact, implemented. The list is as far as the eye can see.

1. Computerization of the courts.
2. Expansion of computer-based court recordings.
3. Introduction of night courts on a pilot project.
4. The preliminary inquiries amendment which provides a basis for speedier hearings.
5. Increased courts and judicial officers.
6. Pilot programme for community mediation centres for young persons.

The list goes on and on and on. I do not have time to go into this, Mr. Speaker.

We on this side are firm in our commitment to debate legislation for the good governance of Trinidad and Tobago. That is our position here, without a shadow of a doubt. This piece of proposed legislation is, to my mind, one of the most important pieces of legislation. It is very important and we must also understand that that alone will not take away from the backlog of cases. That alone is not the only thing that would cause the wheels of justice to run well-oiled and very smoothly. We are still saying on this side that the situation of night courts can be looked at, as well as other situations of upgrading the courts' structure—the High Court in Arima, for instance, should be built.

The conditions of the Magistracy should be improved. The whole aspect of their medical care at the Mount Hope Medical Sciences Complex should be restored to them, or should not be taken away from them, in fact. These are the things that will give the whole Magistracy a certain amount of comfort and confidence, so the morale of the entire Magistracy is built and, thereby, the wheels of justice will be well-oiled.

Permit me, Mr. Speaker, to address this honourable House on a few matters raised by the hon. Attorney General in the course of piloting the proposed Criminal Procedure (Plea Discussion and Plea Arrangement) (No. 2) Bill 1999 as amended.

This Bill has as its objective, the introduction and implementation of a system of plea discussions and plea agreements into our criminal justice system. This Bill has been highly touted as one which, if enacted, would greatly contribute toward a more efficient administration of justice. While we on this side and the public as a whole look forward to seeing our justice system operate like a well-oiled machine, it is our duty on this side to ask this question: At what cost do we achieve this? How would the implementation of plea agreements impact upon our constitutional rights as a people? Would the introduction of the system serve to engender in our communities that badly needed confidence in our judicial system which is required if our twin-island Republic is to embark upon the new millennium as a total quality nation or a world-class society? These are the issues which must be addressed, Mr. Speaker.

Before I proceed to discuss the particular clauses of the Bill, I would like to briefly delve into the philosophy of plea discussions and plea agreements so that we may have a holistic appreciation of the issues which Members are called upon to debate.

The hon. Attorney General has defined "plea bargaining" as the process of negotiation by which the defendant in criminal matters agrees to plead guilty and gives up his right to go to trial in return for a reduction of the charge against him, or a real or anticipated reduction in the sentence commensurate with the crime. At the outset, two things become quite apparent.

One, the system of plea bargaining inherently involves the giving up of constitutional rights. If I may repeat this, Mr. Speaker. The system of plea bargaining inherently involves the giving up of constitutional rights, namely the right to be presumed innocent until proven guilty—section 5(2)(f)(i) of our Constitution states that; and the right to a fair trial for the determination of one's rights and obligations which is contained in section 5(2)(e) of our Constitution.

In fact, an article in *The American Prospect* entitled "NO BARGAIN", a copy of which I can forward to the Speaker if he so desires, expressly states the desire of prosecutors in certain counties in the United States of America, to impose a ban on plea bargaining and in it was stated:

> "To make plea bargaining work judges must offer sentences attractive enough to convince defenders to forfeit their constitutional right to a jury trial and the possibility of being acquitted."

Bearing this in mind, the necessity of having adequate constitutional safeguards is immediately acknowledged, especially when one considers that the system operates in such a manner that the strength of the prosecution's evidence, the defendant's culpability and the victim's interest are rarely considered.

Now, Mr. Speaker, we are dealing with a situation where one is asked to give up one's constitutional rights. So, again, at the beginning of my contribution I had mentioned and I mention it now, there is a need to ensure that there are several safeguards in this piece of legislation in order to safeguard the rights of the individual who would be affected by this piece of legislation. Because we could all get into a situation where it is like a market, we are bargaining situations—you plead guilty, you get off; you plead guilty, you get a lesser sentence.

So, we must be mindful of the prosecution's case. The prosecution has a case; he has a duty in law; he is a minister of justice. We must be mindful of the defence attorney; an attorney is also a minister of justice. The rights of the accused must also be taken into consideration and we also have to look at the rights of the victim. That is why I am saying that we have to ensure that there are certain safeguards in this Bill if it is to work smoothly.

The hon. Member for Siparia mentioned clauses 8 and 11 which deal with giving the victim a right to be heard, as it were, so that his or her feelings would be taken into consideration. At the very outset, given the fact that the above constitutional rights are enshrined and entrenched in our republican Constitution, it seems to me that for this Bill to be passed, there must be at least a two-thirds majority supported in both Houses of Parliament in accordance with section 54 of the Constitution. Again, when this is passed, or if this is passed by the simple majority, it would be left up to the individual to challenge the constitutionality of this Bill once again.

The proposed Bill seeks to deal with the issue of improper inducement by establishing offences for persons who improperly induce an accused to enter into plea discussions. However, we on this side are of the view that quite apart from inducement, the accused should be the only person initiating a plea discussion since it is he who has to give up his right to trial. In other words, the prosecution should do no more than inform the accused person of the possibility of a plea agreement and there should be no encouragement on the part of the prosecution whatsoever.

Mr. Speaker, this is a very important point. The prosecution should not initiate any plea discussions. He should inform them, as the police informs somebody who has been arrested, of his constitutional rights to an attorney, to a telephone call and that sort of thing. He should also inform them of their right of the possibility of entering into a plea agreement. I take the point and the reason I am going into the philosophy of it all, is simply because we are all here trying to produce a piece of legislation that will work in our unique society. So that if it is we take the comments from either side and put together a proper piece of legislation so that it can work in our society, we will, in fact, have done a lot.

The second point, Mr. Speaker, is that the practical effect of a plea bargaining is that we are asking the court to accept recommendations of lesser sentences as opposed to having the court impose the requisite penalties in accordance with the law. The same law I might add, which the public passed through its representatives in this honourable House. In other words, we must be satisfied that it is in the interest of society to allow the system to be introduced when it involves asking the court to refrain from passing the sentences imposed by law.

9.40 p.m.

So that through plea bargaining, not only are we asking citizens to give up their constitutional rights, we are further asking the wider society not to enforce

the laws and penalties which they themselves have sanctioned over the years. We have to understand what a glorious and important day today is.

At this juncture, it may be apt to quote from a district attorney from the Bronx County District Attorney Office on the issue of plea bargaining policy. And if I may digress for one moment to locate this piece of legislation. It states:

> "I have been part of the criminal justice system for 17 years as a defense attorney, a prosecutor, and a judge. I believe strongly in the presumption of innocence, and long ago made clear to my staff that they should dismiss any charge unsupported by the evidence. We have now reached the point, though, where criminal defendants are publicly protesting that my refusal to plea bargain will force judges to impose the sentences that the law established for their crimes. As a result, many robbers, rapists, burglars and drug dealers will have to go to jail. I can certainly understand the defendants protesting that occurrence, but what about the rest of us?"

Are we going to let loose rapists, burglars, drug dealers in our society? Are we going to do that because we want to ease the backlog? Is that what we intend to do? I am asking the question. We have to understand the importance of what we are doing today so it has to be taken into consideration and measured as to what is in the best interest of the society. This is the whole philosophy we have to consider in trying to formulate a precise piece of legislation which would work in the best interest of this country.

The question which we must ask ourselves is whether our judicial system has reached such a state that if we do not plea bargain the entire system would collapse, whether through backlog or lack of confidence. I assure you, if the answer to this question is, yes, then the introduction of a system of plea discussion and agreement would not be a panacea for the ills of our judicial system. On the contrary, deeming necessary the introduction of such a system would mean that those charged with crimes would have a stronger hold on our society. It would mean that the society has ceded control to those who have been accused of violating the laws. It would mean that our system is running us instead of the other way around, if we are not careful of how much safeguards we put in our Bill. And if we are not careful of how cleverly this piece of legislation is drafted, it would be them running us and not the other way around.

Mr. Speaker, the Attorney General has sought to highlight some of the benefits and objectives associated with the operation of the system of plea bargaining in

other jurisdictions, mainly the reduction of costs to the accused person in conducting his defence, the reduction of delays in the administration of criminal justice, as well as the opportunity of acquiring evidence which would not otherwise be forthcoming in order to prosecute the ring leaders of organized crime. The Attorney General has stated that it is particularly in respect of the latter two objectives that Trinidad and Tobago may benefit most from the introduction of a system of plea discussions and plea agreements. While this is all well and good, the question we must ask ourselves is whether this system can be implemented in Trinidad and Tobago from a practical point of view. Is it really necessary for the proper functioning of our criminal justice system?

We are fully aware of the fact that the state encounters great difficulty in the prosecution of criminal matters mainly because of lack of evidence. The fact that witnesses are afraid to come forward, as members of the public we are all frustrated when criminals are allowed to go unscathed. However, if that is the case, it means in the ordinary course of things the state would be unable to prove the guilt of an accused person beyond a reasonable doubt. In that scenario, why then should an accused person give up his constitutional right to be presumed innocent until proven guilty in order to secure a lesser sentence? If in the normal course there may be insufficient evidence to prove his guilt as required by law, would this inspire confidence in the integrity of the judicial system? I ask the question for Members to think because we are dealing with the philosophy behind the Bill and what is in the best interest of this country.

If an individual comes before the court, the prosecution does not have sufficient evidence to prove its case beyond a reasonable doubt, we now go to this individual by negotiating through a series of plea discussions leading into plea agreements. Do you know what would have happened? He would have pleaded guilty to a lesser count and in the normal course of things, if it had gone to trial he would have been found innocent. What about his rights? What about his right of being presumed innocent and his right for a fair trial? What about that? And how does the prosecutor see himself in the mirror? Is he not a minister of justice whether he has a good case or not? His role is not to be persecutor, but a prosecutor. What about his role as a minister of justice to ensure that justice prevails and if he really does not have a case to throw in the towel? What we are looking at borders on tricking the defendant or the accused person. In the philosophy of it all, we have to ask ourselves whether or not this is the direction in which we want to go, and what impact it would have on the integrity of our judicial system.

Our primary concern must always be the fostering of confidence in our judicial system. We must therefore not seek to introduce a system of plea discussion and plea agreements merely as a quick fix in order to alleviate the backlog of cases. In other words, we must not get ourselves involved in having a system where the prosecution, rather than go through the long, drawn out procedures of doing inquiries or preparing proper information, of ensuring to send down the exhibits to the Forensic Science Centre, get the certificate of analysis and ensure that all the witnesses are briefed and that sort of thing, some complainants may find that is so difficult so instead of going through that procedure, they may decide to tell him to tell the guy to plead guilty and he may get a lesser sentence. What about the confidence in our judicial system? Is that what we are doing, trying to have a quick fix system?

The introduction of this system across the board would inevitably result in reducing our entire judicial system into a marketplace where sentences can be bought and sold. Is this the sort of justice we want for our nation? I say there is a need to make sure that there are safeguards in this piece of legislation because we do not want a situation where the prosecutor, be he a good one, or a bad egg, sits in that court and bargains away and sells sentences left, right and centre and makes a quick dollar. What about that? We have to make sure that we are safeguarded against the bad apples.

Mr. Speaker, at the present time, there already exists a prevailing perception in the society that justice is for the rich. We do not have to cast our minds far back to remember the public uproar that resulted from the decision in the trial of a rich man's son, or that businessman, Amoroso, who was acquitted. And who amongst us can forget Brad Boyce's trial? Could you imagine what the public outcry would have been if on being charged, Brad Boyce and the prosecution were to enter into a plea agreement? I shudder to think about that.

It brings me to the point which the Member for Siparia made when she made her contribution. She gave an example of a situation of where somebody burns down a house and comes to court. She is saying that there may be compensation if he accepts a lesser sentence and agrees to pay, then that would be sort of all right via a plea discussion emanating into a plea agreement. That is the gist of what I gather from her. What I am saying is that there would be a difference. A rich man can definitely benefit from this process so it is really for the rich man because he could now pay for the house and the poor man cannot pay a red cent so they have to throw the book at him. Justice is not for the rich, it is for all. *[Interruption]* Yes, he would be sentenced, he would get a year or two, whereas the poor man

would get the full 10 years. That is the point I am making. I understand that is what the agreement is, and I will get to the point when I mention that we have to understand and take into consideration the types of offences that really should be here. It must be limited because the public is looking on.

What about rape cases? Are you telling me if a rich man rapes my daughter and he dangles money in front my face or in fact, in front a poor person's face, that person would take it? They are poor so they take the money, so you are breeding a whole society where people can rape people's children. We have to understand that there are certain offences which are so sensitive to the population.

Mr. Speaker, when we pass this legislation we have to be sensitive to the population and we have to do it in such a way that the interest of the country is best served, and that is my concern. It is the view of this side that if the system of plea discussion and plea agreements is to be of any benefit to Trinidad and Tobago, it must, of necessity, be implemented in relation to a limited number of specified offences. It is submitted that a general implementation of the system as it stands at present in the proposed Bill would only lead to chaos and disruptions in our society. What signal would we be sending to the public if we were allowed to allow plea bargaining for the offence of rape or murder? What does that say for our appreciation of human life and limb? What are we saying to the victims of these crimes?

9.55 p.m.

Mr. Speaker, I shall now proceed to discuss the specific provisions clause by clause. That was the philosophy. We on this side are not obstructionists. We want to make sure that at the end of the day, we have a working piece of legislation for governance of this beautiful twin island state. Since the first amendment merely deals with the changing of year 1991, I will go to clause 2. This clause deals with the definition section.

The first item I will deal with is the amendment with respect to the definition of "Director of Public Prosecutions", only to point out two grammatical errors in the drafting. It should read:

"the public officer appointed under section 90 of the Constitution to undertake and..."

Delete "to".

"...execute the responsibilities assigned to him under..."

And delete "by".

"that section."

With respect to the proposed definition of "improper inducement", I would really like the hon. Members for Couva South and Siparia to cast their minds' eyes to that particular definition of "improper inducement". I understand it was amended. Mr. Speaker, with respect to that definition, the hon. Attorney General has indicated to this honourable House that from the comments received in relation to the Bill, it was felt that the definition given—

Mr. Speaker: I do have, gentlemen, to bring to the notice, one winks at the fact that a Member may pass and say something to another Member, but for four Members to stand while another Member is speaking is not right. I suggest that we discontinue this.

Mr. R. Boynes: Much obliged, Mr. Speaker. As indicated to this House, from the comments received in relation to the Bill, it was felt that the definition given to "improper inducement" as contained in the original Bill—because it was amended—was vague and, therefore, the amendment was proposed to tighten the definition. My first observation is that perhaps the problem stems from the nomenclature adopted in that we on this side are of the view that the term "improper inducement" is, in itself, a misnomer, since any form of inducement in these matters—any sort of encouragement by the prosecutor to enter into plea discussion—should be considered improper, given that the accused is being asked to give up his right to a trial.

Turning to the proposed amended definition, I am not sure whether the desired objective of clarity was achieved. Coercion of an accused person to enter into plea discussion is just as vague as any of the instances enumerated in the original definition, and there were many up to "G". Mr. Speaker, we are of the view that for the removal of doubt, certain activities which would be considered to be coercion should be stated in the definition. We are also of the opinion that the inducement should not be limited to coercing an accused to enter into a plea discussion, but also equally to extend to enter into plea agreements. So, it should not only refer to plea discussion; it should also refer to plea agreements. I suppose that was just an oversight.

In this regard, we propose the definition of "inducement"—we are making the amendment that it should not be "improper inducement", but just "inducement"—should read:

"(a) the coercion of an accused person to enter a plea discussion or plea agreement by means of promises, oppression or threats of violence to the person of that accused or that of his relatives or otherwise, howsoever; and

(b) the fraudulent misrepresentation of a material fact by the prosecutor before a plea discussion is entered into or a plea agreement is reached."

If I may just apologize to hon. Members, I did not have time to circulate this amendment, but I know it will be picked up in *Hansard*. Perhaps, if we do not go all the way tonight, I certainly will have an opportunity to circulate the proposed amendments.

Government Members: We are going all the way.

Mr. R. Boynes: Mr. Speaker, in relation to the definitions of "plea discussion" and "plea agreement", we are of the view that given the serious ramifications involved in plea bargaining, maybe the giving up of one's right to a trial, the overwhelming need for constitutional safeguards dictates that an accused person be represented by an attorney in order to participate in plea discussions or enter into plea agreements. Therefore, we suggest that paragraph (1) in both definitions be deleted and paragraph (1) in both definitions refer to:

"'plea agreement' or 'agreement' means an agreement entered into between the...accused person...and the prosecutor."

In other words, since we feel that he is giving up his right to a trial and it may be, in fact, a constitutional right, we are simply suggesting that it should be mandatory that an attorney-at-law should enter into plea discussions at all times. If he does not have the ability to afford an attorney, he could obtain one via Legal Aid or the court could appoint one of the attorneys sitting in that court as counsel for him.

Mrs. Persad-Bissessar: That is what the Bill says.

Mr. R. Boynes: It is not mandatory. Remember, the accused person could still negotiate on his own.

Mrs. Persad-Bissessar: One cannot force a man to have a lawyer if he does not want one.

Mr. R. Boynes: We should just delete this from the Bill: that he would enter into negotiations on his own. He is not a trained lawyer.

Mr. Maharaj: He might do better.

Mr. R. Boynes: The prosecutor is a trained man, Mr. Speaker. He has been dealing with cases on a regular basis in court. It is a bit of unfair bargaining, as it were, if we were to leave the accused to himself. We are suggesting that in both definitions, the first paragraph should be deleted and ensure that the negotiations could be dealt with on behalf of the accused person or the defendant by an attorney-at-law. Further, there is no objection to the proposed amendment with respect to plea discussions which allows for entering discussions either before the arraignment of the accused, or at any time after the trial commences, since the law provides that an accused person may change his plea at any time before sentencing. We have no objection to that.

Mr. Speaker, attention is now focussed on the definition of "particular course of action". Perhaps the hon. Attorney General may be in a position to assist with the difficulty I have with this definition. My difficulty is in relation to the first paragraph of the definition. Why would the prosecutor recommend that the court dismiss other charges against an accused in the course of a plea agreement when it is the Director of Public Prosecutions (DPP) himself who has the constitutional authority vested in him to prosecute or discontinue criminal matters by virtue of section 90 of our Constitution? In other words, if an accused is charged with a number of offences before the court and, in respect of one of them, he enters into a plea agreement whereby he agrees to testify against the so-called big boys of organized crime, then all the DPP has to do is discontinue the other proceedings which he is constitutionally authorized to do. So, why are they putting that in the Bill?

With respect to the proposed definition of "prosecutor", my query lies with the inclusion of a police officer under the definition. If this system of plea discussion and plea agreement is not to be inured to the benefit of the judicial system, it is suggested that firstly, programmes are put in place to have all police officers trained in the appropriate skills required to successfully engage in plea discussions and plea agreements. That is important. Secondly, they should limit the class of police officer—these are simply suggestions for it to work properly—who is permitted to engage in plea discussions and plea agreements to a certain rank of seniority. This is in an attempt to avoid occasion for inducement.

In other words, the Bill in its present form, as amended, envisages a situation where an arresting or investing officer would be able to engage in plea discussion. This should not be permitted. Instead, the Bill should provide that only officers of a certain rank, or alternatively prosecutors, the Inspector in charge of the particular police station where the accused was arrested, or the court prosecutor,

in the case of proceedings in the Magistrate's Court, should be allowed to enter into plea discussions or plea agreements. It should be the defence that should initiate these plea discussions, but the prosecutor must indicate to him his rights and the possibility of entering into plea discussions and plea agreements.

With respect to clause 3, as alluded to earlier—I crave your indulgence—we on this side are of the view that the implementation of the proposed system of plea discussions and plea agreements should not be across the board. Therefore, we propose that clause 3(1) of this Bill should be amended to provide for specific offences in respect of which plea discussions and plea agreements would be permissible. The overriding criterion, in this regard, should be the protection of the wider interest of the society as opposed to the protection of individual rights, only where the balancing act which must be performed in every such case clearly establishes that the scales of justice would be tipped in favour of protection of the wider societal interest. The Attorney General has quite correctly pointed out the usefulness of this system in relation to the Dole Chadee-type cases where the need is apparent.

Care must be taken not to create a situation where persons in the society feel that they could commit crime and then bargain their way out of it. So, this system should only be introduced where it is absolutely necessary and where it tips the scale in favour of the wider community.

10.10 p.m.

Mr. Speaker, with respect to clause 4 and plea discussions, while agreeing, in principle, to the proposed amendments for this clause, it is suggested that the process by which plea discussions are commenced should be clearly set out. In keeping with the suggestion that plea discussions should only be initiated by the accused, the following procedure is recommended.

Mr. Speaker: Hon. Members, the speaking time of the Member for Toco/Manzanilla has expired.

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

Question put and agreed to.

Mr. R. Boynes: I thank the Speaker and hon. Members for the extension of time.

Mr. Speaker, it is our humble opinion that in dealing with the plea discussions, a certain procedure should be followed if it is to be right in this country. We are coming here not simply to criticize, but we are also going to put an alternative approach for the consideration of this Chamber and for the good of society.

So, in keeping with the suggestion that plea discussions should only be initiated by the accused the following procedure is recommended. We are saying on this side that the plea discussions should be initiated by the accused. The accused is informed of the possibility of entering into a plea discussion, perhaps at the same time that he is informed of all his other constitutionally guaranteed rights, that is, the right to an attorney. It must be impressed upon the accused that he is in no way obliged to enter into plea discussions, but that if he wishes to do so, he should have an attorney at law.

The accused would indicate his willingness to enter into a plea discussion and he would then be allowed to contact an attorney to represent him. If the accused cannot afford an attorney then one should be appointed for him, either through Legal Aid or by the court. This is the best way to safeguard the constitutional rights of the accused *ab initio*, as I mentioned earlier.

In the meantime, the willingness of the accused to enter into a plea discussion should be brought to the attention of the appropriate police officer/prosecutor who would then seek the consent of the Director of Public Prosecutions (DPP) to enter into the discussions. We propose that the DPP, in granting his consent, should also specifically state the parameters within which he is willing to negotiate with the accused. That is, whether it is a reduction in the sentence, whether it is proceeding on a lesser charge, or as the case may be. So you give him a certain parameter upon which he can, in fact, negotiate.

Mr. Speaker, we have no objections to the proposed amendments in respect of clause 5. However, it is to be noted that on account of the amendment to the definition of “prosecutor”, the renumbered clause 5(2) may be incongruous since it would mean that a police officer who is defined as a prosecutor would be liable for conspiring with a prosecutor in the commission of an offence to which the section relates. In other words, unless the definition of prosecutor limits the police officers eligible to be prosecutors, then the only person who can be liable for conspiring with the prosecutor is the attorney for the accused person. So if you could look at the particular section, there may be a problem with “prosecutor” and “police officer”, because in the Bill “police officer” comes under the umbrella of “prosecutor” so we have to look and see if that section makes sense.

With regard to clause 6, we are of the view that every accused who wishes to enter into plea discussions or agreements should be represented by an attorney in order to have his constitutional rights safeguarded and, accordingly, clause 6 should be amended to reflect this.

Mr. Speaker, taking into account the suggested definition of inducement, the suggestion that plea discussion should only be initiated by the accused, and the fact that the consent and directions of the DPP must first be obtained before plea discussions commence, we are of the view that clause 7 should be deleted entirely taking into consideration what we have proposed.

The provisions of clause 8(1) may not be necessary—because remember clause 8 is one of the safeguards for victims' rights—given the fact that guidelines for the conduct of plea discussions should first come from the DPP, and the DPP must put down the parameters and the guidelines of entering into plea discussions, which would also include taking into consideration the views of the victims as well. So you cover that part. You have the rights of the victims included as well; and the final decision with respect to the acceptance of the eventual plea agreement would rest with the court and not the DPP.

With respect to clause 8(2) we are of the view that the reasons for the plea agreement should be submitted to the court and where necessary the court would have the responsibility of explaining the same to victims of the accused.

Mr. Speaker, I have certain recommendations for clause 9: A plea agreement should only be concluded—and this is important to note—between the prosecutor and the attorney for the accused; the concluded plea agreement should be signed by the DPP; both the plea agreement and a statement of reasons therefore should be filed with the Registrar or the Clerk of the Peace as the case may be. A statement of reasons for it should be filed, Mr. Speaker, and this is very important. This is done in several other jurisdictions

I have certain recommendations as well for clause 10. Clause 10(1)(a) may no longer be necessary if the statement as to the nature and reasons for the plea agreement is filed as recommended, and the provisions of clause 10(1)(b) may also need to be deleted since that information would be irrelevant and inadmissible and may prejudice the mind of the judge or magistrate when deciding whether or not to accept the specific plea agreement under consideration. So again, I implore that the reason to file the reasons is a very important approach.

With respect to the proposed amendments for clause 10(2), it is submitted that a *voir dire* be held in order to determine the acceptability of the plea agreement, taking into account the following factors. This one was adopted by the Pennsylvania court. Mr. Speaker, it is understood that we have to look at several jurisdictions in order to come up with the right remedy and the right approach to plea discussions and plea agreements. In some instances, everything is heard in open court, in others some is heard in chambers. I believe what we have to look at now is the best type of approach, whether we can have some in chambers and some in open court. I am simply suggesting that the *voir dire* should be held in the open court, that is to determine the acceptability of the plea agreement.

So, the court should take into consideration the following: the judge or magistrate shall in open court, before determining the validity of the plea agreement, conduct an enquiry of the accused on the record in order to determine whether he understands and concurs with the agreement. It is important that we get the accused understanding exactly what he is involved in. The judge or magistrate should ascertain: whether the accused understood the nature of the charges to which he had pleaded guilty; whether there is a factual basis for the guilty plea; whether the accused understands that he has a right to a trial by jury, or an open trial as is in the case of the magistrate's court; whether the accused understands that he is innocent until the prosecution proves him guilty; whether the accused is aware of the established sentences commensurate with the offences with which he was charged; and finally, whether the accused knows that he is not bound to accept the terms of the agreement. All of these things should be ascertained via the *voir dire*. The judge or the magistrate therefore may refuse to accept the plea and shall not accept it unless he determines after the enquiry that the accused made the plea voluntarily and he understands same.

At clause 11 it is submitted that where the court deems it necessary to hear the views of the victim or relative, this should be done at the *voir dire* stage, so that the court may use such information in order to determine the validity and acceptability of the plea agreement.

In any event, clause 11(1) as amended should read, "...before deciding whether to accept the plea agreement" as opposed to "...before recording the terms of the agreement and passing sentence". In other words, we try to maintain the overriding jurisdiction of the court to either accept or reject the plea agreement at the final stage. So, the court does not seem as a rubber stamp; the court has to accept the agreement and then record. So it is a question of ensuring that the court retains the right at all times to reject or accept the plea agreement.

At clause 12, given the amended definition of "plea discussions" which provide that they may enter into at any time after the commencement of the trial, it seems that the scenario envisaged by this section can adequately be dealt with under the procedure for entering into plea discussions. Alternatively, if the accused wishes to enter into plea discussions after the commencement of the trial, the trial should be adjourned in order for the consent of the DPP to be obtained.

With regard to clause 13, it is submitted that this clause should be amended to reflect the following: where the judge or magistrate in accordance with section 10(2) forms the opinion that the plea agreement was not entered into voluntarily by the accused; or that the accused did not understand the substance and consequences of the plea agreement, then the judge or the magistrate may allow the accused to withdraw from the agreement and give appropriate directions as to the continued prosecution of the matter.

Further, we propose that in order for a judge or magistrate to consider the validity of a plea agreement, the following factors should be taken into account: the prior record of the accused—now, some of you may find that it is a bit lengthy, but it is important to have some of these things in this legislation so we know exactly where we are; any possible relationship between the accused and the victim; the attitude and mental state of the accused at the time of the crime, the time of the arrest and the time of the plea discussion; the age or vulnerability of the victim; the sufficiency of admissible evidence to support a verdict; undue hardship caused to the accused; the possible deterrent of prosecution; the age of the case, especially as it relates to issues of proof; the attitude, availability and credibility of witnesses; the severity of the injury to the victim; and the severity of the crime compared to other similar crimes.

Mr. Speaker, at clause 14, there should be no appeal against a sentence passed where an accused pleads guilty in pursuance of the plea agreement, since the final say to whether the agreement is acceptable rests with the court and not the DPP. In the conduct of plea discussions and agreements, it is the prosecutor who would have the greater bargaining power and, therefore, once the discussions and agreements are sanctioned by the DPP there should be no appeal. There is no need to protect the court from the prospect of it being misled since the court would conduct an enquiry into the plea agreement before deciding whether or not to accept it. The court has all the opportunity to conduct a proper trial. We have to have confidence in the court.

Mr. Speaker, for reasons expressed above, clause 15 should be deleted. Also, there should be no clause 16.

At clause 17, this provision should be incorporated into clause 10(2) of the Bill.

10.25 p.m.

Mr. Speaker, a lot of work went into comparing plea bargaining in various countries throughout the world. We on this side hope that the Members on that side and, in particular, the Member for Couva South, would view some of the recommendations and see how best we can fit all of this in, to ensure that we have a proper piece of legislation that would work in the best interest of our administration of justice and the people of Trinidad and Tobago.

Thank you

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I express thanks to the two honourable and distinguished Members of Parliament for their contribution from the Opposition. I think that the hon. Member for Siparia and Minister of Legal Affairs adequately answered some of the points made. As she has done, it would not be possible to deal with all the points made, because some of them are really, with the greatest respect, not important to this Bill. What I would do is to try to clear the cobwebs that seem to have been present in this matter as presented by Members on the other side.

Let us take the first major point which was made: an accused person or defendant's fundamental and constitutional rights would be taken away by this Bill because the person is giving up his right to trial by jury or a court in exchange for a lesser sentence. Anyone would know, and I think all of us should know, that an accused person is entitled to have a fair trial. The prosecution must prove the case against an accused beyond all reasonable doubt. We also know that the law as it exists now permits an accused person to plead guilty, and that the person can plead guilty to any offence, including murder. The law also provides for mandatory sentences in respect of murder and treason.

Where in the Bill an individual is being given the opportunity to plead guilty in certain circumstances because of discussions, and there are safeguards to punish and protect the accused person from any coercion in getting him to plead guilty, and safeguards to ensure that his rights to an attorney are enjoyed, I cannot see how on earth anyone can say that this affects anyone's fundamental rights! As a matter of fact, under the Bill it is a voluntary plea. The accused person at any time before the plea is accepted, can change his plea. Even when it is accepted, if he can

show that there was coercion, he can have it set aside. How is due process of law being violated in this case?

Under section 4 of the Constitution the right of individual is:

"(a) the right of the individual to life, liberty, security of the person and the enjoyment of property and the right not to be deprived thereof except by due process of law;"

I would point out, for the record, some of the sections which I think, with the greatest respect to the hon. Member for Toco/Manzanilla and, to some extent, the hon. Member for Laventille East/Morvant, did not seem to have read. If they read it, they did not seem to understand it.

Let us take "Representation by attorney" in clause 6:

"6. (1) Where an accused person has retained an attorney, 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.

(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."

That is the form set out which has to be signed by him and witnessed by a Justice of the Peace, that the hon. Member for Laventille East/Morvant talked about bureaucracy. That is a safeguard, but it goes further:

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

Mr. Speaker, one merely has to read this to see that any notion that this Bill is taking away anybody's rights is not correct. As a matter of fact, what it does is bend over backwards to ensure that an accused person's rights are protected.

What happened really, is that the hon. Member for Toco/Manzanilla got a lot of material on this matter off the Internet. If you read that material and not

understand or apply it to what is happening here, you could get confused. It may be that he got confused. [*Laughter*]

I would give another example. He said that a lot of time had been spent, there would be no evidence against an accused person, the prosecutor could cause him to plead guilty, and if he pleads guilty it would mean you would have no forensic evidence and so forth; a long dissertation. But listen to what clause 7 says:

"(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;

(c) requires the prosecutor to withhold or distort evidence;"

What this means is that if the prosecutor in his docket does not have any evidence against a person, does not disclose an offence, he cannot accept a plea, and if he does that he could be prosecuted and it can amount to coercion.

Mr. Boynes: But in actual, practical reality, it is so difficult to get one bad apple. That was the point being made.

Hon. R. L. Maharaj: Therefore, the Member by what he has just said, has agreed that the law provides that a prosecutor cannot in law cause a person to accept a plea which is not disclosed on the offence.

The law also provides that if a prosecutor, police officer or anyone involved makes an improper inducement which is defined—it includes the coercion of an accused person to enter into a plea discussion and 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, the law provides punishment. If one goes to say how you are going to regulate, then you would not pass a law for murder or drug trafficking.

Mr. Boynes: Mr. Speaker, I do not like interrupting the hon. Member while he is on his legs. Is it now in practice that sometimes when an individual comes to the police station, he is arrested, he is encouraged by certain police officers to plead guilty? That is a practice. While we recognize the safeguards put in place, we are just saying that the safeguards should be stronger. That is the point we are making That is why the initiative must come from the accused person to enter into plea discussions, but that all the prosecutor should do is advise him of his right to do so.

Hon. R. L. Maharaj: Nowhere in this Bill does it say that as soon as a man comes into a police station, the policeman could tell the accused to plead guilty. We do know that an accused person is there and there are certain rights, but one must understand that the public also has rights, but it is the duty of the state that if the man wants to plead guilty he is entitled to do so. If the police has coerced him, under this Bill, we are giving protection to him. Right now, he does not have that protection.

If the Member is so concerned about the accused person going to a police station, the policeman could tell him to plead guilty, and that coercion could last for days: he goes before a magistrate, goes back to his cell and comes back—the Member believes that his rights are being infringed, but right now he does not have any protection. Under this Bill he has a statutory right in order to have it challenged.

Mr. Speaker, for the Member to come here and say that this Bill would authorize the buying and selling of justice, is not correct. I think that the two hon. Members know that. Because under this Bill, it is not like the American system from which a lot of the material that was read came. The American system has been criticized, because where the prosecutor agrees to accept the plea and the accused person agrees, the judge, in very rare, very exceptional circumstances, can change that. Under this Bill, that is not the case. Even if the accused person and the prosecutor agree, the court has the residual jurisdiction and discretion to say, "I am not accepting it!" It expressly states so. The present set up is that the court supervises the administration of criminal justice.

Thus, where is the justification for anyone to come here and say that this would authorize the buying and selling of justice? It is being made to look as though an accused person must be the person to initiate the plea discussion. If the prosecution initiates it, that is bad, it is contaminated. The due process of law is contaminated.

The two hon. Members practise in the courts. What happens in Trinidad and Tobago now? In Trinidad and Tobago, at the present time, when a person is charged for murder, the prosecutor sometimes tell the accused's lawyer, "Listen, if you get your client to plead guilty to manslaughter, I will accept the plea of guilty of manslaughter." So, is that wrong? Therefore, it has been wrong all these years! If it was wrong, why did the PNM administration not change it?

It also happens that if somebody is charged with wounding with intent to do grievous bodily harm, the prosecutor sometimes would say, "If your client pleads

10.40 p.m.

The fact of the matter is that the Bill is part and parcel of the Government's package to deal with problems which had been confronting the administration of criminal justice. This has not come overnight. It is not only three years ago witnesses are being killed; witnesses have been killed all the time. The fact of the matter is that it is only now that we know that there is a Witness Protection Programme. Members on the other side know fully well that under the PNM there was an *ad hoc* Witness Protection Programme. And we also know that when this

Administration took office, we decided that it was not sufficient and what was needed was a Caricom Witness Protection Programme because you cannot protect witnesses in one country, you have to have an exchange; and in Trinidad and Tobago you could not have witnesses going to other countries because it has to be a mutual set up.

It is well-known that Caricom accepted the Trinidad and Tobago position, and it is also well-known that legislation is being drafted in order to implement that in each country, and at the next meeting of the Caricom heads, that matter is on the agenda. Members on the other side know—they have the Opposition Leader who was the Prime Minister—that there is a Witness Protection Programme. But, it would not be proper for me to disclose the nature and particulars of that programme—who is in which country and who is in which other country. I cannot do that.

Mr. Speaker, what is very significant is that we heard all of the problems here, we heard that there are major problems with depositions. For how many years has this deposition law been in existence? I do not know, but in Trinidad and Tobago, since the 1900s or even before that. The PNM has been in power since 1956. Is it only now that it is so easy to amend that law? If that was so easy, why was it not done years ago?

May I, in fairness to the Member for Laventille East/Morvant, say that the question of witnesses not coming forward to give evidence is a serious matter, and no government can close its eyes to it. Right now, the Office of the Director of Public Prosecutions, in collaboration with the Law Commission, is looking at—only last week we had a meeting to look at the whole question of trying to introduce innovative, legislative measures so that witnesses who do not come forward would be able to be dealt with—and in order for it to act as a deterrent, to prevent witnesses from not coming forward. So that it is not a matter that you could just pass a law overnight, because then you will be just passing it, and not passing it considering all the circumstances. It is not a problem which has just come up, it is a problem which existed years ago. The PNM could not have dealt with it adequately; and we are in the process of dealing with it.

When the hon. Minister of Legal Affairs said that what this Bill would also facilitate was, that if people plead guilty, then obviously, there would be instances where, in the plea of guilty, there can be compensation given to the victim. There was an uproar on that side—that is not permissible under the Bill, the Bill does not say so. Well, let us take an example!

If Mr. A wounds Mr. B and Mr. A. is charged for wounding with intent—the wounding is not very serious, but it is a wound—and the case has taken 15 years to be heard, as has been happening here; but after 15 years, Mr. A and Mr. B have become very good friends and they have a very harmonious relationship in the village, and Mr. A says to Mr. B , "Listen, I have done wrong and I recognize that; I will give you $25,000, $30,000 or $40,000 compensation." And that is considered to be reasonable compensation. If the prosecution and the defence discuss the matter—having regard to the length of time, having regard to the fact that the witnesses' memory would be dimmed, and a jury may or may not convict, and the fact that the people have reconciled their differences, and the agreement is that the man pleads guilty to unlawful wounding, which is the lesser count, and compensation is recommended, the judge could accept that. If the judge accepts that, is that contrary to the public's interest? Is that not permitted under the Bill?

When the Minister of Legal Affairs made that submission, what was offensive about that? What this Bill would do is to permit those kinds of things in a more acceptable way.

Mr. Hinds: The reasons for some measure of consternation on this side is that, first of all, the Bill did not expressly say so. Secondly, when that happens in practice, while we know that the judge or the magistrate understands what is happening, it is not something that is overtly and openly done. The court takes no part of that, and I understand the reason for that to be. Because when someone is prosecuted criminally this is no longer a matter between two individuals, but between the state and the accused. As a result of this, the question of compensation, in that sense, does not entirely arise; and this is why it is done, almost in a tacit kind of way. So as it stands today, my understanding is—while I know as a fact that judges countenance the thing, and understand it, and will permit an arrangement to be made—it is not strictly permissible because it is the state rather than the individual who is doing the thing. Just to conclude, if that is permitted, it means, therefore, that the state loses its standing in the matter, if you like. It is for that reason—and you know that quite well.

Hon. R. L. Maharaj: Well, that supports what I am saying. If the court is not concerned at this time—although I think that the court is concerned, because when it comes to sentence the court takes everything into consideration. Even though it would not be reflected in the Order, you have situations where the court knows that the compensation has been passed. Sentencing involves the payment of compensation, and the sentence of the court could be the payment of a fine, payment of compensation, could be sent to jail; so sentencing involves all that. So

that if the court has to pass sentence, the court must be able to consider all these matters.

Mr. Speaker, one of the things—and probably what has also been what the hon. Minister talked to you about, because this Government has already laid in the Parliament—I think in the Senate—a Bill to provide compensation for victims of certain crimes. So that here you have a situation where—with all the talk from the Opposition—it shows that this Administration is interdicting legislation to deal with some of the problems, to provide, for example, state compensation for the victims of certain crimes. *[Desk thumping]* So this Administration is concerned about the rights of the victims and not only the rights of the accused.

Mr. Speaker, I have looked at my contribution in piloting this Bill, and I went through the entire rationale of the Bill, I explained that it is not taken from a particular country; it is a marriage of the different systems in order to try to meet the needs of our society. I mentioned that this Bill, obviously, has to be done with these provisions at this stage and, obviously, depending on how it works, we can always come back to the Parliament and see what changes are needed. I also mentioned that the statistics showed that very few people plead guilty under the present set up. But based on what the Director of Public Prosecutions has done over the years, it is believed that if you have a more formal system, you would encourage people to plead guilty if they are guilty.

For one to give the impression that you cannot induce a person to plead guilty, that is wrong. A person can be told, "Listen, you are guilty; it is better if you plead guilty, you will get a lesser sentence". It is up to the individual to decide what he wants to do. The criminal law permits persons to do that. There is nothing wrong in that. As a matter of fact, it is totally permissible for a policeman to tell an accused person, "Listen, you are guilty; if you plead guilty you may get a lesser sentence from the court". What is wrong with that? The accused person is entitled to reject that, to accept it. When he goes to his lawyer, he is entitled to be advised not to plead guilty on the basis of instructions that he has got.

But if the accused person is guilty and he decides to plead guilty, the fact that the policeman told him this, that, or the other, has nothing to do with any rights being violated.

10.50 p.m.

Mr. Hinds: When the police officer tells him what you have just suggested, what he is actually doing is encouraging or inducing the fellow to plead guilty. But you are aware, Mr. Attorney General, that sentencing is strictly in the domain of

the court. The police officer can never know what sentence will be applied. As a matter of fact, I pointed out in my contribution that he or the prosecution, at that point, has very little to do with the question of sentencing. And I submit that it is highly improper, in the present system, for a police officer to say that.

Hon. R. L. Maharaj: Well, with the greatest respect to you, I do not think it is improper. I think the policeman is entitled to tell him; he is entitled to reject it; and the police officer is entitled to say to the judge or jury, "After I charged him, I told him that the evidence disclosed that you are guilty and you should consider pleading guilty". I do not see anything wrong with that.

Mr. Hinds: What!

Hon. R. L. Maharaj: If you think it is wrong, it is wrong. But I do not see anything wrong with it. He does not have to accept it; the policeman is not holding his hands or his feet and saying, "Go to the court and plead guilty!"

Mr. Speaker, under this Bill, under the existing law, there is nothing to prevent a person from being told to plead guilty or to be encouraged to plead guilty. Under the existing law, it might fall under "attempt to pervert the course of justice" or "perverting the course of justice", if you improperly induce a person to plead guilty. This is creating a statutory offence in order to ensure that people do not improperly induce people to plead guilty.

Mr. Speaker, one of the main aspects of this Bill has been what the Director of Public Prosecutions said, it is not the only aspect; because at the beginning of my contribution I mentioned and quoted:

"Properly administered, 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 the prosecutors can save vital and scarce resources."

Those were some of the matters which underlined the philosophy of the Bill.

However, the Director of Public Prosecutions, who is the office holder and the office, had this to say—and I quoted it, and perhaps I could, for the record, remind Members.

> "The Director of Public Prosecutions 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 contributions 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. For example, if Mr. A is found with narcotics, and the police charges him with "Possession for the Purposes of Trafficking", that is the person who is held and who will be prosecuted. If the evidence satisfies the test, he will be convicted. The person with whom he conspires and for whom he is working or who forms the network of the finances, he is not before the court.

What has happened in jurisdictions like the United States, England, and other countries, where there is a plea bargaining system, there is a situation when Mr. A is held and charged, from the information that is got as a result of plea negotiations. Information would be obtained for the financiers, for the big boys, and then what happens is that one brings the prosecution also for conspiracy in respect of the offence and Mr. A gives evidence on behalf of the prosecution. Because of a plea bargain, he probably will get a reduced sentence for giving evidence."

That is one of the assets that one can get from this kind of system. So it is not correct, as the hon. Member for Toco/Manzanilla said, that this will let loose drug dealers on the road, let loose burglars on the road, let loose rapists on the road. On the contrary, it is a Bill devised to prevent drug dealers from being on the road, burglars from being on the road, and rapists from being on the road.

Mr. Hinds: Like Dow Village?

Hon. R. L. Maharaj: Mr. Speaker, I am glad the hon. Member talked about Dow Village. You know, it is very frightening that we could hear in the Parliament that one can merely look at how one lives and how one has a barbed wire, and based on rumours that you hear in a village, that you can go and request police to go and search the house—

Mrs. Robinson-Regis: He never said that.

Mr. Hinds: I never said that.

Hon. R. L. Maharaj: —and that you can request—

Mr. Hinds: Would the Hon. Member give way?

Mr. Attorney General, I indicated to you—and you can check the *Hansard*, I never suggested that. I said that the Attorney General, as representative for the constituency, could quite easily get the Prime Minister's ear, and he, being the head of the executive, can supply the police service with the equipment it needs to deal with that and other crimes. I never said he could encourage—

Hon. R. L. Maharaj: Mr. Speaker, if the Hon. Member for Laventille East/ Morvant had evidence or reasonable cause to believe that there were drugs in that house, it was his duty to go to the police station; it was his duty as a parliamentarian to go to the Commissioner of Police. He does not need to wait a few months after and come to the Parliament and say, "The Attorney General could mention to the hon. Prime Minister". He said he went and saw it, and based on what he saw, he was of the view that that was so. But he did not go to the police—

Mr. Hinds: How do you know?

Hon. R. L. Maharaj: Well, you did not say that.

Mr. Hinds: I said, I mean, and I maintain, that that is his constituency; he is the Attorney General. And the question I asked was, what has he done about it? What is he doing about it?

Hon. R. L. Maharaj: Mr. Speaker, I do not have to account to him *[Desk thumping]* in respect of any matter that I am doing, with respect to law and investigation; I do not have to account to him. I am saying that in relation to what he has said here today, he has failed in his duty if he believed that that house was one of drugs; because, according to him, he did nothing about it. And if he did anything about it, I want him to get up here today and say he went to the police station, he made a report, who he made the report to, he went to the Commissioner of Police. But he came here for *mauvais langue*. How many houses—just now they will say that because a man has long hair, you should go and arrest him. *[Laughter]*

Mr. Speaker, this is frightening, and this is not the first time I have heard about this. And let us get this thing clear: under the Constitution of Trinidad and Tobago, no Minister of Government has any power or function or authority to tell any policeman to go and do anything like that. As a matter of fact, there are cases that if the Minister does that the prosecution is contaminated and it is abuse of process. So that to suggest here that because one is an Attorney General, or one is a Minister of National Security, or a Prime Minister, he could tell a policeman to go and search a house or to lock up somebody, that is frightening.

I wonder, Mr. Speaker, how did the PNM operate over the years? Are they telling us and the country that is how they operated? I wonder how many trade unionists got their homes searched because ministers gave instructions to have them searched? I wonder if at the UNC meeting in Laventille before the elections, the place was searched because the politicians gave instructions to the police.

11.00 p.m.

Mr. Speaker, let us understand that the same way we are talking about protection of rights and freedom, there is a way of doing things and there is a process of doing it. [*Interruption]*

If he said that he informed the Attorney General, it shows that he does not know the law. He should first go to the police.

Mrs. Persad-Bissessar: But he was a policeman.

Hon. R. L. Maharaj: The Attorney General is not responsible for the police.

Mr. Speaker, one of the matters before I close, I should say that in the Bill—I will deal with that at the committee stage. So, Mr. Speaker, I beg to move.

Question put and agreed to.
Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Honourable Members, we have before us a list of amendments to be moved by the Attorney General. I take it that you all have it.

Clause 1.

Question proposed, That clause 1 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, there is a proposed amendment to clause 1

which reads as follows:

"Delete the year '1998' and substitute the year '1999'."

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Maharaj: Mr. Chairman**,** I beg to move that clause 2 be amended as follows:-

A.. Insert in appropriate alphabetical sequence the following definition:

"Director of Public Prosecutions" means the public officer appointed under section 90 of the Constitution to undertake to execute the responsibilities assigned to him under by that section."

B. Delete the term and definition of "improper inducement" and substitute as follows:-

"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.

C. In the definition of "plea discussion" or "discussion" delete the words "before the arraignment of the accused person, or before taking his and substitute the words "either before the arraignment of the accused person, or at any time after the trial of the accused person commences;"

D. Delete the definition of "prosecutor" and substitute as follows:

"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;"

Mr. Hinds: Did the Attorney General identify the concept of a particular course of action in the Bill warranting a definition?

Mr. Maharaj: Well, a particular course of action would be: what is the course of action that can occur in relation to what can happen, if there is an agreement.

Mr. Hinds: Yes**.** We appreciated that but it is highlighted in the definition section conceptually but with meaning it does not appear in the Bill.

Mr. Maharaj: Yes. That is correct, it does not appear. If you look at the top of page 7 it says:

"'Plea Agreement' or 'agreement' means an agreement entered into—

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

(ii) between attorney for the accused and the prosecutor;"

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

So, a particular course of action is defined. It further elaborates plea agreements.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended as follows:-

A. In subclause (1) by inserting before the words "A prosecutor" the words

B. Delete subclause (2) and substitute as follows:-

"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."

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 5 be amended as follows:-

A. Delete subclauses (1) and (2) and substitute as follows:-

"5(1) A prosecutor who uses an improper inducement to encourage an accused person to participate in a plea discussion is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years."

B. Renumber subclause (3) as subclause (2) and add a new subclause (3) as follows:-

"(3) No prosecution under this section shall be instituted without the consent of the Director of Public Prosecutions."

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 7 be amended in terms of the draft and subject to further amendments as follows:-

A. Delete and substitute the marginal note as follows:

"Prohibition against plea discussions";

B. Delete the figure "(1)"

C. In paragraph (a) add the word "or" after the semi-colon;

D. Delete paragraph (b);

E. Renumber paragraph (c) as paragraph (b) and delete the words ';or" and substitute with a full stop (".");

F. Delete paragraph (d).

Mr. Chairman, may I point out that we made an error in deleting paragraph "b". So in the draft where there is: "D. Delete paragraph b;" we will delete that because we are not deleting paragraph (b). We are removing part "D" in the draft, therefore, "E" would now become "D". We can remove this and insert the following:

"In paragraph (c) delete the words '; or' and substitute with a full

11.10 p.m.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I wish to amend clause 10 as follows:

A. In subclause (1) add immediately after the word "Chambers" the words "in the presence of the attorney for the accused or, where the accused is unrepresented, in the presence of the accused";

B. In subclause (2) add immediately after the word "shall," the words "in

C. In subclause (2) (c) delete the full stop (".") and add immediately thereafter the following:

"unless in exceptional circumstances the agreement is justifiable in terms of the benefits that will accrue to the administration of justice, the protection of society or the protection of the accused."

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I wish to amend clause 11 as follows:

A. Delete and substitute as follows:

"(1) 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.

(2) 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, as the case may be, and such views shall be heard in the presence of the prosecutor and the attorney for the accused or, in the event that the accused is unrepresented, in the presence of the accused.".

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clause 13.

Question proposed, That clause 13 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I wish to amend clause 13 as follows:

Delete the marginal note and substitute as follows:

"Withdrawal from agreement by accused person".

Question put and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

11.20 p.m.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 14 be amended as follows:

(i) Renumber as subclause (1);

(ii) In clause 14(1), as renumbered, delete the word "prosecutor" where it first occurs and substitute the words "Director of Public Prosecutions";

(iii) Add the following subclauses:

"(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 to the Court of Appeal or a judge thereof.

(3) The Director of Public Prosecutions shall give notice of 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."

Question put and agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 15 be amended as follows:

Delete and substitute as follows:

"Withdrawal from agreement by prosecution

15. (1) Notwithstanding 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 -

(a) was, in the course of plea discussions, wilfully misled by the accused person or by his attorney in some material respect; or

(b) was induced to conclude the plea agreement by conduct amounting to an obstruction of justice.

(2) The Director of Public Prosecutions shall give notice of appeal in such manner as is prescribed by the Rules of Court within twelve months of the sentence passed.

(3) The Court of Appeal may extend the time within which notice of appeal may be given.

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 17 be amended as follows:

A. Renumber this clause as "18";

B. Delete the year "1998" and substitute the year "1999";

C. Insert a new clause 17 as follows:

"Plea agreement not

17. The Judge or Magistrate may reject a plea

binding on the Court	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.

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

The Schedule ordered to stand part of the Bill.

Bill committed to a committee of the whole House.

House in committee.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, with amendments, read the third time and passed.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, February 24, 1999 at 10.30 a.m. May I say that was following discussions that I had with the Opposition Chief Whip. On that date we would be debating a Bill to amend the Constitution of Trinidad and Tobago and the Establishment of Parliamentary Committees.

May I also announce, Mr. Speaker, that I also mentioned to the Opposition Chief Whip, and there is agreement, that we also sit on Friday, February 26, at 10.30 a.m., which is normally Private Members' Day. By agreement, the Opposition would be giving up that day on the basis that at the next sitting would be Private Members' Day, and on that occasion, we are hoping to do Bill No. 2 on the proposed Order Paper, a Bill to Prohibit certain kinds of Discrimination to Promote Equality of Opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected therewith.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.27 p.m.