

HOUSE OF REPRESENTATIVES*Friday, May 05, 2000*

The House met at 10.30 a.m.

PRAYERS[MR. SPEAKER *in the Chair*]**TRINIDAD AND TOBAGO
CIVIL AVIATION AUTHORITY BILL**

Bill to establish the Trinidad and Tobago Civil Aviation Authority [*The Minister of Works and Transport*]; brought from the Senate; read the first time.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

The Minister of Agriculture Lands and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, my own side is convinced about this measure and I see there is no need to convince the other side. So I do not know if I should proceed. [*Laughter*][*Interruption*]

ARRANGEMENT OF BUSINESS

Mr. Speaker: Seeing that you have introduced it like that, perhaps, I have the opportunity to do what I am now going to do. Hon. Members, I ask you please for us just to defer this particular item for a short while so that we could revisit “Announcement by the Speaker”, that is if you do not mind.

*Agreed to.***ANTHONY PROSPECT
(DEATH OF)**

Mr. Speaker: It has just been brought to my notice by the hon. Member for Arouca North that the death has occurred of a very distinguished citizen of this country, Mr. Anthony Prospect, a former top musician who has guided the affairs of the Police Band in this country for years and who has brought a tremendous amount of pleasure to many. I did in fact see a clipping that he had died in the United States of America quite recently and I think that both sides of the House may care to express condolences on his passing. [*Desk thumping*]

The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, we on this side of the House would like to express our condolences and deep regrets to the family—particularly the wife and children and close relatives—of the late Superintendent Antonio Prospect.

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Mr. Speaker, it is becoming almost a weekly occurrence in this country that some of the more outstanding people in the field of art and culture are leaving us to go to the great beyond and, in fact, it is touching even religious leaders. I see a little more than a month ago Archbishop Pantin died and—this morning I had to come here—my good friend Father Hilaire Clarke is being interred this morning.

Mr. Speaker, to come back to Superintendent Prospect, I remember as a little boy—because he was a bit older than I—I used to be amazed at the manner in which—in his own inimitable style—he conducted the Police Band. Mr. Prospect was such a favourite and very popular personality that Mighty Sparrow had to commemorate this great conductor in song and calypso in: *Shake your Baton Mr. Prospect*.

Mr. K. Valley: *Shake your Baton like Mr. Prospect.*

Hon. M. Assam: I am not an expert on calypso so that my name is not Professor Rohlehr or any one like that.

Mr. Manning: Rohlehr.

Hon. M. Assam: I am not his Godfather or his mother. Mr. Speaker, nevertheless, you understand what I am saying. He was so popular that the Mighty Sparrow commemorated him in song and calypso.

Mr. Speaker, after Superintendent Prospect left the Police Service, he continued to make his musical talents available to the people of Trinidad and Tobago. I believe he did a lot of work with the Casablanca Steel Band—if I am correct or else I can be corrected by the Member for Diego Martin Central who seems to be a repository of calypsoes and other types of indigenous musical forms. Mr. Prospect was one of the persons responsible for ensuring that the Casablanca Steelband achieved excellence.

I remember being at the stadium one night at a Steelband Music Festival. I saw him in all his glory and splendour and as they say, in his penguin suit—that they often make jokes about me when I was this country's principal representative of the St. James Quartet. *[Laughter]* I saw him in all his glory and splendour almost reminding me of Seiji Ozawa—I think that was the Japanese conductor—in full flight at the stadium conducting Casablanca to victory on that occasion. So, I have very vivid memories of this short, but very musically talented, energetic man.

Mr. Speaker, I understand that over the last several years he has emigrated from Trinidad and Tobago and we were very sad to learn of his passing. So this side would like to record its thanks to Superintendent Prospect; to acknowledge

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the great talents that he possessed; the contribution that he made; and to say that we regret his passing and we would like to express our condolences to his family.

Mr. Speaker, thank you very much.

Mr. Edward Hart (*Tunapuna*): Mr. Speaker, Superintendent Antonio Guillermo Prospect, M.O.M., LRSM, ARCM, LTCL, AMusLCM had a very long and distinguished career in this country.

Mr. Speaker, in 1944, Mr. Prospect enlisted in the Trinidad and Tobago Police Band as an apprentice playing the trombone.

In 1948 he was awarded first place in solo performance at the first National Music Festival held at the Princes Building.

In 1954 he became a Member of the Royal Victoria Institute Orchestra.

In 1950 he was awarded the first place in solo performance and second place in the Open Champion Class for best instrumental in the music festival.

In 1956 he composed the music to the documentary film *A Princess Among Us* based on the visit of Her Royal Highness Princess Margaret to Trinidad and Tobago.

In 1959 he was awarded the LRSM diploma for performing on trombone from the Royal School of Music, London.

In 1960 he was awarded a Government Scholarship for three years at the Royal Military School of Music, Kneller Hall to pursue Military Bandmastership.

In 1962 he was awarded the ARCM Diploma in conducting from the Royal College of Music, London.

In 1963 he was awarded the LTCM Diploma for brass teaching from the Trinity College of Music, London; awarded the AMusLCM Diploma for teaching the theory of music from the London College of Music; awarded the War Office Bandmaster's Certificate and graduated as a Bandmaster from the Royal Military School of Music, Kneller Hall, England.

10.40 a.m.

In 1964 he returned to Trinidad and was appointed Assistant Director of Music in the Trinidad and Tobago Police Band.

In 1965 he was appointed as Musical Director of the first National Steelband.

In 1966 he represented Trinidad and Tobago at the Commonwealth Festival of the Arts as an arranger and musical director in the production "*Man Better Man*" by Dr. Errol Hill.

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Mr. Speaker, you will recall that in 1967 he was appointed as Musical Director of the Combined Services Steelband representing Trinidad and Tobago at the Expo 1967 which consisted of the regiment, the coast guard and the police service. He was also appointed Director of Music of the Trinidad and Tobago Police Band; the first local to be appointed as the Musical Director of the police band.

In 1971 he was appointed a member of the National Cultural Council of Trinidad and Tobago by the then Prime Minister, the late Dr. Eric Williams.

In 1972 he was appointed Musical Director of the Casablanca Panyard Theatre, lecturing and demonstrating the evolution, history and development of the steelband.

Mr. Speaker, in 1972 he published the book, *The Art of Making Steel Drums into Musical Instruments*. He was also awarded the Medal of Merit (Gold), a national award in recognition of his development and projection of local music.

In 1973 he received a citation from the Carnival Development Company (CDC) for his contribution and service to steelband music.

In 1974 he received a citation from the Junior Chamber of Commerce for services as a musical director to their annual carnival queen pageants for the past 20 years.

In 1975 he was appointed a member of the Liturgical Commission of the Roman Catholic Church in Trinidad.

Mr. Speaker, sometime later, after he retired, he migrated to the United States and we all felt saddened when we got the news that he suffered two heart attacks and the last one he succumbed to a few days ago. We all on this side, and I could say that the Members of this House, and the nation as an extension, will certainly miss Superintendent Prospect. We all mourn his loss and, on behalf of Members on this side, we would like to extend our heartfelt condolences to his bereaved family and all his relatives, friends and supporters.

I thank you very much. [*Desk thumping*]

Mr. Speaker: Hon. Members, I wish to be associated with the condolences that have been expressed by both sides of the House on the passing of Anthony Prospect. It was my good fortune to have been relatively close to him in one little aspect of music and, indeed, I remember that he was one of the brave ones who tried in difficult years to have a music school going. He did, in fact, establish the Trinity Music School at Mount St. Benedict and indeed, on many a Saturday I

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drove up to Mount St. Benedict to have my own son tutored by him in, of all things, the drums.

So, here we mourn the passing of yet another multi-talented citizen of this country who has brought joy to so many and who has made such a contribution to this country. The Member for Tunapuna has rightly indicated that he was decorated and held several national awards.

It is clear that the talent of the late Superintendent Prospect was recognized not only in death, as is so very often the case, but he was recognized while he lived. Of course, there are some people who would argue that he was not as perhaps well recognized in life as they would have liked to see him recognized, but surely, it is some evidence that yet another one of the citizens of this country who made a tremendous contribution was appreciated and that he could have been compared with the very best in many other parts of the world.

It would continue to astound many that in a small piece of earth that is Trinidad and Tobago there could be so many people who were so very talented and who started off with so very little and have achieved so much. I am happy to be associated with the condolences which have been expressed on both sides of the House and I would, on your behalf, direct the Clerk of the House to send a letter of condolence to the bereaved next of kin of the late Superintendent Prospect.

At this stage could we return to the hon. Minister. I am sorry that we took up so much of your time. I assure you that the time that was taken in doing this announcement will not be counted when we are computing the time that you have to speak.

RELATED BILLS

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I beg to move that the debate on the two Bills be done simultaneously because they are so intimately related. The first is the Praedial Larceny Prevention (Amdt.) Bill, 2000 and the second is the Summary Offences (Amdt.) Bill, 2000. As I proceed in my contribution I will be making reference to both.

Mr. Deputy Speaker: Perhaps I could just get the—

Cellular phone rings.

You know there is now a little gadget which is called a vibrator that one could have put on these phones, and if one must have it in the Chamber—and believe you me, throughout the Commonwealth it is a “no-no”—put in a vibrator so it would not disturb others.

Question put and agreed to.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Praedial Larceny Prevention Act, Chap. 10:03, be read a second time.

Mr. Speaker, as I commence my contribution, I cannot but comment on the absence of the Members on the other side. That, of course, is understandable given the fact that they are not concerned with praedial larceny and indeed, they have not been concerned about the agricultural sector and the fortunes of that sector. This is why under their watch, that sector has declined to the extent that today it comprises less than 4 per cent of the GDP of Trinidad and Tobago after 34 years of the stewardship of the People's National Movement.

I just thought I would make that point and hope that since they have little interest in this, we would have a very quick end to this debate and that we will, of course, have approved this Bill for going to the other place.

Mr. Hart: That is a non-point. You got demoted to Agriculture!

Hon T. Sudama: Member for Tunapuna, I do not want to say anything about you this morning. There is a lot I can say about you and your representation of the people in Tunapuna, but I do not want to be distracted. If you keep your peace this morning, you will avoid my comments.

Mr. Speaker, this Bill is brought to address the very critical issue of praedial larceny in Trinidad and Tobago. The widespread incidents of praedial larceny and its demoralizing effects on the producers in the agricultural sector have evoked numerous comments and deep emotion. There have also been incidents of violence which have ended in death, and people on both sides of the divide have been the victims: intruders and thieves as well as farmers and owners of property.

In fact, Mr. Speaker, when we take account of the horrendous tales of praedial larceny and the brazenness of the perpetrators, I have had instances reported to me in my own constituency where perpetrators of praedial larceny would go on to the fields, kill the animals on the fields and take away their carcasses. They even kill pregnant cows on the fields. It just boggles the mind about the heinousness of these crimes and, therefore, it is felt that perhaps more severe punishment ought to be instituted.

Praedial larceny constitutes an enormous disincentive to the farmers and agricultural producers in the country. Many feel there are too many other risks

involved in agricultural production quite apart from praedial larceny which compounds the discouragement of people who currently engage in agriculture and those who would otherwise have been exposed to do so.

It is difficult to have a precise estimate of the losses incurred through praedial larceny. However, broad-based estimates have identified the figure of 25 per cent of production of things like citrus, other fruit, cash crops and livestock. This means that praedial larceny is big business, and when translated into dollar figures is estimated at over \$75 million, and that was in 1996. I am sure the figure must have been increased since then.

Very few types of agricultural produce escape the hand of praedial larceny. From corn to cascadura and from banana to bison. Essentially, praedial larceny seems to be the expression of a culture. One which places little emphasis on labour, but great emphasis on acquiring the fruits of labour with little labour but great effort. It is a mindset which is antithetical to the ownership of property and the rights derived therefrom.

It is a culture of freeness and of getting something for nothing, which has been so assiduously cultivated by the PNM for years. It is an attitude which is a menace to society. The perpetrators have become more brazen and carry out the nefarious activities with seeming impunity. The problem lies not only with the perpetrators of praedial larceny, but also with those who purchase the stolen goods wittingly or unwittingly. They do not bother to enquire about the source of the cheaper goods and, in fact, do not care since the transaction is conceived of as a bargain.

Those guilty include many involved in purchasing retail on the roadside, in markets as well as at the wholesale level, as well as in supermarkets and elsewhere. It stands to reason that if there are no ready buyers of stolen goods, if there is no ready market, there is little incentive to steal on the scale on which it is done, since no significant income can be derived from it.

10.55 a.m.

While unable to provide specific statistics, it is estimated that the police receive hundreds of reports of praedial larceny per year. Not only the police but the state enterprises such as Caroni (1975) Limited, Petrotrin and other state enterprises are also engaged in attempting to suppress this activity. The police figures do not represent all the incidents of praedial larceny, as most of the farmers fail to report them; thinking it is rather a waste of time and many do fail to continue the cases.

The cost in productive time in reporting the matter and the time spent in court, in addition to the burden of proof in praedial larceny cases before a magistrate, discourage many farmers from pursuing the case to its finality.

In discussions held with over 25 farming groups and organizations since I assumed the portfolio of Minister of Agriculture, Land and Marine Resources in October 1999, praedial larceny has been identified as one of the major problems, if not the major problem, which affects farmers. This conclusion is endorsed by the Agricultural Society of Trinidad and Tobago with whom I had extensive discussions.

We also had the benefit of the recommendations of various government committees which addressed the problems and sought to propose solutions. As a result of wide-ranging research and discussions, certain conclusions were arrived at as to the issues which needed to be dealt with effectively. Some of these are:

- Certain matters of definition which included definition of cattle, livestock, agricultural produce, a market *et cetera*.

That meant that there were technical experts and lawyers in the courts.

- There was the lack of clarity in some cases as to what constituted the offence under the law and how possession was defined.
- The penalty provisions of the Praedial Larceny Prevention Act were deemed to be too lenient and did not act as a sufficient deterrent.

I think one of the main reasons for bringing this amendment to the House was to deal, specifically, with the penalty provisions and to increase those provisions.

But while, Mr. Speaker, the provisions may appear to be harsh, we are dealing with a very serious problem and the penalty, in some way, has to match the crime.

- It is also felt that the resources devoted by the police to the policing function as related to praedial larceny was far too inadequate to deal with the enormity of the problem.

Time and time again, we should emphasize that while we had the distinct law in place, which, perhaps needed to be upgraded and amended, that even for the existing law, enforcement and policing were not adequate. We could have all the laws of the books of the country, but if these laws are not enforced and the police do not have the adequate resources that are required for the enforcement of these praedial larceny laws, then we have a very significant deficiency in the whole process of trying to control this crime.

- It was felt that the police generally tended to assign reports of praedial larceny to a lower order of priority. There are other things which were given greater attention than reports of praedial larceny.
- It was felt that this was the general thinking: it is not so important, people have just stolen some produce and some of them need it because they are hungry, and that sort of rationalization, as to why this matter is awarded that low level of priority.
- It was also felt that the police were not guided by proper operational procedures relating to the arrest of suspected persons and to the issuing of guidelines for authorized persons under the Act.

Not only did they not have enough police assigned to this, but their operational procedures in order to catch the suspects and, indeed, to bring them to court, were quite deficient.

- It was also felt that there was a lack of interest at the level of the magistracy in dealing with praedial larceny cases as a matter of urgency.
- That in many cases the penalties provision gave magistrates a wide discretion for the burden of proof required in completing cases successfully in the courts and this weighed heavily on the farmers.
- It was felt that there was generally a lack of education on the part of the general public of the deleterious effects of praedial larceny on agricultural production.
- That there were enormous difficulties encountered in tracing agricultural produce which were suspected to be stolen as documented evidence was very minimal or non-existent.
- That given the nature of the article stolen—that is by and large there are perishable goods—there were no mechanisms for disposal of goods in cases before court without farmers incurring substantial losses in the process.
- That there was no organization to monitor and co-ordinate the activities of the various agencies responsible for dealing with praedial larceny matters, and for updating of the law and administrative and judicial procedures with representatives of the stakeholders concerned.
- That the record keeping and documentation system with respect to farmers was woefully inadequate including establishing the *bona fides* as well as the requirement for satisfactory proof of ownership of land.

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The Minister of Agriculture, Land and Marine Resources, assisted by the Attorney General and his staff, sought to address these problems not only with recommendations to improve the legislative framework, but also the administrative and institutional framework. Consequently, the following action was undertaken:-

- (a) a thorough review of the provisions of the existing Act to broaden the definition and meaning of certain items, for example “cattle”.

Mr. Speaker, this gave us no end of problems as you can well understand. When we came to a definition of “cattle”, we found that definition was too restrictive. There was one suggestion that instead of “cattle”, we say “any horned cattle”. There are, of course, cattle without horns. There was also the problem of including mules and donkeys and so on, under the definition of cattle. That, of course, was felt to be rather awkward. There was the other suggestion that we should define “cattle” to read: “any horned cattle, or horned domestic animal.” We had particular difficulty with this one because of its breadth, which could have included so many, not only animals but others under the rubric of horned domestic animals, probably including Members on the other side. We thought that we would not proceed with that. Therefore, we came up with a definition which stated that we replace “cattle” with the term “farm animals”.

11.05 a.m.

There was the question of what constituted agricultural produce and as I seek to elaborate further, Members of the House will get an idea of the expansion of the term to be more comprehensive, and of course, issues such as what is a market-place. The definition we came up with we felt had to be broadened to include other areas in which transactions take place.

The other thing is that we had to be more specific about the nature of the offences that were committed. In both the Praedial Larceny (Amdt.) Bill and the Summary Offences (Amdt.) Bill the penalties of infringement of provisions have been significantly increased. For example, in the Praedial Larceny (Amdt.) Bill, clauses 4, 5, 6, 8, 9, 10, 12, 13 and 15 are relevant because, as I said, much of the Bill has to deal with increasing penalties and therefore, providing a greater deterrent.

In the Summary Offences (Amdt.) Bill clauses 4(a), 5(b) and 7(a) seek to increase the penalty for offences of stealing agricultural produce, unlawful possession of cattle and unlawful entering of cultivated lands. Since enforcement was regarded as a major weakness in the system of control of praedial larceny,

discussions were held as early as November 1999 by me with the Minister of National Security and the Commissioner of Police to make an assessment of the existing policing resources devoted to this activity and estimate what would be required in terms of additional manpower equipment and vehicles and streamlining of procedures.

Mr. Speaker, praedial larceny squads in the policing service which have been activated from time to time, the last being in 1998, have their activities in primarily four areas: south/western, north/central and north/eastern divisions, but there are only about 25 officers in these, which are woefully inadequate to deal with the magnitude of the problem.

In the past, the operation of Praedial Larceny Squads proved unsustainable due to critical manpower and resource shortages. Resources set aside for praedial larceny have constantly been redeployed in order to meet various contingencies. The police service has forwarded a proposal to establish the Praedial Larceny Unit for which resources would be dedicated to the control of praedial larceny. The unit would be appropriately staffed with a reliable fleet of vehicles.

It would deepen the collaboration between the Ministry of Agriculture, Land and Marine Resources and the Police Service and would also seek to intensify the co-operation between the stakeholders and the Praedial Larceny Unit and enlist the support of the community in addressing the problem. There is also the proposal to increase the number of authorized persons as provided for under the Act to be precepted. These authorized persons are to include game wardens, honorary game wardens, forestry officers, estate constables, litter wardens and agricultural extension officers who will then be authorized persons under the law and will have all the necessary power and authority.

These persons, in addition to existing members of the regular police and members of the special reserved police, will be subjected to appropriate training. It is estimated that to effectively commence the functions of the praedial larceny unit there is a need for the formation of 18 police squads to service a total of seven divisions throughout the service. Each of these squads is to be staffed by one corporal and six constables and will be supervised by the Sergeant in charge of the station housing the squad.

Therefore, a strength of 126 officers would be required to man these squads on a daily basis. However, because of vacation, sick leave and other absences, an additional 20 per cent should be allocated, making a total of 22 corporals and 130 constables. The police have also estimated that in order to improve the mobility and dedication to this problem, 22 unmarked, long based land rover jeeps are

required. There is also a list of equipment which must be provided to suppress praedial larceny activities. It is hoped that with this renewed focus on the prevention of praedial larceny that the police will give priority to this function. The proposals put forward by the police for the estimation of the Praedial Larceny Unit have defined the reporting relationship and responsibilities of the respective officers whether it is sergeant, corporal or constable and the sergeant of the respective station will be assigned added responsibility. Matters pertaining to the operation of the squad and the treatment of the reports are to be forwarded through the respective divisional commanders to the Senior Superintendent of the CID.

In addition, the officers will be required to undergo a thorough education and familiarization of the provisions of the Praedial Larceny Prevention Act and the Summary Offences Act and their authority under these Acts. For example:—

- (a) the interpretation section
- (b) the memorandum of sale or delivery
- (c) powers of arrest
- (d) power to stop and examine vehicles
- (e) power to arrest suspected persons and seize produce or livestock and means of conveyance
- (f) charging and trial of suspected persons
- (g) search warrants
- (h) tracing possession of produce
- (i) forfeiture and sale of produce and means of conveyance after conviction
- (j) appointment of authorized persons
- (k) powers and immunities of authorized persons
- (l) power of constable or authorized persons to summon assistance.

Again, in view of the magnitude of the problem and to send a signal to the authorities in dealing with it, it is proposed that the Magistrates' Courts should set aside a specified day of the week to deal with praedial larceny cases and the matter should be disposed of within one month of the charge being laid. Such an arrangement has to be agreed to by the Judiciary. The discretion of the magistrate, as proposed in the legislation, is reduced especially with respect to the setting of the minimum penalty which should be administered. Therefore, there should be less variations and inconsistencies in the sanctions applied. The implementation

of proper legislation in this regard, therefore, will bring greater credibility to the Magistracy in dealing with praedial larceny matters. Furthermore, it is proposed that greater burden of proof be shifted from the farmer to the accused.

The amended legislation requires the issues of Memorandum of Sale and delivery, which means that farmers, producers, wholesalers and middlemen will have to become more businesslike and provide more documentary evidence of the transactions. This might seem to be a bother and inconvenience, but except we provide evidence of receipt and payment, and if we are to trace the transactions and the source of goods, then we need to have this requirement. The seller of the goods will be required to retain the duplicate of the Memorandum of Sale and Delivery and the purchaser retains the original, and they would have to produce these documents when required to do so. This provision will also promote the conduct of activities in the agricultural sector in a more businesslike manner and will emphasize the importance of keeping records for the purposes of accounting. This requires people at large getting habituated to adhering to systematic routines.

The Act makes provisions for giving the Magistracy a discretion as to how to dispose of goods which are primarily perishable and yet preserve the goods in contention and, therefore, there is a priority for allowing the goods to be sold and the alleged owners retaining the receipts and providing a bond until the matter is called or the taking of photographs which will serve as evidence.

The Ministry of Agriculture, Land and Marine Resources is proposing the establishment of an Anti-Praedial Larceny Co-ordinating Body comprised of representatives of the Police Service, the Magistracy, Law Revision Commission, Farmers' Organizations and authorized persons. We feel that such a body will take a holistic view of the problem of praedial larceny. It will monitor the successes and problems encountered and would be able to bring further proposals.

The body, as I said, would monitor the problem of implementation and co-ordinate the activities of all the stakeholders with a view to minimizing the incidents of praedial larceny. Such a body will also impress upon all concerned that the resolution of the problem is the responsibility of all.

In order to improve the policing activities and for other reasons, a farmer registration exercise is being conducted which will soon be completed. The purpose of the exercise is for us to identify *bona fide* farmers and their areas of cultivation and the crops cultivated. A farmer's licence will consequently be issued which, when presented, would be *prima facie* evidence of the ownership of the land and produce.

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Mr. Speaker, having given introduction and other views of the Bill, I now wish to proceed to examine the contents of the Bill and identify the major amendments that are being proposed.

11.20 a.m.

I want to focus merely on the amendments. There is an existing piece of legislation, and what we are proposing to do is to amend to include certain provisions which are not clear, to amplify definitions, to make clarifications and to increase the penalties. Section 2 deals with Interpretation and the question of “agricultural produce”. The amendment is that—

“agricultural produce’ has the meaning assigned to it by section 23(3) of the Summary Offences Act;”

With respect to poultry, in the existing legislation, the question of eggs was not covered under “poultry”, so we are including—

“Memorandum of sale or delivery for agricultural produce or livestock.”

Here, we are identifying the amount above, which documents would have to be provided. That amount is \$50.00 or more. It states:

“(1) A person who purchases or in any other manner obtains possession or custody of agricultural produce or livestock of the value of fifty dollars or more in any market—

this is where we have also expanded the notion of market—

“grocery, mini mart, road-side stall, vehicle or in any other place where agricultural produce is sold...

With respect to identification, on the document you will need to put—

(a) the identification card number, driver’s permit number or passport...or in any other manner obtains possession or custody of the agricultural produce or livestock;”

So we have included the issue of identification, having given a receipt, that receipt, a memorandum of sale, must indicate some manner in which the person will be identified.

Then we go along and put an onus on the person who is selling; whether it is a farmer, a middleman or retailer.

(3) A person who furnishes or gives a memorandum of sale or delivering in accordance with subsection (1) or (2), shall retain a duplicate of such

memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a constable or authorized person.”

In that very section, failing to observe this provision we have increased the penalty to \$20,000, to not less than \$5,000 and not more than \$20,000 and to imprisonment for four years.

As we move along, we have included a new clause (3)(a), which includes an obligation—

“...where any person is found in possession of any bag, parcel, package containing agricultural produce or livestock, whether or not of the value of fifty dollars or more, a constable or authorised person may stop and require such person—

“(a) to give an account of how he came into possession of such agricultural produce or livestock; and

“(b) to produce a memorandum of sale or delivery or a duplicate of such memorandum of sale or delivery referred to in section (3).”

It has included a whole new section, which seeks to tighten up the procedures for investigation and policing. In clause 4 which deals with conveying produce, where a charge is laid the fine has been increased to \$10,000 and four years’ imprisonment.

Then we move to section (7);

“power to require production of memorandum of sale or delivery...”

Here, reference is made to the Farmer’s Registration Card. This is the card that would be issued by the Minister of Agriculture, Land and Marine Resources, and the provision of other means of identification of ownership of land. That clause elaborates further on the various measures that are to be put in place. We have also gone along to talk about goods being found in the possession of a suspected person.

In section 9, of clause 8

“Charging and trial of suspected persons,” we have again increased the minimum, which gives the magistrate no discretion to reduce the penalty below the minimum. That minimum is not less than \$5,000 and not more than \$20,000, and, of course, to a term of imprisonment, which we said we had to include, in order to provide sufficient deterrent.

Mr. Speaker, again, Section 12 is an increase in the penalty. Clause 13(A) is new, and this is a bit of a departure. Here, the magistrate has a discretion to make Orders before conviction. The clause deals with that discretion which we feel the magistrate should have, in order to deal with varying degrees of severity of the cases. If I may quickly read that to this honourable House, that the Magistrate—

“In addition to any other order which he may be authorised to make, under this Act, a magistrate may, at any time before or during the hearing of a matter under this Act, make any or more of the following orders—”

That is, before the conviction and dealing with the disposal of the produce.

- (a) that any agricultural produce or livestock which is alleged to have been unlawfully obtained be delivered to the person who claims to be entitled thereto subject to the provision by such person of such security by way of bond as the magistrate may order;

So that if there is satisfactory evidence of ownership, the owner gets back the produce, provides the bond, and if possibly at a later date when the case is heard and he was found not to be the rightful owner or possessor of the goods, then of course we forfeit his bond. But at least the goods are disposed of before the trial takes place. He also has a discretion to make an order;

- (b) that any agricultural produce or livestock which is alleged to have been unlawfully obtained be sold and that any proceeds which may be realised by the sale of such produce or livestock be paid into the Consolidated Fund;”

So you also have that discretion so that the produce does not perish.

- (c) that a photograph of any agricultural produce or livestock alleged to have been unlawfully obtained be taken by the police photographer within seventy-two hours of the complaint and lodged with the court, provided that such photograph—
 - (i) is taken in the presence of the person who claims to be entitled thereto and, ...in the presence of the suspected person and,
 - (ii) ...the photograph bears their signature...”

So having taken the photograph there is no need to hold the produce as evidence. The photograph then would be the subject of evidence.

Section 15(A) makes provision for the magistrate to make Supervision orders where people who are first-time offenders and so on, will be subject to

supervision by the police until the matter is heard and determined. Even after that, they could be subject. That is rather a long section, but as I said, the object of that section is a rehabilitative object, that instead of applying the penalty of fine and imprisonment that the service or the Supervision Orders would be such that they will be under constant monitoring.

11.30 a.m.

Mr. Speaker, with respect to the impersonation of authorized persons, the fine has been increased—\$10,000 and imprisonment for two years. With respect to the unlawful possession of badges which may be used by an authorized person, again, in addition to the fine of \$5,000 has been added a mandatory imprisonment term of one year, which the magistrate must administer. The power of a constable or authorized person to summon assistance and where that request is infringed, there is both a fine and imprisonment.

The penalty for assaulting a constable or authorized person has been increased with respect to the prosecution of offences because it was felt that the delay in completing these matters had a very negative effect on farmers, and the proposed amendment is providing for a speedy hearing and speedy resolution of the complaint. It says here:

“Notwithstanding subsection (1), a complaint for an offence under this Act shall be heard and determined not later than one month after the making of the complaint.”

So, Mr. Speaker, we have, after due deliberation and consideration, come up with these amendments to the Praedial Larceny Act in order to strengthen the Act to provide more resources and look at the problem in a more holistic way.

In conjunction with the amendment to the Praedial Larceny Act we have, of course, the Summary Offences Act and this Act has certain amendments which are of a definitional nature. For example, we see in the definition section the term, “cattle”, has been repealed and “farm animal” put in its place, and there are a number of animals which can be subsumed under the term “farm animal”. In section 4 there is an amendment of section 23 of the Summary Offences Act to deal with problems of the offence that is committed and there is a greater definition of the offence and the conviction that is likely to be imposed on that.

Then, in subsection (3), “agricultural produce” is further defined and includes a number of things which we had not contemplated in the original Act to include things related to agriculture like herbicides, pesticides, fertilizers, fishing tools, machinery, equipment and so on. All these things now will come under the rubric

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of agricultural produce. Again, we have certain consequential amendments dealing with cattle and farm animals. Then, in the case of poultry, we have further defined that and, of course, added the—in the case of cultivated lands we have again amplified that definition so that there will be little uncertainty with respect to what these terms mean and, of course, the penalties which have to be applied for infraction of the law.

Mr. Speaker, we in the Ministry of Agriculture, Land and Marine Resources regard this as a very, very important amendment. This Bill which is before us is intended to send a signal to the perpetrators of praedial larceny, to give some comfort to farmers, to reduce the disincentives in agriculture and, generally, to promote agricultural activity and to impress upon people their responsibility in dealing with praedial larceny as a very serious offence and the implications of that offence for the agricultural sector. Our feeling is that, except we send out that very strong signal, even though some of the penalties may be regarded as rather harsh, we are not going to achieve the objective of using the law as a deterrent.

I have already said it is not only a matter of law but it is also a matter of enforcement. Having had widespread discussion on the subject and having gained the views of all the stakeholders concerned, we have come up with these amendments and we feel that these amendments to the existing legislation will go a very long way in suppressing this very serious crime as it affects the farming community. Mr. Speaker, I beg to move. Thank you. [*Desk thumping*]

Question proposed.

Mr. Speaker: In saying this, I wish to remind hon. Members that they are at liberty to, at the same time, talk on Bill No. 2, an Act to amend the Summary Offences Act, Chap. 11:02, notwithstanding they would be voted on separately, and the procedures with respect to the committee stage will be separate and distinct.

Mr. Roger Boynes (Toco/Manzanilla): [*Desk thumping*] Thank you very much, Mr. Speaker, for recognizing me as I make my contribution on this very important Bill, the Praedial Larceny Prevention (Amdt.) Bill, 2000. Mr. Speaker, with respect to praedial larceny, that disease has infected the constituency of Toco/Manzanilla, Nariva and places where agriculture is one of the mainstays of the various regions, and this disease has infected those areas to such an extent that it has caused hardships in these particular areas.

Speaking of the area of Toco/Manzanilla, I must say that we have one of the highest unemployment levels in the country and that is one of the factors

responsible for that, simply because it is predominantly an agricultural area. As such, in the past we would recognize that when several of the larger agricultural estates were opened, like the Non Pareil Estates, Mappa Farm and the large estate in Grand Riviere, we found that the town of Sangre Grande was bubbling. Sangre Grande was then one of the capitals of the east. Business there was booming and persons used to come from as far as San Juan to buy produce in Sangre Grande. Sangre Grande was like the capital for the whole of Mayaro, from Matelot, Talparo, Cumuto, San Raphael, Coryal, Four Roads, Tamana and, at that time when agriculture was reigning supreme in that area, business was booming for the good of the region and the betterment of all.

Then, Mr. Speaker, we were plagued and infected to an extent with this particular disease that even today we find that the Sangre Grande Magistrates' Court is one of the courts where many of these offences are coming up on a regular basis. So that, it is prevalent in these areas and it is dealt with at the level of the Magistrates' Court more than most areas in Trinidad and Tobago. We have to ask ourselves the question. In a region that is still significantly dependent upon agriculture, how then can we put mechanisms in place to deal and treat with this disease of praedial larceny?

As attorneys make representations to the Magistrates' Court, the court is always indicating that perhaps legislation needs to be put in place in order to give them more teeth to deal with this problem. Several magistrates who actually have sat on the Bench in that jurisdiction were landowners and they themselves had been plagued with this disease, with persons stealing their agricultural produce from them, so much so that we on this side immediately understand that this is a problem in Trinidad and Tobago. As a responsible Opposition we are here to lend our support to this Bill and to go through it clause by clause to ensure that the right laws are passed so that this disease can, in some way, be cured.

There is also the problem of enforcement. So when this Bill is passed, and it will be, we have to ask ourselves: will we be better off than before it was passed? We then have to look to the persons who will be given the responsibility of ensuring that the legislation, as passed in this honourable Chamber, will be enforced. Now, members of the police service are to be congratulated, Mr. Speaker. They have been doing a fine job in Trinidad and Tobago. I wish to go on record as congratulating those members of the police service who, in recent times, were responsible for solving that kidnapping case, and they continue to make us proud in Trinidad and Tobago.

I ask that the praedial larceny unit be given the necessary equipment and tools to carry out its function, so that they will be equipped with the requisite

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communication devices and with the necessary transportation so that when a distress call comes in or when somebody suspects that somebody is transporting agricultural produce illegally, Mr. Speaker, [*Cell phone rings*] then they can, in turn, react very quickly to that distress call.

11.45 a.m.

Mr. Speaker: I do not think that you were here when we had a cell phone ring a little louder than yours. I indicated to Members then that if one checks with the people at the telephone company, they do have a vibrator that could be very soft. You do not even hear it. If it is on your person you would just feel it vibrating. I suggest that perhaps you should try that.

Mr. R. Boynes: Mr. Speaker, I thank you very much, but I prefer to shut it off than have a vibrator on me. [*Laughter*]

Mr. Speaker, we have to ensure that the Praedial Larceny Unit and the dedicated police officers we have in Trinidad and Tobago are well-equipped with the equipment and vehicles to ensure that they can make regular patrols in the areas where agricultural estates are located; make regular checks on persons who have been known to be convicted before, so they can always monitor the areas and give the farmers a certain sense of reassurance that the Praedial Larceny Unit is in their area and is in fact protecting them and serving them as it is their duty to do.

Mr. Speaker, we also heard from the Member for Oropouche—I believe the Member mentioned an Anti-Praedial Larceny Body. I do not know if I got the name correct.

Hon. Sudama: An Anti-Praedial Larceny Body.

Mr. R. Boynes: Now, we on this side would definitely welcome that body being set up, so that as time goes on and as the years pass we can always get additional information; we could always have the requisite changes that will take place and that could be recommended in order to protect the farmers and their produce. So that I would only ask that the hon. Member be mindful that we should have a representative from the local body or even from elected representatives to be included so that they could be part and parcel of the protection of farmers in each particular area or each particular constituency as the case may be. So, it is in fact a recommendation. We would also like them to encourage the actual registration of farmers.

Mr. Speaker, one of the ways in dealing with this situation—remember in this proposed legislation, when one purchases agricultural produce, one has to be

issued with a “memorandum of sale”. We take it that the “memorandum of sale” must be issued from a registered farmer. So that it is up to all of us here in this House to encourage the farmers. I know the process is, in fact, taking place—the actual registration of farmers—so that we would have a list of *bona fide* farmers. We need that process to be expedited as this Bill is here already and all of us must encourage the farmers to come forward and be registered.

Mr. Speaker, the Praedial Larceny Unit and various police stations in fact, could have a list of the registered farmers, so that when they are patrolling a particular region they can then—if they see this memorandum of sale has been issued by this farmer—look at their list as a cross-reference, for the name of that farmer so they can confirm, yes, this is a *bona fide* farmer.

I would like to read the Explanatory Note and then I will refer specifically to the section with which it deals.

“Clause 6 empowers the authorities, when the power to stop and search a vehicle is exercised, to request, in addition to the memorandum of sale or delivery, a Farmer’s Registration Card, deed, lease or other proof of ownership of the land from which the produce or livestock may have been obtained and increases the penalty for failure to produce such memorandum,...”

Mr. Speaker, now, if I take the literal meaning that—if I am somebody who buys from a farmer—a purchaser, I am purchasing agricultural produce from the Member for Oropouche, he is a farmer, and I buy agricultural produce from him and I am travelling in my vehicle, the police now have the authority to stop and search the vehicle. The police would then locate the agricultural produce; they would ask me for the “memorandum of sale” which I will give to them; they would ask me for a farmer’s registration card, but if I am not a farmer that may be difficult to give to them. They will then ask me for a “deed, a lease or proof of ownership of the land from which the produce or livestock may have been obtained” then, I am not in a position to give them that.

Mr. Speaker, if I am buying from a farmer, at the point of sale he may not want to give me a copy of his deed or the lease of his land. So, unless this clause is structured differently, it could give powers to the police to stop someone who has actually bought agricultural produce from a farmer, and then place the onus on that person to produce a copy of the farmer’s deed for his land—I mean, that is very difficult to ask an individual who has bought agricultural produce from a farmer to produce. Perhaps, the intention may not really be for someone who has purchased agricultural produce from a farmer; perhaps, the intention is for a

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farmer taking agricultural produce from his land, but then the whole issue of the “memorandum of sale” comes up.

Mr. Speaker, I am asking the hon. Member for Oropouche to look at this section because the explanation is very confusing. When one looks at section 7(1) it reads:

“Where in the course of a search carried out under section 6 agricultural produce or livestock is discovered the constable or authorised person may require the person in charge of the vehicle or other means of conveyance to produce a memorandum of sale...”

which he can produce;

“or to produce a duplicate of such memorandum of sale...”

That is fair enough.

“...or delivery referred to in section 3, Farmer’s Registration Card, deed, lease or other proof of ownership of the agricultural produce or livestock in his possession.”

11.55 a.m.

Once again, I will ask the Member if he could perhaps clarify this particular clause for the good of all because, as I said earlier, a person who is the driver of a vehicle may not have a copy of the deed or lease of land from where this particular agricultural produce was taken. I need some clearance on that.

[MR. DEPUTY SPEAKER *in the Chair*]

The reason why this situation needs to be cleared up is because the penalty that one would incur if one fails to produce the deed or the lease for the property from which the agricultural produce was taken—I will read the penalty:

“(3) A person who on being required to produce a memorandum of sale or delivery or a duplicate thereof, a Farmer's Registration Card, deed, lease or other proof of ownership under subsection (1) fails to produce such memorandum of sale or delivery or duplicate thereof or such Farmer's Registration Card, deed, lease or other proof of ownership is liable on summary conviction to a fine of not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”

So, one will have to be very careful. The penalty is very stiff and one will have to make sure that we can have the proper meaning to the sections as is intended.

Mr. Deputy Speaker, I wish also to look at clause 3A:

<p>“Production of memorandum of delivery or sale by person found in possession of bag etc.</p>	<p>3A(1) Notwithstanding section 3 where any person is found in possession of any bag, parcel or package containing agricultural produce or livestock, whether or not of the value of fifty dollars or more, a constable or authorised person may stop and require such person—</p> <ul style="list-style-type: none"> (a) to give an account of how he came into possession of such agricultural cultural produce or livestock; and (b) to produce a memorandum of sale or delivery or a duplicate of such memorandum of sale or delivery referred to in section 3.
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So, notwithstanding. I ask the question, and it is for clarification, if somebody's mother or wife goes to the market and she purchases agricultural produce and it is contained in a normal market bag—because it states here whether it is to the value of \$50 or more—if she does not have a memorandum of sale—because the norm is that when one purchases agricultural produce in the market one purchases without having any document—she can be stopped by the police, searched and then has to produce a memorandum of sale or delivery, or a duplicate or such memorandum of sale or delivery.

One could be liable under this section to summary conviction to a fine of not less than \$5,000 and not more than \$20,000. So, I am just asking the hon. Member for Oropouche to look at that particular section, and try to define it in such a way that persons do not get the wrong impression and persons like our wives or mothers, as the case may be, would not be captured unfairly.

I do have to indicate that I am a bit concerned about the new clause which is included here in 15A. Section 15A, as the hon. Member stated in his contribution, would seem to suggest that a magistrate will now be given the additional power to make orders before conviction to put an individual under police supervision. Before we actually hear the facts or the evidence, an order is going to be made to put the presumed innocent man under police supervision and *Wilmington vs. the Director of Public Prosecutions* is very much alive today that a man is presumed innocent until proven guilty. So, I invoke the spirit of *Wilmington vs. the DPP* here today.

Hon. Maharaj: Nobody will know who is Wilmington. Explain that.

Mr. R. Boynes: This is the highest court in the land.

Hon. R. L. Maharaj: No no.

Hon. Persad-Bissessar: Explain it.

Mr. R. Boynes: There was the situation where it was decided in that particular case that a man is innocent and there is a presumption of innocence until the court decides otherwise after the evidence is led on both sides. Until that point that one is found guilty by the judge or the magistrate, as the case may be, then there is a presumption that one is innocent.

So much so, Mr. Deputy Speaker, I then on that note ask them to look at the new clause 15A(1) which states *inter alia*:

“Where any person is convicted of an offence under this Act and—

- (a) has been sentenced to a term of imprisonment;
- (b) such sentence has been commuted; or
- (c) he has not been dealt with for the offence,

the magistrate before whom he is convicted may, in addition to any other order which he may make under this Act, order that such person be placed under police supervision for a period not exceeding one year, to be specified in the order.

So, the statements made by the hon. Member when he was speaking earlier would not be entirely accurate, Your Worship, because he referred to the court making an order before conviction.

Hon. Persad-Bissessar: Mr. Deputy Speaker!

Mr. R. Boynes: I am sorry. The clause is correct in that it deals with making an order after he is convicted. The clause is correct, but I think my friend who may not be a lawyer would have sort of misconstrued that point a bit.

Mr. Deputy Speaker: They say “Call me anything, but please call me”.
[Laughter]

Mr. R. Boynes: Indeed, Mr. Deputy Speaker. In short, the section is correct, because I was going on what the hon. Member had said in his opening contribution. The clause is quite accurate in that the magistrate before whom he is convicted may, in addition to any other order which he may make under this Act,

order that a person be placed under police supervision. My point is as such, that the only way one can put somebody and make an order is when you hear the case. The section is correct from that perspective, but what I would also like to add—and if the hon. Member could take note of that—

Hon. Sudama: If you give way, I think what I intended was before the magistrate sentences, not really the conviction.

Mr. R. Boynes: All right, but you mentioned conviction there. It is accurate to say that it is actually before he gives his sentence. Mr. Deputy Speaker, I would also ask the hon. Member for Oropouche to consider that while we do appreciate that the magistrate will have these additional powers to put the individual under police supervision, and that this deals with only first time offenders, in order to prevent this first-time offender from being a habitual offender, he is then now placed under police supervision.

We will have to ask also that the police be properly trained in carrying out this supervision, because clause 15A(3)(d) says the person will have:

“to obey any lawful instructions given to him by the officer, for the purpose of ensuring compliance on the part of such person with the requirements of the order, during the period specified therein;”

The anti-praedial larceny unit will have a very close relationship with this first-time offender; the person who has been placed under police supervision, and depending on the manner in which he is treated, he could then go on the straight and narrow path. We have to monitor him and ensure that he reports to the police station. We have to be mindful of where he is located, and we also have to be mindful of how to treat with him. One cannot just deal with him as though he is a criminal and will always be a criminal. He has his pride. So, a bit of training will have to take place with respect to the anti-praedial larceny unit to ensure that proper dialogue and interaction with the individual is put in place so that the effect of the police supervision can, in fact, achieve its goal.

12.10 p.m.

Mr. Deputy Speaker, clause 10 deals with the order made, again, by the magistrate for dealing with the quick distribution of the agricultural produce back to the farmer, or the person who claims that he has been deprived of his agricultural produce. The section deals with that. The section also deals with the court ordering that the agricultural produce be sold and the proceeds be sent to the consolidated fund. I suppose regulations could be put in place to determine how

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and where it is to be sold: whether by auction and that sort of thing. I believe that section is in place. It is something of which we approve.

One last thing, Mr. Deputy Speaker. We on this side do appreciate how difficult it is sometimes for a court to even prove that case. It is difficult. The amendment to the whole burden and the onus is timely because sometimes the whole aspect of identification comes into play. How are you going to tell me that this is your mango and not the other person's mango? All these things have always been a problem when it reaches the court, as to proving that this particular agricultural produce belongs to this farmer. The amendments to the Summary Offences Act are timely and we do support them.

With these few words, we on this side, want to give the firm assurance that we really and truly understand the disease of praedial larceny as it affects farmers through the length and breadth of Trinidad and Tobago. We give our support to this Bill.

I thank you, Mr. Deputy Speaker.

The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Deputy, Speaker, I rise to join in this debate and to lend my support to a Bill to amend the Praedial Larceny Act Chap. 10:03 and the associated Bill to amend the Summary Offences Act Chap. 11:02.

Mr. Deputy Speaker, I am going to take an entirely different dimension and a different trajectory in this debate; simply because I am not a lawyer and I do not intend to go into all of these clauses. Because, to a large extent, the Bill deals with penalties and redefinitions and increasing the power of magistrates; removing his or her discretion and giving one a better perspective of what agricultural produce, what cattle or poultry is, and so forth. I am not going to go into that, because I have always had a very deep interest in agriculture from the time I was small.

I used to spend holidays with my family who had estates in Sans Souci. My grandfather managed an estate in Basse Terre, Moruga, so I have been sort of brought up in agricultural activities from very small. Even as a boy I was involved in backyard gardening and the raising of some layers and broilers for the family and so forth. At a later stage of my career I was the managing director of an agri-business company that brought me face-to-face with the total agricultural situation in Trinidad and Tobago.

More than that, in my capacity as Minister of Trade & Industry and Consumer Affairs, I also have an interest. I have agitated for the amendment to the Praedial Larceny Act for some time, Mr. Deputy Speaker, because I represent a

constituency: the constituency of St. Joseph, where farming and agriculture are very important activities in many communities: in El Socorro, Aranguez, Bamboo Settlement Nos. 1, 2 and 3, Mt. Lambert and so forth. Even some of the farmers who live in the constituency of St. Joseph and Aranguez have been farming in Arouca and Maloney and so on. Therefore, it is critical to give the kind of confidence and assurance to these people that when they plant, they will be able to reap. Because praedial larceny is more than a disease; it is pandemic in Trinidad and Tobago. It is a definite disincentive for people to invest in agriculture, knowing full well that when the time comes, they will not reap.

I have been told by some of my farmer constituents that it costs them \$15,000 to put down a crop of tomatoes. Could you imagine, at the time of harvest, when they come to harvest, the tomatoes have all been stolen? As a result, these people have to rotate their families to sleep in the garden every night when it is close to harvest time. The father, mother, brother, sister; everybody rotates one night's sleeping there in order that that harvest would not be stolen. When it is stolen, Mr. Deputy Speaker, and they go and report it to the police station, they are not given the kind of treatment that they deserve. If, per chance, they were to catch the thief—of course you know it is an emotional situation—a few fisticuffs may have been exchanged. It is the farmer who is charged for assault and battery. More than that, when they take the produce to the police station, the effrontery of the policeman asking the *bona fide* farmer: “Can you prove, can you identify that those tomatoes, bananas, lettuce or bodi came from your land?” That is the kind of problem. I want to see agriculture in the sense that, anti-praedial larceny must be an incentive to the development of agriculture. I want to see this Bill in the context of the multifunctionality of agriculture. I want to see this Bill in the context of food security.

Mr. Deputy Speaker, as you know the World Trade Organization is about to embark on a whole round in trade in services and agriculture and Trinidad and Tobago must be prepared for such negotiations. Therefore we must put structures, mechanisms and laws in place so that when we get to the bargaining table, our interests could be properly secured. I have been looking at some figures and you would be surprised when you hear these figures.

COUNTRY	POPULATION	FOOD SECURITY LEVEL (%)
China	1.24 billion	94
India	980 million	100

COUNTRY	POPULATION	FOOD SECURITY LEVEL (%)
European Union	370 million	126
United States of America	270 million	138
Indonesia	200 million	91
Brazil	160 million	85
Russia	150 million	93
Pakistan	140 million	104
Bangladesh	120 million	89
Nigeria	120 million	94
Japan	130 million	28

When I compare the rest of the world with Trinidad and Tobago, with a population of—probably this 2000 Census may find we have 1.5 million people, I do not know, because we have been hovering around 1.3 or 1.4 for a long time. Our food security is less than 40 per cent in this country.

When you speak about praedial larceny on the scale that it is practised in this country, it further reduces the incentive to the development of agriculture and further reduces the food security of the nation.

A lot of people fail to realize that the great nations of the world have their economic base in agricultural development. Look at New Zealand, Australia, Canada, United States, all of Europe—whether it is Eastern Europe or Western Europe—it is as a result of a strong agricultural economy that they were able to move into an industrial economy, and today they have all gravitated to the services economy because of the information age and the knowledge industries that are springing up all around the world.

12.20 p.m.

Still, they have not foregone the core reasons for their development and sustainability in terms of agriculture because if you cannot feed yourself, if you do not have sustainable agriculture, you will have no nation, because in the event of labour problems up north, shipping problems, climatic problems, shortages that could send the price of grain up—I remember in 1973 when I was in the agri-

business, the price of corn, wheat and soya bean quadrupled because of the intervention of Russia and China in the international market, and sent the whole industry into a tailspin as a consequence. The price of food: meat, chicken, milk all of these things went up because they are all associated with grain-fed animals. So that agriculture is critical for the development of an economy.

We are not only talking about primary agriculture because it is this that feeds into secondary which is agro processing and if you do not have a strong primary agriculture production base, you cannot move into the agro-processing industries which are also critical for—

Mr. Valley: We will import it.

Hon. M. Assam: I know that you will import it, that is the PNM's mentality because when Eric Williams was alive, he said he was not interested in agriculture so Tenneco could come down here and we could buy any amount of food from abroad because we had the money to buy it. I know that. That is the same thing the Minister of Agriculture was talking about. You did not care about agriculture, all you were interested in was oil and steel.

Mr. Valley: Mr. Deputy Speaker, the Member is twisting the point I made. He is saying if one does not have a primary agriculture base one cannot get into agro-processing, and I am saying that as Minister of Trade and Industry, he ought to have the perspective that, given our manufacturing centre in Trinidad, one can in fact have an agro-processing base by importing products necessary from the islands. In other words, have that type of linkage. That is the point I am making.

Hon. M. Assam: The Member for Diego Martin Central wants to import and, therefore, create employment for other countries, destroy our primary production and compete unfairly with what little primary production we have taking place today. This is precisely what is happening to the farmers in Trinidad and Tobago today, his particular theory of development, which is a very unfortunate theory of development, of importing the raw material from abroad and converting it into agro-processed products. We are not going that way. We are going to develop our agriculture and from that, have the agro-processed industries flow.

Mr. Deputy Speaker, I wanted to emphasize the very important role that agriculture plays in economic development, economic transformation, sustainability, in its multi-functionality because without a proper sustainable agriculture you could not have the other things that are life-giving in terms of conservation of land, the preservation of the natural environment, the shaping of

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favourable landscapes, putting production into harmony with the natural environment and, of course, ensuring security for your people.

So when we look at the Praedial Larceny Bill, we are not looking at it only in terms of the law and the stiffer penalties, although I do not believe that these penalties are stiff. I support the Bill because this is the policy of the Government, but they are not stiff.

Mr. Deputy Speaker, in England in mediaeval times—if some of us did British history—if you stole a horse, which was the mode of transport of most people at the time, you were hanged. A horse was an important means of transport. Mail used to leave England and go to Scotland and take months on these macadamized roads on the horse and buggy to get there. We are talking about property, we must understand the fundamental importance of the law of property. Property is inviolable, whether it is a tomato or a big house as owned by the Member for Diego Martin Central. Every property is inviolable, so that no penalty is harsh enough for trespassing or violating or stealing another man's or woman's property.

I disagree with the Member for Toco/Manzanilla that these penalties are harsh, they are not harsh at all. In fact, this amendment is very late in coming because praedial larceny has created a serious disincentive and discouragement to the development of agriculture in Trinidad and Tobago for many years. So often people have invested in agricultural activity to find that before they could harvest, their crops have been stolen; or if animals, their animals have been stolen; or if it is poultry, their poultry pens have been raided.

We have to look at the Bills in terms of the kind of economic impetus, the kind of developmental thrust and sustainability that they would bring about to the agricultural sector in Trinidad and Tobago and to give that level of comfort to the farmer and serve as a very serious deterrent through the powers you now repose in magistrates, and the penalties that they can now impose on offenders who interfere with people's property.

Mr. Deputy Speaker, farmers have gone into bankruptcy, and farming has not been respected in this country as opposed to abroad. I have had the opportunity to live in Canada. I have visited some of the great farms of Canada. Even in my adult years when I was working in the agro-business company I used to go on courses and one of the places I went was Indiana, a great farming community in Iowa, a great farming state. Some of the wealthiest people in those states were farmers.

[MR. SPEAKER *in the Chair*]

They had the biggest houses, they drove the biggest cars, they smoked the biggest cigars in order to show how successful they were in the business of farming. In our country the farmer is treated not even as a second-class citizen. We pay a lot of attention to the manufacturing sector, the services sector, the financing sector, the construction sector, transportation sector. Every sector is given that degree of respectability and safety and protection. The only sector that does not get it is the agricultural sector and to compound the injustice to the agricultural sector, not only in terms of the high incidence of praedial larceny, but the lack of respect shown and even the lack of fiscal incentives enjoyed by the other sectors. All these incentives they get and the agricultural sector does not get incentives commensurate with them. Do you know what they are subjected to, Mr. Speaker? Vulnerability. Praedial larceny is not only one of the vulnerabilities and the disincentives in terms of insufficient fiscal incentives, but the vulnerability of nature.

Mr. Speaker, when rain falls in this country, as a representative of a farming and agricultural community with low-lying areas, I tremble, and I am sure some of my colleagues who represent areas such as mine do the same thing. I tremble because I have seen what the ravages of flood, what nature could do to the blood, sweat, tears and toil of the people who are in farming.

They have to get up at 3 a.m. sometimes and work under the most difficult and disadvantageous conditions. And, of course, agriculture is a family business and sometimes the education of children are jeopardized as a result of that. Because at harvest time, or maybe at planting time the whole family is engaged. If it is dairy cows, the whole family is engaged in milking the cows; if it is broilers, the whole family is engaged in preparing the pens; if it is hogs, it is the same thing in vaccinating them, in cutting the tails, whatever it is, the family is involved because some of them cannot afford to pay hired labour because the margins are so small and their returns so low.

That is the context in which you have to look at the Praedial Larceny Bill and, therefore, it is my view that anything that this Government can do or any government can do to protect the interests of the farmer and agriculture is extremely important and no penalty can be too harsh to protect and secure those interests, because in the final analysis, we are not only protecting the farmer or the community but the national economy and patrimony.

Mr. Speaker: Hon. Members, the Sitting is suspended for lunch until 2 p.m.

12.32 p.m.: *Sitting suspended.*

2.00 p.m.: *Sitting resumed.*

Hon. M. Assam: Mr. Speaker, when we took the luncheon adjournment, I was attempting to describe to this honourable House, some of the disabilities suffered by the agricultural sector, and some of the vulnerabilities to which that sector is exposed. I was saying that we have to look at this Bill in that context that agriculture was not given the kind of incentives and, therefore, the kind of importance was not placed to further the development of the agricultural sector for several years. This is evidenced by a lack of both irrigation facilities and flood-damage control amenities in the country where, perennially, farmers and the agricultural sector are exposed to millions of losses in their crops, livestock and, indeed, their homes, because of a lack of proper drainage. This has gone on for many, many years.

In fact, when I had the honour to be the Chairman of the St. George East County Council, during the period 1983—1987, one of the things I lamented then—because it was a PNM administration in office—was that when the PNM enjoyed the oil boom they had not taken half a billion of that \$80 billion that they garnered over the years, and spent on proper drainage development. If we had done that we would be well on the way to, not only providing the agricultural sector with what is needed to sustain it, but to providing this country with a higher standard of living and a better quality of life. It is as a result of poor drainage in this country that we are suffering from a poor quality of life.

There is mosquito infestation; there are all kinds of diseases that come up from time to time, such as Typhoid, Yellow Fever, Dengue—the one that deals with the stomach, what do you call it—*[Interruption]*

Hon. Member: Dysentery.

Hon. M. Assam: There is another name for it—whatever it is. There is also the question of roads deteriorating as a result. There is a lot of water wasted as a result, and, indeed, a lot of time is wasted as a result of people unable to get from point A to point B when all of these serious floods occur.

In fact, I remember when Mr. Chambers called the elections on October 12, 1981. While he was in Woodford Square thundering to the population, I was in the flood trying to move from where the Stag Brewery was, at the time, into San Fernando completely marooned! Imprisoned by flood! And I had to spend about eight hours in that flood, until I eventually got to San Fernando, and had to use the Naparima/Mayaro Road into Manzanilla/Sangre Grande to get back into Port of Spain on that fateful evening.

Mr. Speaker, these are some of the disabilities that agriculture and farmers suffer as a result of the PNM not developing this country and squandering the

money that it earned over these years into all kinds of projects that created no wealth; that generated no sustainable employment for the country. If they had put, as I said, half a billion into drainage that would have solved much of the problem.

The other things that they did not do—there was little or no infrastructure for the farming and agriculture. No Access Roads. When I was the Chairman of the St. George East County Council, I used to beg for a few hundred thousand dollars in what was called the Development Programme (DP) to develop a few agricultural access roads in the County of St. George East, in places like Blanchisseuse, La Fillette, Mamoral, Morne Diablo, Las Lomas Nos. 1 and 2, Brazil and Arena and all these places that form part of that county. The Member for Arouca North knows about that. You got precious little at that time, with the result that agriculture suffered.

If we are to diversify this economy and to continue its diversification, the importance of the agricultural sector cannot be over-emphasized. At one time we had all our eggs in the energy basket, and what happened after that fateful April of 1986, when the same Mr. Chambers was in office as Prime Minister, the price of oil having risen to US \$43 a barrel plummeted to under US \$9 a barrel, and the entire economy went into a tail-spin and we did not have agriculture on a sound footing; light manufacture on a sound footing; tourism on a sound footing; the financial services on a sound footing, and all the other things like arts and crafts and entertainment, which, today, this Government is attempting to do and to promote. That is why this Bill is so important, because when you have all of these things operating against the farmer, and then there is a criminal element compounding all of these disabilities, you could imagine not only the plight of the individual farmer, but also the plight of agriculture as a whole.

So that this Bill, I would say, is more than timely, in fact, it is well overdue. It took a UNC Government to bring in such a Bill after the farming and agricultural community has been clamouring for review and for amendments to the existing Bill. For years, they were knocking on the door of successive Ministers of Agriculture in the PNM administration.

The Member for Toco/Manzanilla talked about enforcement, but I often wonder—even before this amendment came to this honourable House—what kind of enforcement the PNM administration ensured even with a Bill that was limited in its application, in order to protect farmers and agriculture in this country? So that every time we bring a measure, there is some innocuous, disingenuous kind of criticism with respect to the measures, not taking into account that these measures are progressive measures, intended, not only to improve the lot of farmers but to

ensure the continued growth and sustainability of agriculture, which is an important component of the entire economic policy and thrust for development of this Government of Trinidad and Tobago.

2.10 p.m.

Mr. Speaker, countries all over the world are concerned and interested in their agricultural production and output. All countries of the world, although they give you the impression that they do not want to have you subsidize your own agriculture, are doing that. They are subsidizing agriculture in Europe, in Venezuela, in New Zealand, in Australia, in Canada, in the United States—all forms of protection. In fact, what they have been doing is not only in terms of protection but in terms of non-tariff barriers with HACCP and all of these other measures that they impose on us, all kinds of sanitary and phytosanitary measures that they impose on us in order to prevent our agriculture from entering into their particular territories.

So the PNM administration fell into that trap, a serious trap, when the Member for Diego Martin West was the Minister of Agriculture. They took it upon themselves to accelerate the reduction of the bound rates of the World Trade Organization allowed to developing countries with respect to agriculture, accelerated them to such ridiculous levels that today, Mr. Speaker, the farmers of this country are facing stiff competition. There is an unlevel playing field as a consequence of which they are producing crops and livestock and all kinds of things with a very slim margin and, in some cases, no margin of profit at all.

Indeed, Mr. Speaker, if we are not very careful we may very well find a diminished and depleted agricultural sector in the next 5 to 10 years because young people, unless we incentivise that sector, unless we give the necessary comfort, unless we provide them with what is necessary to take agriculture into the 21st Century, the children of farmers today will not go into agriculture because the bright lights of Port of Spain, the neon lights of the city, will attract them into the financial services, into the great hotels that we are building, into the banks and insurance companies and all of the other lucrative, white-collar jobs with air-conditioned offices and nice, fancy cars.

Farmers cannot drive fancy cars in this country. It is only in the United States and Canada that they drive fancy cars and live in big houses and smoke big cigars; not in this country. They get up at 3.00 in the morning. They live in the worst kind of accommodation, they have the worst kind of life, they work long hours and then they are subjected, Mr. Speaker, to the tyranny of larceny; yet we

hear the Member for Toco/Manzanilla complaining that these penalties are too harsh when, as I said, in mediaeval England, one was hanged for stealing a horse and, in some countries, one suffers amputation of leg and arm for stealing less than a horse. So that, Mr. Speaker, we must be serious.

Whenever we come to this Parliament we always get this inane criticism one way or the other because this Government produces progressive, advanced legislation in order to take us beyond the 21st Century, in order to protect the economic interests of our country, in order to show sustainable development and in order to improve the quality of life of our people. It is in this context that we must see this legislation, not the question of penalties, not the question of fines, not the question of removing discretion of magistrates, not the question of having somebody produce a memorandum to say he bought something or a farmer's identification card. That it not what is important.

That is what I do not understand with the opposite side. They see these minutiae in a Bill and they pounce on them as if these are the important elements of the legislation. They do not take into account the holistic approach, the kind of philosophical thinking, the underpinnings that went into the formulation of this piece of legislation. [*Desk thumping*] That is the mistake they make all the time, Mr. Speaker. We are moving ahead with cosmic speed to develop this country and the Opposition is still in the age of the buggy and the horse. That is the sad thing that I have to experience every time I visit and sit in this Parliament; that they do not seem to understand that we are now in the 21st Century, and the kind of populism that they want to preach.

They feel they could appeal to the masses as Eric Williams did in 1955 and 1956 when he went to the College of Point Fortin and the University of Woodford Square and the College of Arima and so forth. Those days are gone forever and none of you have the charisma of Eric Williams and none of you will be able to excite the crowd with that kind of stupid populism where you led people down the road with something to their throats and they could not think for themselves. That day is gone, Mr. Speaker. Today you have to appeal to reason. Today you have to appeal to people's sense of, "What are you going to give me to improve the quality of my life?" No more promises.

That is why the membership of the PNM is dwindling. Even at your convention last Sunday I understand it was a dismal gathering and even some folks who have followed you for 40 years, you put them out. You refused to admit them, some of them, because you feel that they are no longer loyal to you. That will not work any more, Mr. Speaker. What will work is bringing legislation to

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this House that will create a new future, that will create a new set of possibilities, that will address people's problems, that will ensure a quality of life, one that is premised not on promises, not premised on words but premised on the harsh realities of developing a society—a society with equity, Mr. Speaker—
[*Interruption*]

Mr. Speaker: Order please! Order please!

Hon. M. Assam:—in which every man, woman and child could find his or her place in the sun. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, for me it is becoming more and more amazing when Members on the other side get up and spend an hour and 75 minutes, say nothing, fail to address major issues and repeat old speeches from the platform. We are called here today to debate a Bill relating to the agricultural sector. It is an amendment Bill, Praedial Larceny Prevention. This legislation goes back to 1963, Act No. 12 of 1963. It is not the first time we are amending the legislation. The legislation was amended in 1970, again in 1976 and yet again in 1979. So that, to listen to the last speaker who in the fifth year of the life of his Government can still admit to fear whenever rain falls, fear because of flooding in his constituency, Mr. Speaker, let us remember that this is a Government that has campaigned on agriculture.

Whenever they talk, agriculture is quite high on their priority, or so they say. The Minister of Agriculture, Land and Marine Resources, I remember, as an Opposition member, always spoke about the importance of agriculture for security and so forth. We are now in our fifth year, Mr. Speaker, and when you look at the Central Bank Report you would see that in 1994 the growth rate in agriculture was 10.8 per cent. In 1998 the growth rate was minus 15.7 per cent. When you look at percentage of Gross Domestic Product (GDP), Mr. Speaker, you would see that while in 1995 the agricultural sector contributed some 2.2 per cent to overall GDP, by 1998 it would have fallen to 2 per cent. [*Desk thumping*].

When you look at the production and sale of major agricultural commodities such as sugar—and I am reading from, Mr. Speaker, the *Economic Bulletin, November 1999*—1994 production, 169.1 thousand tonnes; 1998, 101.1 [*Desk thumping*] Cocoa, in 1994, 1,488,000.6 tonnes; in 1998, 1,270,000.3. So that there is a reduction there of roughly 200,000 over the period. Coffee—1,014.7 million; 1998, 367.3 million. Understand that, a reduction of 700 thousand, Mr. Speaker. So that they come here and talk. Talk is cheap, Mr. Speaker, you know. But really, that is what it is. The proof of the pudding is in the eating. Agriculture is supposed to be your number one priority. What really have you achieved?

Citrus, Mr. Speaker, in 1994, 10,418 million. I am saying that wrong, am I not? [Interruption] Yes, 10,418,000 reduced in 1998 to 7,725.4 million, Mr. Speaker. That is a major agricultural commodity.

Now, Mr. Speaker, some of us will say we know what is happening with sugar, perhaps, that sugar declined and so forth. But let us look at selected food crops. Tomato, in 1994, two million kilograms; in 1998, 1,548,000 a reduction of some 450 thousand. Cucumber, 3,917,000 in 1994; 3,861,000. Even in cucumber there is a decline. Rice, Mr. Speaker, staple crop, you know, 17,514,000 in 1994; 7,037,000 in 1998, a decline of 10 million between 1994—[Interruption] This is—[Interruption]

Mr. Speaker: Order. Order please.

Mr. Valley: 30 Million alone in NFM. [Interruption]

Mr. Speaker: Hon. gentlemen from La Brea and from Laventille East/Morvant, I assure you, you will have your turn to talk. You will not be denied that. Please, allow the Member to make his point. He is doing quite well. I am sure he does not need your help. Please, allow him to be heard.

2.25 p.m.

Mr. K. Valley: Pigeon Peas, 2,000,094 in 1994; 915,000 in 1998; Melongene, 2,124,000 in 1994; 1,795,000 in 1998; Mr. Speaker, for completeness, let me make the point that there was some increase in the area of cabbage which went from 1,281,000 to 2,600,016 and there was an increase also in pumpkin; 4,916,000 in 1994 to 7,657,000 in 1998.

Dr. Mohammed: Mr. Speaker, let me thank the Member for giving way. I would like to ask the Member whether he would be willing to comment on the comparative performance of the agricultural sector and the non-oil sector for the period 1999? I would like to refer the Member to *The Review of the Economy, 1999*. Would you please comment, Sir?

Mr. K. Valley: Mr. Speaker, any analyst at this time would not use 1999 figures because he would know that those figures are provisional and preliminary. I mean, going to *The Review of the Economy*, when it is completed around June—July of the year 1999 with estimates made to the end of the year, to use those figures any analyst worth his salt would know that really, those are iffy numbers.

Dr. Mohammed: That is what I would like the Member to comment on, Sir—whether there is a positive trend by way of performance in terms of growth of the agricultural sector. Secondly, did this Parliament not accept *The Review of the Economy for 1999*, yes or no?

Mr. K. Valley: Mr. Speaker, I will answer both questions: the first question with respect to whether there is a trend. I have a document here dated November 1999 with hard figures showing for the period 1994—1998, and one must be able to discern a trend and, obviously, one sees that the trend is downwards. [*Desk thumping*] The second issue: whether the Parliament accepted *The Review of the Economy*. Yes, the Parliament accepted *The Review of the Economy*, but the Parliament ought to be aware of the fact that the 1999 figures in *The Review of the Economy* were stated quite clearly, provisional figures. So we accepted it with that proviso. If you want to hang your hat on that, that is you. But I will not.

Mr. Speaker, we go further: employment in the agricultural sector. In 1994 the total employment was some 415,400 in the economy as a whole. The agricultural sector accounted for 51,200 of that figure. In other words, 12.3 per cent of the jobs in the economy came from the agriculture sector. In 1998 total employment grew to 479,300 but employment in the agriculture sector declined from 51,200 to 38,900. [*Desk thumping*] So that while in 1994, the agriculture sector accounted for 12.3 per cent of the jobs in the economy, by 1998 the agriculture sector was accounting for 8.1 per cent of the jobs in the economy. [*Desk thumping*]

Mr. Manning: Let Mr. Sudama answer that.

Mr. K. Valley: Mr. Speaker, we should really put this debate within that context. I was extremely disappointed listening to the opening contribution from the Minister of Agriculture Lands and Marine Resources earlier today. Yes, the matter before us is a Bill to amend the Praedial Larceny Act. One would have thought that given this is the fifth year of the life of this government, the Minister would have taken this opportunity to tell us something about what really is happening in agriculture, because praedial larceny is but one of the problems in the agricultural sector.

Mr. Hinds: The biggest problem is the Government.

Mr. K. Valley: The Member left it to the Minister of Trade & Industry and Consumer Affairs to make the point, that really, this is a sector of high vulnerability—a high risk—disease, other pests and flooding, with the Minister admitting, Lord he prays whenever rain falls. The fifth year of the life of the Government!

We had a situation with Caroni East where the Government had to put in a sluice gate and it was put in the wrong direction. [*Laughter*]

Mr. Assam: Do you want us to repair all the damage in four years?

Mr. K. Valley: All we wanted the Government to do in the Caparo River was to put the sluice gate in the right direction so that the water could run to the sea—*[Desk thumping]* so that the Government would have avoided the flooding in that area since flooding is a critical area. As I said that, I am reminded—*[Interruption]* The Member for St. Joseph comes here and does no work; no research whatsoever; and gets up and talks in this English accent, claiming that he could fool this Parliament. Everyone is laughing at the Member up and down the town. The Member has to know that. *[Laughter][Desk thumping] [Interruption]*

Mr. Speaker: I want to suggest that the Member should speak through me. *[Interruption]* Order please.

Mr. K. Valley: Mr. Speaker, the Member for St. Joseph spoke about the PNM government failing to put drainage systems in place and so on. The Member reads nothing; he takes no advice; he comes here and babbles 75 minutes and takes his seat. What are the facts? Way back in 1993 the PNM administration commenced discussions with the World Bank for the financing of a national drainage development programme and it is stated in our *Manifesto* of 1995.

Mr. Speaker, whenever the curtain is pulled, the Government that is there has the obligation to deal with the problems that are there. The Patrick Manning administration got there in 1991 and this was one problem area. We attacked that problem area to such an extent that by 1995 when we were doing our *Manifesto* we could have reported the success during the period 1992—1995 that significant improvement works have been undertaken in the Caroni River, including the dredging works from the Uriah Butler Highway to the Silver bridge and the installation of gates and pumps to alleviate flooding in St. Helena, Kelly and Caroni Villages.

The Government had embarked on a \$400 million national drainage and flood control programme funded by the World Bank—already signed—which included upgrading of critical river systems throughout the country. Design work has been completed or is in progress for the first year's works, including upgrading of the Diego Martin, Maraval, St. Ann's, Malick and San Juan Rivers in the North; the Caroni and Caparo River basins in Central Trinidad; and Marabella, Vistabella and Ciperu Rivers in the South.

2.35 p.m.

We could have reported that as an achievement, and then—

Mr. Assam: Words!

Mr. K. Valley: Words? Achievement! It was done! You see, the inability of the incoming government to continue the works, because in our manifesto, on page 35, we said on the National Drainage Development Programme funded by the World Bank:

“all major rivers, water catchment, drainage and irrigation systems in the country will be developed and upgraded.”

A categorical statement made in our manifesto of 1995 because we were speaking from a base of having \$400 million available to us from the World Bank to carry out those works.

“Detention ponds, sluice gates, heavy duty pumps and other flood control systems will be installed in low-lying or flood-prone areas, at a total cost of TT \$400 million. Construction work will commence in early 1996.”

Because we had done the work, Mr. Speaker.

If that drainage programme had been properly followed through by the incoming UNC Government in 1995, the flooding programmes that have caused so much havoc in 1998 and 1999 to residents in north, central and south Trinidad—including the disastrous flooding in Chaguanas and that whole central area—would have been avoided. So, while they talk, on this side there are people about whom the whole country would say that in the period 1991—1995 they worked, because we did the work while we were in Opposition, so that we hit the ground running, and whether it was the economy, state enterprises, agriculture or education, there was a history of performance. [*Desk thumping*]

Mr. Assam: Even you do not believe that!

Mr. K. Valley: Everybody does. Even you! Mr. Speaker, the Member talks about the World Trade Organization (WTO) and the fact that there was an accelerated reduction in the tariffs. I do not know of what he speaks, because I remember as a Member of that agricultural committee looking at those matters, in some cases we were given periods of up to 40 years for reduction. More importantly, however, the food and agriculture policy done by the PNM administration—we will see the date here as February 1995—was accepted by that Government when they came into office as the Government's policy. The PNM's policy! I do not think they changed a comma, not so, Mr. Former Minister?

Dr. Mohammed: Not correct.

Mr. K. Valley: You changed a comma? [*Laughter*] Mr. Speaker, the point is that one would have expected that in the fifth year of this Government, yes,

praedial larceny is a problem, but that ought to be put within the overall context of the Government's policy approach in agriculture. What are they going to do with respect to flooding? Or are we to be like the Member for St. Joseph, and pray whenever rain starts to fall? Is that the policy of the Government? Does he represent the Government's approach to flooding? What about financing to the sector? What is happening with crop insurers?

Mr. Assam: You are in insurance. Tell us!

Mr. K. Valley: But I am not in Government. I might have been in insurance, but I am not in Government! Your obligation when you come to the Parliament with a piece of legislation is to provide a perspective, and you fail miserably if you fail to do that. [*Desk thumping*]

Mr. Speaker, what I tell you is that it is talk and more talk from that side. We simply have to go back to their budget mouthings on agriculture since they came into Government in 1996, and we will see that with time, agriculture got a lower and lower placing in their budget statement. In 1996, agriculture started on page 11. The budget statement was 25 pages and it was on page 11. In 1996 we were told that the agricultural policy will be informed by both inward looking and outward looking perspectives whereby production will be organized to meet domestic demand, as well as secure niche markets overseas for non-traditional agricultural products.

Mr. Speaker, we have seen what has happened with agricultural production. It is going south. Perhaps, they are looking for a niche market in Venezuela. Going south! I quote:

“These policies will focus on strategies designed to stimulate economic activity and employment opportunities.”

Mr. Speaker, employment opportunities? It moved from 51,200 in 1994 to 38,900 in 1998. Employment opportunities.

“Promote domestic food and nutrition security with low amounts being produced.

Secure private investment and ensure sustainable management of land, water, forest and marine resources.”

And they go on.

This is interesting because at least the Minister had an obligation to tell us what has happened with these promises. The Member for St. Joseph talks about promises. It goes on:

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“To facilitate this, several measures will be implemented this year—”

This is the 1996 budget statement.

“including the following:

1. The distribution of 2,000 acres of land from Caroni (1975) Limited, and at least 7,000 acres of additional state land to private farmers.”

This was supposed to happen in 1996. It is now 2000. Has this been done?

Mr. Hinds: No!

Mr. K. Valley: It is either yes or no. They need to report. Has this been done? What really have they done for the farmers in Trinidad and Tobago?

“The drawdown of \$22 million from the Inter-American Development Bank to provide increased access to agricultural credit.”

Has that been done? Tell us. We want to know. The farmers want to know. Have they received it? Are they now able to get credit much easier, Mr. Speaker?

“The injection of some \$42 million in capital equipment to Caroni (1975) Limited.”

I am sure that was done. I do not have to ask. Not with the Member for Couva North being Prime Minister, Caroni (1975) Limited will get everything it wants and he will benefit at the side. *[Desk thumping]* If it will take the whole Treasury. They will give the Treasury to the two sets of people: the “boys” and to Caroni (1975) Limited.

Mr. Assam: In your time it was only the boys. *[Laughter]*

Mr. K. Valley: There were no boys.

Mr. Assam: Cronies! *[Laughter]*

Mr. Speaker: Order please!

Mr. K. Valley: Mr. Speaker, it goes on:

“Formulation of a social mitigation programme which will involve the disbursement of 60 million dollars to farmers who have suffered from the adverse effect of structural changes in agriculture.”

I think that one went by the Board. I remember Dr. Rowley speaking about that. They were unable to get it from the World Bank because they failed to meet the conditionalities. That was 1996. We have heard nothing about that.

The Minister comes today and talks about praedial larceny. Fine. That is no problem. That is one important aspect and we recognize that in the White Paper. I think it is at paragraph 59 in our White Paper of 1993:

“Praedial larceny is considered one of the main deterrents to investment in this sector. While the extent of losses due to praedial larceny has not been quantified, it is believed to be significant. Legislation to prevent praedial larceny has been enacted.”

That is the original Act.

“However, a frequent claim is that enforcement is ineffective and penalties imposed by the courts are too mild to be a deterrent.”

This was our White Paper, so that obviously, we would have been implementing this.

Mr. Speaker, we have no difficulty with the legislation. The point I am making is that what distinguishes the People's National Movement from others is the fact that we approached matters in a structured way—a planned way. [*Desk thumping*] It is now ad hocism. It is not a piecemeal approach. It is not coming with praedial larceny and forgetting all the other important issues in the sector, because that by itself means very little. That is what it is. It is tinkering.

I am amazed. People talk about populism. That is what it is. It is playing to a sector. All that we are doing here this week and next week is simply to satisfy Carville so that he will be able to put out a list of achievements of the Government. That is all it is about. They had five years. When we look at their performance over the years, we will see, just as in the case of agriculture, the number of pieces of legislation enacted over the years reduced every year, but a few months before the election they are sitting three days a week, wanting to get everything on the Order Paper. One crowded Order Paper! They put 30 pieces of legislation simply because they have wasted time running hither, thither and yon.

They are travelling every day and not dealing with the people's business. At this time, Carville comes down and says “Friend, you have to find some achievements”. I heard him, you know. He said on the paper somewhere that this gentleman was saying they had so many achievements, and that is what they must talk about. I really want them to tell this country what they have achieved, not only in agriculture. I want them to tell the country over the broad spectrum of governmental areas what they have achieved over the last five years. I want them to list it.

As Carville said, Mr. Speaker, the Prime Minister is an amazing man, he has to be. [*Laughter*] After doing all this nonsense for four years, you want to give

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me \$4.5 million to show that you did the good work. *[Desk thumping] [Laughter]* You have to be amazing! He said, "I did not know these people existed. I am an American and I like money. You want to give it to me, give it to me. An amazing man," he says.

Mr. Speaker, that was 1996. We have had no accounting as yet, because one thing with this Government, when they do nothing, they do not say anything. As I said, one would notice that with time, agriculture is getting further and further in the manifesto. In 1997 it was on page 11 of 28. Again, they repeated 1996:

"Objectives of increasing employment opportunities, promoting national food and nutrition security, facilitating and increasing foreign exchange earnings, promoting sustainable management of land and so forth".

Repeating! The same thing that was said in 1996 was said in 1997 in different style. In 1996 they had it in one whole paragraph, in 1997 they put it in point form. They only changed it. That was 1997. No accounting!

2.50 p.m.

In the 1998 Budget Statement agriculture is now on page 15. There are 36 pages in this budget statement and you look at it again, same thing. It is a repeat of previous policies, in other words nothing achieved so you put back the same thing. You go on until the last Budget Statement of Friday October 08, 1999. Mr. Speaker I am looking through this budget statement and I said: "But wait, they must say something about agriculture." Mr. Speaker, would you believe this budget statement has 35 pages and agriculture is mentioned for the first time on page 31. Agriculture took up about three lines. I want to be correct. No there is another paragraph.

Let us hear what it says:

"In the agriculture sector we have targeted 9,000 acres of state agricultural land for regularization and distribution over the next two years."

This is the 1999 Budget Statement, Mr. Speaker. Do you remember we said that in 1996? We are coming now close to election and saying the same thing. We are still looking, proposing to distribute state land to farmers.

"In addition, farmers will continue to be provided with 30-year Standard Agricultural Leases. I have budgeted \$14 million for this programme this year.

We propose also to undertake a number of on-farm irrigation and drainage projects at a cost of \$35 million."

In 1993/1994 we had \$400 million that was sitting there waiting for them when they came in 1996 to take care of the drainage problems. In 1999/2000 they are budgeting \$35 million for that.

“These projects will be supported by the rehabilitation of agricultural access roads...”

I think we got the loan for that, way back.

“...and the construction of six additional retail markets.”

Of course, then they go into the politics.

“Too often in the past, Mr. Speaker, our farmers have been distressed, financially and emotionally, by the sudden loss of crops and livestock as a result of flooding.”

Then the Member for St. Joseph is not praying hard enough. That is all, he is not praying hard enough, because that is their policy. The result that we saw in the Central Bank Report is simply the effect of this “ole” talk contained in these documents. If you look at the Medium Term Policy Framework document you will see the same thing.

In terms of the agricultural sector, the performance of this Government has been a dismal failure. *[Desk thumping]* Mr. Speaker, while they talk, we work. Again in—*[Interruption]*

Mr. Assam: If you work, why did you run away for three and one half years?

Mr. K. Valley: Run away? We took a rest. We just allowed—*[Interruption]*

Mr. Manning: A sabbatical.

Mr. K. Valley: So that the people can see clearly that PNM is in fact an institution in Trinidad and Tobago. In terms of governance there is an institution that no fly-by-night party, no pick-up side can imitate. Do you understand? *[Desk thumping]* If you walk the streets as I do, go to a bank: go anywhere, the cry is the same: “Oh God we cyar take them anymore. Why dey doh call the election?” It does not matter where you go. *[Desk thumping]*

As I said, somebody told me about Carville. I said Carville or no Carville, let me tell you something “nah”, the only way they could win this election is if “dey tief”. We are watching you like a hawk because vigilance is our watchword. Man listen “nah”—

And Santa Jack, do not talk about him. Poor fella, let us leave him alone. Santa Jack in April, calling people “idiot”. He does not know when Santa Claus

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does come. Have you ever heard about Santa Claus in April? You will deal with this and deal with that—anyhow.

Mr. Maharaj: It is hurting you.

Mr. K. Valley: Hurting me? It is not hurting me at all. Listen, Mr. Speaker, let us just look, given this Government's chat about PNM and agriculture. The Member for Oropouche opened this morning stating that we neglected agriculture. He is just talking. If there is anyone who has neglected agriculture it is that government over the last five years. *[Desk thumping]* I do not know what they are going to tell the people. They can go and talk but the facts are there. One simply has to take up the Central Bank's information and see what has happened in the agricultural sector.

Mr. Hinds: They flop the PSIP. He is a failure.

Mr. K. Valley: And the hard part is, you take a failure at Planning and Development and now put him in Agriculture to make the situation even worse. *[Interruption]* Boy is talk.

Mr. Manning: To give him a Mercedes Benz.

Mr. Assam: That is why you were a junior minister.

Mr. K. Valley: Me, it does not matter where I am. As long as I am on this side I am happy. Do you understand? *[Desk thumping]* As long as I am on the side of principle, of what is right or what is just for Trinidad and Tobago, it does not matter whether I am a Parliamentary Secretary. It does not matter. *[Desk thumping]*—*[Interruption]* It does not matter.

Mr. Speaker: Order please!

Mr. K. Valley: Understand, some of us are about service, not power and that is the difference. Understand that. *[Desk thumping]*

Mr. Speaker: You do not seem to believe me when I suggest that you should talk to me. Regardless of what you may regard as provocation; either from your side or from the other side. I honestly feel that if you address your kind words to me, it would be less confrontational. Let us try it. Thank you.

Mr. K. Valley: I am guided, Mr. Speaker. I must let you know that the Member for St. Joseph, my friend here—*[Interruption]*

Mr. Speaker: Well you could tell me that.

Mr. K. Valley: Mr. Speaker, he is my friend. We are Members of the same Venture Capital Company.

Mr. Speaker, I am making the point, that when one looks at the performance of the People's National Movement in government—it is there, it is the written word. If the Member wants to criticize, get up and criticize and say this did not happen. We say that in the period 1991—1995, we achieved the following things in agriculture. We did our strategic plan for the Ministry of Agriculture, Land and Marine Resources. We did the White Paper, it is there. It is in the library for all to see. *[Interruption]* A White Paper. We had a phased removal of the quantitative restriction. Given the time, there was a phased reduction of the quantitative restriction in agriculture; in other words the whole concept of tariffication.

The Agricultural Development Bank was amended in 1995, to facilitate the restructuring for efficiency and viability. Marketing agency has been made fully operational—the National Marketing Development Company (NAMDEVCO)—*[Interruption]*

Mr. Speaker: No, please could we not try to conduct the business of the House by the Member for St. Joseph making utterances, loud enough, every time a statement comes from the Member for Diego Martin Central. We cannot do it like that, please.

Mr. K. Valley: Thank you, Mr. Speaker. A new standard agricultural land lease was developed. The same land lease they are talking about now—developed and left there for them. They are now talking—*[Interruption]* But you came and you met.

3.00 p.m

Mr. Speaker, the last Cabinet had approved the granting of leases to certain persons. There was an individual, Sugar Aloes: I remembered him because he came to my office. Cabinet had approved a lease for a number of persons, I think it was over 200 in the Sangre Grande area. As a fact, Sugar Aloes was one of those persons and the lease was already approved by Cabinet. It was simply the paperwork to be completed and that Government, simply because of who he is, up to today failed to execute that lease agreement for him. That is the vindictiveness of that Government.

Hon. Member: Is he a farmer?

Mr. K. Valley: Mr. Speaker, you heard that? If he is a farmer. That is not what it is. Simply because he is a calypsonian who from time to time has had cause to say certain things about the Government. He is a citizen of Trinidad and Tobago and that qualifies him for a lease of state lands. That is how this Government operates.

Mr. Speaker: The Member for La Brea, the Member for Laventille East/Morvant, the Minister of Agriculture, Land and Marine Resources, please, I am appealing to you. Please do not force me into taking stronger measures.

Mr. K. Valley: Thank you, Mr. Speaker. With respect to the physical infrastructure, Phase 1 of the IADB Access Road Programme was 95 per cent completed at the time of the writing of the Manifesto. Eleven roads and 12 bridges were constructed under the programme. Phase II which began in 1995 included some 21 roads, 525.5 hectares.

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

Motion made, That the speaking time of the hon. Member for Diego Martin Central be extended by 30 minutes. [*Mr. P. Manning*]

Question put and agreed to.

Mr. K. Valley: Thank you, Members. Mr. Speaker, 525 hectares of state agricultural lands in seven blocks had been surveyed and subdivided for allocation to farmers; 563 farm plots had been allocated to farmers.

With respect to drainage, the water management and control programme started in 1994, the Ministry of Works and Transport desilted some 6.13 kilometres of drainage channels, while the Ministry of Agriculture, Land and Marine Resources had desilted some 20.9 kilometres of secondary drainage channels. This is our performance in agriculture over the period 1992—1995.

When you say we do not care about agriculture, we can stand on our record, and I want you to stand on your record too—your record of non-performance. [*Desk thumping*] Do not just talk, tell them, here it is. Do like me, come with the facts. When you go to the platform, you must take up the Central Bank and say, this is what has happened. This is our performance in agriculture, this is what we met, this is what we are leaving, and then tell them: “Vote for me.” That is what you must do with respect to your agricultural performance. Coming here and just chatting. Talk! The people in Trinidad and Tobago—you were correct at least for one point—want performance, not promises, not “ole” talk, just repeating what you have said year after year and doing nothing. They want performance.

Mr. Speaker, the PNM can speak proudly of having a 30-year run. Take Brian Lara, nobody can take away from him the fact that he scored 375 runs and 501.

Mr. Sudama: Where is he today?

Mr. K. Valley: The PNM had a nice 30-year run and we took a rest and by 1991, the people said they want back the PNM. The PNM is not perfect, we beat the second one by such a margin and this is what the people are saying. They are saying: “We know the PNM is not perfect, but oh God them boys bad.” *[Laughter]* There is no match.

Consider what happened in Caroni (1975) Limited over the period 1992—1995. There was a tripartite agreement including the Member for Couva North who was then acting in his capacity as leader of the union. The financial restructuring—where I know as junior Minister with responsibilities for state companies in a PNM Cabinet—where we had to write-off some \$2 billion of Caroni (1975) Limited’s debt as part of the restructuring of that organization. The sugar cane target of 125,000 was exceeded in 1994.

Our programme in fisheries development, management and in forestry—and we could have reported even at that time the legislation which was to be before the Parliament in the new session—the Agricultural Small Holdings Act in 1995, you will see on the Order Paper the Agricultural Small Holdings Act. In 1995, the PNM was reporting that the following pieces of legislation were in an advanced stage of preparation. Five years later, that legislation is now coming before the Parliament and they are saying that they are interested in agriculture. The Fisheries Reform Act has not come here as yet, the Forestry Bill, the Wild Life (Amdt.) Bill, and the Land Surveyors Bill. That came also.

Mr. Williams: No, it went back.

Mr. K. Valley: This is the point I keep making. The country has suffered really by their being in Government for this period because the momentum that the PNM had built up has been slowed to a halt. That is the reality of the situation. *[Interruption]*

That is not correct. I can tell you that the Law Reform Commission met on a weekly basis, Mr. Speaker. They met every Monday. You just look at what happened in that period. You will see that it is more than they passed—this one-clause Bill they come here with.

When we looked at the programme for the period 1996—2000, in our Manifesto, the first thing you will see is that we spoke about a distribution of an average of 2,000 acres of agricultural land per year during 1996—1998. You will see they said that in their 1996 Budget Statement. In other words, it came directly from our plan. Again you see their inability to perform. I can continue on and on, but I think the point has been made that we on this side have no difficulty

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whatsoever with approving legislation to increase the penalty for praedial larceny because we recognize that as a risk area in a major sector of our economy, the agriculture sector.

Mr. Speaker, I know as a boy, I had fun with Penco on a Sunday evening—the people with the oranges.

Hon. Member: You “tief” Penco oranges?

Mr. Valley: What? Those oranges were sweet, and I remember the fun we had. I know as a boy, we played cricket in the people's playing field. Inside the cane field we had a pitch because we enjoyed the cane so much, we played cricket inside there, it is boys' fun. I remember my own brother going up a tree and getting his head stuck in a bee hive when coming down in a speed, and of course, you know what happened with his pants. That is all the fun, that is childhood fun, because as it is said: “The child is not careless, the child is simply carefree.” In nostalgia, we would remember those days and we would smile.

We did not know at that time that we were guilty of praedial larceny, even if somebody were to tell us. When we saw the watchman coming we knew we had to run, but if they told us we were guilty of praedial larceny we would say: “What is that?” That is quite different from an individual who goes to someone's farm and cuts his cattle in the night, takes his crop and goes to the market. Quite different. Yes, we agree that those persons must bear the full brunt of the law, but we ask this Government to take a serious approach to governance, that on any matter they ought to see the part as part of that wider goal. Fit it in, provide us with the perspective, tell us why you are doing it, how it fits and what else you are doing for the various centres.

If you do that and it is right and just for the people of Trinidad and Tobago, you can be assured of the support of your loyal Opposition.

Thank you, Mr. Speaker.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I rise to make a very brief intervention in this debate. It was the very distinguished Minister from St. Joseph, who, in speaking before this honourable House today chose the path of making a contribution that was full of sound and fury, but signified nothing. I suggest to him that perhaps he will be much better off taking the other direction, that is to speak softly rather than to carry a big sting.

Mr. Speaker, the distinguished Minister from St. Joseph made reference in his contribution today to a special convention of the People's National Movement that

was held at the Red Cross building on Sunday last and he was suggesting in his contribution that the convention was not only poorly attended, but that the poor attendance at that convention was signifying dwindling support for the People's National Movement.

3.15 p.m.

Mr. Speaker, the report of the credentials committee at that Convention on Sunday last, indicated that there were 3,352 registered people—delegates, observers and guests—at that Convention, and included in that figure was a figure of 450 delegates. None of this, of course, has anything to do with agriculture or praedial larceny, but it is important that we take note of the approach of the hon. Minister making statements without producing one shred of evidence to support the statement; whether it be a statement on the attendance at the PNM Convention; or whether it be a statement on agricultural policy; or whether it be a statement on praedial larceny. The attitude of the Minister, in respect of the statement involving a party's convention, is typical of the attitude of the Minister, in making presentations before this honourable House, and typical of the attitude of the Government of Trinidad and Tobago, as they make advances to the population. Not one thing that they say has any shred of credibility.

Last Sunday we were very pleased to see sitting on the stage our Vice Chairman, our Deputy Political Leaders, our party officers, and, of course, the political leader—*[Interruption]* The Party Chairman was there. *[Interruption]* Mr. Speaker, they will all have their chance but I need your protection, please. I appeal.

Mr. Speaker: Anytime I think that it is sufficiently bad, you could be sure that you would be protected. Certain little asides you could deal with, but anytime I am convinced that you need protection, you will get it.

Mr. Manning: And short of that, do I have a free hand in dealing with them, Mr. Speaker?

Mr. Speaker: In dealing with them you must still speak to me. *[Laughter]*

Mr. P. Manning: Mr. Speaker, the officers of the movement were sitting at the head table, and it was at a special Convention of the party. I would like to ask the hon. Member for St. Joseph: when last did the party of which he is a part, hold a special, regular, irregular or any kind of congress at all?

Secondly, who are the Members of the Executive of the party, other than the political leader? *[Desk thumping]* You see, the reality is, that last year when the last congress was held, and the term of office of the officers had expired, it was

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the political leader who got up and thanked the officers very sincerely for their contribution, and wished them well. He dismissed the executive, and now we have a situation where the political leader alone is in place, and we are getting criticisms from persons on that side, who, in the face of that level of non-democracy will remain silent, but want to come here to talk about attendance at a PNM Convention. *[Desk thumping]*

The records will show that our Convention of Sunday last was very successful, indeed, and that the support of the PNM is growing—let me say it categorically, Mr. Speaker—and is going to form the next Government of Trinidad and Tobago. *[Desk thumping]*

While the hon. Member for St. Joseph was planning his mayhem for this debate here in the Parliament, we were at the Red Cross Building considering a document, which is a vision for Trinidad and Tobago entitled, “*Positioning Trinidad and Tobago for the Global Age, 2000 to 2020*.” It was a revised draft because on January 23, we had already presented a first draft of a document, which was arrived at, on the basis of the widest possible consultation within the party. Following that, we embarked on an exercise to explain what was in the document, so that party members would be in a better position to comment intelligently on it. They made the document available to organizations outside of our party within the national community. So that what we were considering on Sunday was, a document that was revised, based on all of these comments—in fact, was a representation of the distillation of the collective wisdom of the people of Trinidad and Tobago. Democracy at its best. Included in that document, is a section on agriculture.

When the Member for St. Joseph was planning his contribution today, to come to the Parliament to make statements that he cannot substantiate, we were sitting in the Red Cross Building on Sunday, considering a vision for Trinidad and Tobago, including a vision for agriculture in Trinidad and Tobago, which has the potential of not only developing the agricultural sector, but ensuring that Trinidad and Tobago achieves our stated objective of becoming a developed society within the period of 20 years. That is what we were doing when the Minister was planning to come here to misrepresent all that had transpired in agriculture.

It would have been very nice if hon. Members Opposite, as part of a Government, had recognized the changed circumstances in which the world exists today. *[Interruption]*

Dr. Job: Mr. Speaker, could the hon. Member for San Fernando East share some aspects of the vision as it relates to the Praedial Larceny Bill?

Mr. P. Manning: Mr. Speaker, it is a vision, and I will share with hon. Members of this honourable House elements of our agricultural policy in a minute. I will just suggest to the distinguished Member for Tobago East that he exercise a little more patience. It is coming.

It would have been nice if they would recognize that there are changed circumstances in the world. That today, is different from 1970, of which the hon. Minister spoke, and from the years that have gone by. We live today in an age of globalization, where countries are saying to you, that no longer is it proper for you to close your domestic market as a mechanism for stimulating domestic industry, whether it be agriculture or not, and using a closed market as a mechanism for stimulating employment generation. They are saying instead, that if I cannot have access to your markets then you cannot have access to mine. That is the new age of globalization.

If one takes cognizance of that, then one will understand that policies now have to be pursued to take this new reality into account. When, therefore the hon. Member for St. Joseph says, “that the Government that I headed between 1991 and 1995, introduced an accelerated rate of subsidy removal in the agricultural sector, not only is he correct in saying that—*[Interruption]*

Mr. Assam: I did not say subsidy, I said, tariffication. You reduced on an accelerated basis, the bound rates, which you were entitled to under the World Trade Organization (WTO) as a developing country in the agricultural sector. Do not misquote me. Mr. Speaker, the hon. Member does not seem to understand what he is talking about.

3.25 p.m.

Mr. P. Manning:—sugar in Trinidad and Tobago today represents the major agricultural product that comes out of the agricultural sector. Therefore, we cannot continue as though we are unaware of what has been taking place around us or as if, by the wave of some magic wand, things are going to change. They will not change unless, Mr. Speaker, new policies are introduced in your country that take cognizance of the new reality.

We met at the St. John’s building on Sunday and we considered a document. With your kind permission, Mr. Speaker, I would like to read into the record what our document says on agriculture. It is a vision. It is not a manifesto. It is not a plan of action, it is a vision, Mr. Speaker. Under agriculture this is what it has to say:

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“In the global age, Trinidad and Tobago requires the most advanced and efficient agricultural sector to provide for the needs of our own people as well as to increase opportunities for successful export.”

Mr. Speaker, in the first sentence it makes two points, that the agricultural sector must be advanced and that the agricultural sector must be efficient. In the first line it makes that point. It goes on to say:

“The PNM will commit all necessary resources to complete the process of creating a fully mechanized and automated farm process.”

A clear statement of intent, Mr. Speaker, and a clear indication of the direction in which the PNM in government will take the agricultural sector. That is stated in one paragraph. We are not “vupping” or guessing, but we are able to arrive at all of this because we studied the issues involved and, of course, because we have the experience in governance now which is sadly lacking in the case of the hon. Member for St. Joseph, yet he wants to come and criticize us when he makes such spurious arguments. The document goes on:

“It will also investigate the introduction of new crops consistent with the best scientific understanding without compromising the highest standards of health, safety and environmental protection.”

It goes on to say:

“We will encourage local farmers to produce for local as well as for export markets.”

Mr. Speaker, not only do we say we are in a position and targetting a production sector in agriculture that is efficient and that can compete with all comers at home where some tariffication will still give them a level of protection, but that they will be efficient enough to be able to compete with second countries in third markets. This is all here in two paragraphs, Mr. Speaker. The significance of that I will come to in a minute.

“We will provide appropriate financial assistance for farmers to encourage the planting of new crops and the introduction of new farming techniques.”

Three points are made in that one statement; one, that we will provide financial assistance—in other words, we are not abandoning the agricultural sector or the farming community; two, that we recognize that a period of transition necessarily arises from the implementation of any new agricultural approach; and three, that in that period of transition we will provide financial assistance in whatever form. We will encourage them to plant new crops and, two,

we will encourage them to introduce new, more modern and more efficient farming techniques so that they can compete outside of their own markets.

Mr. Speaker, that is our position on agriculture—a clear policy. If the hon. Members opposite had any inkling at all of the direction in which the agricultural sector should go, then the results that my distinguished colleague from Diego Martin Central placed and placed so well on the record of Parliament today would not have been the case. It is a clear policy and we know where we wish to take the agricultural sector. It is because of a policy like this that we could tell you straight off, in respect of Caroni (1975) Limited, the very sugar of which I spoke to you a few minutes ago, that is the next major export crop that is likely to come under pressure in the markets of the developed countries, especially in Europe. In other words, the writing is on the wall for sugar. We can all see it.

We, however, are able to say that we will not quarrel with the developed countries which are now closing their markets. We are not saying and have never said that in our vision. We never said that people do not have a right to do what they want with their own borders. We say that if this is the new environment in which we have to operate, then it calls for a new approach. Therefore we can tell you straight off, that, as we talk about the efficiency, we are talking about mechanization and automation in respect of sugar cane production, Mr. Speaker. We are talking about mechanization in the field. In terms of sugar manufacture from sugar cane we are talking automation. I do not want to spend any time this afternoon going into the details of it, suffice it to say that our policy calls for the mechanization of agricultural harvesting and planting and the automation of the sugar factories that actually produce sugar from the cane. That is our position.

Mr. Speaker, if the hon. Members opposite had any understanding of what was involved, if they came to us from any carefully considered and articulated policy position, then what has happened here between 1996 and 1998 would not have happened. Because, you see, they met a document called *Food and Agricultural Policy* and all they know about agricultural policy is what they saw here, and what they do not see here they do not know about. The records will show, and I think the Government will acknowledge, that they adopted this document, *Food and Agricultural Policy 1995 to 1997 (Draft White Paper)*, as government policy after they came into office. Therefore, even if they have not been the authors and originators of the policies themselves, at least they ended up with something. They had a policy.

The next question therefore is whether they understood it or not. If I draw your attention to page 22 of the policy document, Mr. Speaker, under the heading “Policies and Strategies” at paragraph 79 this is what it says:

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“As the sector adjusts to a new world market order...”

Since 1995 we recognized that:

“...the main elements of the thrust will relate to efficiency and competitiveness. Precisely what our vision is now saying, efficiency and competitiveness. The sector is perceived to be of strategic importance,”

Therefore, Mr. Speaker, under PNM policy it qualifies for state intervention because if it is of strategic importance the state has a role to play in the sector. I continue:

“...with the capability of generating profitable enterprises, attracting investment, improving production and productivity, providing increased incomes for its participants and geared toward the attainment of sustainable growth and development. This is the vision of the agriculture sector which the policy seeks to actualise.”

Mr. Speaker, it was clear.

When the Government adopted this document as Government policy, in the light of the performance of agriculture between 1996 and 1998, the question that now arises is, did the Government understand what was before it? Had they understood what was before them, they would have taken steps to mechanize the agricultural sector, to introduce new crops to the extent that the best scientific research suggests these crops could be introduced and they would have sought to bring in automation in the manufacturing process—agro-processing automated. Instead, what we had was inaction, especially as it relates to sugar, because sugar remains the largest agricultural crop in Trinidad and Tobago at this time. What they sought to do instead was to ignore the advice of the technocrats and impose political advice in the technical aspects of the manufacture of sugar and the growth of sugar cane.

Mr. Speaker, if today there is a significant reduction in sugar production in this country, if today we have had to subsidize Caroni (1975) Limited much more than under normal circumstances would have been the case, it is because of the disastrous state of affairs that existed in 1997. That was when the then Minister of Agriculture, Land and Marine Resources, ignoring all the advice of his technocrats, chose to go the route of using only a biological agent for froghopper control rather than a combination of biological and chemical agents, the use of which the technocrats of long-standing had been suggesting to the Government of the day. That approach of politicians seeking to make themselves technocrats, an

approach which already has had disastrous consequences in the sugar industry, is an approach that we are now seeing in other areas of national endeavour.

If you would permit me, *en passant*, Mr. Speaker, I will make reference to the actions of the Minister of Housing and Settlements who recently unveiled this major plan for the development of an interchange at the corner of the Churchill Roosevelt and Princess Margaret Highways. In so doing he indicated to the national community that he designed it himself. Mr. Speaker, if I want to build a road I would prefer to be advised by engineers rather than politicians on this matter. That is the problem. They come from a frame of reference and they come from a background that does not lend itself to good order and proper management of a system. They seek to make themselves technocrats with consequences that the people of this country cannot tolerate for long. So it was in agriculture in sugar production, so it is, Mr. Speaker, with the interchange of which they are speaking, so it is in road construction.

My colleague the Member for Diego Martin Central also talked about a drainage programme. It was the very distinguished Minister, Member for St. Joseph, who, in making his contribution, talked about drainage and who talked about the implications of proper drainage for agricultural production and, therefore, for praedial larceny in the country. It was that Minister who sought to give this honourable House the impression that the PNM was entirely at fault in this question of drainage. He also suggested that, had we had proper drainage arrangements in place, then the agricultural production in the country could not have fallen to the disastrously low levels to which they fell in 1998.

All I would say is this. I was the chairman of a Cabinet in 1993 which took note of a major flood that had occurred in the country at that time and, in my capacity as Prime Minister, the Minister of Works was instructed to embark post haste on a national drainage programme. Because the money necessary to carry out programmes of this nature are not directly available to us, in other words, we could not fund it directly out of our current revenues out of the Treasury, we of necessity would have had to go to an international financing agency. In this case we went to the World Bank, and everybody knows that the procedures in these international agencies are not procedures that lend themselves to quick action—they take time.

So the Minister of Works, together with the Minister of Planning and Development who interfaces with these agencies, Mr. Speaker, began the discussions with the World Bank that were designed to bring about a major national drainage development programme. Mr. Speaker, the records will show

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that we were negotiating for \$450 million from the World Bank, that the negotiations had come to an end and that we had come to the implementation stage. The agreement had not been signed. It was not signed for the same reason that we did not sign the agricultural sector loan in 1995, because we felt that matters as significant as these should never be embarked on by an outgoing government. Even if we were able to finalize all the arrangements to complete loans of this nature, we felt that it should be left to the new government—
[*Interruption*]

[*Mr. Manning sat*]

3.40 p.m.

Mr. P. Manning: Mr. Speaker, whether they agree or not that is their business. That is our policy and approach. We have already said that the People's National Movement seems to know something about governance in this country that no other political party knows. Let them have their view. [*Desk thumping*]

Mr. Assam: I thank the hon. Member for giving way. If the Member for San Fernando East is saying that their policy is not to enter into these contracts or arrangements on the eve of demitting office; why did the PNM sign the Severn Trent Contract on November 1, 1995 when they knew that the election was going to be on November 6, 1995. It is a total contradiction to the policy the Member just enunciated.

Mr. P. Manning: Mr. Speaker, the Severn Trent matter is a separate issue, and we could discuss that whenever the Member wishes. There were special circumstances in it. In the same way the NAR also subscribed to that approach and signed a major gas agreement a few days before the elections in 1991. No quarrel with that! Notwithstanding our policy, there are occasions on which exceptions are necessary and that you enter into it. There is flexibility in the matter. We did not sign it because we felt that the incoming government—whether it is PNM or not—should have an opportunity to review the arrangements and to see whether those are the kinds of arrangements on which they would wish to embark. That is why the PNM took that position.

Mr. Speaker, the records would show that had the Government and hon. Members opposite continued this approach and signed this agreement, today, we would have been very far advanced—in fact, in four years, the bulk of the work would have been completed to deal with the major drainage problem all over Trinidad and Tobago, not just affecting the agricultural sector, but also our urban centres as we seek to deal with the flooding problems that we have in different

parts of the country. We knew what we were doing and that was the proposal at the time.

Mr. Speaker, as hon. Members make their contribution on this important question of praedial larceny, I am very pleased that they gave us the opportunity to put some of the salient facts on the record. I would like to urge those Members opposite who are going to follow—the distinguished Member for St. Joseph—that we should try to keep this debate at a level that is acceptable. That is to say, if we are going to make statements, let us try to justify the statements that we make. Let us debate properly. We are here, and it is not a question of scoring points—and if the Government believes that it is a question of scoring points then that is their view—but searching for truth as we conduct the affairs of the nation.

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

The Minister for Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Speaker, I am amazed at some of the things that the Member for San Fernando East has put on the record. At one time I thought the Member was giving us an analysis of their party convention which was held last Sunday. Before I get into the substance of his and other speakers' contributions, the amendment to this Praedial Larceny Bill is, indeed, a subject of great joy to my heart as I have suffered from praedial larceny. My father has land and he still suffers from praedial larceny and I understand the position of farmers and land-owners throughout Trinidad and Tobago who, because of the culture and attitudes that have evolved in this country for the last 40 or 50 years, have either had to abandon their private property; their estates; their farms; or to suffer great emotional and financial losses. So I do not want to agree with the Member for Toco /Manzanilla who was saying that the penalties are harsh and the Government should mollycoddle with these people.

Mr. Speaker, before I get into too much detail on that, I think I need to deal with some of the statements that the Opposition made because, indeed, they made statements which suggested that I am a part of a conspiracy to mislead people. Somebody said over there—I think it was the Member for San Fernando East—that not one of us over here has “a thread of credibility; not any one time will they ever get up and say anything that has any credibility.” I have advised them that when they are making these statements to leave me out, otherwise I would have to defend myself.

Mr. Speaker, I do not know that Opposition politics has changed over the years. If one observes, Opposition politics is all about irresponsibility and I say this and make a general statement. A Government is not in Opposition and people

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in Opposition are oft-times wont to make the most outlandish kinds of statements playing to the gallery and when they get into power it's something else.

Mr. Speaker, like two days ago, it was just Monday last, we heard the Member for Diego Martin East denouncing a Bill that he had proposed. When the Member was cornered to recognize that it was his Bill, he says, "I am shameless. Shameless in the sense that I admit that I did pilot the Bill and I am now saying that it is a lot of nonsense," but that is politics. You can say anything. The Member admitted that. It is on the *Hansard* record. So that in that context, I think, we have to be very careful to appreciate these things.

Mr. Speaker, some of the statements that I heard with respect to Caroni Limited—it is something that is dear to my heart. I think people need to appreciate that the "monster" that is Caroni limited is not a creation of the UNC Government. I think every time these people get up and talk about Caroni Limited, I think, they ought to explain why we got into Caroni Limited? Why we developed that kind of culture in Caroni Limited.

Hon. Member: Caroni.

Dr. The Hon. M. Job: Whatever, you know what I am talking about. Caroni *[Interruption]* Exactly, you put the stress on the last but one syllable when the word ends in a vowel. Like Spanish, Caroni. *[Laughter]*

Mr. Speaker, it is good for us to understand that when you are dealing with Caroni Limited it is not a partisan issue. The Opposition always comes in here and talks about Caroni Limited as though it is a UNC issue. It is not a UNC issue. The UNC and the Government that is in power now did not create Caroni Limited so that we have to put that context into proper perspective.

Mr. Speaker, I would say that, from my knowledge, for the first time this Government is trying to come to terms with how Caroni Limited is to be modernized in terms of its structure; in terms of the relationship between the factors of production and the outputs that derive therefrom; and the taxpayer burden in terms of transfers to Caroni Limited. There is a plan in place. The Ministry of Finance *[Interruption]* is working on all that. I am 100 per cent sure that this Government will not go to another election without telling the population what are their plans to make sure that for the foreseeable future, we are not burdened by the kinds of traditions of transfers to Caroni Limited from the taxpayers that started under the PNM regime and continued under the NAR. So that is the context in which we need to put this Caroni Limited matter, and not to make

it a purely partisan issue in terms of Opposition politics and Government. I think it is very unfair and we need to stop that.

3.50 p.m.

In the matter of the Leader of the Opposition talking about a new vision, I think I need to make some comments on that, because it is necessary for us to understand that where we are with agriculture today is a consequence of PNM vision or lack thereof. What is happening in the agricultural sector did not start five years ago. We have a process of movement, a kind of dynamic going on; a process where culture change, economic policy, certain understandings were put in place.

If I may dare say, in Trinidad and Tobago—it is not just a Trinidad problem, because in Tobago, I remember when I was a little boy, and I am sure that people here who are as old as I would also remember that Tobago was a flourishing agricultural community in the 1940s and 1950s. It started in the 1930s.

I remember as a little boy—I am talking about primary school—there was a round-the-island coastal steamer, and every week in my village, my relatives used to make a living off of that. It was cock, cow, pig, goat, sheep, plantain, ground provision—that was the activity—coming to Trinidad. Then we had 1956, and one must recall that there was a commission set up—I think it was called the Moyne Commission—after there was some difficulty in the Caribbean following the great depression.

I need to remind everyone and put this thing in proper context because very often, the people who are leading us, who call themselves historians and political leaders, are very intellectually bankrupt, very decrepit and moribund in their understanding. They always particularize things. They do not put them in a general context. What was happening in the Caribbean in the 1930s was a consequence of a global situation where in the United States of America, for example, the Gross National Product declined by something like 50 per cent. In many countries in Europe, like Spain, Belgium and Germany, there was massive unemployment. The great depression that they said started in 1929 and sort of bottomed out in 1933, in fact gave rise to Adolf Hitler and fascism in Europe.

That had consequences in the Caribbean, because the whole global economy contracted. Therefore, in the Caribbean where there were these sugar and primary producers, all of these prices went down so there was poverty up and down the Caribbean and, as a consequence of that, there was a lot of rioting and social disturbance in all the islands. It was not something that was a white people against

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black people thing. This is the kind of foolishness we get in the history books. We get it taught at school by ignorant people who do not understand history and economics and they refused to lead people to that larger understanding and that larger vision.

So, there were these disturbances in the 1930s that were derivative from the consequence of the depression that was worldwide, and the British Government, which was the colonial authority, sent out a Lord Moyne to investigate about these matters and he prepared a report. Part of Lord Moyne's report said that one must focus on agricultural development, education, health and such kinds of things. Then there was the war, so a lot of things could not happen, but when the war was ended in 1945, some of these colonial office policies were put into place. What was happening in Tobago was a manifestation of all of that, and I presume that in Trinidad there would have been agricultural development also.

If one remembers, they set up the Imperial College of Tropical Agriculture (ICTA) here which was worldwide. It was world renowned. It was the centre of agricultural research on the planet earth for the whole world. People from all over the world used to come here. The PNM came into power, took it over and mashed it up, and it is no longer world renowned.

I want to say, Mr. Speaker, that the issue of agriculture in Trinidad and Tobago has to be put into a proper context, and what we had when we got into 1956 was a new vision, a new understanding—or misunderstanding. We shifted away from the Moyne Commission understanding to import substitution, a different kind of vision. Not only import substitution, but import substitution linked with a kind of statist, Peronist understanding of the economy. That has a linkage to the anti-colonial imperative, the kind of grievances which were converted into policy, because at that time, the estates in Trinidad and Tobago were owned by French Creoles, or the people with a different complexion of skin to the people who were working on the estates.

There was an imperative to change the power relationships by undermining the estate owners with the consequence that the factor prices were imposed by executive fiat so that these people were starved of labour. Everybody went and worked on the roadside. Agriculture was deliberately undermined because it suited political imperatives and conversion of grievance into policy to better pursue the politics of changing power relationships. So, there was never an incentive to develop agriculture at that time.

After the estate owners were undermined, there was another imperative coming into place which reminds me of what the Leader of the Opposition was

alleged to have said recently, because I know the newspapers in this country are often given to great mischief. I would not put it beyond some newspaper editor and journalist to misrepresent or misquote what the Leader of the Opposition might have said. I will give way if he wants to clarify it.

The newspapers are alleged to have quoted Mr. Manning to have said that when he gets back into power, he will see after his own. Mr. Speaker, the newspapers reported the Leader of the Opposition to have said that “when the PNM gets back to power, he will see after his own.” Interpret that how one wants, but the agricultural sector in Trinidad, after the PNM war against the French Creole and light complexioned landowners became an issue of rural and urban in the sense that if one looks at it now, much of the cabbage, tomato, lettuce, milk, beef and whatever else that is locally grown in Trinidad is produced by members of what we will call “an ethnic community”.

We will find a larger representation—I do not say exclusively—There must be people of other ethnic communities also farming but, by and large, the agricultural sector is dominated by one set of people who, one could say, are members of an ethnic community. I do not know in the sense of the Leader of the Opposition’s alleged statement that he is going to see after them.

So, if one is going to “see after one’s own” and one has an agricultural sector which is under the burden of great problems: praedial larceny, the threat from diseases, the threat from international trade, the technological threat, the culture threat, all of these things are there and one has to do things in a massive kind of way. I quote from what the Leader of the Opposition has said. He quoted from a paper there which says that the PNM will introduce new crops and will provide financial assistance for these new crops and to automate agriculture and mechanize it.

We are talking about a massive infusion of assets and capital into agriculture. I do not know if they will go to his own. I am making some fundamental points here, Mr. Speaker. They are fundamental points if we listen to what the leader of the Opposition said. He is going to do all of these things and get the agriculture sector booming, but I am putting it in the context of a statement that he is alleged to have made that when he gets into power, he “will see after his own.”

I do not know how many of his own are going to be growing these beets. Somewhere I quoted him saying that they must grow beets in Caroni and they must grow genetically modified crops, all of these things for which he will provide financial assistance. He went on in that way.

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I remember in the 1950s and 1960s, hearing Dr. Williams saying that we will can topi tambo. When I hear the Leader of the Opposition saying he will grow genetically modified crops and beets in Caroni, it reminds me of Dr. Williams wanting to can topi tambo. He never did can it. All the topi tambo we grow here is in people's backyards and farmers have been growing it for their own use.

Mr. Speaker, I do believe that we ought not to have introduced the amount of politicking we have in this debate, but we are really talking about getting the population to understand that praedial larceny is about poor farmers, a community that has been—to use a very hackneyed term—marginalized; put on the fringes of society by policy over the years since 1956. Whether this Government has done as much as they ought to do is a question, but we ought not to make partisan politics and use farmers as a political football and bobolee when we are talking about a serious issue as making the legislative arrangements, putting in law those conditions, those rules and regulations which will give farmers a brighter hope, a more positive attitude to feel that their hard labour and their sweat will redound to them and their children.

Then we come here in that context and talking about politicians playing technocrats. I could spend the hour and a half talking about PNM politicians playing technocrats, going back to the days when one Patrick Solomon played judge, jury, Justice of the Peace; he played everything and went and took out his son from jail, and he was PNM.

Until this Government came into power, it was the PNM Cabinet, PNM Ministers that ran the discipline process in our schools. There were politicians deciding who should be suspended, who should be expelled and who should get a week off. The consequence of that, Mr. Speaker, has been a disaster for this country. Few people are willing and honest and brave enough to do what I have been doing all over the years when I used to have my radio programme pointing out that we must change these kinds of laws—that Education Act, I mentioned it—we need to modify it. We cannot have somebody sitting in a Cabinet deciding how to administer discipline in schools. It was under Mr. Nanan that all those rules were changed so that now children know they cannot beat up the teacher and cuss the teacher and know that the politicians are in their corner.

The question that was raised there, they opened up a can of unnecessary worms that we do not want to deal with in terms of what I am saying. The kind of lawlessness we have in this country is attributable, derivable and necessarily connected in a causal nexus from these kinds of attitudes. Then they said that they created 98 per cent literacy in the country. I remember when I was on radio, I said

that if the country is 98 per cent literate, the other two per cent of illiterates are in Mr. Manning's cabinet, because everybody in this country knows it is not true.

Then they accused the Government of having a pick-up side. Dr. Williams is one of the most perspicacious and prescient politicians who ever sat in this House. I have said so many a time. One evening not so long ago, they spent the whole evening telling me that I said Dr. Williams was racist. I have repeatedly said, and I repeat here, that if Dr. Williams was not smart and wise in his own ways, he could not last for 25 years in Trinidad and Tobago as Prime Minister, Premier before, and kept the country together. I have said so.

Hon. Assam: What about 1970?

Dr. Hon. M. Job: Well, 1970 apart—and as the Member mentioned 1970, in the context of the Bill that we are dealing with here, there are people now boasting and making statements and condemning and impugning Dr. Williams for quelling the rebellion of 1970, and they are calling it the Black Power Revolution. It was not that. It was a rebellion. It was anarchy on the streets. It was people mouthing a whole lot of nonsense ideas, and if one had put those people in power—suppose Granger, Raffique Shah, La Salle and D'Abreau had formed a government here. Some of us would have been dead, they would have a big refugee problem, and all now we would not have come out of it. We should thank Dr. Williams for putting Burroughs on the case, getting rid of some of them and putting the place back in peace.

I like to speak plainly and I have said so before. We need to understand that. Shakespeare said: “the evil that men do lives after them, the good is often interred with their bones”. So, as much as I have criticized some aspects of Dr. Williams’ intellectual contribution on the matter of the development of Europe, I do not think that I have ever been so silly as to not recognize that when he said that most of the people in his party were millstones, he was being very perspicacious.

Mr. Manning: Mr. Speaker, I think the hon. Minister is going too well to make an error such as that. With respect to Dr. Williams, he never said that the majority of the members of his party were millstones. That is a term that was used in a particular context.

Hon. Sudama: What did he say?

Mr. Manning: Do your own research!

Hon. Assam: He identified the millstones. You were one of them.

Dr. The Hon. M. Job: Mr. Speaker, on sundry occasions during the tenure of Dr. Williams' office, he had reason to comment on the intellectual bankruptcy and backwardness of his people. Was it he that said that if he put a tie on a crapaud and put it up, people would vote for it? Meaning that there were many crapauds in the party. *[Laughter]*

Mr. Valley: Mr. Speaker, if the Member would give way, I wonder whether the Member would opine on the implication of his Prime Minister placing the most Junior member of the Cabinet to act? Whether there are any implications as to the quality of the other members of the Cabinet? *[Desk thumping]*

Mr. Hinds: Crapauds all!

4.05 p.m.

Dr. The Hon. M. Job: I would rather the Member for Diego Martin Central opine on why I was listening to my radio and hearing that the Member had resigned and before dawn he had stopped resigning and was a loyal member again.

Mr. Speaker: I would like to suggest that we get back to—

Dr. The Hon. M. Job: Thanks, Mr. Speaker, but I needed to say that in the context of the Praedial Larceny Prevention Bill when they were talking about this Government not being able to implement an agricultural policy because it is a pickup side. I want to say I do not believe it is a pickup side. I am not in a pickup side Cabinet. Indeed, from my understanding of the history, there have been several sides with a plethora of millstones and people who were not competent. In fact, there are many pundits who have opined—to use the word—that all the people who came after Dr. Williams are merely, as the Greeks used to say epigoni. I added another adjective to that, I said they are merely epicene epigoni. *[Interruption]* What does that mean? If you look in the dictionary, you would understand. Mr. Speaker, when we are dealing with this Praedial Larceny Prevention Bill and going all over the place into politics and these things, we are not really right.

Let me just comment on some of the statements made by the Member for Diego Martin Central where he was talking about the decline in agriculture. Mr. Speaker, it is indeed what you can almost call a law—it is an empirical fact—that wherever there is rapid economic development, there is a relative decline in the agriculture sector. Is that so? Is there anybody who is going to refute that? If you look at every single country on the face of the Planet Earth, it has been so in the United Kingdom, Japan, the United States, Canada, all over Europe, Australia; wherever you go.

Mr. Valley: I take the point. But does that also explain the absolute decline in the level of unemployment in agriculture?

Dr. Mohammed: It is correlated man!

Mr. Assam: Of course, they move to other sectors because labour is mobile. You do not understand economics.

Dr. The Hon. M. Job: Mr. Speaker, I thought I needed to say that, because I have often said in this Parliament that I feel very saddened to sit here for the last three years, almost, and too often have I seen and heard and been part of a process that was not about educating people, it was about misleading people. It was about saying things to merely canalize emotions and grievance and activate that mood of the mob. It reminds of what the Bible says in Exodus 23:2; “Thou shalt not follow a multitude to do evil.”

There is one guy who wrote to the Holy Roman Emperor and said: “Those people who said: ‘The voice of the people is the voice of God’ do not know what they are talking about because the voice of the people is akin to a kind of madness.” I will get that quotation. A lot of what is said inside here is dedicated to the purpose of activating that kind of mob-like movement of passion and emotion rather than to drag people to a position of intellectual and dispassionate analysis of the issues.

Mr. Speaker, the question that I am raising is that we need to look at the factors, forces, or elements that are affecting factor prices, demand and supply. When we look at the total growth of the economy—one of the things that is happening in Trinidad and Tobago today—I read on the newspapers this morning where somebody is investing \$35 million in some kind of internet information company. As I speak to you here a whole burgeoning sector in electronic commerce is opening up in terms of information technology and all of that.

When you look at the roads of Trinidad and Tobago—we had an admission from the Member for Diego Martin East or the one from Diego Martin West, I cannot remember which one of them, came in here I think it was last week, and said that all the roads that the PNM has built are now packed with cars.

Hon. Member: West.

Dr. The Hon. Job: The Member for Diego Martin West said that one of the reasons why we have a problem is that they built hundreds of miles of roads and now the UNC/NAR Government: the Government in power, has encouraged people

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to import all these foreign used and new cars and they park them on the road, so you have nowhere to drive.

Mr. Speaker, one does not have to be a rocket scientist, one does not have to understand calculus, topology, or chaos theory to understand that if all these cars have now come and parked themselves on our roads, it is a manifestation of prosperity. At the same time that was going on, the dollar has not shifted. We have not had inflation to damage poor people. We have not had a depreciation of the currency. But you have had people signifying an increase in their welfare, feeling better so that they can import and drive a foreign used car.

At the same time that is going on, people are eating well—they are being well fed. We have crime as a problem, but what I am saying is that one cannot put together the statements of the Member for Diego Martin Central together with the evidence that we have, and not understand that the economy of this country is growing in a certain kind of way; it is growing rapidly. Therefore, a necessary and ineluctable consequence of all of that is that there would be a relatively declining participation in the proportion of people who are involved in primary agricultural production. Is that not so? That is certainly what it is like.

Mr. Speaker, if you look at England, since in the 18th Century, England—because it was the centre of the emergence of the Industrial Revolution—became a net food importer and the powers that be in England, as a consequence of that, invested money in developing railroads in Argentina, United States and Canada. It was better to grow their food on the pampas on the prairies. These are historical facts, is it not so? A lot of us do not educate people properly. We do not teach properly.

The Member for St. Joseph said that Japan is 28 per cent self-sufficient in food. But Japanese are not hungry people. Their food is being grown somewhere else, and they are selling cars, electronic equipment, plants and whatever and buying their food. You have to look at the bigger picture. When Kipling said: “What do they know of England, who only England know.” He is talking about the Opposition: they only know the little bit that they have around them. They have only read Dr. Williams and have been blinded by his lack of economic insight. They come in here and mislead themselves and everybody else. They have to listen to me if they want to understand what is going on. *[Laughter]*

Mr. Assam: Like it just hit “yuh”. He wake “yuh” up.

Dr. The Hon. M. Job: Mr. Speaker, I think we can dispel that idea that some of the statistics that the Member for Diego Martin Central quoted were in fact

telling the people what they needed to be told. When I say that I am not saying everything is honky dory and all is well in the agriculture sector. What I am saying, if I might summarize that, is that quoting those statistics out of the context of a bigger picture of understanding how the economy is developing and evolving, we are sending a wrong message to the people. In fact, we are indulging in what you will call in English sophistry: using what looked like truth to mislead people. Do you understand?

Mr. Speaker, while I am on that, I need to say too that one of the things that happened—for example, I represent the people of Tobago and if one goes to Tobago they import lettuce, tomatoes, pumpkin and everything from Trinidad.

Mr. Speaker, the Member from Toco/Manzanilla made the same point in a different way about Toco/Manzanilla when he was saying that at one time Sangre Grande was the centre for Mamoral and people left Four Roads Tamana, they came from Mayaro and everybody used to come to Sangre Grande at that centre, then agriculture was booming at the time. But he made a fundamental error which again was very fraudulent, but I would attribute it to his lack of understanding, because he made the unnecessary causal connection between praedial larceny and what he observes as the decline of agriculture in Sangre Grande. That is not true: that praedial larceny caused the decline of agriculture.

4.15 p.m.

I said earlier, what the Member for Toco/Manzanilla needs to do—if he wants a causal nexus—is to look at the post 1956 PNM intervention in converting grievances into policy which, in fact, caused the undermining of the agricultural sector. I am not saying that globally prices would not have changed and we would not have had an impact, but if you look at the facts of the case, we had a clear indication throughout Trinidad and Tobago where factor prices, in particular, the price of labour, were being changed by PNM executive fiat and, therefore, impacting on the viability of the agricultural sector. That is what the Member for Toco/Manzanilla observed and did not understand, and is claiming that praedial larceny, which is just one of the other factors, is a cause of what is going on. So we have to throw that out also and what you can say in that context would have to do with the fact that the governments in the past never—as the Member for St Joseph has said—treated agriculture in the kind of way that would have provided incentives.

When he talked about farmers in the Midwest in Iowa, I myself studied in those parts, Iowa, Indiana, I was in Canada so I know the same situation there.

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When he said that in all those areas the farmers are wealthy, they drive big cars, smoke big cigars, they have their own helicopters and aeroplanes, and much of that was a consequence of the government's support for agriculture. So many of the farm policies in Canada and in the United States of America have to do with what the government had been doing in order to make farmers viable, make them wealthy and to assist them in all these ways. It is the same thing in Europe.

I remember one of the things that I had to study a great deal was the Common Agricultural Policy of the European Community. The Americans way back since the European Community was formed were complaining against the Common Agricultural Policy. It meant that European taxpayers were transferring income to European farmers and there was a good reason for that.

Mr. Valley: Mr. Speaker, I would like to ask the Minister whether those government fiats affect factor prices.

Dr. The Hon. M. Job: In Europe, yes. I say yes, but the consequence of those interventions was diametrically different from what the consequences were in Trinidad, because in Europe and North America, government's intervention affected factor prices in a way that encouraged people to stay in farming, whereas in Trinidad what it was doing was throwing them out. The objective was to undermine the people which is why I repeat for your benefit that I hope if—God forbid—some PNM government were to come into power and Mr. Manning is going to be the Prime Minister when he says he is going to 'see about his own,' I hope it would include farmers.

Hon. Member: Of all ethnic groups.

Dr. The Hon. M. Job: I can only hope so. Imagine we have a Member from the Opposition, the government in waiting, encouraging the people of this country to believe that a viable government policy using taxpayers' money must be to allow people in Grenada, St. Vincent and Guyana to grow products and then ship them to Trinidad. I could not believe what I heard this afternoon. I am amazed. This is not to say that I have anything against Grenadians or Vincentians, I would much rather that Grenadians and Vincentians stay there than to come to Trinidad and squat. I would encourage anything that would cause them to generate an income on the mountaintop where they live rather than to come to Trinidad. I do not know that a politician in this Parliament should articulate as a matter of policy and necessary ambition to take Trinidad taxpayers' money to ensure that they grow things in Grenada and then take those things by boat and bring them to

Trinidad to process it. I cannot understand that, that is fantasy, too wild for my imagination to entertain.

Mr. Assam: That is why he was made a junior minister.

Dr. The Hon. M. Job: We cannot allow these statements to be made in Parliament and go unscathed as one of my colleagues would say, we have to deal with them. I have in my note pad where the Member for Toco/Manzanilla was saying that the penalties were too harsh and my colleague was saying that not too long ago they used to hang people for stealing a horse. It was even worse than that. In England, up to the early 19th Century they used to hang waifs and urchins for stealing a handkerchief. That was a death penalty offence.

Mr. Speaker, they have given me so much food for thought when they brought in all those extraneous issues that have nothing to do with praedial larceny, absolutely nothing. Using the opportunity of a Bill that is dedicated in purpose of protecting the private property of farmers and the income of farmers and they are saying that they agree with it. Then let us agree with it and get it over with, but they are using the opportunity to comment and analyze a PNM party convention held at the Red Cross Hall. What does that have to do with what is going on here?

The Member for Diego Martin Central was quite right to raise the debate to the level where he tried to bring in all the policy issues that he said—and I do think quite rightly—because I am raising some of them now, and my colleague did raise some of them. I am sure that the Minister of Agriculture, Land and Marine Resources will also deal with some of them in his winding up. He was quite right when he said we are talking about agriculture and praedial larceny, we needed to deal with the financing of agriculture, the technological changes and the institutional structure in agriculture. He was quite right. I agree with him, but when he does that he will find himself coming against a horror story.

What was the PNM's attitude towards all these things. Why is the issue of rural/urban migration, the abandonment of all these communities, of Rampanalgas—have you ever been to Tamana? Have you ever been to Rampanalgas, Sans Souci, Zion Hill? Do you know where Zion Hill is? Have you ever been to Mason Hall, Des Vignes Road, do you know where these places are? If you go throughout the rural areas of Trinidad and Tobago, very often you would think you are in another country. Much of that is a deliberate consequence, or direct consequence of a policy that took root in this country until this Government came into office, where perhaps because of political imperatives, it was not so important to provide incentives to develop the rural areas so the people can stay there.

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Mr. Speaker, rural/urban migrations throughout the world are consequences of rational choice. If an individual living in Rampanalgas, 15—17 years old, you have been to primary school, and in those areas the primary schools are not the best. You must have gotten a chance to go to some junior secondary or some high school and in those areas, because of the cultural background, you do not get the best. Now you are a teenager and you have to make a living. Many of these teenagers have children and they have to mind them. There is nothing going on there, there was no overall, overarching, deliberate policy over the years since 1956 to ensure that economic policy takes place in those areas to the extent that it can provide an incentive for the young people to stay there. They are not crazy, they are not stupid, they are not brain damaged, so they come to Laventille to live and pack up the urban areas. That is where the problems were, and instead of the PNM government attending to the problem, they build up Maloney with nothing going on: No playground, no school, nothing. Just a set of concrete boxes and put a set of black people and huddle them inside of there, built their own kind of local Soweto. That is what they did. We still need to look at all that because all that, without my saying so, if you think it through properly, it is of fundamental importance to the agricultural sector and to development.

What I am telling the Member for Diego Martin East is that he ought to have articulated a vision which was rooted in an analysis of what they had done. It is said confession is good for the soul, there is nothing better than that. Everybody knows before you become a Baptist and you baptize, they tell you to read a passage in the *Bible*, go and make friends with all your neighbours, forget all the acrimony and the bad feeling and start a new life. When you duck down in the water and you duck up, you must be like a new person. You cannot have a new vision if you did not come to terms with that backward set of ideas. That set of grievances that were converted into policy have destroyed and wrecked many lives.

You have to firmly implant and entrench a new vision in an understanding of where we went wrong. I say this deliberately because I am trying to raise the issue above partisanship. Many people who are not PNM now, were once PNM and I have heard it from the other side that one time in Trinidad, anybody who had sense were PNM. It does not apply to me, but I take the point.

I say we had gone wrong in terms of our economic policy, our rural development policy, the way we emphasize urban infrastructure as against rural infrastructure and we did a lot of harm and damage to the people of this country. We destroyed agricultural lands because of migration, and we brought people without proper social infrastructure into the urban areas and, therefore, we converted a lot of nice living areas into ghettos.

I used to live in Belmont, I had friends in Woodbrook and all these places, and many of the so-called nice, urban areas have now become not so nice urban areas; again because of drugs and crimes. There are a lot of things that have caused that. One is this unrestricted rural/urban migration of constituents that was unnecessary and the abandonment and neglect of the rural community. It is very important that I commend the Member for Diego Martin Central for his attitude to the problem.

When I talk about attitude, imagine the Member for Toco/Manzanilla is talking about sending the wrong signals because these penalties are too harsh. That is the problem. There were magistrates in this country, when every time somebody appears before them for praedial larceny, they either let them go or give them some kind of sentence that will tell them a profitable way to live is to get involved in praedial larceny, because what they charge you is so miniscule in proportion to what you are stealing and selling every week. The Member comes here without an understanding of the fact that you need penalties that are appropriate to the particular offence that would send a signal.

I believe in mercy and I learnt when I was in primary school that the quality of mercy is not strained, it droppeth as a gentle rain from heaven upon the earth beneath. I believe all that, but mercy as a policy without a criminal and jurisprudential process that would have an incentive in the law to send signals to people, would have no effect; you would be spinning top in mud.

We talked about rape yesterday, and we have to send a message to young persons that this is beyond reason. You cannot just be raping people, abusing them and destroying their lives. It is a kind of murder. When you rape some people, they never get over it for the rest of their natural lives; you have actually murdered them and people come here not understanding these things, not being sympathetic to persons who are victims of rape and come talking about—well, mercy, there may be, but not before you have done all you can to express your horror and approbation of these kinds of things.

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

4.30 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Dr. The Hon. M. Job: Mr. Speaker, I said a few words a while ago concerning the vision that the Member for San Fernando East articulated, that much of what we see in Trinidad and Tobago is as a consequence of a vision or lack thereof. Indeed, coming from Tobago and in particular Tobago East, I think I need to say something on behalf of the people there. Because it must be the case,

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as I try to show, that there was a set of consequences that derived from policy, and when that vision was articulated, it caused—not only people from Rampanalgas and Toco to migrate, to crowd up the East/West Corridor, the urban ghettos of Trinidad—the population of Tobago East, a migration, not merely from Tobago East to Tobago West, but a lot of the people from Tobago East who left and migrated are all about. They are in Pinto Road, Laventille, La Horquetta, Maloney; anywhere you go. I have cousins, first cousins, second cousins, half cousins, pumpkin vine family in every single one of these local Sowetos that the PNM created.

So it is a matter of grave concern to me that we are listening to these people, articulating a vision without understanding, without admission of the grave injustices that have been committed against people in Tobago East and the people in Tobago generally. I have to re-emphasize—because I think I am acting here not only on behalf of my own constituents, but on behalf of the whole constituency of Trinidad and Tobago. Indeed, we need a policy, we need a vision that understands the injury, pain and the grief people are undergoing daily, because opportunities were not properly created in the rural communities so that people might find profit, might find benefit, might find a good reason to remain in those areas.

If you take Tobago East, Mr. Speaker, they did nothing about agriculture in Tobago East. Absolutely nothing! The PNM, as a matter of fact, under their regime, all the large estates and river valleys such as Goldsborough, Lure and the Lure Valley there, hundreds of acres of class one land, the river passing through it 12 months, 365 days a year, better land than anything you could get in Aranguez or St. Augustine, sandy loam soil types. I know that. I studied all these things. You have it in terms of the porosity and the soil structure, and the mechanical characteristics of those soil types. It is better for crop production than anything you have in Trinidad. And there is water all year round, but the PNM acquired those lands in Roxborough, Goldsborough, Richmond, all of them and left them for Cocrico to feed on. They left them abandoned to rear wild animals, they did nothing about them and the people were not helped to utilize those areas properly, and, therefore they migrated and became a burden to themselves and the rest of society.

I want to thank the Member for Diego Martin Central, again, for raising and tickling my mind so that I would deal with those issues.

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

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

Question put and agreed to.

Dr. The Hon. M. Job: Mr. Speaker, when we are talking about agriculture and agricultural development in the sense that the Member for Diego Martin Central demanded that we look at it, we have to look at the whole context in terms of education and skills training. Indeed, it is the case that the level of knowledge of the farmer, the producer, the kind of techniques that he uses all have to do with his productivity, with the way he is going to combine his factors to give him certain levels of output that would make it profitable for him to stay there.

So it is not just a question of doing something for agriculture; of passing a Praedial Larceny Bill; of providing incentives like he said. You have to look at the whole context, in terms of the kind of education that the people have; in terms of the kind of equipment and machinery that you afford them; in terms of the kind of marketing arrangement. You are in Tobago; you are developing tourism; tourism started developing under the PNM, I concede. When Mr. Robinson, as Member of Parliament for Tobago East and then Prime Minister, did, in fact, extend the runway, I remember people over there saying that they were building a duck pond in Scarborough and asking why did they want to extend the runway in Crown Point? That is on the *Hansard* record. They all said that.

One of the consequences of that, which I am sure they all support at this point in time, is that there was a rapid increase in the tourism sector in Tobago, and the demand for agricultural produce. Every time I go to a hotel in Tobago I am seeing lettuce on the lunch table; I am seeing tomatoes on the lunch table; I am seeing sometimes patchoi; you know the various kinds of green vegetables cooked up and stuff like that. All those things can be grown in Tobago, why do you have to import ochro, patchoi and lettuce from Trinidad when you can grow it in Tobago in sufficient amounts to supply all the hotels there?

You see, the institutional arrangements to make that connection between tourism and agricultural development was never a concern of the PNM. Apparently, from what I heard here this afternoon, they are more concerned about importing things from St. Vincent, Grenada and Guyana. This is what they said. And I concede—I know he is asking: Who said that there is a kind of collective imperative in the context of Caricom and regional economic integration that we should look at comparative advantage and help each other?

I honestly cannot agree, I cannot concede that the kind of agriculture the PNM left in Tobago, where there was a tourism sector developing, they did absolutely nothing to link the growth of that tourism sector with a demand for some of the agricultural produce that could have been growing in Tobago. I cannot concede that that makes any sense. I do not see that doing what I am suggesting is

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exclusive of helping St. Vincent and Grenada. I do not see that all. We have to think it through.

Indeed, if, in fact, there was that vision we would not have the kind of problems that we are experiencing now. I want to make this quite clear. We have to engage the public in Tobago as well as the public in Trinidad, to analyze the certainties of all these kinds of things that I am saying here, so that we can do a little better, in terms of assisting the people in the villages.

5.10 p.m.

I am in the process, Mr. Speaker, and I am sure that before the year is ended there will be a kind of educational centre developed in Tobago, it will be in Roxborough, where we will be training people from Tobago East in various kinds of skills that will be relevant to the industrial and tourism development in Tobago, indeed, and in the country at large. When we do that it would make a statement about the abandonment of those people by the PNM and, indeed, all the other governments that passed, including the NAR government. So I say that we needed to connect all these things in our statements, in our concern.

Before I take my seat I need to make a comment. You know, very often people say things in this Parliament, Mr. Speaker, without understanding how much they are pregnant with valuable and sometimes destructive meaning, pregnant with implications that have vast consequences. I think it was the Member for San Fernando East, I cannot be right—forgive me if it is your colleague, Member for Diego Martin Central—who said that some of us are about service—I think it is the Member for Diego Martin Central—not about power. I do not understand what is the meaning and the implication of that statement.

You are talking about a Bill to do with protecting farmers and their property and you are making a facetious, specious and totally inane and vacuous statement—some of us are about service and not about power. What is this? This is a centre of power. People give it to you. I mean, one does not have it to exercise it on one's own but if one is in politics and has advanced to the level where one sits in Parliament, where one is part of the legislative and law-making apparatus of the state, it is about using power so it is all about—and in so doing—*[Interruption]*

Mr. Manning: Mr. Speaker, I thank the hon. Member for Tobago East for giving way. I just would like to refer him to a vision document that was approved by the PNM in December of 1987 called the *PNM's Perspective in the World of the 1980s and Beyond*. There is a paragraph in it that makes the point very clearly

how the PNM sees things, that politics must not be the pursuit of fame and power and fortune, but there must be a dimension of selfless service to the conduct of political affairs. That is our policy.

Dr. The Hon. M. Job: That is the policy, okay. I live in the real world and I have absolutely no evidence from 1956 to now but that the majority of people who ever represented the PNM in Parliament were typical politicians in the sense that they served their own interests, they aggrandized themselves, they captured the media—*[Interruption]*

Mr. Speaker: With the greatest deference, I have sat here for the entire day and I have tried to be as patient as ever but, you know, I simply ask Members, please relate whatever you are saying back to some clause in either of the Bills. You know we are really embarking, both sides, on a colossal waste of time. We are talking about all sorts of things. We are big people. Okay, we want to talk about the PNM or something, but let us relate it back to a clause and say this—let us do that and it might be easier because we are doing ourselves an injustice.

Dr. The Hon. M. Job: Mr. Speaker, I concur with your observations but when I was taking notes maybe I should not have referred to what they said.

Mr. Speaker: No, I know. Do not get me wrong. Let it not be said that I do not want people to defend something that was said, but surely, let us try somehow to relate it back to a clause and say, “We oppose this clause because of what they said there”. You know, it would help.

Dr. The Hon. M. Job: I continue, Mr. Speaker, to say that with respect to the notes that I have here, the Praedial Larceny Bill is very timely. I have no intention to, and I did say so in my introduction, indulge in purely partisan politicking but I thought it was not inappropriate and I concur with you that maybe we should spend more time dealing with the Bill. I am sorry that I was led away in terms of focussing on the comments that people from the Opposition made. I think the mistake was that I tried to follow them. However, Mr. Speaker, what we need to do is to understand, and I hope I am on target when I say, and spend much time referring to the comments of the Member for Diego Martin Central with respect to that wider understanding of the Praedial Larceny Bill in the context of agricultural development.

Before I take my seat I must say that in Tobago we really do not have any need, necessity or right to have the kind of agricultural sector we have, even if the tourism sector might be driving the economy. I think what we are observing in Tobago indeed had its genesis in a set of understandings, policies and visions that

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were subversive of the interests of the rural people in Tobago. That particular area must also apply to understanding the wider problem of rural urban drift and agricultural development in Trinidad and Tobago and, indeed, all these clauses in this Bill that have to do with sending a message and a signal with setting up an environment where people must understand that the agricultural sector, the farmers and the rural community need the strongest representation from Parliament.

To the extent that we can manifest that kind of understanding in law we need to do that and for these reasons, Mr. Speaker, I give all my support to the amendments to the Bill. Of course, I do not have to enjoin or encourage the Opposition to support it because they have already said so. For that I am very thankful and grateful. With these few words I must commend you, again, for directing my mind that I should not, in future, follow the Opposition to stray away from the Bill. So thank you for allowing me to speak, Mr. Speaker. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin East*): [*Desk thumping*] Mr. Speaker, when I try to digest what the last contributor has done, I have tremendous difficulty. There is a situation where the Tobago House of Assembly has been in existence now for 20 years and the majority of elected representatives in that body are not members of the People's National Movement. So there is a situation where other political parties have controlled Tobago's business for 20 years since 1980. As a matter of fact, I am advised there has not been a PNM Member of Parliament for Tobago since 1976 and there also was, in 1986, a Prime Minister from Tobago, an administration headed by an elected representative from Tobago, yet we are now hearing, 20 years later, from this Member that the reason for the decline— [*Interruption*]

Mr. Speaker: Did I hear you say, "from this Member"?

Mr. C. Imbert: Yes, Sir.

Mr. Speaker: That is because if "pretender" appears there, we will excise that.

Mr. Imbert: Yes, Sir. We are now hearing from this Member that the reason for the decline in agriculture in Tobago is because of the PNM. What utter rubbish! I mean, others have represented Tobago for over 20 years. If anyone is responsible for the decline in agriculture in Tobago it is not the Members on this side. It is Members like the Member for Tobago East who just talk a set of foolishness in this House, Mr. Speaker, if you will permit me. What has he done,

since he was elected, to foster agriculture in Tobago? I dare say nothing at all, absolutely nothing. He cannot tell us what he has done. All he talks is a set of nonsense about when he goes to Tobago he sees patchoi and pumpkin and all kinds of—*[Interruption]*

Mr. Speaker: In fairness to yourself and others who might refer to you in the same way, the essence of parliamentary culture is not to descend and use the most offensive and insulting words of yourself or your colleagues. Words like “foolishness” and so on, do not become you. You have a wide vocabulary. You could fool others but I know you have a wide vocabulary and it is unnecessary to do so.

Mr. C. Imbert: Thank you, Mr. Speaker. I take your correction very humbly. But, you see, it pains me. This is the kind of perversity to which we have to be subjected. In the five-year period, 1986 to 1991, what was done for agriculture by the representatives for Tobago, who then controlled the government? Nothing. He cannot say what was done then and he cannot say what is being done now. I am sure 20 years from now, if he is still around, he will be blaming the decline in agriculture in Tobago on the PNM. I mean, it is an intellectual dishonesty, Mr. Speaker.

The question has to be asked: if the soil in Tobago is so fertile and if the conditions are such as they are, very conducive and attractive for agriculture, what is the problem? Is it that persons, such as the Member for Tobago East, de-emphasized the importance of agriculture in Tobago by example? I believe the Member left Tobago and came to Trinidad to engage in agriculture, and very unsuccessfully at that too. *[Desk thumping]* I think the farm “buss”. But you see, the decline in agriculture, Mr. Speaker, particularly since the onset of this UNC administration, will make this Bill redundant.

I mean, the way they are going in terms of the decline in agricultural production, as indicated by my hon. colleague from Diego Martin Central, soon there will be nothing to steal. *[Desk thumping]* There will be no produce at all if this administration keeps going with this jaundiced approach to national development. Do you know what is particularly distressing too, Mr. Speaker? It is the untruths—I am choosing my words carefully because I do not want to use words that might be offensive—that they put on record in this Parliament. You know, I recall, and I will say it again, in the 1994/1995 period, having discussions with the World Bank together with the Minister of Planning, and the Member for Caroni East knows all about this. You cannot come in year five and say, “Oh, there was nothing there”.

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We were negotiating, at that time, for a programme to deal with flood mitigation, irrigation, water management and drainage—a \$400 million programme, Mr. Speaker, to upgrade the main rivers, water courses and drainage systems in Trinidad with a twofold objective; one, to deal with perennial drainage problems in developed areas and so forth, and also to deal with long-term irrigation issues. Here we are in the year 2000, almost five years after this administration has come into office, and where is that programme? Nowhere Mr. Speaker. We were going to deal with all of the flooding problems in Central Trinidad, North Trinidad and South Trinidad, especially in agricultural areas.

The areas were identified. Studies were done. What have they done? Nothing except talk, talk, talk, talk, talk, talk. From 1996, 1997, 1998, 1999 and 2000, it has just been a set of “ole” talk. They talk about, what is it, the Honda River. They are just diverting the flooding from one place to another. That is all they know about. The flood is in one constituency, they do not like that so they send the flood to another constituency. Caroni East is being flooded, Caroni East vexed, he sends it to Chaguanas. Chaguanas is now being flooded. That is all they know about in dealing with irrigation and flood mitigation and so forth. It shows how superficial they are in terms of their approach to agriculture and that is why I say this Bill will be redundant if the UNC is allowed to remain in office because there will be no agriculture in Trinidad and Tobago and no produce.

5.25 p.m.

Mr. Speaker, look at the situation in Caroni; look at the decline in sugar production; and from every angle at which you look at it, there is incompetence—experimentation with all sorts of unproven techniques like biological agents and so on—wipe out half of the sugar crop. That is what we can thank the UNC for—destroying the sugar industry in Trinidad and Tobago. What bothers me is that it is a rural based party, when one looks at the constituents whom they represent, it is a rural agricultural based party, but their agricultural policy is crazy! Absolutely crazy! I mean what have they done in the agricultural sector since they came into office, except engage in “ole” talk and get involved in crazy hare-brained schemes like that biological agent or whatever it was—methorizer—and kill out half the sugarcane in Trinidad and Tobago in one year. That is the legacy of the UNC.

Mr. Speaker, the access roads programme was implemented by the PNM; we set everything in train; we built bridges; and before we demitted office, we awarded contracts for a further 12 bridges and for 400 kilometres of agricultural access roads in north, south and central Trinidad. It is the PNM that implemented the Access Roads and Bridges Programme, not them. The Agricultural Access

Road Programme when we came was dormant! It had been on the books for five years and nothing was being done. We took that programme and ran with it and we did phases I and II and we put phase III in motion. The Government has done nothing. I am advised that they have Members who should know better, like the Member for St. Joseph who said that the PNM did nothing about drainage and access roads. That is totally untrue!

Mr. Speaker, we had laid the foundation for the development and the upgrading and improvement of the irrigation and drainage systems and the agricultural access roads in Trinidad and Tobago and we did a significant proportion of the infrastructural work ourselves.

Hon. Member: Name one.

Mr. C. Imbert: Name one? Nonsense! I could spend half an hour on this subject. As a matter of fact, since they are taunting, I have become accustomed to looking at the bridges in Salibia and along the East Coast designed, constructed, financed and completed by the People's National Movement. The Government likes to rewrite history. The bridge over the Salibia River. There are three bridges in the North East quadrant in Trinidad and Tobago, built, developed and completed by the People's National Movement.

Mr. Speaker, it is like the Valencia Police Station. I remember the Valencia Police Station was finished, the Government did not have to drive a nail or put a coat of paint on that police station; not a coat of paint; or not a lock on the door. It was completed about one month before the General Election in 1995. I remember one week after the General Election I opened my newspapers to see the Minister of National Security and some other Minister, I think the Minister of Works and Transport, opening the Valencia Police Post, built by the PNM and completed before the General Election, and I read these words: "This Police Post is testimony of the UNC fight against crime."

Mr. Speaker: We are still on the Praedial Larceny Prevention (Amdt.) Bill, 2000 and the Summary Offences (Amdt.) Bill 2000. I ask you please—we could talk about the moon but let us relate it. Let us relate it sometimes to a section of one of the Bills please.

Mr. C. Imbert: Mr. Speaker, the point I am making is that agriculture in Trinidad and Tobago has nowhere to go under this UNC administration. Their approach to serious matters, in terms of the way they go about doing things on matters such as agriculture is superficial and trivial. I am merely drawing examples of their superficiality. It saddens me—and I have to come back to that

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point that you have a party whose supporters are mainly from the rural areas; whose supporters are among the majority of persons who practise agriculture in Trinidad and they have done nothing for them in the five-year period, in terms of developing the agricultural industry; in terms of developing linkages in the industry; and in terms of developing the export sector in agriculture.

The Government has done absolutely nothing except to engage in “ole” talk and bring an old, second-hand, foreign used mill from Dhanpur and put it in the Caroni area for it to break down every month. That is what this Government has done. The whole network of irrigation systems, the sluice gate and the drainage canals, they have done nothing about them.

Mr. Speaker, the hon. Minister is from Oropouche; what has he done to deal with the problem of salt-water intrusion in the Oropouche Lagoon? Nothing! He has represented Oropouche now for—how long?

Mr. Manning: Since 1976 to 1999—24 years.

Mr. C. Imbert: Twenty-four years—a complete failure. The Oropouche Lagoon is the same now as it was in 1976 and the Member was a Minister in a government during the period 1986—1991; and he became a minister again from the period 1995—2000; we are talking about 10 years. The Member for Oropouche has had the reins of power and the control of the administrative system; 10 years the Member has been in government and the Oropouche Lagoon is the same as it was in 1976. The sluice gates abandoned and broken down; the pumps are not working; there are salt-water inflows—nothing of any significance has been done in that area. When he demits office and leaves this Chamber in the not too distant future—because he is on his way out, he is packing his bags already—what would he have to show the people whom he has represented for the last 24 years, except a black, brand new Mercedes Benz, newly acquired a couple weeks ago; that is what he will have to show them, a Mercedes Benz. That is the Minister’s legacy for the unfortunate farmers of Oropouche. That is their legacy; instead of dealing with the issue; instead of dealing with matters like agriculture that are related to the core of their constituency.

Mr. Speaker, what has happened in the Aranguez area? The Member for St. Joseph carried on about what the PNM did not do. What has the Member done, as the representative, for the farmers in Aranguez and Bamboo Settlement since he has been representing them? It is still flooding in Aranguez. Every year all the short crops—pumpkin, cabbage and so on—in the Barataria and St. Joseph areas are still lost and everything is dying. It is five years since this Government has

been in office. They represent San Juan/Barataria and St. Joseph, two contiguous constituencies. They represent the Aranguetz, Bamboo Settlement and El Socorro areas over the Highway. What has the Government done for the people in those areas? What have they done for the farmers in El Socorro, south of the highway? What have they done with the irrigation systems, the sluice gates and pumps and so on? What have they done to encourage the youth in El Socorro, Aranguetz and Bamboo Settlement to get involved in farming, as the Member for Tobago East pontificated in this Parliament that PNM did nothing for the people in Tobago and they representing Tobago and they have been representing Tobago for 20 years? So the blame is on them.

Mr. Speaker, but what has the UNC done for the young men and women of Aranguetz, El Socorro and Bamboo Settlement in terms of education; in terms of incentives; in terms of training programmes to encourage these people who come from an agricultural background to get involved in farming and to teach them new and modern techniques and so on? Nothing! Absolutely nothing! Aranguetz is the same way it was on November 6, 1995 or probably worse; and Bamboo and El Socorro are almost the same thing, worse! They have done absolutely nothing.

5.35 p.m.

Mr. Speaker, that is why I had to enter this debate. I must counter the untruths that are peddled in this Parliament by people who should know better. We have a representative for Tobago lamenting the decline of agriculture in Tobago, but he is part of the problem. He is not demonstrating to the people of Tobago, giving them any incentive to get involved in agriculture. What is he doing? Nothing. Just crying and complaining and moaning. He is part of the problem.

To make matters worse, it is alleged that the Member has degrees in agriculture. It is alleged, but is he using his specialized knowledge to help the young people in Tobago? To help them understand why they must become involved in agriculture? The linkages between tourism and agriculture? I have not heard of anything. I have not seen the Member for Tobago East on television or in print holding a training programme with young people exhorting them as to why they must get involved in agriculture. No! I have not seen that. I have not seen him bringing in experts to encourage agriculture in Tobago, getting involved in a cultural re-education of people in Tobago to make them understand how important it is for them to produce their own food and so forth. None of that. It is just a set of "ole" talk. It is the same with all of them

What have they done to help farmers in this country? Absolutely nothing! The floods in Trinidad since the UNC have taken office have been the worst in 50

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years. [*Desk thumping*] Four feet of water on Chaguanas Main Road. That never happened under PNM! It is since the 1940s with Albert Gomes there were those kinds of floods in Central Trinidad.

They have done absolutely nothing! They have just destroyed the agricultural sector, destroyed the infrastructure, and all they are coming to do now in this election year is to make excuses. They must explain and apologize to the people and say why they have not dealt with the agricultural sector, why they have not improved the infrastructure, why they have ignored it. It is because they are too interested in other things: building billion-dollar airports, billion-dollar desalination plants and buying Mercedes Benz. Every one of them has a brand new 500SEL Mercedes Benz. They must explain to the farmers why they must drive an old pick-up or an old donkey cart but they are driving new 500SEL Mercedes Benz. When they got in office they said they were going to drive Cortinas, Toyota Corollas and Escorts, but on their way out, Mercedes Benz! And they are passing the farmers with the windows up and the air condition on.

Dr. Khan: On a point of order, Sir.

Mr. C. Imbert: No. I am almost finished. You will have a chance to speak. Sit down!

Dr. Khan: Mr. Speaker, with reference to Standing Order 36(5), the Member is imputing improper motives.

Mr. Speaker: Standing Order 36(5) states:

“No member shall impute improper motives to any other Member of either Chamber.”

That one escaped me. I do not understand any improper motives there.

Mr. C. Imbert: Thank you, Mr. Speaker. I do not know what is the problem. They are too jumpy! I remember when we came into office, the Member for St. Joseph at the time, Augustus Ramrekersingh, bought a Toyota Corolla because he was very concerned about what people would say about if he bought a big car.

Mr. Speaker: I must admit, that is very irrelevant, whatever Ramrekersingh did! [*Laughter*] It is so irrelevant that it is obvious to the public now.

Mr. C. Imbert: The relevance of the whole thing is that people get elected to public office based on the enunciation of certain principles of humility and vows of poverty and so forth, and then in their last year on their way out, they have the most conspicuous consumption.

Mr. Speaker: That does not, in any way, relate to the Bills before us. Out of order! Try something else! *[Laughter]*

Mr. C. Imbert: Thank you, Mr. Speaker.

Hon. Member: Sit down!

Mr. Speaker: Gentlemen, please. It is not your function to ask anybody to sit down. If you think he is doing something wrong, you are entitled to get up on a point of order and tell me what it is, and I will deal with it.

Mr. C. Imbert: Thank you, Mr. Speaker. It just bothers me. What I realize is that when we go through the UNC Manifesto and see that sorry document and what is enunciated in their weak and superficial policy, I understand they came into office on a platform of untruths and now, as we deal with this Bill addressing praedial larceny, all they are trying to do is make their Curriculum Vitae look good. That is all.

We have a Minister of Agriculture, Land and Marine Resources who is on his way out so, at least he wants to say he passed a few Bills before he left. He wants to pass more Bills than the one who was there before. There was one there for four years who passed three Bills so, the new Minister must pass four bills. That is what this is all about, because the other problem with the legislation being enacted by this administration is that there is no system in place for enforcement, administration and monitoring of the legislation.

Every Bill they bring to this Parliament—whether it is for traffic wardens, garages or anything of any significance, there is no back-up. There is nothing in place. Who is going to enforce this Praedial Larceny Prevention Act? It is just a set of “ole” talk. They will tell us some things, but they will not put them in place. This is because they are incapable of dealing with any matter in a holistic manner. It is just a set of talk, talk, and more talk.

We are going to have this Praedial Larceny Prevention Act enacted, and so it should be, because we have no difficulty with the principle of the Bill or even with some of the clauses. We have no problem with this Bill. This is going to go on the books and it will be a colossal failure because there will be no system in place to monitor, enforce and administer the provisions of this legislation. That is what that administration is all about. They are just packing up the Law Library and the Parliament Library with a few bits of legislation which are all useless because they do not follow through. As soon as this is over they will forget all about it, the law will not be capable of being implemented properly and they will go on to some other pet topics.

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This is why I had to enter this debate, because I must correct the record. The other side has the tendency to make statements regarding the infrastructure of this country which are totally alien to the truth, and I had to correct the record.

Mr. Speaker, I thank you.

The Minister of the Environment (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I stand here in support of the amendments before this honourable House, so ably piloted this morning by the Minister of Agriculture, Land and Marine Resources. I would like to take this opportunity to give a little history with respect to the amendments to the Praedial Larceny Prevention Act which are presently before this House.

When I came into office in 1995, one of the first areas of the sector which I looked at was the impact that praedial larceny was having on the agricultural sector. Mr. Speaker, when I looked at what actions the former PNM Minister of Agriculture embarked upon with respect to the amendments to the Praedial Larceny Prevention Act, it became very clear to me that there was a total lack of focus with respect to drawing up amendments to the Act so that there would be, in certain respects, some proper legislative framework with appropriate penalties to have the desired impact on the incidence of praedial larceny and the resultant consequences on the farming community of Trinidad and Tobago.

It took a while for the amendments which are presently before this House today to be put in proper perspective and in keeping with today's situation *vis-a-vis* the agriculture sector and the losses incurred by the farmers of Trinidad and Tobago. I will tell you what took this time, Mr. Speaker. Because of the fact that the farmers were suffering tremendously from the impact of praedial larceny on the enterprises and the fact that there was already enacted in law an Act of Parliament to deal with praedial larceny and, equally the fact that the law that was in place was not having the desired effect from the standpoint of framework of the legislation, relevance of the legislation and the enforcement of the legislation, a new paradigm had to be developed. As a matter of fact, a new kind of policy had to be developed. New policy guidelines were necessary from the simple fact that the present Act was not having the desired effect.

Also, Mr. Speaker, one of the Members on this side spoke to the issue of the prosecution, the perpetrators before the magistrate, and the fines being so small that the quantum stolen, once sold, was able to pay back the fees levied on that person in the Magistrates Court, so that people in certain respects took pleasure in the act of praedial larceny in Trinidad and Tobago.

It was therefore necessary, as I said, to develop a policy framework in keeping with what was happening at the time. It was necessary to have consultation with the various private sector organizations, the Agricultural Society, the National Food Crop Farmers Association and the agricultural co-operatives, because the way we operate is that when we develop policies, we always give the private sector the opportunity to be informed of those policies, and that took some time.

Finally today, we have amendments before this House to be debated. Mr. Speaker, I personally feel very sad that we started debating the amendments earlier today, around 11.a.m.. It is almost 6 o'clock and we have gone all around the world and have spoken about what this Government has not done for agriculture and debated what the former government did not do for agriculture.

5.50 p.m.

More than—how many hours is it?—six hours have elapsed and we are still debating the amendments before this House. I could go into, by way of comments made by the Members for Diego Martin Central, Diego Martin East and San Fernando East, all the issues concerning agriculture. Having sat in that chair for four and one half years, Mr. Speaker, it is not at all my intention to continue to waste the time of this Parliament, since we have already spent six hours debating some simple amendments to that Bill.

I think it will be remiss of me if I did not respond to some of the concerns expressed by Members on that side. Even though none of them who spoke on that side, concentrated even a small portion of their contribution on the issues of the amendments, except perhaps for the Member for Toco/Manzanilla, and I can understand why.

For example, the Member for Diego Martin East asked the Member for Oropouche, what has he done for the farmers of Oropouche? Without understanding that even though when we came into government, and we looked at the White Paper to which the Members for Diego Martin Central and San Fernando East alluded, one has to understand that when a new government comes into office, it does not mean to say that the policies developed by a previous government should be just thrown out of the window and new policies developed, because after all—I made this statement in this House before on a previous occasion. The position that I took in my capacity as the former Minister of Agriculture, Land and Marine Resources was, look, there are certain policies within this document—the policy framework for the agricultural sector—in the form of the White Paper which are still relevant to the development of the agricultural sector.

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Irrespective of the fact that these policies were put together by the former PNM government. It is the same technocrats who assisted in the formulation of that document who are sitting in the ministry. What I did in my capacity as the former Minister of Agriculture, Land and Marine Resources was that I took the document, I studied it and put those issues which, I felt, were not in keeping with the philosophy of this Government for the agricultural sector on the back burner. Those which were relevant, I proceeded to convert into a work plan, because a White Paper cannot be implemented.

A White Paper has to be first converted into a work programme before implementation can take place. That is the first step. All of them sitting on that side understand that. It is only after having converted those issues in that White Paper into a work plan, and having had that work plan approved by the Cabinet of this Government in June 1996, that we started implementing those issues which we felt were relevant to the agricultural sector and which were in keeping with the philosophy of this UNC/NAR Government.

We heard about the issues of agricultural access roads, markets, marketing and the deficiencies faced by the farmers in the agricultural sector. We were asked—out of the contributions which came from the other side—what has this Government done in order to take care of these concerns?

Mr. Speaker, the Debe Wholesale Market, which is managed by the National Marketing Development Company (NAMDEVCO) was completed in 1987, if I am not mistaken.

In 1991, the PNM government came back into office, and lasted until November 06, 1995. It was not until March 17, 1997 that this UNC/NAR Government reopened that market and the market is flourishing presently. It took—[*Interruption*]

Mr. Sinanan: I thank the hon. Member for giving way. You said that the market was completed in 1987 and opened somewhere in 1996, what happened between the period 1987 and 1991? I think you said it was opened—you had a government in 1987, but the market was finished in 1987 but opened in 1996. What happened during the period 1987 to 1991?

Dr. The Hon. R. Mohammed: I am very glad that the Member for San Fernando West asked me that question. Because I thought he and his government would be able to provide me with that answer, because they sat there from 1991—1995 and it was never functional! It was not until this Government came into office—[*Interruption*] and this Government [*Interruption*]—just let me finish—put in place what was necessary to make that market functional, that it started to

function. I find the Member's question a little passing strange. Since his PNM government sat in office from 1991—1995 and it was never made functional. With respect to his question therefore, I think he should provide me with the answer to that question.

Mr. Sinanan: I understand the latter part of the Member's answer. What I am asking about is the period between 1987—1991 since the market, as you said, was completed in 1987.

Dr. The Hon. R. Mohammed: I expect, perhaps, it would have been for the same reasons that the then PNM government between 1991—1995 could not get it to work. The point I am making is this: it is this Government that made that market functional, and it is still working very well and will continue to so do. Because the issue of market is crucial to the development of the agricultural sector.

In 1998, through the efforts of the former Minister of Agriculture, Land and Marine Resources, the United States Government, through the USDAFIS, granted permission for a list of agricultural commodities produced in Trinidad and Tobago to enter every port in the United States.

When we came into office, there was but one port; that is the New York Port, opened to agricultural commodities coming from Trinidad and Tobago. This Government was able to achieve that. So much so, that we are unable, presently, to produce sufficient quantities of pumpkin to satisfy the market demand in the United States. There is a whole list of commodities. This Government was able to encourage the United States Government to open up every port in the United States to cucumbers, water melons, ochroes, pumpkins—a whole range of commodities.

What is even more important to the agricultural sector in Trinidad and Tobago—I doubt anybody can dispute what I am about to say now—is the management of our water resources for agricultural production. We are faced with a situation in Trinidad and Tobago, where, during the rainy season, because of poor drainage, half of the growing season, during the wet season, is lost because of soil water-logged conditions. On the other hand, during the dry season, we do not have adequate supplies of water which would allow the farmers to continue to produce those agricultural commodities.

The policies which focus on the management of water resources have now been developed by this Government and implementation has already started on what is going to drive, from now into the future, the development of the agricultural sector.

6.00 p.m.

If I may go back to the issue of markets, it is this Government that developed the policy and had the vision to establish retail markets in the rural communities. The nucleus for the development of a community is a market place, and when the former Minister of Agriculture, Land and Marine Resources left the Ministry of Agriculture, Land and Marine Resources on October 22, 1999 to take up the portfolio of Minister of the Environment, six such markets were already constructed, two already opened, and the present Minister of Agriculture, Land and Marine Resources had the honour of opening four more markets.

What was the philosophical underpinning behind the construction of markets for the agricultural sector? Firstly, it was an infrastructural component which was deficient in the agricultural sector, and secondly, the logic which drove this policy was simply this: If an individual in Barrackpore was presently producing half an acre of tomatoes; at the time of harvest, he would have to take his half acre of tomatoes down to the Debe wholesale market at 3.00 a.m to wholesale it. However, by providing a market within the framework of that farmer's community, we have now provided him with a ready market opportunity to sell his tomatoes at retail prices. The result of that would be that the same gentleman who, without a retail market in his community, and is producing half an acre of tomatoes, since he now has that facility available to him readily in his own community, will now produce one acre of tomatoes. The multiplying effect will redound to an increase in production of agricultural commodities over time. That was the rationale behind it.

Mr. Speaker, I am advised that the six retail markets that have already been opened are functioning very well. Even though we have not built one in Paramin, the farmers who now have access to these markets are very pleased with that enabling environment which was put in their own communities for them by this UNC/NAR Government.

Then there was the issue of agricultural access roads. In 1999, the Ministry of Agriculture, Land and Marine Resources constructed 47 kilometres of agricultural access roads, and I am speaking of access roads outside of the IADB Access Roads Programme which was approved by the former PNM Government. In 1998, 47 kilometres of access roads; in 1997, 40 kilometres of access roads; in 1996, 35 kilometres of access roads, and the Member for Diego Martin East is asking the Member for Oropouche what he has done over 20 years for his constituents. Shame on him! That Member built a six-mile concrete road in Paramin at a cost of \$1,000,000 per kilometre. That is what he did in his capacity as Minister of

Works and Transport, and it was done under the IADB programme. If you drive six miles of that concrete road, at the end of it you will see one tomato plant. It was built in an area where the farmers do not use those lands surrounding the road. He comes to criticize this Government. He is wasting Parliament's time as he always does when he gets on his legs.

The Member for San Fernando East spoke about froghopper and the disaster caused by the froghopper in 1977. I want to let him know, if it is only for the record's sake, that during the period 1998/1999 the acreage or percentage of sugarcane that was destroyed by the froghopper was reduced. In 1997, it was 10 per cent and it was reduced to less than two per cent in 1998/1999 with the same programme, the Integrated Pest Management (IPM) Programme using the fungus methorizium against the froghopper.

Mr. Speaker, I am advised that with the proper implementation of that IPM Programme for the froghopper in the sugar industry that Caroni (1975) Limited realized a savings of over \$14 million in chemicals. Do you know what is amazing? The population of Humming Birds has increased, butterflies have increased and the population of bees has increased, and in Brazil, the indicator for the environment where air pollution is concerned, is the Humming Bird. What does that tell us? We have an increase in the bird population which is a positive indicator that since we have reduced the application of chemicals by aerial spraying in the sugar industry, it has impacted positively on the environment. *[Desk thumping]* Not only that, but from an economic standpoint, by applying methorizium against the froghopper in the sugar industry, the savings realized by Caroni (1975) Limited are substantial.

When the Member for Diego Martin Central was on his feet, I asked him a simple question which was in relation to the statistics which he used during his contribution. My question to him was, if I recall correctly: Would he care to comment on the comparative performance of the agricultural sector in 1999 and the non-oil sector?

Mr. Speaker, I will read from the *Review of the Economy 1998/1999* at page 9 where it says:

“...the non-petroleum sector is set to record a growth rate of 4.7 percent, marginally below the 5.0 percent attained in 1998.”

A percentile unit drop of 0.3 per cent.

“Within this sector, growth is being led by Agriculture (12.6%), followed by Manufacturing (6.9%) and Services (4.1%).”

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That is why I asked the Member if this document was not accepted by this Parliament and his response was yes. Even though it is preliminary, as I am being reminded by my colleague, it shows a trend and perhaps it is the first time in the history of this country that in the non-oil sector, the agricultural sector has outperformed the manufacturing sector and the services sector. *[Desk thumping]*

This was not done by the former PNM Minister of Agriculture, Land and Marine Resources, it was done by the Minister of Agriculture, Land and Marine Resources of the UNC/NAR Government, the former Minister of Agriculture, Land and Marine Resources, *[Laughter]* and the present Minister of the Environment.

Miss Nicholson: Then why they drift “yuh” boy?

Dr. The Hon. R. Mohammed: So the Member for Diego Martin Central tries to confound the minds of the Members of this House using statistics to his own advantage even though they are incorrect, to gain political points. But as you rightly say, this is not a political platform, this is the Parliament of Trinidad and Tobago.

Mr. Assam: He was a junior minister, so you could forgive him.

Dr. The Hon. R. Mohammed: Mr. Speaker, we must be able to efficiently use the time of the Parliament to put laws in place for the citizens of this country. The amendments on this Bill are very relevant because we hear from the other side that the amount of persons employed in the agricultural sector have fallen off and the Member for Tobago East brought it into perspective. If there is an energy sector and a construction sector that are booming, the fact that there is a significant disparity in wages between the services sector, the manufacturing sector, the petroleum sector and the petrochemical sector, where do you expect the people to go? Not in the direction where they are able to enhance their purchasing power by greater earnings?

What I am saying is not coming from an economist or a businessman, it is common sense which many of us, particularly those on that side do not seem to have. It is unfortunate. I never thought that I would stand here to say these things because I feel our effort and time should be spent on those amendments, but I have to respond after hearing all that nonsense from the other side.

Mr. Speaker, these amendments are meant to improve and enhance the agricultural sector in a manner whereby the producers of agricultural commodities in Trinidad and Tobago will have a greater measure of security by way of a legislative framework, by way of protection, the enforcement of the legislation, and particularly through enhanced penalties.

Mr. Valley: Thank you, Member. Mr. Speaker, I am trying to understand what the Minister said. Is he agreeing therefore, that in fact, he was unable to generate increased employment in the agricultural sector as stated as one of his objectives in 1996? Secondly, how does he account for the downward trend in terms of production in the various commodities over time?

6.15 p.m.

Dr. The Hon. R. Mohammed: Mr. Speaker, I thought the Member would have understood all of this in his own rationalizing of the agricultural sector. He made some statements in his presentation which provided answers to his very questions. I will tell you why. I gave the explanation or the rationale that wherever there is a more lucrative sector; where salaries are better than the agricultural sector, there will be a movement away from the agricultural sector into those sectors because this has to be comparative. One just cannot look in isolation at the reduced numbers in agriculture and not take into consideration the increased numbers employed in the other sectors. *[Desk thumping]* My five-year old daughter could tell you that. There is no mathematics in it. It is common sense.

The fact that the former governments left the infrastructural needs of the agricultural sector in want—seriously deficient—was not encouraging to the farmers of this country to continue to remain productive in the agricultural sector. I have alluded to some of the things this Government has done. We have infrastructural development. We are the ones who are slowly encouraging the farmers to come back into farming. We see it every day.

Mr. Speaker, I will challenge any Member of this honourable House here to dispute what I am about to say again. Can anybody in this honourable House tell me when, before the past three years, a family of five could go to the market and purchase vegetables to feed that family of five for the week with just \$100.00? That has never happened in this country before, and we are talking about production out of the agricultural sector. We are not talking about importing agricultural commodities from Grenada and St. Vincent. We are talking about what is produced here locally. I do not know how many of us here go to the market on the weekends, but when you look at the quality of the vegetables and fruits coming out of the local agricultural sector it is second to none. Who caused that, Keith Rowley, the former Minister of Agriculture? No! The policies of this UNC/NAR Government are responsible for that; not the policies of the former PNM Minister of Agriculture. *[Interruption]*

Mr. Speaker, I think I have responded in some measure to the concerns expressed by Members on that side, and I want to urge all Members present to

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support the amendments to this Bill brought to this honourable House today.
[Desk thumping]

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I want to make a very brief contribution to deal with particular elements of this Bill. We are all in support of the fact that when an agriculturist or any person plants, he or she would like to receive the proceeds of that work. It is said that for a country to become developed it must first be able to feed itself, so any attempt whereby the law is so arranged so as to make it difficult or to discourage stealing of agricultural produce or any produce is welcome. However, when you are passing the law, certain concerns must be observed carefully.

I have looked briefly at this Bill and I have some concerns in respect of the manner in which this law is drafted. I am going to read from the Bill. Section 3 amended—

“3 (1) A person who purchases or in any other manner obtains possession or custody of agricultural produce or livestock of the value of fifty dollars or more in any market, grocery, mini-mart, road-side stall, vehicle or in any other place where agricultural produce is sold shall be furnished, by the person from whom he purchases or in any other manner obtains possession or custody of such agricultural produce or livestock, with a memorandum of sale or delivery which shall be signed by the person from whom he purchases or in any other manner obtains possession or custody of...”

And it says if that does not happen, a police constable could arrest you or check you for any identification. But there is another offence which says:

“(b) 3(A)(1) Notwithstanding section 3 where any person is found in possession of any bag, parcel or package containing agricultural produce or livestock, whether or not of the value of fifty dollars or more, a constable or authorised person may stop and require such person—”

to show proof.

Let us examine how this Bill will operate in practice. We are talking about \$50.00, in the first instance. Mr. Speaker, I know the honourable Minister of the Environment just said that a family of five could be fed for a week for \$100.00. I am not going to even argue with him on that. I am prepared, for the purposes of my discourse, to accept that. But, when one goes to the market—I do not go much anymore, but even if I drive there, my wife goes out and I would collect some of the bags and help her to put them in the trunk of my vehicle. Those bags usually contain items of more than \$50.00. If you, like me, eat chicken three times a week

and no more, you are immediately going to have a bill of \$60.00 in chicken alone in your bag. I am not going for those big eaters of meat who will have meat worth \$100.00 or \$147.00 for the five days; I am only talking about three days—a modest eater. You see, we immediately have a problem.

Once you start with that and you buy three chickens, the person who is plucking and gutting has to give you a memorandum where you sign it and keep a copy and everything else. *[Interruption]* Please give me a chance. I am making a serious point and if you do not understand what is happening, this very law, if not properly dealt with, could even hurt the innocent persons who are selling. You cannot understand, but when a man knows what he is talking about, let him deal with it. I have not come here to deal with any extraneous matter. I am dealing with the law and I want to be protected from the Member for Fyzabad.

Mr. Speaker: The Member for La Brea has all the protection, and I ask the Member for Fyzabad to allow the Member to make his contribution without disruption.

6.25 p.m.

Mr. Speaker, the situation immediately is—I am using three chickens as an example—there is more than \$50 there. You have to understand the nature and the circumstance of some of the people who are selling on a daily basis in the market. If you understand that you will see that it is quite unlikely that they are going to get that memorandum required. That is just in respect of the person who is selling. Remember, the person who is selling could also be committing an offence.

So there is a situation where a person buys and cannot call for a receipt. An officer would be doing his job properly and just being very careful and following the law to the narrowest point and there would be a problem with this section all by itself. That is in respect of if you have more than \$50. I have shown where three chickens could cost more than \$50. Like my good friend there who talked about vegetables, a number of people who eat vegetables stay home a lot so they have a lot of children, so five is not a normal number for those who spend a lot of time at home.

You see, I am not privileged to spend so much time at work since I have to work so hard, yet my house has more than five, so as you could see we talk but most of us have a lot more children than that. Some have 10 and 8 and 6 and so forth. So even if we buy vegetables and even if we follow the example indicated by the Member for Princes Town and say what five persons in a family could buy with \$100 per week, we have already crossed the \$50 mark there, Mr. Speaker, and that was instructive and it is only five. Country people have many children so

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it could be 10 and 8. So it is already \$100. [*Interruption*] We are not talking about killing people so leave me alone, please.

So, what we will find is that almost everyone who goes into that market and who leaves, having conducted their business in the proper and honest way, can be exposed in this law. I want us to think about that and think about it clearly. You see, you have to be careful that you do not throw the baby out with the bath water. I am not pretending to have the solution for everything but I am pointing out that this, taken to its natural conclusion, can cause a serious problem.

Then we look at the offence and see that it says further, Mr. Speaker, if agricultural produce or livestock are bought at any road-side stall, market and whatnot they could call it, there shall be set out in the memorandum:

- “(a) the identification card number, driver’s permit number or passport number and the place and date of issue of such passport of the person from whom he purchases or in any other manner obtains possession or custody of the agricultural produce or livestock;
 - (b) the date of the sale or delivery;
 - (c) the quantity of the agricultural produce or livestock; and
 - (d) if the agricultural produce or livestock is purchased, the price paid therefor.
- (2) A person who, in any market, grocery...”

I want to emphasize market, grocery or mini market, because it may be a:

“...road-side stall, vehicle or in any other place where agricultural produce is sold, sells or otherwise disposes of agricultural produce or livestock to the value of fifty dollars or more shall, at the time of sale or delivery of the agricultural produce or livestock, give a signed memorandum of sale or delivery to the purchaser or other person obtaining possession or custody of the agricultural produce setting out the particulars required to be specified...”

What are the particulars? They are set out in subsection (4), which states:

“A person who fails to comply with the provisions of subsections (2) or (3) is liable on summary conviction to a fine not less than five thousand dollars and to imprisonment for four years.”

I am going to deal with the penalty in a separate way shortly. Look at what is happening. Look at the details that are required to be put down. I am not

complaining here. I have a constituency that is agricultural and also rural. I am looking at the persons who carry on the honest business of planting and selling. These are serious and very onerous requirements because these people, some of them, are humble people. They have a bag of something and they want to sell it. I am talking about people whose hands are calloused from working hard, people who are really—I am speaking of the honest workers. We have to think of a way in which we could deal with them.

Look at the other thing, and this is a jurisprudential provision. It is said that in law there are no minimum penalties and the hon. Attorney General has said that on more than one occasion when we deal with law and with penalties. He has always reminded us that the discretion is in the hands of the judge, the jury and the magistrate to determine how much of a sentence to give. We say we have a minimum penalty only in respect of the crime of murder, where it says if you have committed an offence—you kill somebody—the penalty is death and it will be different only if the sentence is commuted or something like that.

We are now about to introduce in this Parliament, in this law, in the laws of Trinidad and Tobago, another minimum penalty and it says here:

“A person who fails to comply with the provisions of subsections (2) or (3) is liable on summary conviction to a fine of not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”

This talks of imprisonment for four years. The words “liable to” mean one can get a sentence of one year, one month, whatever, but the question of the fine of “not less than”, I say and am humbly suggesting that that in itself is bad jurisprudence. That there should be no minimum penalty. We should always give the opportunity to the judge to determine in his discretion what to do. I am going to come to that in the other portion of it shortly. Now I am going to look at the other element.

Section 3 is the one that dealt with this offence and dealt with the minimum penalty, but now there is another even more onerous section here on another offence. Section 3A (1) states:

“Notwithstanding section 3...”

They say, “Do not worry about section 3”:

“...where any person is found in possession of any bag, parcel or package containing agricultural produce or livestock, whether or not of the value of

fifty dollars or more, a constable or authorised person may stop and require such person—

- (a) to give an account of how he came into possession of such agricultural produce or livestock; and
- (b) to produce a memorandum of sale or delivery...”

Now it is not \$50, you know. Previously it was if it was up to \$50 but in this other section it becomes even more draconian in its import:

- (c) to produce a memorandum of sale or delivery...referred to in section 3.
- (2) A person who on being required to produce a memorandum of sale or delivery or a duplicate thereof under subsection (1) fails to produce such memorandum of sale or delivery or duplicate thereof is liable...”

Let me look at it again. Someone has a bag and is travelling with this bag, either on his back or in his hand, and the police sees that person with a bag, and they did not say “crocus bag” or “big bag” so it could be a handbag. It is called a bag. The police officer then says, “Well look, let us see what is that. Where you get that?”, and that person has agricultural produce, even if it is not to the value of \$50 he or she could be questioned and a number of things could come out of it. Mr. Speaker, this is what I was talking about and I want people to understand the seriousness and the extent to which it is going because look at what happens. That person too is also liable, on summary conviction, to not less than a \$5,000 fine and not more than \$20,000 and imprisonment for four years.

Now, Mr. Speaker, as you very well know, the law says a person is innocent until proven guilty and one of the few instances in the law where one is required to prove one’s innocence is in the crime of unlawful possession. Where one is charged with unlawful possession one must be brought before a magistrate promptly and is then required to say how one got the items found in one’s possession. What is happening? Also in the crime of unlawful possession, when defending oneself, one is required to have acted suspiciously. One must behave in a manner—when you see the police you move or you run or something like that and then the police can arrest you and search you and see what happens and if he or she finds in your possession some valuable thing which you cannot explain, then, Mr. Speaker, you are brought before the court and given a chance at the very earliest opportunity to explain your possession. I say that what they are doing is, in fact, creating a similar requirement in respect of what can be deemed unlawful

possession of a bag with produce with none of the protection that the law normally gives to unlawful possession.

I think we need to look at it because the law is not administered by saints. The law is not always administered even by the just. From the time of arrest or questioning one does not know what will happen. I mean no harm or attack on any particular limb of the law but could you see a young, aggressive police officer seeing a young lady with whom he has been trying to have a liaison for some time and seizing the opportunity he might say, "What you have in that bag there? Come on, let me see." The young lady, hot mouth again, she starts to behave in a certain way towards him. He says, "All right, let us go". She cannot explain.

Do not tell me that this sort of thing does not happen. We have seen in Trinidad and Tobago on one occasion—well, up to now. I do not want to bring that up because I do not want to prejudice action which is likely to be taken in the court, but we all know that instances like this, and worse than this, happen. I would hate for a similar instance to happen again. I want us to be extremely careful because the people who might be accosted will not necessarily be the old thief, you know. It might be your wife, your daughter or even your mother and if it is any of those relatives, I am certain we could handle the situation and deal very harshly with whoever does it.

However, it might be the mother, the wife or the daughter of some person who is poor and unable to defend himself and unfortunately sometimes—and my very rare excursions into the courts in this country have told me that—a number of innocent people are brought to the court and have trouble and sometimes even get convicted, not that the guilty do not escape.

6.40 p.m.

Mr. Speaker, this law, as well-meaning and important as it is, in order to deal with the scourge of praedial larceny, is drafted in a manner that has not taken into consideration some of the problems most likely to flow from what is being done. I could understand the way in which those people feel.

I happened to be listening to Morning Edition, when one of the persons involved with the Praedial Larceny Squad was speaking and I could understand that feeling. A number of persons who have been planting and lost their produce usually say, I do not want to plant again. One man allegedly shot somebody on his tree and, fortunately, he got off. In my view—I was not the judge and the jury—but it looked very much like manslaughter to me. But the man got off and I am glad if one life is saved. I have no problem with that.

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Mr. Speaker, we know that praedial larceny is a problem but we also cannot come here and bring these kinds of laws. We have to be really careful. There should be jurisprudential basis for law. [*Desk thumping*] The whole point about it is, whatever you do, there must be some moral thread or common thread and jurisprudence running through it. They have taught lawyers jurisprudence because they want them to be able to measure the standard of law by that philosophy and there are some philosophical problems in this Bill in terms of the law, and we have to look at them.

Mr. Speaker, what we are going to do here is well meaning but it is wrong. I am certain that we have the draftsmen who can look at it and correct some of these points. I just thought that I would make those points. I want to look at clause 11 amending section 15 of the Act.

“Section 15 of the Act is amended by inserting after section 15 the following:

“Where any person is convicted of an offence under this Act and—

- (a) has been sentenced to a term of imprisonment;
- (b) such sentence has been commuted; or”

Okay? That is the supervision order.

“(c) he has not been dealt with for the offence,”

I do not understand what the Government means by “he has not been dealt with...”. They can put him under a supervision order. So if a person is convicted of an offence and is found guilty and then that sentence is not commuted but, the Government decides that because you are a first offender, it will give you an order, the order is fine and it looks okay.

Mr. Speaker, there is one element with which I have a problem and that is clause 11(3)(b) which says:

“at least fourteen days before any change of residence or home address, for any period whatsoever—

- (i) to seek the permission in writing of the officer for such change of residence or address; and”

Mr. Speaker, this means a person cannot change his address or residence within one year without the police officer saying, “Yes, all right! If you have to move, I have to tell you that.” Now, I think, we are possibly skirting the law because the person has not been convicted or dealt with. I think we are skirting

close to the provisions of the Constitution in respect of freedom of movement. As I said, I think about it and I feel it is something we should look at.

Mr. Speaker, I think there are persons who participate in assisting to apprehend persons who are involved in praedial larceny—they assist the police and do other things. As I said, I was listening to Morning Edition and one of the persons there indicated that they felt there should be some means of remuneration for persons involved in that squad.

Mr. Speaker, this Bill says—and we have to be careful when we put law that we do not put crazy law—in order to show that one has agricultural produce—if you are caught with produce, in order to satisfy the constable that it is yours, here is what one has to produce—this has to be a joke—“a Farmer’s Registration Card, deed, lease or other proof of ownership of the agricultural produce”. Nothing here will serve as proof of ownership of agricultural produce. So, I have a Farmer’s Registration Card, or a deed or lease and definitely certain deeds of ownership for plenty land. Does that mean that I own the produce in my possession? It does not. As a result of that, I do not know how the Government is going to determine ownership by those means.

Mr. Speaker, there is something that happens with the Trinidad and Tobago Electricity Commission all the time. When one goes to the Trinidad and Tobago Electricity Commission to connect electricity to a place, they say: bring your deed. You bring the deed and they look at the number and say, Okay, right. The Trinidad and Tobago Electricity Commission takes that deed and number and assumes that means that you own that property. Big joke! I keep telling them one cannot know if somebody owns something unless you do a title search and, obviously, they are not going to do a title search because there is no need to do it. It is the same thing with the Farmer’s Registration Card: it means nothing. All that is going to happen there is, when there are real people stealing they would have Farmers’ Registration Cards but we have to deal with that. I am pointing out what I see as flaws, particularly with respect to that—not to criticize it—but to say we need to put some words here which would prevent the loophole that I see in this Bill.

Mr. Speaker, I want to indicate, as I did before, that amendment to this Bill is needed but it is definitely flawed, and to pass it in its present form will not do justice to a good cause. One may have a cause and it is just, but the method by which you seek to advance that cause could very well create more injustice than it is designed to correct.

Mr. Speaker, I thank you.

6.50 p.m.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, within the last week, we have come to the Parliament on three occasions, this being the third, and I understand that next week we are coming as early as Monday. It is all well and good for the Government to pass laws, in particular, when we look at these two pieces of legislation before us which are worthy of support, subject, obviously, to what my colleague from La Brea has indicated. I imagine we will take that up in committee stage.

The important thing in passing laws is, certainly, to make sure that these laws are enforced and are enforceable. In this regard, when we look at the legislation before us, certainly today I have not heard any speaker on the other side indicate in what manner these pieces of legislation will be enforced. My colleague from La Brea, in passing, made reference to the Praedial Larceny Squad. I venture to say that the squad is probably understaffed and, certainly ill equipped or unequipped.

We do have a situation here in the country at the moment whereby when one calls a police station for assistance we are being told there are no vehicles. Here it is we are trying to protect farmers and agriculturists by increasing fines, they find somebody stealing produce, they call the police station and there is no car and no praedial larceny officer to respond. So, yes, all of these pieces of legislation are good, but it is a question of enforceability. It makes no sense passing legislation at the rate we are passing them and not being able to enforce them.

Take the Magistrates' Court, Mr. Speaker. The Members on that side who are attorneys, and certainly the Attorney General, would know that the Magistrates' Courts throughout this country are clogged with cases. Sometimes the list is as long as 100-plus cases and magistrates sit until about 1.00 p.m., and some sit in the afternoons, but most of them do not, but there is a preference, I think, in the Magistrates' Court not to deal with cases dealing with praedial larceny. There is this concept that praedial larceny is not as important as grievous bodily harm, rape, murder and so forth. Cases of praedial larceny do, in fact, take a back seat, as it were, and cases of praedial larceny in the courts can last any time up to about five years to be determined. So, yes the legislation is good in terms of the fines as a deterrent to offenders but, a chap is caught and his case is stuck in the court for the better part of five years.

Hon. Assam: There is a time provision in here.

Mr. B. Sinanan: As I was saying, the cases are stuck in the court and for one reason or another, are not determined in a timely manner. What happens during

that period? We find that the policeman who laid the charge is no longer in the service because he has migrated. The complainant, the owner of the property from where goods were stolen, is no longer interested. All I am saying is that in terms of enforceability, we need to look at that.

My colleague from Diego Martin Central read from the Central Bank report and he quoted statistics showing that there is, in fact, a trend with respect to the production of agricultural produce and the labour associated with it. In both instances, the Central Bank report suggests that both in terms of production and the labour employed, the figures are down.

The hon. Member for Princes Town, the former Minister of Agriculture, Land and Marine Resources sought to rationalize that by saying that workers tend to go to what is perhaps a more lucrative job opportunity. That is understandable. It makes sense. If one can get more money in another job, why stay in a job that pays less. To some extent, that happens in agriculture.

When we look at agriculture, it has been practised in this country mainly by the citizens who live in the rural areas and, certainly, citizens of central and south. They have been responsible for feeding this nation from time immemorial. What has happened really? Here the former Minister is admitting that, perhaps, wages in agriculture are not as good as wages in oil and manufacturing so, people leave there.

To me, one of the reasons I think that agriculture is suffering is because, as he says, people are not attracted to agriculture anymore. We have the University of the West Indies where a degree is offered in agriculture and I am not sure how many students there are in the faculty of agriculture, what the intake is like, what the pass rate is like, what success graduates have in operating a business out of agriculture. Traditionally, we have not placed enough emphasis on agriculture as a business and, perhaps, we should look at that as a nation, because certainly we need to feed ourselves and not necessarily have to import green vegetables from our Caribbean neighbours.

Mr. Speaker, as I was saying earlier, our citizens from the central and southern regions have provided our nation with green vegetables and basic agricultural products, and what has happened since this Government has come into power—certainly what I have noticed and what I have been told—is that with the advent of the present Government, the URP has become a drain on people who would traditionally go to agriculture.

The people who traditionally support or grow agricultural products are family units: the father, mother, grandfather and so forth, and the children follow their

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parents. Those who have not gone on to higher education or some other discipline do, in fact, follow their parents into agriculture, and what has happened in the last four or five years or thereabouts, is that the body of people who would normally go to agriculture with their parents are now into the URP in the rural areas.

I think I said it before in the last budget presentation that we are taking people who have been traditionally associated with providing the nation with food in the form of vegetables and so forth, and are now inculcating in them what is locally called a “ten-days mentality” in terms of working with the URP for ten days and “liming” for the rest of the time until they get another ten days. These people are no longer interested in agriculture. Perhaps that is a reason why we have a drop in the labour force, certainly with those attending to the agriculture fields and producing agricultural products; certainly why I think we have less production. I am proffering the reason that for the last four years or so, the URP in the rural areas has been responsible for a reduction in the people who would traditionally go to agriculture and, as a result, perhaps we have less production.

Mr. Speaker, earlier on, I think the Member for Diego Martin Central and other Members on this side spoke about flooding. Yes, flooding has been a problem to the agricultural districts of this country for years. I recall that the farmers in the constituency of my colleague from Barataria/San Juan sometime last year had suffered tremendously because some sluice gate or the other was not working and had not been working for the last four years. I do not know whether the Minister of Works and Transport was responsible. I think it was repaired by the Minister of Local Government, and I recall my colleague was greatly disturbed that his constituents, the farmers in that bread basket of the country, were hard pressed because a sluice gate was not repaired or refurbished in the last four years.

Mr. Speaker, I thought I would make this contribution, as I said, simply to put a different perspective into the reason, perhaps, why there is a shortage of labour for agriculture which could result in a reduction in the amount of agricultural produce. Yes, this Government is a government that has had its support traditionally from the central and south areas and the cane farmers, and it is quite a contradiction when we see cane farmers, for one reason or the other, having to threaten to strike because they are not paid or they are paid late. That certainly causes a burden on cane farmers because they have to depend on the bank overdraft, as I am sure they do. Late payment means increased costs, increased costs mean less profit, less money to reinvest, and so forth.

Mr. Speaker, in dealing with this piece of legislation, as I say, it is good legislation, legislation certainly that it is hoped will form some deterrent for the

people who are caught stealing agricultural products, but I wish and hope that more emphasis will be placed on the enforceability of the legislation because it makes absolutely no sense having legislation like this on the books and you are unable to enforce it.

With these few words, Mr. Speaker, I thank you for your attention.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I join this debate to make a brief intervention. I am of the view that I certainly could not allow the records to reflect that the last administration had legislation in an advanced stage when this administration took office.

I will show that the last administration set up a committee to look into the question of praedial larceny and it had before it a three-page Bill which was drafted since 1987. On this topic, it took that administration from 1991—1994 to look at a three-page Bill to determine that it needed a committee to look at that Bill and to look at the whole question of praedial larceny. When it got the report—I will go into that in greater detail—it did not implement that report and did not take any steps with respect to the Bill.

This Bill was drafted by the NAR administration, left for the PNM administration and they did nothing about it. What happened is that when this administration took office, it recognized that this was not the answer. Having regard to the discussions which were had with all the stakeholders, the Agricultural Society, which is headed by a lady from Arima, was represented by her. I cannot remember her name, but she came to the Cabinet committee and said that governments do not know that a lot of women are involved in agriculture and, the fact that legislation has not been passed for these years and Government has not taken steps is discriminatory against women.

7.05 p.m.

She invited us to go to Arima and see how many women have to work in agriculture. Our position today is that they had a Bill drafted, legislation was well advanced and nothing has been done by this administration about it.

Mr. Speaker, in order to draft legislation, one has to have a policy. All this Bill did was to have a licence for farmers. There was a report. I have the report here. The report stated what had to be done, and the last administration did not do it. But we will come to that.

The other point I want to make in my contribution—apart from going into the whole question of this offence to show how there is a misconception of what has

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happened here as to praedial larceny; as to the constituents of the offence and why it has to be this kind of offence; what is the present law and how this amendment is an innovation.

As a matter of fact, every country in the CARICOM area which has tried to deal with this problem—because we looked at all of the legislation—had difficulty fashioning law to deal with this kind of problem. This legislation, I have no doubt, will be a model piece of legislation for the Commonwealth in respect of praedial larceny.

Let us first deal with the other point which has been made, and has been made for hours here this evening—from morning to evening. That is to say legislation yes, but enforceability. Well no one on that side has been able to produce any evidence of how this Government has passed legislation and has not been enforcing it. They have not shown how this administration has passed legislation and has not enforced it.

Mr. Speaker, the Opposition does not have the moral authority to talk about enforcement of legislation, because the *Hansard* would show that when this administration took office, it put on record that there were 21 pieces of legislation which were passed in both Houses of Parliament and were not being implemented. We also know that there was a Dangerous Drugs Act which dealt with money laundering and confiscation of assets derived from drugs, and they did not do anything to implement those pieces of legislation. We know that they did not implement or carry into operation the drug laws, the money laundering laws and the confiscation of assets laws. I will put on the record, Mr. Speaker, how they were not interested in enforcing laws they did not want to enforce. But they get up here today—*[Interruption]*

No I am not going to talk about motor car. They talked about BMW but I am not going to talk about car, or “who people does sell car to”. I am not going to talk about that. I am not going to talk about how people does sell house to also. I am not going to talk about that today.

I want to answer this non-implementation of laws. Because the hon. Member for San Fernando East, poor innocent him, was instructed to come and say this this evening. But he does not know about unenforced—as a matter of fact, he talked about enforcement of laws. He is a lawyer. *[Interruption]* Sorry, San Fernando West.

Mr. Manning: I do not understand this thing.

Hon. R. L. Maharaj: I am very sorry. I do apologize to you. I bow. I humbly apologize to you. The hon. Member for San Fernando West talked about enforcement

of laws, but he has not produced one scintilla of evidence: nothing at all, in order to show that this Government has not implemented any laws that it has passed.

As a lawyer, I know that he knows that, making the allegation is not sufficient, he must support it with facts. But I would support it with facts today to show. I would read from the *Hansard* to show that that administration did not enforce laws. But we will come back to those two things.

Mr. Speaker we had a lot of discussion—before I pass on about the laws. The hon. Member for San Fernando West made the remark about the Magistrates' Courts that judgments on cases could take five and ten years. It is his leader, when we talked about examining the administration of justice in Trinidad and Tobago, who was against it. It is his leader who is saying that the Government has no duty to talk and interface with the Judiciary, in order to promote the administration of justice. His leader is against that. Here he comes today and says there are problems in the courts. Here it is that there are problems in the courts and he is against having an enquiry to examine and determine it.

For so many years the PNM was in power. Did these problems come overnight? They did not come overnight. With respect to problems in the Magistrates' Courts, if Magistrates do not want to hear cases or if they cannot hear cases and if the Government is providing resources, whose fault is it? If we go to interfere, it is "interfering with the independence of the Judiciary." I agree with him. As a matter of fact I want him to know that I recently got a copy of a judgment in England and they spoke about delays. They said—and I will put it for the records:

"A case of Gardner Fire Limited—Dereck Gordon Jones 1998, determined by the Court of Appeal." And it said:

Judgments to be handed down within six weeks of the conclusion of the appeal hearing. A 22-month delay was unacceptable."

In the United Kingdom right now there are guidelines and time-frames, that if judges do not give their judgments within a particular time, they have to come to court and say why. That is not regarded as interference with the independence of the Judiciary or the Magistracy.

Mr. Sinanan: That is so in the United Kingdom because when a judge hears a case, I think he does one case at a time, and he is given time off to write his judgment; which does not, at this point, happen in Trinidad and Tobago.

Hon. R. L. Maharaj: It is amazing how the Member is not informed. Where does the Member get this information? Where has he found that? Did somebody

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write it on the papers? Has the Member ever gone to any country, where a judge would hear a case and he gets time off to write a judgment? Then there should be a devaluation of judges to determine whether they are competent or not.

Mr. Speaker, in the United Kingdom, it is only if a judge does a major case, which is of national importance—and it is unusual that the judge may get a few days off to write his judgment.

Mr. Manning: But you just said he did not get!

Hon. R. L. Maharaj: Mr. Speaker, so what is the hon. Member for San Fernando West advocating, a country should have 500 judges? In Trinidad and Tobago 500 judges, and it is the Government's problem for not providing resources for 500 judges. That should be the last administration. They do not have the moral authority to talk about providing resources for the Judiciary.

As a matter of fact, the records would show—and it will be a public commission of enquiry—that Chief Justices and the Judiciary knocked on the door of the last administration, asking for resources and they were not given. As a matter of fact, it was under this administration: increase in Judges of the High Court, four; increase in Judges of Appeal, four; resources for staff, additional staff; judicial research assistants. The CAT reporting unit within the courts offered to provide a system of recording evidence whereby as one speaks, it can be recorded—for them to come up with a plan in order to see how it could be implemented. A Judicial Sector Reform Programme in which the Cabinet of this country decided to assist in the administration of justice, on the request of the Chief Justice to provide a Court Administration Department with contract officers, to have specialized officers to assist in the administration of justice.

7.15 p.m.

They get up here to talk about not doing anything for the administration of justice. That is shamelessness and I cannot sit and allow these shameless remarks to be made, and they want to put it in the record of Trinidad and Tobago for the future generation of Trinidad and Tobago to read. No, Mr. Speaker, no!

Mr. Speaker, I am not talking about trust because I see—*[Interruption]*

Mr. Speaker: I ask the Member for Diego Martin Central, please, to restrain himself.

Hon. R. L. Maharaj: Mr. Speaker, I am not talking about trust because if I start to talk about trust, I will have to talk about many other things. Why is it that they cannot be trusted in public office? I am sure they do not want me to talk about that today.

Hon. Member: Talk about it.

Hon. R. L. Maharaj: We will talk about it, but not today. I am going to show why they cannot be trusted in public office. Mr. Speaker, they should be the last set of people to talk about trust. Do not tempt me to talk about it today.

Hon. Member: Talk!

Hon. R. L. Maharaj: Mr. Speaker, look at the Member for San Fernando East who is talking about trust. He sells his car to a drug lord who was on 21 charges. He knew the drug lord was occupying state land, he sells the car to the man and he is talking about trust. Do you want me to talk more? All right, I will talk about it another day.

Mr. Speaker, I will talk about praedial larceny. When the committee in 1979 reported on praedial larceny, it stated that there were problems in respect of praedial larceny and the matters which had to be looked at were that there were shortcomings of the Summary Offences Act. There were two shortcomings, one, there were difficulties of the owner positively identifying agricultural products, which is a prerequisite to successfully apprehending and convicting an accused person under the relevant section of the Act.

The second aspect was the provision of the Act for the arresting officer to show reasonable cause before an arrest could be made, and it stated that in order to deal with the problems of praedial larceny, some measures had to be put in place in order to deal with these problems. What was done to overcome these problems was that the burden of proof was shifted in respect of a person who was in possession of goods which were reasonably suspected of being stolen and the burden of proof was put on the suspected person—the onus of showing that he had authority to have the goods.

Mr. Speaker, in 1963 when this Act was passed, it was passed with the hope that there would be an innovation to assist law enforcement officers when they meet anyone with goods which they believe are suspected of being stolen, to be able to—if they are not satisfied with the explanation—arrest the person and take the person, the goods and even the vehicle before a magistrate for him to investigate in order to determine whether the goods were lawfully in the possession of the person.

Under that Act in 1963, it was recognized that, in order to deal with that problem, a constable or authorized person could have arrested a suspect person without a warrant. That is in section 5 of the Act since 1963. So when the hon. Member for La Brea is talking about the powers of the police to arrest someone,

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since 1963 the police, in respect of praedial larceny suspicion, had the power to arrest a person without a warrant as far as suspicion of praedial larceny was concerned. It was under a PNM administration in 1963 and he was a member of the party. I am sure he would have known that this was necessary in order to deal with it.

Mr. Speaker, in 1963, any constable or authorized person may have arrested a suspected person without a warrant. So I do not understand the complaint of the hon. Member for La Brea.

In order for hon. Members to understand what happens in a matter like this, section 8 of the Act says:

“If upon being required to produce a memorandum of sale or delivery or give other proof of ownership under section 7 the person in charge of the vehicle or other means of conveyance does not produce the memorandum of sale or delivery or give other proof of ownership, or if he produces a memorandum of sale or delivery or gives other proof of ownership that, in the opinion of the constable or authorised person, is not genuine, the constable or authorised person may regard that person as a suspected person and may—

- (a) arrest that suspected person and any other person whom he has reasonable cause to suspect;
- (b) seize any agricultural produce or livestock that the suspected person was found conveying; and
- (c) seize any vehicle or other means of conveyance, or any parcel or package whereby the suspected person was conveying the said agricultural produce or livestock.”

I do not know what the Member was talking about, and he practices in the Magistrates’ Courts. So the police are given the power to convey and seize whatever is in the possession of the person and take it. So as far as the produce and the conveyance are concerned, the person can give an explanation to the magistrate.

Mr. Speaker, there was in 1963 an innovation in the law in order to put praedial larceny on a footing in which it was recognized that we were dealing with serious matters and, therefore, although you were not taking away the rights of accused persons, you were making it easier for the police to detect, investigate and prosecute, and for the court to adjudicate and decide on these matters.

Mr. Speaker, when this administration took office in 1996, it was faced with this major problem because there was a situation where the law of praedial

larceny was not being implemented for many reasons, but one of the reasons in the court was that the police had difficulty in proving the identification of the produce because, as was said, it is difficult for one to be able to prove that the produce came from field “a” or field “b” or belonged to “Mr. A”.

Mr. Speaker, what was needed was some provision in the law that would try to solve that problem. We came up with the provision that the police would be able to take a photograph of the livestock or produce which was suspected of being unlawfully obtained and must take that photograph within 72 hours of the time these goods were taken. That photograph would then be used to see if there were any identifying marks or even to see that there were goods, because in the court some of the accused persons deny that there were goods, and the point was that you had to prove that goods were there. Recently, a judge had found if you had a certain quantity of cocaine and you did not produce it in the court, there is a difficulty with identification. So those were the difficulties. These photographs can now be taken and tendered in court in evidence.

People who owned these goods suffered a lot of injustice because there was a situation where the owner of the produce would have to wait until the case is determined and in most cases the produce would rot, and by the time the case is determined, the person did not get any produce. So what we have in clause 10 is that the produce can be delivered to the person who claims to be entitled to it, provided they are satisfied, and the person would enter into a security or bond with the magistrate, that in case the matter goes another way, obviously he would make good. Here there was another innovation in order to appease the injustice that was being done. There was a situation in which the owner would not suffer and, therefore, people would be more willing to co-operate as witnesses in order to go to the court.

There is another alternative that can be done. For example, if the police are not satisfied that these goods are really the persons’ goods and do not want to take the chance, the police can sell the goods and deposit the money in the consolidated fund pending the determination of the matter so that the person would not suffer. These are some of the measures which have been put in place in order to help the prosecution process in determining guilt and making the law enforceable.

I agree this is not an easy matter with which to deal. It is a difficult matter, but that is why we have lawmakers and these matters are challenges to governments and lawmakers to find a solution to the problem. The law may not be perfect, as no law is perfect, but it depends upon the people who administer the law, and the person who has to work the law in order to make it work and when the

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Government had discussions with the stakeholders in these matters, it recognized that the stakeholders were obviously concerned with some of these areas and, therefore, we decided to go with this area.

That does not mean to say if you pass this law and you do not have police officers or precepted officers as provided for in the Bill to enforce the law, the law would be enforced. One knows. I do not think one needs to hear from the other side that there is need for this.

Mr. Speaker, if these laws were not implemented under the time that the last administration was in office, does it mean to say that the last government is totally responsible for all that? If that is the case, then the last government is responsible, but we can say the last government knew of the problem and the only thing they did to solve it was to appoint a committee and get a report. Nothing again.

Mr. Speaker, as a matter of fact, I am accustomed to being called all kinds of things in this Parliament. The privilege has been used at times to make all kinds of insinuations, and I have become accustomed to that. I would like the Opposition to deal with the facts.

The recommendations which the last administration had in 1994, apart from all the previous reports were:

1. That there should be an anti-praedial co-ordinating body established and sections 2(a) and 2(b) of the draft 1987 Bill should be accepted. It is now a matter of history that was not done.
2. Immediate action plan—it is expected that action will be taken in due course with respect to the recommendations in this report.

The immediate action plan was to bring the immediate praedial larceny squads up to full operational status. They said that in 1995 when they demitted office. Has that occurred? The Member for Diego Martin Central was asking questions, he got answers about the agriculture policy and so forth. Could he tell me—

Mr. Valley: Mr. Speaker, the Member is reading from a 1994 document. By 1995, no, it did not occur, but I want the Attorney General to inform the House, given that the document was there when he came into office in 1995, why has it taken him five years to bring this Bill to the House?

7.30 p.m.

Hon. R. L. Maharaj: Mr. Speaker, it shows that he was sleeping and he was not paying attention. I have said that the Bill is not the same one. The 1987 Bill

had three pages and made provision only to license farmers. It did not have all these things. *[Interruption]*

Mr. Valley: No, no, Mr. Speaker, please, if the hon. Member would give way. The point I am making is that when he got in in 1995 there was sufficient information to suggest that it was a problem and it ought to have been dealt with urgently. My question remains: Why has it taken him five years to deal with this matter?

Hon. R. L. Maharaj: Mr. Speaker, it has not taken me five years. As a matter of fact, all the time the problem was being attacked from different levels. The piece of legislation has come but the legislation could not have come out of the sky. It had to come as a result of consultation; there had been no precedent for this; you all did not have the vision or the foresight to do these things; and people had to “flavour” and be able to conceptualize. You would not find a precedent for this anywhere. This is because it has been conceptualized by this administration. The Minister of Agriculture, Land and Marine Resources had to meet with the different stakeholders; there were draft Bills; there were extensive discussions; there were consultations and they have come up with this, which has the consensus of the people who are involved. That is how we do things. We do not do things by taking a Bill from 1987 and keeping it in your political bosom, doing nothing about it and leaving it. We do not operate that way.

He has made an admission, that although the report in 1994 said to bring the existing praedial larceny squads up to full operational status, he did nothing about it; he slept on it; he ignored it. He went home at nights and slept; he put his head on the pillow and was comfortable, whilst farmers had to go and sleep outside to watch their crops. He was sleeping comfortably in his house, according to him, while the livelihood of farmers was being taken away. Crops, produce, property and livelihood is the right to life.

Their working life was being taken away, and he was sleeping comfortably with no problem in getting up and boldly saying: “We did nothing to bring the existing praedial larceny squads up to full operational status and we know that if we had that, people’s lives would be saved. Their produce, property and life—what they work hard for—would not be taken away. But he was happy to go home and sleep, while these farmers and their children had to go and sleep in the lagoon; they had to go and sleep all about in order to protect their property. He had a good pillow; he had a good bed; he had a good mattress; he probably had a mosquito net over him. He was comfortable. *[Interruption]*

Mr. Hinds: Could the Member give way, Mr. Speaker? Is the Attorney General assuring this honourable House that the praedial larceny squads have now been brought fully up to strength?

Hon. R. L. Maharaj: Mr. Speaker, the Minister has talked about that, and I am talking about his admission; his confession that he allowed people to lose their lives, to be put in jeopardy and he was comfortably sleeping in his house. As far as he was concerned, he and his children were most important, but he was not concerned about the political children of Trinidad and Tobago. He was not concerned about them! He was happy. And his party is happy to come in the Parliament and put it in the *Hansard* and said that in order to deal with this—and he said that he cares.

They got up today and said that the law must be enforced: law is one thing but you must enforce the law. Mr. Speaker, let me tell you, when they get up on that other side, it is only bacchanal and slang; they talk about having motor cars and all kinds of things, but they would not talk about the facts of this matter.

Their recommendation was to initiate the Public Education Programme. Anybody living in Trinidad and Tobago knows that they did not initiate any Public Legal Education Programme about praedial larceny in 1994? No. As a matter of fact, they came in 1995 and called the General Election, they wrote big things in their manifesto, which is now in vision. They are coming here to read and tell us everything that was said in a PNM Convention. Mr. Speaker, if he did not get a crowd in the PNM Convention, he should not come here and use the Parliament to read from his visionary statement. [*Desk thumping*] Do not do that. If he did not get people to talk to—he called it the Red Cross—as a matter of fact, he went to a building to deliver an address at a PNM Convention and he does not even know the building he went to. He said that he went to the Red Cross Building when he went to the St. John's Ambulance Building. [*Desk thumping*] If he does not even know the building he went to, to address the PNM Convention, how would he know about agriculture, and have vision for agriculture? He went and said that he has supernatural powers and he would be the next Prime Minister of Trinidad and Tobago.

Mr. Speaker, people would remember when he was Prime Minister he went to the East, and when he came back he had supernatural powers and he could fire ministers and people by fax. That is what he comes here to talk about today. We are dealing with a serious issue. As a matter of fact, the Indian Supreme Courts have held that when the state does not take steps to protect the livelihood of an individual, the person may be able to have an action against the state for the

denial of the right to life, because the right to life does not only mean physical life. We are dealing with serious constitutional guarantees here, so that when you come here and you get a report and a Government has a report, in order to save the right to life of individuals they cannot come here really and say that we did not do anything about it. I would ask him to apologize to the nation and the children and say that he is sorry. And for that, he would not want to occupy that public office again, because he would not be able to do that.

Hear, again, what the report said—*[Interruption]* not my report, the report they had. I now understand why the previous Minister of Agriculture, the hon. Member for Diego Martin West, did not come here today; because he would have had no answer for this. *[Interruption]* I did not see him at the Convention. He probably came, but I did not see him. *[Interruption]*

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. I merely want to ask him: Were you at the Convention, Sir?

Hon. R. L. Maharaj: Mr. Speaker, *[Laughter]* I am not saying that I had supernatural powers but I looked at certain matters, and I did not see him in the photographs that I saw. *[Laughter]*

Mr. Assam: Mr. Speaker, I passed and I did not see him. *[Laughter]* The crowd was so sparse that you could have seen everybody. *[Laughter]*

Hon. R. L. Maharaj: I wish to adopt that for the record. As a matter of fact, it has been said about it, since he raised the part about the Convention, the crowd was so sparse that you could have known whether the shadow Minister of Agriculture was there.

7.40 p.m.

Mr. Speaker, the report also talked about establishing this anti-praedial larceny co-ordinated body.

The hon. Member for La Brea has made one point about which I would indicate to him I would consider and, if it has to be corrected, I will have to correct it in the other place, and that is the point with respect to minimum sentencing. As a matter of fact, quite recently there have been discussions on this matter. In another jurisdiction there has been discussion and one of the English courts has held that Parliament should not attempt to take away the discretion of the court in sentencing. So therefore, Mr. Speaker, it may be that we may have to amend that, depending on what advice I get later on when it reaches the other place, to say, “Liable to a fine up to \$25,000” or whatever it is. So that I give the

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undertaking that I will look at it but I am not too sure that it applies to Trinidad and Tobago in the present situation.

Mr. Manning: It does, it does.

Hon. R. L. Maharaj: Well, I will look at it.

Mr. Speaker, I did say that I would deal with the points that have been made about non-implementation of the laws. On December 1, 1995 in this House the Minister of Education, as Attorney General, made a statement on unproclaimed legislation. Those were pieces of legislation which were passed over a period of time and she stated the years in which they were passed and the length of time during which they were not made effective. These were pieces of legislation which were passed by both Houses of Parliament and were just waiting to become effective and among the pieces of legislation was the Limitation Act of 1981. So that was passed in 1981 and up to 1995, how many years is that, 14 years, nothing happened. This administration took office, this administration amended that piece of legislation and implemented part of that legislation.

Mr. Speaker, we had the Land Acquisition Act in which lands were being acquired and it was recognized that there should be a new procedure in order to protect the rights of owners of the land, and that was passed in 1994 but it was not implemented. The Securities Industry Act of 1995 was not implemented. The Companies Act of 1995 was not implemented. [*Interruption*] It is implemented now, yes. The Municipal Corporations Act, parts of it were not implemented. The Workmen's Compensation Act, parts of that Act were not implemented and I could go on and on. So when the other side speaks about not implementing legislation and passing laws and not implementing them, I think that the Opposition owes a duty to say which are the laws that have been passed and which are not implemented, then we would be able to respond and say whether what is being said is correct or not.

Mr. Speaker, there are many things which have been said about Members of Parliament here and I would not respond to them but what I would say is, I think that if any of the Members of Parliament on the other side would like to bring a motion alleging that any Member here is corrupt or any Member here has a car which he is not entitled to have, the Member of Parliament is entitled to bring it. However, to come in a motion like this and make insinuations is very, very unfair. So deal with the issues because, Mr. Speaker, to come here and to imply that because the Minister of Agriculture, Land and Marine Resources got a car, what implication does that have?

In other words, Mr. Speaker, it shows that they do not have any answer to these things. If they came here and they said they have a Bill which they want to support, say why they are not supporting X, Y and Z. Everybody knows in Trinidad and Tobago if you go to a standard one class in the elementary school and you ask the child in standard one, "Do you think laws alone are sufficient?", the children there would say, "No, you have to do other things". We do not need to hear that in every debate. We know that. They know that too. So when the Government comes with good pieces of legislation and the Opposition says, "Yes, it is a good thing", why is it that they have to make the same statements over and over and over and over like a recurring decimal, or like a stuck gramophone record? *[Interruption]* That is the old time days. They used to have gramophones then. So, Mr. Speaker, I would say that in respect of the Praedial Larceny Act itself, the parent Act, yes there have been amendments from time to time but these fundamental amendments are being put in place in order to try to deal with some of the problems.

I would not deal with the whole Bill but there is another clause, clause 11, which would show what powers the court would have in order to monitor persons who have been involved in praedial larceny. Under the supervision order clause where people have been sentenced to a term of imprisonment, but that sentence is suspended, it gives the court the power to put the person under police supervision, that is to say, for the police to know where the person is, to monitor the person. It is something like what is happening now in many areas of the law in which the police need help in order to track down some of these people from time to time to keep them monitored.

This law is not to take away anybody's rights. As a matter of fact, this law is to try to save the rights of these property owners who have been suffering from the actions of persons who would like to steal property and would like to live off the labour and sweat of other people. So, Mr. Speaker, this Bill has a history and we know that in 1963 we had the law. In 1979 it was recognized by the then Minister of Agriculture, Land and Marine Resources that praedial larceny constituted one of the most serious constraints to continued investment in the agricultural sector. There was a committee set up in 1980 to look at all the laws.

That committee again reported and that report was looked at in 1994. As a matter of fact, in 1994 when the standing committee was appointed it was to report by April 30, 1994 and what this Bill is doing is trying to remedy those effects. The Government is not saying that this is the answer to all the problems. I am sure the Minister of Agriculture, Land and Marine Resources, in his response, would deal with some of the responses which have been made relating to the Bill.

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Mr. Speaker, I will urge the Opposition to support the Bill. Whatever problems we have with some of the clauses, these are matters with which we can deal at the committee stage and, if I may say so, we could have left here early today if we had come here to really deal with this matter on a genuine basis and not to introduce all these other considerations which are really not important. Thank you very much, Mr. Speaker. [*Desk thumping*]

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I move a procedural motion? I am thankful to the hon. Member for giving way. Mr. Speaker, I beg to move that this House continues to sit, notwithstanding the hour, until the completion of these measures and also Bill No. 3 and Bill No. 4 on the Order Paper, and the Motion, in relation to Community Service Regulations, which was part heard yesterday.

Question put and agreed to.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I did not intend to join in this debate but, recognizing that the record of this Parliament is permanent and it is a record for all time, just as the Attorney General found it necessary to, in his opinion, correct the record on certain matters, I feel obliged so to do from this side and I crave your indulgence. I know you would support my efforts to deal with them because the Attorney General took us far and wide and it is incumbent on us to respond to some of the things that he has said with your assured leave, Mr. Speaker.

Mr. Speaker: You know, please, no. The hon. Member may not be sufficiently experienced as a parliamentarian to understand that the language used towards the Speaker, whatever you think of him, has to be very circumspect and he must not be able to interpret things in a certain way. One must be careful not to so use language that is capable of a certain type of interpretation, which I am about to give to that which you just said. Please proceed.

Mr. F. Hinds: I am most grateful to you, Mr. Speaker, and I will continue. Mr. Speaker, the Attorney General accused the Members on this side, in particular the Member for San Fernando East, of resisting attempts to improve the administration of justice in the country. He made that statement in the context of a suggestion from the Member for San Fernando West.

[MR. DEPUTY SPEAKER *in the chair*]

The Member for San Fernando West was properly pointing out in his contribution, Mr. Deputy Speaker, that the courts are unable to or, in fact, because of the way praedial larceny was seen or is seen, sometimes it means that these matters remain on the books and remain on the court lists for an inordinate amount of time. When he said so the Attorney General found it necessary to point out, "Well look, we are trying to improve the administration of justice and to strike out delays and the Member for San Fernando East and the PNM is opposed to it". That could not be the truth.

The Member knows full well that there were several reports, including the Gurley Report, to improve the administration of justice, and many other things have been done. When he speaks about the things that have been done to advance the administration of justice in this country since 1995, he speaks as though the world of the administration of justice stood still from 1962 to the present day, which is not the case. There have been and there must have been incremental advances and developments as the years went by.

What the Member for San Fernando East was correctly pointing out, and what I want the Attorney General to understand, is that it is not that anyone is, in principle, against anything to improve the administration of justice in this country, but the Member for San Fernando East told him correctly, Mr. Deputy Speaker, that of all the commissions of inquiry that were held in this country in respect of the administration of justice, the only occasion when it did not have the support, blessing and co-operation of the current Chief Justice is in the present one. I want him to understand that. In all other cases where we had commissions of inquiry into the administration of justice, the current Chief Justice supported them, participated and encouraged them, and the judges by extension.

We have a situation now where the current Chief Justice is obviously not in support and he says so. And why? Because this call for a commission of inquiry that the Attorney General spoke about did not come out of any honourable motives. The facts are that the Attorney General, as a practising attorney, came to Parliament as the Attorney General shortly after the UNC Government came to office but for 1996, no commission of inquiry, no call from the Government; 1997, no call from the Government; 1998, no call from the Government; 1999, no call from the Government, at least up until late in the year.

7.55 p.m.

The Attorney General as Attorney General and Member of the Cabinet and the Government never called for a Commission of Inquiry in the early years of its

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administration, it is only when the Chief Justice complained on the stairs of the Hall of Justice and said that the administration of justice and the independence of the Judiciary, in particular, was under threat by the Government of Trinidad and Tobago, did the Government respond with a call for a Commission of Inquiry. That is a fact. So it is born out of iniquity, malice and wickedness—*[Interruption]*—not an honourable motive and the Attorney General had the temerity and the audacity to publish the letters that were exchanged between the Chief Justice and himself for all the world to see.

Hon. Member: Why not?

Mr. F. Hinds: Why not? He should be ashamed.

Mr. Speaker, in those letters the Chief Justice correctly pointed out—and I do not have it before me so I cannot quote—The Chief Justice pointed out something that we know here very well, especially the Member for San Fernando East, that the Attorney General is a tongue twister, he could twist a sock—anything you say. If you tell him good morning he could convert that to good night. *[Laughter]* The Attorney General is capable of that and the Chief Justice pointed out to him in one of the very letters—and I do not want to quote him I will paraphrase him—he said it is amazing how ingenious; and the Attorney General has a unique and uncanny ability to create new interpretations out of the same scenario time after time and not one of the interpretations would be benign. *[Laughter]* All of them malignant with hate and poison. That is what the Chief Justice said. *[Interruption]*

Mr. Deputy Speaker, I have no brief for anyone, but I agree with the Chief Justice that he has the ability to interpret things in various strange ways, not one of the interpretations is benign.

Mr. Maharaj: Because your wife is working there.

Mr. F. Hinds: Leave my wife out of this. *[Interruption]* We are parliamentarians. Leave my wife out of this. *[Interruption]* The Member has a wife too. Not only that—

Miss Nicholson: Do not get into that.

Mr. F. Hinds: Well tell him. Okay I am obliged. Mr. Deputy Speaker, I will not follow the Attorney General in that I will maintain a modicum of dignity. *[Interruption]* I am thankful.

Mr. Deputy Speaker, if your enemy comes to you—even if you are thirsty—and offers you a glass of water you would be reluctant to have it. So this call for a Commission of Inquiry—the Judges of the Court, led by the Chief Justice, have difficulty and now I come to the concept of trust. I want the Attorney General to

know this—and I am not praising him, he does not deserve praise—I am saying that when one looks at the number of Bills he brought to this House, one might be able to say that he is a hardworking Attorney General, but I have found in almost every single piece of legislation that he brought here there is a sting in the tail. From the Constitution (Amdt.) Bill, in every piece there is something. The one with the Service Commissions there is some kind of malicious underpinning that one has to watch very closely for. I want the Attorney General to know that he may believe that he is working well and working hard, but few people in this country will admit to any trust for the Attorney General.

The Attorney General was talking about people cannot trust the member for San Fernando East. Well, from my observation I have been sitting on this side and working with the Member for San Fernando East—*[Interruption]*—that is immaterial—and I find him—if I may say so—to be an honest and dignified integral—if I could use that word—human being. *[Interruption]*

Mr. Sudama: That is why you supported Rowley.

Mr. F. Hinds: I want to state categorically I have the optimum of trust in him. *[Interruption]*. It matters not, but when we come to this intangible concept of trust, few people can say the same about the Member for Couva South. With all that he is doing, nobody has confidence and trust in him because of his past record, which I will not get into today unless he tempts me. *[Interruption]* So he is shameless.

The Attorney General went further to speak about some car the Member for San Fernando East sold. Mr. Deputy Speaker, I was not there. I know precious little about it. What I do know is that I remember as a citizen of this country hearing the Attorney General and the Prime Minister up and down the place talking about some car that the Member for San Fernando East sold. What I also know is that recently a convicted drug dealer who was extradited to the United States, Zimmeman Beharry saying no, that was not the case. What I do remember is that Dole Chadee's wife publicly told this country that that was not the case, and what I do know is that a man called Sankie Subance also told this country publicly that that was not the case. I know they are all very well known to the Attorney General because what the Attorney General did not tell us here today is that the same Dole Chadee to whom he says that the political leader sold a car—*[Words expunged]*.

Mr. Maharaj: Mr. Deputy Speaker, on a point of order. I just want to make the record clear. Mr. Dole Chadee—

Mr. F. Hinds: Tell him the point of order. Mr. Deputy Speaker, I am not giving way, and I want to hear the point of order.

Mr. Maharaj: Mr. Deputy Speaker, Standing Order 36(5). If he is making a false statement, I am entitled to say that that is not correct.

Mr. F. Hinds: What is the point of order?

Mr. Deputy Speaker: The point of order is that no Member shall impute improper motives to any other Member of either Chamber. Now you are making allegations.

Mr. F. Hinds: I am not making allegations.

Mr. Deputy Speaker: No. No. You cannot make allegations like that, unless you have facts.

Mr. Maharaj: Those are not facts.

Mr. Deputy Speaker: Do you have facts, Member for Laventille/East Morvant.

Mr. F. Hinds: Yes.

Mr. Deputy Speaker: What you could do is bring the facts but until you bring the facts it shall be expunged from the record and not be mentioned again.

Mr. F. Hinds: Okay. Mr. Deputy Speaker, the Attorney General was a criminal lawyer in private practice. When I used the word criminal I know some people may think I am describing the man, but no, I am describing the type of his practice. *[Laughter]* The Attorney General's job as an advocate in the courts was to represent people. If I suggested that he represented an individual, what is bringing his character into disrepute? That is what the Member did for a living and he did it very well and fooled people too. I will tell you how with facts in a moment, but before we come to that—

Mr. Maharaj: Mr. Deputy Speaker, is the Member entitled to make allegations on a Bill like this without a substantive motion? To say that he fooled and represented—if that is the case, when we are debating the other Bill, when I have the last word, I will say things which I know and which I could say too. So that if it is that we could make allegations without a substantive motion, then I want to know what is the ruling?

Mr. F. Hinds: You made allegations about the Member for San Fernando East.

Mr. Maharaj: What I said is true.

Mr. F. Hinds: Well, I will tell you what I am saying is true.

Miss Nicholson: Sit down the Deputy Speaker is on his feet.

Mr. F. Hinds: I am leaving it.

Miss Nicholson: Sorry.

Mr. Deputy Speaker: Standing Order 36(10) states that his conduct...“shall not be raised”. You could go through it. So, unless you have substantial facts on Motions, allegations should not be made.

Mr. F. Hinds: Okay I am obliged. I will leave that. Mr. Deputy Speaker, I heard the Attorney General here mislead this Parliament this afternoon. He said categorically that the right to life enshrined in our Constitution does not only mean like human life—something like that he said.

Mr. Maharaj: Physical life.

Mr. F. Hinds: Physical life. I would like to know what else he is speaking about because I think what the Attorney General is speaking about he tested in the courts in this country already and he was found to be absolutely wanting. It was about 1993 or 1994—I had just returned to this country from abroad—and I remember after the carnival, some of the employees of the Port of Spain Corporation were not paid their moneys for work around carnival, according to them, on time; and I sat in awe before my television and I saw the Member for Couva South piggy backing on what he interpreted to be a good political feast trying to see how much trouble he could make for the PNM who was in Government at the time. I saw him in a most undignified manner handing out \$20.00 bills to all who came in front of him—like a god handing out money.

8.05 p.m.

He felt that he could—not bribe; I think that is an unparliamentary word—induce people and win support for himself. I saw him in that most undignified conduct for an attorney-at-law. Worse than that, he promised the people that he was supposed to be some heavy weight constitutional lawyer, which every lawyer in the courts knows is not the case, because he is not three bright. *[Laughter]*

He went to the constitutional court, that man, saying the vendors should not be stopped from selling because they had a right to a livelihood. Well, it was pointed out to him very early in the court that the Constitution enshrines the right to life, not livelihood. In the Constitution of India there is a provision about livelihood which has to do with the Government’s or the state’s responsibility to assist in

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creating employment and all of the things he tried to tell us we should be protecting here. The constitution of this country does not guarantee that. If he wants to tell me what life means other than physical life, let him, as constitutional lawyer, tell me after. He was ushered out of court very swiftly and they lost, and the vendors were disappointed because he misled them. He misread the Constitution. That is why I said he is not three bright!

Dr. Griffith: Stop quarrelling! You are sounding like an old man.

Mr. F. Hinds: I must quarrel. I read in the newspaper, and it went unchallenged, that a certain lawyer who styles himself as the number one constitutional lawyer in this country, who was Mr. Human Rights—although those who know will better understand it was human wrongs. Do you know what he did, that lawyer? Two men were before the court on serious drug charges, but he was a bit embarrassed to earn \$3 million from a known drug dealer who had, according to him, 21 drug charges.

Mr. Sudama: Mr. Deputy Speaker, on a point of order. Standing Order 36(1).

Mr. Deputy Speaker: “Subject to the provisions of Standing Order No. 12...debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his observations to the subject under discussion.”

Mr. Deputy Speaker: Member for Oropouche, after seeing how the debate has been going, I will have to overrule it. [*Desk thumping*]

Mr. F. Hinds: Mr. Deputy Speaker, I am grateful, and in conclusion on that point, what that ‘great’ lawyer did—and I put ‘great’ in single inverted commas—was to agree to represent the lesser known of the two drug accused for \$3 million, telling the other one who he was going to defend on the bias—to use a colloquialism. So the other one was supposed to be his client, but he got \$3 million and he was effectively representing the same man who he said was not his client. Those are the facts! Do not doubt that!

Mr. Maharaj: Mr. Deputy Speaker, I am sorry to raise this. The insinuations which are being made are very serious. I just want a ruling on if it is that a Member of Parliament on a Motion which is not substantive can make innuendoes and say things which are not relevant and can attack the character of persons. I just want to know, because if that is the law, we will practise the law! I want to know, because we always have the last word on a debate!

Mr. Deputy Speaker: Member for Laventille East/Morvant—[*Interruption*] I am ruling on this right now. Unless you have substantial facts, and so forth that

you are going to bring to the House, kindly stay away from that level of argument and let us go back as close as we can to the Bill.

Mr. F. Hinds: There is a matter in the Bill I want to deal with. We are talking about the implementation of the legislation.

Mr. Maharaj: I will wait for the next Bill and I will say it.

Mr. F. Hinds: That is all right. I ent fraid! I have no cocoa in the sun! Mr. Deputy Speaker, there is in use in the detection of praedial larceny, authorized persons. This is a system where, because the nature of this—the Attorney General said that this is a difficult piece of legislation. It is a very difficult area to police, and we understand that, because when we look at the vast acreage of the country under agriculture, it would virtually be impossible to have persons, officials and police officers in particular, to monitor closely the possible offences. So, it is indeed—and I agree with him—a difficult situation.

In order to deal with that, one must recognize that the best people to police praedial larceny are those who live in the particular areas; those who, of necessity, frequent the area. Now, what he did not tell you is that my investigations revealed that there are praedial larceny squads in the Northern Division and Eastern Division. Nowhere else. I do not think they are anywhere in Tobago.

Mr. Sudama: Come with your facts!

Mr. F. Hinds: They have in the Northern Division, Southern Division and Eastern Division. When we talk about praedial larceny squads it is very sad, but the thieves of people's produce and those who are likely to steal—so what I will say now will make precious little difference even if it goes public—they are aware that these so-called praedial larceny squads consist of about two or three police officers.

The reality of the situation is that in the Northern Division there may be three police officers who form this praedial larceny squad, but the Northern Division covers from Arima, San Raphael, a wide area. In the Eastern Division, the area is even more expansive, so that it is impossible really for the few police officers who form these praedial larceny squads to properly police the areas. As a consequence, the Member for San Fernando West was simply wisely and properly suggesting that if we want to address the problem, we would need to look at improving those numbers and their vehicles to take them around.

The Attorney General, in reply—and he did it in another debate previously—said that we come here every Bill, and over and over again talk about implementation

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and enforcement. What does the Attorney General want? Does he want a situation where he brings a Bill to the Parliament and, because we agree with the principles, the policy of the Bill, there must be no debate on the matter in the Parliament. So he brings it, some Minister of Government pilots it and the Opposition sits, says “Yes, we agree with it.” “All in favour say ‘aye’”, and the Bill is passed.

Mr. Deputy Speaker, it frightens me to think of the number of instances of bad law we have confronted in this House, and it frightens me to consider that there are some who would probably not detect the rate at which legislation has been coming to this Parliament. I am sure that we have not had an opportunity to really give serious thought to much of it. We cannot afford that. We have to cope with the Government's pace because they set the agenda. They are the ones who lead the proceedings in this House.

The best we could do is look at the Bills and make our suggestions, because in the next 100 years, when some law student or politician is reading the *Hansard*, he would see that we have addressed the issues responsibly from this side. If he does not want us to debate, what do we do? We have to do that. They have dictatorial tendencies but it cannot work with the PNM. We are not taking that! We have a right to be here and deal with issues and tidy up some of the mess. [*Desk thumping*]

So, as a result, they have authorized persons, but we live in a world—years ago, the old people used to say “manners maketh man”. Manners in the sense that one had to conduct oneself in a certain way and manners in the sense that people did good things for honour, nobility, dignity and community purposes. Today, especially under this Government, that has changed. It is no longer “manners maketh man”; it is now “money maketh man”.

If one has no top, one cannot have any bottom. So, the authorized persons who gave their services free to the state by assisting some cases for their own benefit—the police officers of the Praedial Larceny Squad are now a bit tired and fed up, because they are seeing everybody else making plenty money.

Mr. Deputy Speaker, sometimes if they arrest someone, the matter takes months or years in court; they have to be travelling from their home to go to court on every occasion; it costs them money; it costs them time; they have to take time away from their jobs, and they are not prepared to do that much longer. They are becoming demoralized and disenchanted. So, it is suggested that we may want, if we have to continue to get their support, to consider a system of some kind of

stipend, some kind of assistance to deal with their travel costs, or some kind of subsistence for when they have to go to court or when they have to spend long nights.

Sometimes, these praedial larceny patrols—as they all know, I used to be a police officer, so I am familiar with some of it. Sometimes, in order to catch the thieves, they have to establish standing patrols. Rather than moving around, they wait at certain points and they expect to entrap people who have been stealing agricultural produce and animals.

Sometimes, these authorized persons must be at the point all night, or for as long as these standing patrols last, in order to detect offenders, because if the offenders are from the community or neighbouring communities, the police officers involved do not live in the area necessarily, they come from the station far away from where they might be looking to find praedial larceny, so the authorized persons are more likely to recognize the faces of known thieves. They are there playing a very important role, but we must give consideration to some kind of remuneration to keep them going. It is important.

Mr. Deputy Speaker, those are the two points I wanted to make on the matters in respect of praedial larceny, and simply to say in closing that we recognize that praedial larceny is a very unfortunate thing, because I met a young man sometime ago in Petit Valley. He spent months upon months growing a field with some short crops—I think it was lettuce and a few other things—and he came down one night and found the entire field bare.

Mr. Ramsaran: Marijuana field?

Mr. F. Hinds: So, it is quite a painful thing. More than that, when he accosted those he suspected of it, the matter came to violence, and it is in that connection that he saw me, because he defended himself and he wound up in a situation.

8.20 p.m.

The point I am making is, we understand that it is not easy for farmers to spend all their time raising animals or growing crops and for persons to pilfer. It also is not easy to see pilfering at any level: whether it is from agricultural fields or from the Treasury. It is abhorrent and we stand against it, and we will do anything to remove the possibility and the existence of those things.

We again must say—whether the Attorney General likes it or otherwise—we have a contribution to make, we have stated our concerns; we support the legislation in principle. We have asked the Government to look at the issues we have raised, and I do so in conclusion, as I thank you. [*Desk thumping*]

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Deputy Speaker, I have listened to the Member for Laventille East/Morvant. I said so already in this House, all I can say about him is that he is a fella who does not only [*Words expunged*], but an excess of it, and this— [*Interruption*]

Mr. Deputy Speaker: The Member for Oropouche has been here a little longer than I have, and could advise me on the parliamentary use of certain language. [*Interruption*] No, I would advise myself. Firstly I would ask you to withdraw the statement, and have it expunged from the records please.

Hon. T. Sudama: Mr. Deputy Speaker, that is a part of a chicken and people refer to it all the time. That is part of the language of Trinidad and Tobago. If you want to expunge the language of Trinidad and Tobago— [*Interruption*]

Mr. Deputy Speaker: Member for Oropouche, there are certain parts of the human anatomy that we do not speak about also. That is unparliamentary. Try not to go into that realm and behave anyhow. Could you just continue your presentation.

Hon. T. Sudama: I withdraw it, it is just that people do not eat human anatomy but I withdraw the statement. I cannot help but think, when I listen to the Member for San Fernando East, what indeed his intake is.

Mr. Griffith: San Fernando East or Laventille East/Morvant?

Hon. T. Sudama: I mean Laventille East/Morvant. My humblest apologies to the Member for San Fernando East, but I know he and the Member for Laventille East/Morvant are poles apart. I would never make an accusation against him as against the Member for Laventille East/Morvant.

Mr. Deputy Speaker, I never thought, for a moment, that a simple measure like an amendment to the Praedial Larceny Prevention (Amdt.) Bill and to the Summary Offences Bill, would keep us here to this hour. We had in this debate, so much irrelevance and extraneous matters being brought into this debate, and very few people on that side took the trouble to speak to this Bill, and the amendments which we are proposing and the purpose of this.

Since some matters were raised, I believe it is my duty to respond, and respond very succinctly, to some of those issues; particularly issues raised by the Members for Diego Martin Central and San Fernando East.

We had a whole debate about agriculture and growth or lack of growth of agriculture and the production levels and whatever. The statement was made that

agriculture is on the decline. Within the agricultural sector, there are areas which have shown growth, and there are areas which have shown decline. If we look at the whole sector, and we come to the conclusion that as a percentage of the gross national product or the gross domestic product, agriculture has become a declining percentage of that. This is simply because of the momentum and the downhill trend which we have inherited.

Mr. Deputy Speaker, if you are going downhill—if one is a vehicle, steamroller or a horse for that matter—and you want to arrest that, you cannot arrest something immediately, it takes some time because the momentum will take you forward. The momentum of the PNM, which has put the agricultural sector in decline, will take us a little while to arrest and to reverse that trend. This is the reality of the situation. We are taking the measures in order to deal with that.

What is the role of the Government? The role of the Government is to create and facilitate the infrastructure for increase in production. Whether that infrastructure is the physical infrastructure: roads, water supply, drainage, flood control system, or the irrigation system, the role of the Government is to—either by itself or in collaboration with other groups and so on—see that that infrastructure is in place. The role of the Government is to see that non-physical infrastructure—whether it is the access to finance, proper marketing facilities and mechanisms for domestic or foreign markets—is in place. Whether the information systems are in place whereby you access the advances in science and technology, the information about markets, to take the best advantage of information technology in order that you put again that infrastructure in place so that you can have agriculture coming to grips with the problems of the day, and indeed providing the quantum of goods that we have the potential to provide in this country. This is how we see the role of government.

When they were in power, what did they do? We heard they had a strategic plan. They had white paper, green paper and most likely toilet paper as well. They produced a lot of that. They had paper. They had draft legislation. But in four years, no strategic plan implemented, no white paper implemented, no draft legislation. Even this little bit of legislation; the Praedial Larceny Prevention (Amdt.) Bill, they could not bring in their four years. The last amendment to this legislation was in 1979. There is an ongoing and increasing problem in this country with respect to praedial larceny, but they did not see that as an important thing. Because they have no regard, no consideration no interest in agriculture—none whatsoever.

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Mr. Speaker, our job here is not only to provide the incentives or to see that the incentives are provided, it is to eliminate disincentives. This is what we are doing with this piece of legislation: eliminating disincentives—one of them.

[MR. SPEAKER *in the Chair*]

I could come here and talk about agriculture for two weeks. I could come and talk about the ills of the PNM and what they have done from 1956 to today. I could talk about the initiatives we have taken which, of course, take some time to bear fruit. I could talk about all of that. But I did not come here today to talk about the agricultural policy and the vision for agriculture and so on. He always has a vision. He came back from Hong Kong with a vision, which ended up with the Speaker of the House being put under house arrest. He always has a vision. He has gone to share his vision somewhere. Is it the Red Cross building?

Mr. Singh: St. John's Ambulance.

Hon. T. Sudama: That vision apparently had to seek emergency. That is why he landed up in the St. John's Ambulance. It is always, Mr. Speaker, a vision, a strategic plan, a paper, but no action. No action in the agricultural sector in particular, that we have had from that previous regime.

8.30 p.m.

Mr. Speaker, he spoke about rice and there has been a huge shortfall in rice. What he did not say is that it was the PNM regime that reduced the subsidies paid to farmers for the production of rice. When they introduced the payment for 89 cents a pound, only a few people got that and the average farmer got 40 cents per pound for producing paddy, which was uneconomical. Obviously, what you are going to find is a steep decline in the production of paddy as a result of that. Sometimes I think it was a deliberate policy of that government in order to bring hardship on the rice farmers of Trinidad and Tobago.

Mr. Valley: Mr. Speaker, I wonder whether the Minister would inform the House why his Government did not reverse the policy if it thought it was incorrect, so there could have been an increase in rice production?

Hon. T. Sudama: Mr. Speaker, we are looking at the policy in a holistic way. Water-control is another element of it and all these things have to be put in place, but they, through their actions, have reduced— We have given incentives in the form of land preparation, and all sorts of incentives in the form of water management for the rice sector. We have given equipment, vehicles and so forth and we would come to direct subsidies to output, but they talk about decline not

realizing that they themselves are responsible for the decline with their misguided policy.

Mr. Speaker, they spoke about the drainage programme and how they went to the World Bank with the programme. They did not go to the World Bank with a programme, the World Bank did its own analysis and imposed the programme on them, and I want to tell you that what we had been subjected to under that PNM regime from 1991—1995 was a colonial mentality. They could never conceive of doing things on their own. If it is a health programme, they run to the Inter-American Development Bank for them to come here, analyze their problems, prescribe solutions and then give the money and when the conditionalities are given, it cannot be drawn-down.

Whether it is agriculture or not, they run to the Inter-American Development Bank for them to do the survey and analysis. I am not saying that we do not need outside finances, but that is their first option, they do not look internally to get finances, they do not look to the revenues of the country and how they could increase it in order for us to finance our own development, because that is what it is all about, but they would go outside and get consultants who do not know this country and when they come here they would have certain standard prescriptions that they will impose on us. It has happened in the health sector, the agricultural sector, in the works programme, the education sector, you name it, because they have a colonial mentality. Their development effort does not spring indigenously, it always had to be dictated by the Inter-American Development Bank, the World Bank, the International Monetary Fund, whoever it is. It is always a foreign outlook, the real subjects of foreign domination because domination is at the level of the sidekick, and that is the PNM government.

Mr. Speaker, this is why when we have done all the analysis, we decided that the agricultural sector programme as imposed by the Inter-American Development Bank has to be closed and we would do our own policy and finance it internally or from our own resources, our access to financing from the market. We have decided that, because to go through the procedures which they were going through would mean we would have little investment and go nowhere with the agricultural sector.

Mr. Speaker, I want to talk about the drainage programme and what they have done with drainage in this country. In 1962, the PNM government of the day decided they were going to have flood-control in the Oropouche Lagoon. Do you know what they did? They cut a man-made channel from the sea and brought it through the Oropouche Lagoon and in the process, they got all the salt water to

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come in from the sea to the Oropouche Lagoon right up to Barrackpore, as a result of which they devastated thousands of acres of what were agricultural lands in the Oropouche Lagoon. If one goes to the Oropouche Lagoon today, one sees the devastation. Those lands cannot be used because they are saline lands now, salt water intrusion has damaged those lands.

From 1962—1986, nothing was done. He was a Member of the Government from 1971—1986, not even a sluice gate was put in place and when they returned to office from 1991—1995, zilch, nothing, zero, but they so love agriculture, and are so concerned about drainage

Hon. Member: “Yuh” does watch T.V boy?

Hon. T. Sudama: When we came into office, I examined the programme and some things stood out. The programme had addressed drainage and flooding problems, by and large, primarily in residential areas and when I looked at the residential areas, they just accidentally happened to be PNM areas where they got their support. I said any drainage programme approved by this Government has to address both residential and agricultural concerns, therefore, it has to be two-pronged. Furthermore, we said we have to redefine this programme and we were in a process of negotiation and what they had agreed to—because they were on the verge of signing for \$450,000,000—was a system of cost recovery that when you make expenditure you would recover. Do you know from whom they wanted to recover expenditure? The very farmers who cannot seem to make ends meet. This PNM regime wanted to recover expenditure from them and further pauperize them by getting into a drainage programme which the farmers had to pay back; and they wanted us to agree to that.

The second thing they wanted us to agree to was to liquidate staff in the drainage division by about two-thirds. The drainage division already has a reduced staff, to reduce it further would mean there would be no personnel in the drainage division in the Ministry of Works and Transport. But that is what they were recommending and this Government would not agree to. Therefore, the alternative was to seek our own sources of financing in order to address the flood-control problem in Trinidad and Tobago. So when they come here and talk and do not know what they say and feel everybody else are fools except them, I want to stop them in their tracks.

They talked about fisheries. Over the period the PNM had reigned, the fisheries stock of this country had gone into decline. They have done nothing to rehabilitate the fisheries stock, and do not talk about forestry. I do not want to talk too much

about that and how their friends got the lion share of the forest resources of this country for a pittance.

Mr. Valley: *[Inaudible]*

Mr. Sudama: You sent the man to me. I do not approve the cutting of trees, that is done by the Director of Forestry, so I referred it to him and he said there were 90-odd trees which were risks to houses. I did not say so, I am not the Director of Forestry. You sent him to me, I sent him to the Director of Forestry, when in fact, he got the okay to cut down trees which were threatening houses, you come back to complain to me. I do not understand you fellas.

Mr. Speaker, I do not want to go into all that. Concerning the distribution of Caroni (1975) Limited lands, we have gone into an accelerated programme of land distribution, we have set up the mechanisms and are going full pace ahead with that. By the time we divest Caroni (1975) Limited some of its functions like the rice and citrus divisions, we would have divested thousands of acres of Caroni (1975) Limited land, so that programme is well on its way.

Another issue which was raised was agricultural access roads. When we looked at the programme with which this PNM government saddled this country, we found that we could have built from our own resources, agricultural access roads at one-third the cost for which it would have been built through the Inter-American Development Bank. So that two-thirds of the money which went to build a kilometre of agricultural access road was wasted by that PNM regime under the programme which was imposed upon us when we got into office. We decided we will bring that Access Road Programme to a closure, which we did; and I had decided as Minister of Planning and Development in conjunction with the Minister of Agriculture, Land and Marine Resources that I would put a provision in the Public Sector Investment Programme every year under the Ministry of Agriculture, Land and Marine Resources for agricultural access roads which we are now constructing and building at a much lower cost than through a loan, because all they believe in is "loan".

Mr. Speaker, they talk about their commitment to agriculture so I just pulled out some figures. I looked at the Public Sector Investment Programme and in 1994, this PNM government, so committed to agriculture could only find \$46 million out of a Public Sector Investment Programme budget of \$1.5 billion to put to agriculture where the infrastructure was in a state of total disrepair and now they are coming to talk about their love and concern for agriculture.

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In 1993, it was \$37 million. When we got in there in 1997, the situation was not so bright, but we were able to allocate \$109 million for infrastructural development in agriculture. In 1998, we allocated \$140 million; in 1998/1999, we allocated \$113 million and the records are there to show our commitment.

I want to say a few words about Caroni (1975) Limited and the vision of the Member for San Fernando East for Caroni (1975) Limited. He wants to automate and mechanize the planting, harvesting and the milling of sugar but the Government acquired a 51 per cent majority of Caroni (1975) Limited in 1970 and 100 per cent in 1975. Between those times and now, I have never heard any action taken to automate and to mechanize all the various elements of Caroni (1975) Limited. Why did they not do it? If he had a plan and vision for automation for all elements, why did he not get into that in a way which would have been effective and brought down cost, if that was the only way to go?

8.45 p.m.

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. The vision that we have espoused is in the context of the new circumstances in which Trinidad and Tobago finds itself. In the context of globalization, which is a new development. It was not there in 1975, and of course, in the context of what is happening now in Europe, in the major market, where we have preferential access, the reality is that unless something is done about the sugar industry, it will become an increasingly heavy burden on the state, which the state could ill afford.

Hon. T. Sudama: Mr. Speaker, the sugar industry is in difficulty for two and a half decades now from 1970. The only year in which the sugar industry was able to cover its cost of production was an unusual period when sugar prices went right up in 1975 to 1976. It is the only period in the life of the sugar industry that we were able to cover cost. Every year the cost of production far outstripped the proceeds that we were able to get from the sugar industry; whether it was from the European Union; whether it was from the United States Market, whether it was from the domestic market or the Caribbean market, far outstripped. The sugar industry was in difficulty from time immemorial.

Suddenly, we find this plan of automating. He does not say where the money is coming from to automate in planting, harvesting and milling. Do you want to automate marketing too? All you have to do is push a button, cut cane at one end and sugar would be marketed on the other. Is that your vision for the sugar industry? I do not know what he will do with the people who are employed in the sugar industry. He will also market them and put them in packages and so on. He

has too much vision and that makes me think that he does not belong to this world; he belongs to some other world. The visionary.

Mr. Speaker, this is only said because they want to put something about sugar and agriculture in their little vision statement. So whatever they think up, they say, okay, let them push that in, without giving it any thought whatsoever. Mr. Speaker, as I said, I could go on and on and talk about the flawed vision that the PNM has had for the whole country, and in particular for the agricultural sector. This is why we are in this situation today. But there will be another time for that. Of course, we will take the matter to the platform, as well.

I just want to deal with a few questions which were raised during the course of debate. One of these was raised by the Member for San Fernando West, and by the Member for Laventille East/Morvant—well, he just raises everything—and the Member for Diego Martin East. They were not here this morning when in my presentation, I spoke about the fact that enforcement was one of the critical issues that we had to face, from the very beginning. I got the Minister of National Security and the Commissioner of Police to sit in with me to discuss this problem way back in November 1999.

The police have come up with a plan that we should recruit 152 additional people in the police service and create a praedial larceny unit, which would be comprised of 18 police squads. We will go through an education programme and so on, to educate them about this law. *[Interruption]* There are 22 jeeps and 152 personnel. I do not want to go into all this detail.

Mr. Speaker, we have a plan. I would not have come here if I did not have discussions with the police and the Minister of National Security. Because I said when I go to Parliament I must go there, not only with a Bill to amend the law, but with a plan for the police to upgrade and improve the human resources, the equipment and the material resources that we are going to devote to this problem. Of course, we also dealt with the question of the magistracy.

At committee stage I am going to move a few amendments. The amendments deal with an issue that was raised, that here we have a clause which says that if you are caught with produce of \$50.00 or more in a bag, you could be questioned as to: Where you got this produce and so forth. The amendment would make it clear that what we intended was not the whole bag but \$50.00 for each item. So that if you have tomatoes and pumpkin and other things in your bag, it must be \$50.00 worth of tomatoes, pumpkin and so on. That was the minimum. So that there would be less of a burden on the policing, and there would be more things which need not be monitored. So we would come with that amendment.

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While I am on that I must say that for this Bill to have teeth to work, we have to get people into the mode of providing documentation. If you go to the supermarket and buy an item for \$5.00 you would get a receipt for it, and you keep that receipt. That is the only way police can trace. Therefore, we are asking people who are dealing with agricultural produce, and it is a simple thing, to get their name and identification number or whatever, on the printed receipt. The printery will print hundreds of bills for you. That is the memorandum of sale. And all you do is fill in what is purchased.

Here there is a document which can be shown to the police or another authorized person, as to the source of your produce. Is that something so demanding on people? If we do not do that we are not going to be able to effectively police the control of praedial larceny in this country. So I do not think that is too onerous a thing to ask people. You would have to give them some time to get into the habit of getting receipts, documents and so on. I am sure that after a period of teething, people would get habituated to it, and for their own protection would demand some form of receipt or memorandum of the people who are selling to them.

The other thing is the requirement of clause 6 of the amended Bill which seeks to amend section 7(1) of the Act. The requirements to produce a memorandum of sale or delivery, farmer's registration card, deed, lease, or other proof of ownership. These are to be read as alternatives. That is, nobody is required to produce all of this in order to provide proof of ownership. These are really alternatives which the policeman or the authorized person would be able to access, in order to make sure that the goods do belong to the rightful owner, and that the sale was a bona fide one.

There was very little else raised in this debate. We had hours and hours of talk not related to this Bill or the Summary Offences Bill at all, which is before us. All sorts of extraneous matters were dealt with here. And I had to sit and listen to all of this, when I came to move the amendment of two simple Bills in this honourable House. They had nothing to say but they had to make the time in saying nothing.

Mr. Speaker, the Attorney General has contributed with respect to some of the legal issues raised, and all I can say is that I believe we have answered everything that has been raised; not very many things have been raised. We have done that. I believe that the other side has indicated that they would give their full support to this Bill, and without taking up too much more time of this honourable House, I beg to move.

Thank you.

Bill accordingly read a second time.

8.55 p.m.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, there is a list of amendments being circulated now.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Sudama: Mr. Chairman, I beg to move that clause 4 be amended in terms of the circulated draft. There is a proposed amendment to clause 4(b) which reads as follows:

“4(b) Insert in the new section 3A(1) after the word ‘containing’ the words ‘any item of’.”

And

Insert in the new section 3A(1)(a) after the word ‘such’ the words ‘item of’.”

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Sudama: Mr. Chairman, I beg to move that clause 11 be amended in terms of the circulated draft as follows:

“11 Delete subparagraph (iii) of the new section 15A(3) (a).”

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 to 16 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendments, read the third time and passed.

SUMMARY OFFENCES (AMDT.) BILL*Order for second reading read.***The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama):** Mr. Speaker, I beg to move,

That a Bill entitled, "The Summary Offences (Amdt.) Bill, 2000" be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole House.**House in committee.***Mr. Bereaux:** I would like to address the matter in clause 4 where there is the question about minimum sentences and I know what the hon. Attorney General has said. I am just taking his undertaking in respect of this also.**Mr. Maharaj:** Yes, Mr. Chairman, the record can reflect in respect of this aspect of it that I undertake to look into the matter and to direct my attention specifically so that when the matter goes to the other place I will make an appropriate statement on it.*Clauses 1 to 8 ordered to stand part of the Bill.**Question put and agreed to, That the Bill be reported to the House.**House resumed.**Bill reported, without amendment, read the third time and passed.***INTELLECTUAL PROPERTY (MISCELLANEOUS AMDTS.) BILL***Order for second reading read.***The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That a Bill to amend the Geographical Indications Act, 1996, the Patents Act, 1996, The Protection against Unfair Competition Act, 1996, the Layout-Designs Topographies of Integrated Circuits Act, 1996, the Protection of New Plant Varieties Act, 1997 and Copyright Act, 1997, be now read a second time.

9.10 p.m.

Mr. Speaker, when the package of intellectual property legislation was passed, it was recognized that having regard to the nature of the pieces of legislation and the fact that they were to comply with international standards, there would, of necessity, be a situation where the Government would have to come back, having seen how they operated, in order to see whether amendments were required.

Clause 2 of the Bill amends the Geographical Indications Act, 1996. Geographical indication is used to identify a particular commodity that has some quality or characteristics because of where it is produced. For example, in Europe the best known geographical indications are those used for wines like champagne, or spirits like Scotch. These producers use raw materials like grapes or grain grown in particular soil conditions in a particular climate, sometimes using water from a particular natural source to produce their products. The flavour that results is said to be dependent on these features of the particular geographical location.

Mr. Speaker, whiskey produced outside of Scotland, therefore, cannot be called Scotch Whiskey. Similar protection could be afforded to many of our own products. A product that we in this region are more familiar with that might similarly develop a competitive advantage through the use of a geographical indication is coffee: Blue Mountain Coffee from Jamaica, for example.

Mr. Speaker, closer to home, manufacturers of sauces produced from herbs grown in Paramin might find it useful to consider protection as a geographical indication; and we, of course, have our own spirits. If rum produced from sugarcane grown on the Caroni plains has a unique quality that can be characterised and shown to result from some feature of the geographical location in which it is produced, then Caroni rum could be protected as a geographical indication under this Act.

In providing this new form of intellectual property rights it was, of course, necessary to preserve the rights of those nationals or others domiciled here, who might have already been using a geographical indication of another country in Trinidad and Tobago for some particular good or service. The Geographical Indications Act sought to do this through section 19(1). As the section is currently worded, however, it might be interpreted to provide the required exemption not only to those who are nationals of Trinidad and Tobago and others domiciled here, but also to nationals from the country of the geographical indication.

Mr. Speaker, it further seems to suggest that in our law we are giving the right to nationals of another country to use their geographical indication in their own country. We, obviously, cannot do that. In the Bill before us, clause 2 amends the

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section by inserting the words “in Trinidad and Tobago” and “of Trinidad and Tobago” appropriately to clarify that this is the intent of the section.

So, Mr. Speaker, if you have been calling soft drinks “champagne” for the last 10 years before all these matters came into consideration as is required by the agreement in the Act, we can continue to do that.

The next amendment proposed in the Bill, clause 3, is to the Patents Act of 1996. A patent provides the right for the right-holder to exclude others from using the patented invention without permission from the right-holder. In most situations someone wanting to use the patented invention through the negotiation of commercial terms can obtain their permission in the form of a licence from the right-holder. In rear circumstances, however, it can be extremely difficult to conclude an appropriate licence agreement.

Sections 46 and 48 of the Patents Act identify the rare situations that allow for the use of a patented invention without the permission of the right-holder. Section 48 of the Patents Act provides for the use of a patented invention for the services of the state in the public interest or in a national emergency on the authority of the minister responsible for intellectual property. Thus, for example, if there was a sudden epidemic and a suitable patented drug could be more effectively supplied through manufacture by an existing facility here in Trinidad and Tobago, the minister could so authorize the production of the drug. Section 48(7)(a) indicates the conditions that must exist to the minister’s satisfaction before he grants his authorization. In effect, it ensures that the right-holder has a reasonable opportunity to provide a licence on reasonable commercial terms and conditions before the minister exercises his power in this respect.

Mr. Speaker, by section 46 of the Act, if the right conditions have been fulfilled someone may apply to the court and the court may grant permission for the use of the patented invention. This grant of permission without the knowledge or agreement of the right-holder is called a compulsory licence. To continue the example used earlier, if there is no national emergency, but a pharmaceutical patented in Trinidad and Tobago could satisfy a particular market in Trinidad and Tobago, and if in this situation the right-holder is not supplying that drug, or not supplying it on reasonable terms, then a local company might feel justified in applying to the court for compulsory licence to supply the drug in Trinidad and Tobago.

Mr. Speaker, experience in other countries has shown that the possibility of compulsory licensing also provides great encouragement to right-holders to reach reasonable licensing agreements with those who request them. In allowing the

grant of a compulsory licence, however, care is again taken that the right-holder is not unfairly disadvantaged. Section 46 of the Patents Act, therefore, places several limitations on the beneficiary of the compulsory licence. Equally, it is considered only just for the beneficiary to be required to pay reasonable commercial remuneration to the right-holder for the use of his invention.

Mr. Speaker, clause 3 of this Bill, therefore amends section 46(5) of the Patents Act of 1996 to take into account with regard to the remuneration to be paid to the right-holder, the economic value of the licence. The need to consider the economic value of the licence in determining the remuneration to the right-holder is, in fact, expressed both in sections 47 and 48 of the Act. These are technical measures and it is recognized that one has to be very accurate in order to put it on the record; and I owe a duty to put the matters on the record because I will be accused of not explaining the Bill.

This first amendment to the Patents Act proposed in clause 3 of this Bill clarifies what might otherwise result in confusion between sections 46 and 47 with respect to compulsory licensing. Similarly, the amendment proposed, through the replacement of section 46(6) of the Patents Act, adjusts the section to conform with section 48(7)(a) by allowing the right-holder a reasonable time to come to reasonable commercial terms for the use of the patented invention, thereby protecting the right of persons providing the safeguards.

Mr. Speaker, the final amendment to the Patents Act proposed by clause 3 of the Bill concerns the grant of compulsory licence in the field of semiconducted technology such as integrated circuits, computer chips and so forth. It is proposed to amend section 46(7) to allow compulsory licences for the purpose of public non commercial use and to remedy an anti-competitive act by the right-holder.

Clause 4 proposes an amendment to the protection against the Unfair Competition Bill 1996. First of all, it is proposed to change the term used in section 9 of the Act from "trade secret" to "secret information". A trade secret can be defined as any business or technical information for which reasonable steps have been taken to keep secret that which would have value to competitors were it known to them.

Mr. Speaker, the common concept of a trade secret would be the formula for Angostura Bitters or Coca Cola, but it includes customer, supplier and prices, for example. Secret information is any information that is kept secret, and because it includes information that may not have value to a competitor is therefore a broader term than trade secret. Secret information might include, for example,

employee personnel records. The intention of the Act is to allow protection against acts of unfair competition.

9.20 p.m.

Although an employee's address may not have any trade value to a company, it could still be used unfairly by a competitor to send false information. In such circumstances, Mr. Speaker, it is only right that the holders of this type of information should have the right to take action against someone who acquires the information without their consent.

Clause 4 amends section 4(2) of the Act to allow any natural or legal person damaged by an act of unfair competition to take action under the Act.

There are two examples where this can be allowed, Mr. Speaker. If a well-known trademark like "Angostura" is used by someone other than its true owner for products that are entirely different from the ones on which the mark is used by the owner of the mark—such as "Angostura Canned Soup"—the manufacturer of the canned soup is not normally in competition with the owner of the mark. The use of the mark might gain the manufacturer a unique advantage over his competitors and Angostura's trademark rights would be diluted. In such circumstances, the owner of the Angostura mark should also have the right to take action against the manufacturer for unfairly weakening the competitive position of Angostura. The second example is a non-governmental organization, a group of people who are likely to be damaged by an act of unfair competition.

Clause 4 introduces a new subsection 5 to section 9 of the Act which clarifies the prohibition against the unfair commercial use of secret tests to other data and provides for a minimum period during which protection may be obtained. Should the secret or test data find its way into the public domain without the authorization of the owner, this new clause seeks to prevent a third party that is in no way involved in the unauthorized release of the data from taking advantage of the situation in using that data to accelerate its own application for approval.

Mr. Speaker, the next amendment proposed by clause 5 makes two, sort of, minor changes to the Layout-Designs (Topographies) of Integrated Circuits Act, 1996 and these occur in section 16(1)(b) and section 16(b). The first error is clearly typographical, and this section should read: "or his licensee", and the second alteration, "substitute the word 'authorization' used elsewhere in the Act for the words 'non-voluntary licence'".

At clause 6 in the Protection of new Plant Varieties Act, 1997, there are two cross referencing errors and this clause is to correct those two errors. Clause 7 of

the Bill before us addresses the Copyright Act. The Bill corrects one cross reference to section 25 of the Act. It also provides, as originally intended, neighbouring rights with a limitation corresponding to that contained in section 9(2)(e) of the Act with respect to copyright.

Mr. Speaker, I know that these matters are very technical, but I have tried as best as I can to make it understood. I hope I have been able to succeed in that endeavour.

I beg to move.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported without amendment; read the third time and passed.

Mr. Speaker: Hon. Members, I wish to advise that dinner is now served. We will just suspend the sitting of the House for half an hour.

9.27 p.m.: *Sitting suspended.*

10.00 p.m.: *Sitting resumed.*

LAW REFORM (MISCELLANEOUS AMDTS.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to amend various Acts be now read a second time.

Mr. Speaker, the Bill before this honourable House seeks to achieve two objectives: first to amend the Law Revision Act Chap. 3:03 to provide for the establishment, within the Ministry of the Attorney General and Legal Affairs, of a Law Revision Commission Department as a separate entity from the Law Commission, to deal exclusively with the revision and updating of the laws.

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Secondly, to amend the Law Commission Act Chap. 3:04, to enable the Commission to consult persons who are not lawyers to assist it in reforming the laws, and to appoint committees of laypersons to provide a basis for consultation and for advice on information regarding law reform.

Mr. Speaker, the Law Revision Act Chap. 3:03 was passed in 1979. This Act established a Law Revision Commission, comprising two or more members, to undertake the revision of the laws: that is to prepare, publish and maintain a revised edition of the written laws and laws of Trinidad and Tobago already passed.

In consequence of this Act, the laws were revised and published in 1980 and appeared as the 1980 Revised Edition of the Laws of Trinidad and Tobago. We otherwise know them as "The Black Book". Thereafter, the maintenance, that is the updating of this revised edition, was effected by the publication of two supplements, namely, the first and second supplements to the laws.

The first supplement updated the laws to 1981 and the second supplement updated the laws to 1985. The first and second supplements were produced in accordance with subsection (2) of section 8 of the Act, which mandates the Law Revision Commission as follows, and I quote:

"The Commission shall revise the laws as soon as practicable after each revision date, that is to say, the Commission shall prepare the necessary pages and make the necessary Orders for the inclusion of these pages in the Laws and (with respect to the second or any subsequent revision) for the removal of pages no longer required, to the intent that the Laws shall, subject to such omission as are authorised under section 13, contain all the written laws in operation in Trinidad and Tobago on such revision date."

Mr. Speaker, since 1985 the laws have not been updated. The reason for this is because in the past, successive governments have not established a proper infrastructure to deal with the maintenance and updating of the revised edition of the laws, as required by subsection (2) of section 8 of the Act.

The two supplements referred to were prepared by the staff of the Law Commission, which acted as the alter ego of the Law Revision Commission. The staff of the Law Commission prepared the supplements, and the Law Revision Commission merely made the Order, bringing those supplements into force, that is, for the incorporation into the revised edition.

Since the publication of the last supplement in 1985, that is nearly 15 years ago, the laws of Trinidad and Tobago have not been updated in accordance with subsection (2), section 8 of the Law Revision Act. The reason for this, as I just

mentioned, is that there was not put in place a proper administrative structure. That is, in my view and in our view, the establishment of a separate commission, duly constituted with an appropriate staff, to deal with the management and administration of the Law Revision Commission in accordance with the Law Revision Commission Act.

Mr. Speaker, since 1985, several written laws, that is Acts and Subsidiary Legislation, have been passed. These written laws include new Acts dealing with new legislation and amending Acts which amend existing legislation. With the accretion of amendments over the past 15 years to those Acts contained in the revised edition, and also to those Acts which, to date have been passed, the status of law is such that it has become not only inaccessible but extremely difficult at times, to interpret and find them, in that one would have to read the principal piece of legislation in the revised edition, with several other amendments and have to try to place them in between.

Mr. Speaker, because of the failure to have provided this, it would therefore mean that we do not have a proper revised system of laws in Trinidad and Tobago. If one has to look for laws, as I said, we have that difficulty.

In order to know, understand, interpret and apply the law, one must be able to read the law as a coherent whole. If that is not possible, it does have some effect on the understanding, interpretation and, in effect, enforcement of the law. One can just imagine how difficult it is for police officers in a police station to look at laws, especially when we are having all these laws passed with respect to new topics, if we do not have a proper revised system of laws.

Mr. Speaker, the updating of the laws, whereby the laws can be read as a coherent whole, is of cardinal importance to the administration of justice. Every year Acts and Subsidiary Legislation are passed and where these Acts and Subsidiary Legislation are subsequently amended, they have to be annotated and consolidated if they are to be assimilated and made accessible for their correct interpretation.

In a free and democratic society, the laws—*[Interruption]* Sure.

Mr. Manning: I thank the hon. Attorney General for giving way. This is a question I put to him before but, just for the purpose of the record please, I would like him to place into the record the reasons why it is necessary for us to go the route of a commission, as opposed to a department in the Attorney General's office?

Hon. R. L. Maharaj: Mr. Speaker, in order to explain that further, I would say that the Law Revision Commission was established by legislation, but it was

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not an autonomous body, it was within the Law Commission. It therefore meant that you had to use the same staff who was doing law commission work, and law commission is really law reform. In the Law Commission Department, there were people who were engaged in reforming the law: doing research to be able to determine what reforms should be done and law reform commission is a different thing to law revision.

Law revision is like if we had a Praedial Larceny Act, as we have, and we pass amendments over a period of time. It is for the people to take all that has been passed and put it into that Act, so that it would be read as a whole. It is taking laws which have already been passed, and have them properly structured, annotated and integrated into it.

This is a specialized field. As a matter of fact, one of the leading companies, I cannot remember the name, internationally, has taken away from the Law Commission Department two of our persons' work and they are working abroad. They have done this over the years. It is a specialized field.

10.10 p.m.

You cannot take an ordinary lawyer who is doing research to do that. You cannot take an ordinary typist to do it; you have to have special expertise to do this. Therefore, you need a separate entity. The fact of the matter is that you already have a Law Revision Commission incorporated by statute and it is a statutory obligation with certain criteria. There are duties and, therefore, the only way to do this is not to set up an *ad hoc* unit but to do it so that the commission will know what are its responsibilities. There will be statutory obligations on the Law Revision Commission and their report will also have to be laid in Parliament. The commission would probably have to get staff from outside the public service.

Mr. Manning: The commission itself, of course, comprises people from outside of the public sector. Would it be free to consult as it sees fit?

Hon. R. L. Maharaj: Yes. As a matter of fact, the way it is structured, the Law Revision Commission would not consist of persons outside of the public sector but of persons who are employed with the Government, and the *ex officio* persons would be persons like the Solicitor General and the Director of Public Prosecutions.

The Law Reform Commission is different. The Law Commission for Reform needs an input from many people outside for reform of the laws and we are bringing in people who are not lawyers to influence law reform. As it is presently constituted, the Law Commission consists of a chairman who is employed by the

state, but the other members of the Law Commission, not the staff of the commission, are lawyers from outside. So there is the Law Commission meeting as a body and considering laws to be reformed and requests from the Government, but the staff of the Law Commission is employed by the state.

The Law Revision Commission, because of its different role, does not need personnel from the outside, so there are people employed by the state. There is a very small body, but the important thing is that it would be able to manage, with statutory responsibilities, its task of revising the laws. Presently, the person who is the *de facto* head is a man called Mr. Bhagowtee, who has been there for several years and is very experienced in that field.

Mr. Manning: [*Inaudible*]

Hon. R. L. Maharaj: A decision would have to be made when you have a chairman.

Mr. Manning: The chairman would not be somebody who holds the position by virtue of the office that he holds. It will be somebody else from among the people who are doing that. Is that what you are saying? Would it be the Solicitor General?

Hon. R. L. Maharaj: The chairman would be the person who is head of the Law Revision Commission, so that it will have to be somebody employed by the state.

Mr. Speaker, as I was saying, in a free and democratic society, the laws should be made readily accessible if they are to properly serve the needs of Parliament, the courts, the judicial and legal officers in the service, members of the legal profession and the general public. If the laws are to serve in a more efficient manner than the written laws contained in the annual volumes, these laws will have to be read in conjunction with other amendments made thereto for proper interpretation.

Bearing in mind what I have said, the Government considers necessary the establishment of a proper infrastructure to deal with the revision of laws which hitherto had been, to some extent, not considered in the light of having a separate entity.

As I said earlier, one of the objectives of this Bill is to amend the Law Revision Act, which will provide for the establishment of this duly constituted commission, with an appropriate staff. The commission would have its own expertise to deal exclusively with the revision of the laws of Trinidad and Tobago so that, at any given time, one can obtain from the Law Revision Commission the status of any law. Such a system, when put in place would be of immeasurable

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benefit to Members of Parliament, the courts, judicial officers and anyone involved in the law.

Mr. Speaker, one cannot be thinking of a competitive country in the global environment if one does not have one's laws readily accessible. Any investor coming into Trinidad and Tobago would want to have a copy of these updated laws and our laws should be available on compact discs. That cannot be done unless the laws are properly revised.

Mr. Manning: What is the Attorney General's estimate of the time it will take to bring the revision of those laws up-to-date?

Hon. R. L. Maharaj: At the ministry, an exercise has been done by the staff, which has been advertised. Much of the administrative reforms have taken place, but in order to have it as a separate entity, since it was a Bill, one had to come to Parliament to give effect to it. One would think within a year—for the most 18 months—we would be able to do it.

What I can say at this forum is that there have been many demands for Mr. Bhagowtee to leave—there have been very attractive incentives. That skill is not easily available in the Caribbean and there is a great demand for it in the Commonwealth. I am optimistic that Trinidad and Tobago would be able to retain his service, and with his expertise we should be able to complete it within a year to 18 months.

Mr. Speaker, the Law Commission, which, as I explained, has to do with law reform, comprises a body of commissioners who have held high judicial office, who are attorneys-at-law or teachers of the law. The Law Commission consists of people who must be members of the legal profession. One of the first requests that I had when I became Attorney General was to have the people who are seeing about law reform talk to people who are non-lawyers. This amendment provides for the Law Commission to have lay persons, who are not going to be members of the commission, advising it, and to have a committee comprising of lay persons. This is in keeping with the Government's policy that persons of all sectors of society, other than lawyers, should participate in contributing to the decisions to reform the laws.

With this in mind, the amendments to the Law Commission Act seek to achieve this result by empowering the Commission to consult with any persons who have specialized knowledge, not only in any branch of the law, but also technical expertise in any particular field. The commission is also empowered to appoint committees to provide advice and information on any matter which is

referred to such committee. In essence, the present Bill seeks to amend the Act to provide and give the commission power and obviously the resources to achieve this result.

Mr. Speaker, these are really the matters which these Bills sought to do. They may appear to be very simple, but I think I will be failing in my duty if I do not use this opportunity to put on the record the good work which has been done by the Law Commission over the years. [*Desk thumping*] It has served successive governments and on its own can do its proposals for reform. It does not have the power to effect reforms. The Cabinet of the country would have to consider that. However the commission has provided assistance to the governments over the years. If I may say so, as Attorney General in this administration, I have gotten great assistance from them and we would not have been able to do many of the reforms without the assistance, not only of the members of the Law Commission, but the staff.

Mr. Manning: When was that set up?

Hon. R. L. Maharaj: It was set up under the PNM administration, I cannot remember the year. As a matter of fact, there was a movement in the Commonwealth at the time to establish law commissions because there was a deficiency and the government and the Attorney General's office, as constituted, could not have done that.

At the Law Commission now there are members of staff who have gotten international recognition. Quite recently, there was a Commonwealth Law Conference and certain members of staff were given great commendation for the kind of work they have done. As you know, the commission has been headed for some time by Justice Guya Persaud, a very distinguished person.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I rise to make a very short intervention in support of the Bill before the House. I support the legislation. It is time, as the hon. Attorney General said, to have our laws revised and bound so that not only attorneys, but all persons interested—and the Attorney General mentioned foreign investors—can look at a bound volume of our laws and get everything dealing with, say, praedial larceny, intellectual property, or the Companies Ordinance. To that extent, the Bill before us is welcome legislation.

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I need a little clarification about which I would ask the Attorney General at the committee stage. This Bill amending the parent Act creates a new Law Revision Commission and comprises a chairman of the Law Commission and such other legal officers. Will the salary or stipend of these officers be fixed by the Minister, or by the Salaries Review Commission? It is a new commission appointed so I need a little clarification on that.

As I said before it is welcome legislation. The Attorney General mentioned the name of Mr. Deo Bhagowtee, and I wish to place on record our appreciation of the hard work he does, and to join with the Attorney General in commending the members of the Law Commission. I know that they do good work. I also know that perhaps they have a very hard task master.

Mr. Speaker, the last time our laws were revised was in 1981. Since then they have not been revised in a compact volume.

10.25 p.m.

So we are talking about 1981 to the year 2000, basically, 20 years. So it is a lot of work for the members of this Commission and their support staff. The Attorney General did indicate that two persons who worked in the Law Commission have left and gone to greener pastures, perhaps, because of better remuneration; and that at a recent conference, the staff at the Commission was recognized for the quality of work.

In acknowledging that, I hope the Government can do something in terms of a remuneration package to keep those persons who have the expertise and are at present in the Commission, to have them stay home in the national interest. I am sure that the hon. Attorney General would do all in his power to see that that is done.

That really is all I would like to say on this. And as I say, the main point being to encourage the Government to retain the services of those Members of, not only the Commission but the support staff, who would put virtually 20 years of legislation into one revised volume. It is going to be a difficult task. The Attorney General, to me, was a bit optimistic in saying that perhaps it can be accomplished in 18 months. We note here in Clause 6 which says:

“The Chairman shall prepare at the beginning of each year, a programme of Law Reform for that year...”

So that I think it is a good idea if this Commission can be appointed with due dispatch, so that there would be sufficient lead time for the Commission to prepare and submit a report to the Minister so that it can be available not later

than January 31 the following year, that is the year 2001. The legislation talks about the report of the Commission being submitted to the Attorney General being laid in Parliament which is equally good. Mr. Speaker, this is a piece of legislation that we have no difficulty with, and we support it in its entirety.

Thank you, very much.

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I had not intended to make any contribution in respect of this Bill. However, it is not that I am against the Bill but I just want to sound—you know when I see things being done, and I wonder why they are being done, and when I get the explanations—an old master of mine in the law told me that when you get an explanation for something with which you are not satisfied, you query further.

The hon. Attorney General, in piloting this Bill, has said to remove from the purview of the Law Commission, the management, administration and other functions of the Law Revision Commission, and to establish within the Ministry of the Attorney General, a Law Revision Commission Department as a separate entity from the Law Commission, with its personnel and chairman.

In the Law Commission, we have eminent jurists and lawyers taking part in the law, modernizing the law and recommending changes to suit the society, as the society changes. We also at present have persons who could look at the revision of the law. Not that the law does not need to be revised, and not that there is no reason for so doing—but we are now seeking to separate and have a department, under the purview of the Attorney General, who is a politician, and who will be a politician for as long as we have Attorney Generals in this country, I hope.

We may very well say that all we are doing is revising the law but this is what is happening. There is a cadre of people and today we are running into a situation where we recognize—I understand Mr. Bhagowtee came from, I think, the Commonwealth Secretariat as an expert to work with us. We have him and he is the expert. But we have a large number of lawyers in this country. Maybe, some of us say too many and obviously some are not as competent as we would like them to be. But we also have a Sir Hugh Wooding Law School here. The University of the West Indies has a faculty of law, and we are being told here now that we are concerned to keep expertise in a particular area.

I am saying, if it is that we need expertise, we are supposed to try to home grow our expertise. I am throwing that out in the sense that there are courses—I know way back there were courses for drafting of laws in various universities and

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different countries to which I would expect us to send—*[Interruption]* I am speaking at a level which is slightly above you, so could you please do not disturb me—people abroad to study such things, and we could also initiate some sort of courses within the University of the West Indies so that we would not have to depend on so much foreign expertise. Mr. Bhagowtee came from a Commonwealth country. There is no reason—*[Interruption]* He is a Trinidadian? I thought he came from the Commonwealth Secretariat. *[Interruption]* So you are saying he is going to go away. Regardless of it, if it is only one Trinidadian with the expertise, we still need more, and it is unsatisfactory for us to hear in this day and age, that a subject like the law, law reform and revising laws, you still need to worry about expertise leaving and cannot get one. We need to deal with the training of people.

I was saying that there is a situation where there are two branches in the Law Commission at this time. One, looking at the modernizing of the law, and the other one seeing about revising it. But they are all basically involved. You must know the law as it stands today, if you want to determine how you are going to modernize it. Additionally, the basic knowledge of the level of staff there is important.

So splitting the two and going into two directions as much as it may be convenient for the Attorney General, I believe we may be removing expertise from under one area and putting it in another. *[Interruption]* I am not speaking to you. If you want to speak do it after I am finished. If not, give me a chance. *[Interruption]* I got more votes than you and you will not be going back in election, so you shut up and let me speak. I am not interfering with you. You had better learn to behave yourself and have manners. As I was saying, Mr. Speaker, I believe that there is need; I feel that although we are doing what we are doing—I do not hold any strong objection to it—I think there is need to have, maybe, one pool of expertise from which we could gather personnel rather than splitting it. But if we have to split it, I want the hon. Attorney General to know that we would be looking at what is going on because I fear too much political interference in the revision of Law. Because it is a function, which I think needs to be done, we will support it on this side, but I have little second thoughts about it.

10.35 p.m.

Mr. Patrick Manning (*San Fernando East*): *[Desk thumping]* Mr. Speaker, I just rise to ask a question of the Attorney General. Again, I propose to make no extensive contribution to this Bill. My brief contribution should be significant. The Explanatory Note talks about:

“...to establish within the Ministry of the Attorney General...”

However, nowhere in the Bill do I see that, unless of course that is included in the preamble to the Act. [Interruption] No it did not, okay. Well the question therefore is this, whether the law itself should specify that the Law Revision Commission should be part of the department of the Attorney General. In the law itself it refers to “Minister” and I imagine Minister is the Minister in the parent Act, which is the Attorney General and I wonder, Mr. Speaker, whether we could not write this law in such a way that there is flexibility as to the Minister under which law revision should come.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): [Desk thumping] Mr. Speaker, I have some difficulty with this being under the Ministry and both the Law Commission and the Law Revision Commission, since 1979 when they were set up, have been under “the Minister of”. The Minister means the Minister responsible under section 76(2) of the Constitution for the administration of legal affairs and therefore—[Interruption]

Mr. Manning: You see, Mr. Speaker, it was this Government that set the precedent of separating the Ministry of Legal Affairs from the Attorney General and that really is the question that I am getting at. Is the law being written in such a way that, if such an arrangement is to be entered into in the future, it comes under the Attorney General rather than Legal Affairs? That really is the question.

Hon. R. L. Maharaj: I have a difficulty. The law is being passed now. Under the parent Act it is the Ministry of Legal Affairs. That is remaining. So therefore, whether the situation is that there is a different Minister for Attorney General than there is for the Minister of Legal Affairs, that is a matter for the Prime Minister at the time. So I do not understand. If the hon. Member for San Fernando East would want to have five Ministers in the Ministry of the Attorney General and Legal Affairs, he can do so and he can decide whom he wants. He might decide he does not want the hon. Member for La Brea. He might decide he does not want the Member for San Fernando West. But I do not want to get into any problem with respect to that matter at all.

Mr. Manning: Mr. Speaker, I was merely seeking to draw the expertise of the hon. Attorney General. I wish to assure him that no discourtesy was meant by asking him the questions I asked him. If he did not like the manner in which I asked them, then I wish to apologize for those—[Interruption]

Hon. R. L. Maharaj: Oh, no, no, no, no, and we would not go into what it means, *et cetera*. So let us not go into that. The fact of the matter is that the Bill does not touch which Ministry. It is purely to explain because the Bill is being amended insofar as the matters relating to what we are doing here now. So I have

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difficulties with the hon. Member for La Brea—[*Interruption*] No, well I know that you want to come across here so I—[*Interruption*]

Mr. Speaker, there are some points which have been raised by the hon. Member for San Fernando West. It is really not a new commission because the Law Revision Act established the Law Revision Commission. In respect of the person who would be the director or the chairman, or whatever it is, the Minister never fixes terms and conditions, *et cetera*. Under the rules they are fixed by the Chief Personnel Officer, unless it is an office which is designated under the Constitution to be fixed by the Salaries Review Commission and you know when that is recommended there is no guarantee that the Government would accept that. [*Interruption*]

Oh, yes, and what happens in most of these matters, and as any Opposition Leader with a correct vision would know, is that in the kind of environment one is functioning now as a Government, and having regard to the traditional roles of ministries responsible for law and the kind of orientation that existed, it may be that governments would have to more and more consider having specialized officers when you do not have that expertise in the public service and that if you want to be able to really have a Ministry perform its true role, you would have to break that concept of thinking that the public sector itself would be able to give you that kind of expertise.

Let me give you an example. We have created in the Ministry of the Attorney General a human rights unit with a case management unit, *et cetera*, and there are people from outside of the public service employed on contract in that unit. If that unit was not created we would not have been able to carry out the death penalty. Secondly, if that unit was not created we would see that there were outstanding international human rights reports that Trinidad and Tobago were not able to complete for years and they were not able to do it. It is because we need people who have that kind of expertise. Because if Trinidad and Tobago sends a report to the United Nations Committee on Human Rights, then there is a rapporteur who prepares to question Trinidad and Tobago on that report and, if Trinidad and Tobago cannot effectively defend that, whether it relates to economic, social or civil and political rights, it affects the international standing. One can go on.

For example, in most of the legislation now which deals with the promotion and fostering of co-operation in the fight against crime, there must be a central authority from which one is going to request things like mutual legal assistance. There must be people who are trained in that field in order to do that. One would not find that expertise in the traditional public service. So that in the present

environment one has to look seriously at and examine the function of a law ministry and how it should be restructured to meet the demands of present-day society.

That brings me to the point that the hon. Member for San Fernando West has raised. We—when I say we, we in Trinidad and Tobago; I am not on the bipartisan politics now—have neglected the law ministry over the years. What has happened is that we have a law ministry which cannot really cope with the real demands of Trinidad and Tobago at this present time. As a matter of fact, if every department of the ministry is examined, it would be seen that we would have to get help and that there are people who have been there, and a very important resource for the state, but they would leave. They have left or they are leaving and it is all because the terms and conditions are not sufficient to attract them to stay.

For example, a lawyer cannot effectively prosecute in matters and be paid the kind of salary that he is paid now in the public service and, therefore, there must be a new orientation of the whole legal service otherwise the state would be completely disadvantaged. We cannot have, for example, lawyers working under conditions which are totally inhumane. I want to tell you, Mr. Speaker—I do not know but I think I could say this. When I went to the Ministry, if you had seen how lawyers had to work, the conditions under which they worked, and they had to do all these cases. They actually have no support staff. They were actually in a little room with three or four people, very crowded, and they cannot be expected to produce work to compete with the private sector lawyers if they do not have the environment in order to do that.

That is why people are saying it is the A.G.'s building. It is not the A.G.'s building, it is the Ministry's building and if you cannot put lawyers—as a matter of fact I think it was the PNM administration years ago which recognized that you must get lawyers out and put them in a proper environment, otherwise if people spend most of the time working there morning, noon, night and even weekends, who knows what might happen. I must say that I go to the office on a Sunday and on a Saturday, sometimes even on a Saturday night and the lawyers come out to work because they have the motivation and the inspiration they know that things are happening, that they are going to go into a better environment, and they are seeing things happening.

If the state does not take steps in order to try to save these people from leaving, the state would be jeopardized. But everything cannot happen at one time. All that I can say is that I am in total agreement with you that some steps must be taken in order to try to keep our legal officers because they have

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performed well. Mr. Speaker, I had a completely different opinion of the public service before I became a Minister. I believed, as a lawyer, that all the lawyers or most of the lawyers who were on the other side were not as capable as lawyers in private practice, which is not true. That is not true at all, but I am telling you that is how I felt.

I have seen in the legal service lawyers who are very competent but they do not have the opportunity. They do not have the guidance in order to develop maximum skills and ability. When there is a legal service in the state, that legal service must be able to cope with the private sector and must be able to go out there and contest issues as the private sector. So when there are lawyers without the leadership of lawyers to lead them in the state, they cannot develop their skills in order to do that and that is why we would find, probably in the legal service, in the advocacy department, very limited assistance to lead people and it is because many of the people have left.

When one thinks of the days gone by, there would be, for example, a Solicitor General or a Deputy Solicitor going into court, being advocates. What has happened is, because of the transformation of the Ministry and the volume of work there is a Solicitor General who is bogged down with vetting contracts and, therefore, there is a lot of work and the positions filled are not sufficient in order to do the work. Then when you employ contract officers you just have to take the political jamming for it but you just have to make decisions and go ahead with it.

Mr. Sinanan: I think you answered my question. The short-term solution to the problem really is contract officers but that really cannot be the permanent solution. So what, therefore, is the solution? Do you, Mr. Attorney General, have any proposals how? Because it is not only the legal service, it is any Ministry with a legal officer or an economic officer or whatever officers. Unless you are competing with the private sector, it is no longer the public sector by itself and the private sector. Certainly the private sector and the public sector are in competition for skilled and experienced people.

Hon. R. L. Maharaj: Mr. Speaker, the problems which exist in the law Ministry cannot be solved in five years or even ten years but there are plans, yes. As a matter of fact, it is public record that when we took office there was a major problem in which there would have been probably a mass exodus of legal officers. We found a way in order to give them an interim allowance. Now there is a situation where people who are lawyers working in the Ministry can be offered better terms and conditions by state corporations and they can leave the state service and go to state corporations. So there are two hands which are supposed to

be holding up the system but one hand is taking away from the other. That is the system under which we operate. We inherited that but there are also other things.

There is no continuing legal education for lawyers, so there are lawyers who have to vet contracts, the same lawyers have to go to the Industrial Court, they have to go to the High Court, they have to go to the Court of Appeal and, with the volume of work, they cannot have a typist for themselves, they have to photocopy for themselves. As a lawyer, when one is doing one's research, one would have somebody to do the photocopying, somebody to get this and that book and then it is all put together. Lawyers do not have that facility in the state. So, therefore, what I say is that what they have done and produced in some of these important cases is a tribute to them. I tell them that people outside do not know what they do. I think that the state must find a way in which, on a long-term basis, they would be able to have some of these things.

10.50 p.m.

Mr. Speaker, I can tell you that the legal officers in the Attorney General's Office have done things from time to time. For example, for a better environment there is a plan in which we are trying to have paralegal officers to assist legal officers and we have been able to have some of the contract staff on a short-term basis. We also know that several countries of the world had to face reality and that was, they had to reduce their state departments and law ministries and run it on the basis of contracting out but also having a core.

For example, in the United Kingdom you do not have a large department which drafts laws. There is a small department but most of the work is contracted out. *[Interruption]* Well, I understand that when the cost is looked at—for example, in order to run a department it cost a lot of money—it does not cost more. That is what I understand. I have not done a study on it. For example, in the Prosecutions Department in the United Kingdom and Canada, you do not have a major department because much of the work is being contracted out. So that one would have to consider in Trinidad and Tobago that if it is going to cost the taxpayer 'x'-dollars—with those professional allowances—how much more effective it would be if there is a core but you can also contract out.

Mr. Speaker, as a matter of fact, when one looks at the figures—I cannot remember them now—over the years one would see that under the previous administration a lot of money had to be spent in retaining private lawyers and this administration did the same thing and that is because you had to get help from outside in order to do some of these cases. I am subject to correction. As a matter

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of fact, I think it is just about the same figure every year. So that, one has a problem.

Mr. Speaker, I wish to give the assurance to the hon. Member for San Fernando West that yes, there is a plan. It is not a plan which has been formulated by Pannell Fitzpatrick or some one of these big firms. It is a plan which we as a Ministry got together and put a certain plan of action in place. Included in that plan is better environment; continuing legal education of paralegal officers; and providing assistance and technology. I do not think anyone would believe when I became a Minister and went to that office, the Secretary to the Attorney General had a typewriter with a ribbon. I want to get it clear I am not blaming the then Attorney General. It just goes to show you need to have—in different areas of Government—that support to ensure that the necessary technological improvements are given to the Ministries.

Presently, there are computers and the Attorney General's Office is going to be computerized fully so that is happening. I want to confess that is not the end to all of it and much still has to be done. One is hoping that when the legal officers and staff move into the new building which is supposed to be within two months' time—in that Ministry for example, most of the legal officers are ladies. They have children and some of them are single-parents. Before the legal officers come to work on a morning they have to drop their children to school. At lunchtime they sometimes have to go and pick them up. The Ministry has no place to keep these children when they are waiting for their parents. In the new building, there will be a nursery so that while the children are waiting they can play and someone would be there to take care of them, because most of the lawyers now are ladies and the ladies seem to do better work than the men and, therefore, there should be a way to make them happy.

Mr. Speaker, I am sorry if I get carried away with all of this. It is a subject which is very close to my heart, and I feel I am so indebted to the legal officers. I always tell them it is not the success of the Minister in these matters or the success of the Government, but it is really the success of the people who work in the Ministry when a lot is achieved.

Mr. Speaker, I beg to move.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

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House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, without amendments, read the third time and passed.

COMMUNITY SERVICE REGULATIONS

[Second Day]

Order read for resuming adjourned debate on question [May 4, 2000]:

Be it Resolved that the Community Service Regulations, 2000 be approved.
[Hon. M. Ramsaran]

Question again proposed.

Miss Pamela Nicholson (*Tobago West*): Mr. Speaker, with respect to this particular Motion, I have some concerns and I want to ask a number of questions because of certain situations that are happening in Tobago.

11.00 p.m.

I would like to find out from the Member for Chaguanas whether before the regulations were put together, serious meetings were had with the Tobago House of Assembly; if the people over there were educated with regard to the Community Service Orders Act. I say this, Mr. Speaker, because we have a situation that even with Acts, where the Tobago House of Assembly is supposed to perform a certain role, or the central government is to perform a certain role, the Tobagonian is left in the middle, confused, because nobody is responding to the interests of the people.

For example, we have the Squatter Regularisation Act where the Tobago House of Assembly is supposed to address the squatter problem in Tobago, and we have a land agency to address the problem in Trinidad. So, we have a situation where in Trinidad, the whole issue is being addressed, the people are being assisted, but in Tobago, nobody is responding to the squatters. Questions are asked in the Tobago House of Assembly about if they are aware of the Act or the piece of legislation. Questions are asked whether they are addressing the question of squatting on behalf of the people who have that problem, and the people are being told in the Tobago House of Assembly that “We are not a County Council. We do not know anything about you”.

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Then we have the other situation where I confronted the hon. Attorney General, the Member for Couva South, on certain questions when we were dealing with the Tourism Bill, and he told me that the Cabinet of the country is responsible for the running of Trinidad and Tobago. When we ask certain questions and we ask to get certain things done, they do not respond. The Central Government is not responding, because, for example, the problem we have in Tobago with the squatter regularization, the central government is supposed to intervene.

There is a situation with the Ministry of Housing and Settlements where a decision was taken with regard to a national programme, and the Cabinet of the country took a decision that lands must not be sold to the people for more than \$5 per square foot. I brought questions to the House to find out what is the position from the Government. The Government said it should not be more than \$5 per square foot. The Tobago House of Assembly said "We are charging you \$7 per square foot".

I have brought questions upon questions to the Member for St. Augustine asking him when he is going to intervene. This is a serious issue. I am raising it because I want to know if there is somebody to represent the Chief Probation Officer in Tobago, to play the role of the Chief Probation Officer where clause 4 is concerned:

"The Chief Probation Officer shall maintain a list of organizations, groups, Government departments or other institutions which require tasks to be done under an order and shall assign offenders accordingly."

We also have that there should be officers to play certain roles and, as representative for Tobago West and the people of Tobago, I am very concerned. I want to know if there is a similar structure under the Tobago House of Assembly to carry out or to play the role that these people are playing, like the Chief Probation Officer, the officer that shall provide the offender with information:

- (a) the nature of work to be performed under the Act
- (b) the obligations of the offender under the order
- (c) action to be taken if the offender fails to comply with the order and any other matters relevant to the order.

So, I am concerned. There is a structure, but how would it be addressed in Tobago? I have not seen anything here. I am not seeing if it is with the Tobago House of Assembly or with Central Administrative Services, Tobago (CAST), and what should happen there when certain decisions are taken. They have to collect

their information if they have to send copies to Trinidad. So, I am very concerned, Mr. Speaker. This is my concern on this Bill, and I would like to get some answers from the Member for Chaguanas.

Thank you very much.

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, I just rise to make a very short intervention in this matter. We are dealing here with young people who have run afoul of the law and, as a result of this new Act, are now required to provide community service. Under that Act, these are regulations for some to determine and circumscribe the way in which this community service is to be provided.

Sometimes these things are done and there is always the possibility for abuse of the powers therein concerned. Where it says here, information for offenders:

“An officer shall provide an offender with information regarding...the information that is to be provided.”

I would want to have the information in writing. I know it may appear to be academic, but it should be in writing. That is one.

Then, there is also the case where young people will be required to work in certain areas. It is said in the regulations that anything that the officer—any work should have regard to the health and safety of the offender at the designated work site. That is important but, since the offender would be working, I want to be also certain that in that area where the offender will be working, there will be workmen's compensation insurance involved.

Some kind of insurance needs to be put in place, because although it is a community service, there is the likelihood of the person, the offender, being damaged or suffering harm on the work site, and then we will have to determine who pays. Remember, this is not somebody who is in jail. This is somebody doing community service, and if one goes on to the site, dependent on what is going on there, one will need to have some kind of workmen's compensation.

I have seen nowhere in this Act, in these regulations, any indication as to the names. I see there, “community organizations” and “state organizations”, but one may also know that even the state—I do not know that when one is damaged while working for the state that there is any provision for workmen's compensation. I know a number of government employees do have tremendous difficulty in accessing their workmen's compensation.

Then, there is in regulation 13:

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“Where the offender is a woman or girl, the officer shall, whenever possible, be a woman.”

I would say not “whenever possible” but it should be put in a more positive way, that where the offender is a woman, “the officer shall be”, unless you could leave some escape in the sentence unless it is proven that such a case cannot be accommodated.

Mr. Speaker, as I said, we have already supported this particular provision by supporting the Act and there is the other final provision:

“An offender shall report to the designated work site and shall present valid identification documents provided by an officer...”

But, there is also the question of hours of work. I know the Order would say that for every hour worked, one would have so many hours taken off of one’s time or, the hours actually worked would go towards the hours stated in the Order.

You see, there is always the temptation for people who would be involved in these orders to treat these—let me put it the other way. We are dealing with persons who are offenders and who, because of their age, because of the nature of the offence, we have sought to give them an opportunity to reform themselves by community service, but there are always those in the community who would see them as young criminals, and who would tend now to try to treat them in a chain gang fashion.

We are putting the regulations in place and what we need to do is ensure that if we are talking about hours of work, we must say, as far as possible, normal hours of work. There has got to be also, some indication as to general treatment of these offenders, because there is, as I said, the temptation, and we have seen it in the movies and read books about it, to say “The little criminal come here now”.

Part of this is not only to accommodate or to create space in the jail so that we do not have jails overcrowded but also, it is a rehabilitative process, and if we are going to do that, we have got to make sure that whereas we do not necessarily have to give them kid gloves, if the law is treating with the offender in a certain way, those who are required to ensure that the offender serves his term have to be careful about how that is done.

We have enough experience and opportunity and examples, even in the prison system, to see what is done and how things are done, so that we do not make what we are doing here, what we are trying to achieve here, a situation where it is just another form of punishment. We are trying, to a large extent, to reform the

offender. Those are the few comments I have on this matter, Mr. Speaker, and we have no difficulty in supporting it.

11.15 p.m.

The Minister of Community & Social Development and Minister of Sport and Youth Affairs (The Hon. Manohar Ramsaran): I would like to thank Members opposite for their support of this—as I mentioned yesterday—progressive piece of legislation, as we attempt to look at the system of justice in Trinidad and Tobago.

To the Member for Tobago West, I said it yesterday, but she was not here, and I would want to repeat what I have said. In Tobago, we have treated them very carefully. Just to read what I said yesterday:

"We agree to the employment on contract of persons, as indicated hereunder, in the Probation Unit, Division of Health and Social Services, THA for a period of one year. One Community Service Coordinator, one Regional Coordinator and one Community Service Officer. We also redeployed from within the THA to the Probation Division in Tobago, one Clerk I and one Clerk Typist. Funds have been made available in the 1999/2000 Draft Estimates. "

Of course, the Probation Unit, Division of Health in Tobago will be responsible for the execution of the Probation Services Order.

To the Member for La Brea, I thank you again for supporting this Bill. If you look at section 12, as you would be aware, this would be something new to Trinidad and Tobago. I am sure this is not cast in concrete. When we look at what we provided, section 12 states that we would be asking any organization, group, government department or institution to which an offender has been assigned, to adhere to any instruction provided by the officer regarding the health and safety of the offender at the worksite.

Mr. Speaker, I want to let the Member for La Brea know that this caused some concern when we were meeting. We decided to go with it at this time, so as to avoid the increase in bureaucracy in the system. We would be looking at this section very carefully. I want to thank him for that observation; it was one that was made at our meetings.

With respect to section 13, I agree with the Member, it should be a woman. If it is possible, Mr. Speaker, at this time to amend, as requested, section 13 should state:

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"Where the offender is a woman or a girl, the officer shall be a woman."

We could delete wherever possible. I do not know what system we would be using to do that—at the committee stage.

When we looked at this piece of legislation, I want to thank Members opposite for supporting us. The Attorney General has passed this note to me:

"Wherever the offender is a female, the officer shall be female."

It is the same thing. Mr. Speaker, I do not know how we should do this. When we are instructed, I have no problem in changing that. That is it.

"Section 13, where the offender is a female..."

I repeat,

"...the officer shall be female"

Mr. Speaker, I beg to move.

Question put and agreed to.

Resolved,

That the Community Services Regulations, 2000 be approved.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (The Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Monday May 08, 2000 at 10.30 a.m.

On Monday we shall be debating Bill No.5 on the Order Paper; otherwise known as the Dangerous Dogs Bill. We shall be debating Bills Nos.13 and 14. We hope to do that together because they are connected, dealing with the Regional Health Authorities. We would be debating Bill No.8, the National Steel Orchestra Bill. We will be debating Bills No.17 and 18, a Bill providing for the assessment, care and rehabilitation of socially displaced persons; and a Bill providing for licensing, regulation and control of homes for older persons.

Mr. Speaker, the fact that I read the Bills in that order, does not necessarily mean that they would be debated in that order.

Mr. Speaker: Hon. Members, before we put the Motion for the Adjournment of the House, there are two matters to be raised for which leave has been granted. One is by the Member for Laventille East/Morvant on the adverse effect of the community of Morvant, by the failure of the Government, notwithstanding

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assurances from the relevant Minister, to allocate moneys for the establishment of the Mon Repos Community Centre at Mon Repos, Morvant.

**Mon Repos, Morvant, Community Centre
(Establishment of)**

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): I am obliged, Mr. Speaker. This Motion concerns, as is stated in the Motion that was filed, the fact that the community of Morvant, Mon Repos in particular, has been without a community centre for some time, and that for obvious reasons, the people of that community would want, like many other communities across the country, to have one.

There used to be a community centre in that community. It was lost to the community by fire some time past. Efforts were made to undertake certain developmental works around the site, so as to facilitate the establishment of a community centre, but that remained only, I would think, half done.

Mr. Speaker, in response to the call of the people from that community, the Member of Parliament for Laventille East/Morvant took the opportunity to raise the matter with the appropriate Minister: the Minister of Social & Community Development and the Minister of Sport and Youth Affairs. Sometime ago he came to the very community, along with a number of other Ministers of Government, to inaugurate a water system that was put in place by the residents of that community by way of a self-help project.

I took the opportunity to raise the matter with him publicly because, of course, the media was there in full, and he had in his support the Minister of Works and Transport, the Minister of Public Administration and, I think, even others. It was to inaugurate a simple water system that the people had done, and that this Member of Parliament was involved in from its embryonic stages through to that stage of completion.

Having raised the matter with the Minister in the presence of his colleagues and at least 100 of the residents from the Mon Repos area, the Minister quite categorically stated—and it was published on the television sometime later—he was heard to have said, and he was seen on the television to have said—that the people of Mon Repos will get their community centre in this fiscal year. He said so.

11.25 p.m

Being a Minister who, for the time being, I have not had an opportunity to see as one whose word cannot be easily taken for granted, I assured the people that the Minister is a man of his word and I told them further that this Government has

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at its disposal a tremendous amount of public moneys, having heard the Prime Minister and the Minister of Finance say that all things were quite good. So we waited.

When I saw no action taken, I, the Member of Parliament for Laventille East/Morvant filed a question in this House asking the said Minister to indicate all the community centres across Trinidad and Tobago that the Government proposes to repair and refurbish, and additionally to construct or establish during this fiscal year, using the Minister's exact words.

Mr. Speaker, I was astounded when the reply came in writing. I looked, and looked yet again, and failed to see the Mon Repos Community Centre mentioned on that list for establishment. I did not become disheartened, I simply took it that my assessment of the Minister may have been a little premature and I reported that to the residents of the community. Having told them of the procedures for raising such matters, they asked me to raise a matter on the adjournment as I have done in this Motion and I would like the Minister to be very categorical in his response.

The simple question remains, notwithstanding that it is some four months later.

Mr. Speaker: May I just point out for the guidance of Members, that where I give leave to a Member to raise a matter at this time, the Member needs to stick to the matter. It is not proper to give a rundown on what has happened as between the Member and a Minister who is to reply. In other words, what the House expects to hear is what is the adverse effect, or the ill effect, or the problems which have been visited upon the community of Morvant.

You are not listening to me, Member for Laventille East/Morvant! You know it is improper if I am speaking to you for you to be talking to the Member next to you. It is not right.

Mr. F. Hinds: I did indicate to the Minister that the absence of this community centre was in my opinion obvious, but since—at any rate, I would like the Minister to be very categorical and to indicate whether the people—

Mr. Speaker: Member, I will have to stop you. I tried to say to you that what we are dealing with is the adverse effect, and if you are not dealing with that, I will ask you to take your seat.

The Minister of Social and Community Development, and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, there was this function as quite rightly said by the Member of Parliament for Laventille East/Morvant and in a public statement he asked for a community centre. When I

replied later, I said I would look at the possibility of having this community centre built because as the Minister of Social Development, I understand there are a great number of communities across Trinidad and Tobago that need community centres.

Mr. Speaker, I have done some research when preparing an answer for this question and I realized that the last community centre prior to this Minister being in office was built in 1984. It took 15 or 16 years later to start the building of community centres and the backlog is great. There are communities across Trinidad and Tobago requesting community centres.

Indeed, Members on this side of the House have been asking for community centres because they were neglected over time and the list is over 200. I have been trying to get these community centres built. *[Interruption]*

[Mr. J. Narine stands to ask a question]

Mr. Speaker: Again, many people have been sending requests to me wanting to raise motions. It is not a motion, it is a one on one. It is a one on one between those persons and nobody else could join in. I am sorry.

Hon. M. Ramsaran: Mr. Speaker, research has shown that the Ministry of Social and Community Development has not built a community centre since 1984 until this present term in office. One or two centres have been built using URP over time and this continues, but the Ministry of Social and Community Development has not built a community centre since 1984 and delivery will take time and a high degree of patience and tolerance would be required from all stakeholders.

Mr. Speaker, to add to that, in the Ministry of Social and Community Development which I only had the responsibility for, not too long ago, there was no system in place to build community centres. There was no project implementation unit. They were expecting community development officers to undertake building of community centres which I could not understand. Since I assumed responsibility, we have set up a system whereby we could start to build community centres. This year, for example, we have started to build seven community centres in Warrenville, Fyzabad, Barrackpore, Aranguez, Orange Valley, Libertville, Bon Sejour. They have started within the last couple of weeks and we should be delivering them shortly.

We have refurbished about 30 community centres this year and will continue to refurbish many more. The list is before me, but I will not go into that now, I

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will try to point out quickly that during the last year we have renovated some community centres across the country in South, Diego Martin, Petit Valley, Longdenville, Freeport, St Mary's where the Opposition Leader had his meeting recently. If we did not refurbish that community centre, the Member for San Fernando East would have had to keep his meeting on the streets and this was done only last year.

Monroe Road, La Fortune, Golconda, Las Lomas No.2; and work is continuing on the following centres: La Lune, Basseterre, Navet, Woodland, Debe, Mondesir, Curepe and we are continuing with this aggressive refurbishment. Flanagin Town, Marabella, Manahambre, Mt. D'or, Vega de Oropouche, Real Spring, Mathura, Sisters Road, St. Barb's, Maharaj Hill, Plum Mitan, Rio Claro, Brasso Seco and Red Hill.

Mr. Speaker, as I mentioned before, the list is long and I have had the opportunity to say to Members on this side and on the opposite side that the officers in my ministry visit these communities. It is not done as was attempted by the Member for Laventille East/Morvant. We look at the requirements of communities and their involvement and then attempt to build these centres. I would advise the Member—maybe he did ask me in public and maybe I promised him to look into it, and maybe educate him because I know he is one of those on the other side who is looking forward to office some day—that we prepare budgets and a budget is prepared now for the next year, and not to ask for something in February and expect a miracle. It cannot happen and I have to tell Members on this side the same thing. You have to make these requests and they will be considered by the ministry, then it is taken to the Ministry of Finance to make sure it appears in the budget for the next year.

Mr. Speaker, with specific reference to Mon Repos/Morvant, I wish to indicate that this centre was gutted by fire in 1977, and for 23 years nothing was done in this community centre. However, in 1998—1999 the community received a grant of \$20,000 from the National Commission for Self-Help to restore the centre. Service conducted on the site by experts revealed that before any work could be done on the community centre, it was necessary to build three retaining walls.

Officers in my division have been working with the village council with a view—and they intimated to me that there is no haste—to obtaining assistance from Government and other agencies to have this done. To date, one wall has been constructed and two others need to be built and efforts continue to be made to have these constructed. Construction of this community centre cannot be done until these walls are constructed as this could result in landslides and damage to the structure.

Mr. Speaker the Mon Repos Community Centre has been included in the draft estimates for 2000—2001 for construction.

Thank you, very much.

Mr. Speaker: The other matter for which leave has been granted to raise is by the Member for Tobago West: The Adverse Effect of the Central Government's non-intervention in an impasse at Pigeon Point which has affected the livelihood of Tobagonians and brought about undue tension in the Tobago society.

**Pigeon Point Impasse
(Central Government's Non-Intervention)**

Miss Pamela Nicholson: Mr. Speaker, this evening is a very sad evening for me in the life of this House as representative for Tobago West. I am forced to raise a very important matter that impacts on the lives of all Tobagonians specifically, and the nation generally because it is a national issue now. The only person who seems not to be very concerned is the representative for Tobago East and I will say some more later.

The Motion deals with the adverse effect of the Central Government—

Mr. Speaker: I am sorry to disturb you.

Miss P. Nicholson: I do not have to go over the Motion?

Mr. Speaker: No, no, you are doing quite well, but I want to indicate to you that it is not a motion you are proposing. What happens is that the matter is raised at the time when the motion is moved for the adjournment of the House, but it is not a motion. It is a matter you have been given leave to raise. It is not a debate, it is a one on one.

Miss P. Nicholson: I appreciate that, Sir. The matter for discussion is the adverse effect of Central Government's non-intervention in an escalating impasse at Pigeon Point which has affected the livelihood of Tobagonians and brought about undue tension in the Tobago society.

Mr. Speaker, this is a matter I thought the response would have come from either the Attorney General or the Prime Minister who found it quite easy to go to St. Vincent to resolve that country's problem. When there is a problem in his country, Trinidad and Tobago that needs urgent action, to date over more than a week now, the Trinidad and Tobago Government refuses to respond. When you see them "skinning their teeth" you get very upset.

The issue at Pigeon Point has deteriorated to the extent that there has been senseless and wanton loss of life. The Good Friday killing of Michael Melville in

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the sea at Pigeon Point is as a result of an altercation between a Swat Security Guard and a resident of Crown Point Tobago.

11.40 p.m.

All the people who were at Pigeon Point Beach at that particular point in time seemed to have been very depressed. Even from this honourable House the representative for St. Joseph was there. What was very, very depressing on that day on the beach, Sir, was that, there was a security guard with a pistol or a gun there—whatever we want to call it—and there were several people on the beach. Because it is a public place. That has occurred because of the approach of the grouping that is now in charge or, probably, owns Pigeon Point.

From the moment the McAl group, in 1997, bought into Pigeon Point, they went into the situation in a very aggressive, non-co-operative way, and if they leased the lands this week, by next week eviction notices were all over the place. I was the representative who went to the head of the McAl group at that particular point in time, after the people came to me to try to resolve the issue, because that is a property that the people of Tobago have been traversing for decades.

As a matter of fact, there is public access in that area, from the Milford corner right up to the gate that they have put up there. For decades, people are walking there and the state maintains the road; so the road is a public road. But beyond the gate, into the Wind-hole section there is another grouping of fishermen who function in that area. Because of the gate some people might have been paying a fund if they wanted to make use of the facilities in the area, while the fishermen were allowed for decades to go into the area freely.

The people of Tobago respect property, and unlike the statement that has been made by the Member for Tobago East, they do not want to take away the property of McAl. But it is also felt that McAl must respect the rights and privileges of the people. There is an access road; there is a public beach and that is the right of the people. There is also a jetty in the sea that was constructed by the state. McAl has extended that jetty and has decided—because it was constructed on behalf of the Buccoo Reef boat owners. So that when they went to the reef, it was really to facilitate those people why the jetty was constructed. So that when they go to Buccoo Reef they can then bring the tourists to the Pigeon Point area to benefit from the facilities there. So McAl cannot take it on his own to do something on the jetty and then charge \$250.00 for the boat owners to dock there.

Mr. Speaker, the people in Tobago are very disappointed with two of their representatives: that is, the Chief Secretary of the Tobago House of Assembly,

who the people have voted for; and who the people have chosen to be their representative as Chief Secretary. At this stage, to tell the people of Tobago that they want everything for free, and if they do not want to pay for the use of the beach they can go somewhere else to bathe—the people are very, very disappointed. Because of the approach and the imposition of McAl with security carrying guns at that site, that is what caused the wanton killing. The people are very, very, disappointed.

The people's representative told us that he had a meeting with McAl and they have to come to an agreement to build another road. The road, for decades, is right on the beach, within the confines of the Three Chains (Tobago) Act; where we are seeing the sea; where we can enjoy the ozone of the sea as we drive along. It is my view that local residents cannot be appeased by agreement with McAl to put a road in the back for the use of fishermen, and the public. It reminds us of the back of the bus; the situation that took place in the United States of America that everybody had to struggle for, and so on. If you look at the Act—I am not a lawyer, but the Three Chains Act emanated on May 26, 1865, and it relates particularly to Tobago. Dealing with that strip of land it would be something like 66 yards, which would be three chains. If you multiply that by 3, it would be 198 feet. *[Interruption]* Sorry, it is 22 yards but three chains would be 66. And if it is in feet it would be 198.

When you look at the Act after it was upgraded—I think it was in 1950 or something like that—there are two very important clauses. The fifth clause is the right of road to the public through the said strip or belt of land which is hereby expressly reserved.

As I said, the road is reserved; the people have been driving on the road from Milford up to a gate, which is called the boundary of Pigeon Point. Within the confines of the gate, people like the fishermen also would drive in their vehicles. That has been happening when there was Gordon Grant, Amar and others as owners. But with this new owner—and you also have a 1981 Proclamation which says:

“notwithstanding any law or custom to the contrary it shall be lawful for the Governor at any time to take possession of any part of the land commonly called the three chains and to make roads on any part thereof;”

except that no such road shall interfere with any building.

11.50 p.m.

Mr. Speaker, what we say in Tobago is that we have a right to our beach. The issue is not an issue just for fishermen. It is not an issue just for the craftsmen. It

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is an issue for the public about the use of the beach. It is felt, Sir, that the central Government should step in and they can appease the situation immediately by making use of the Three Chains (Tobago) Act.

When people tell us the Tobagonian must emulate Sabga, a grouping that has imposed gangsterism already in Tobago by wantonly killing people in the sea, on the beach, Mr. Speaker, it is a serious—[*Interruption*]

Mr. Speaker: I do not want to interfere with you but I ask you just to bear in mind that, in terms of our judicial system, there are matters now before the courts and we do not want to interfere unduly with things that are *sub judice*.

Miss P. Nicholson: So what can we say, that somebody was killed? Could we say that?

Mr. Speaker: You can talk about an incident, somebody died.

Miss P. Nicholson: Or an incident?

Mr. Speaker: Yes, but—[*Interruption*]

Miss P. Nicholson: Somebody lost his life, can we say that?

Mr. Speaker: That would be perfectly in order.

Miss P. Nicholson: All right, Sir. That happened since this grouping came there. Mr. Speaker, in Tobago this is something that has been occurring, not only in that area but also in other areas.

For example, in the area that I am from, the village called Charlotteville, in the early 1950s the people of Charlotteville were confronted with a similar situation in that they had their lands in the Hermitage area and when they used to go to that area they had no problems until a man by the name of Dilmot, he was the manager, he came and he wanted to stop the people from using the beach and from using a road that they trekked to go to their lands. The owner of the estate at that time was Stafford. The farmers cried out to their representative. That person was a county councillor.

He took the matter to the county council and also to the Governor at the time and the state stepped in and sent surveyors. I think they said that the surveyor who was sent was the PNM man—what is his name? [*Interruption*] Prevatt, that is the man who was sent. The lands were surveyed within the confines of the Three Chains (Tobago) Act. The boundaries are still there and the people got redress and were told, “You can use this area”. So there are other occasions when this has happened.

So, Mr. Speaker, it is our view that, one, the central government can step in. They can use the Three Chains (Tobago) Act and appease the situation immediately, construct a facility so that they will be able—well the road, they can use it immediately. Just two more minutes, Sir. They could construct a fishing facility. They can put a park or anything like that to allow the people to use the beach. The beach is not an exclusive site for any private investor. We respect people and their property. Tobagonians are said to love people. The tourists enjoy coming to Tobago because of that. So it is really disgusting to hear your representative, the representative for Tobago East, telling the Tobagonian, they must emulate Sabga.

Mr. Speaker, the fisherfolk, the sea bathers, the vendors, the reef boat operators, the dive shop operators, the campers, all Tobagonians are seeking redress. Thank you very much. [*Desk thumping*] Mr. Speaker, just one more sentence.

I do not think this was something for the Member for Tobago East. This is something for the Attorney General or the Prime Minister. He went to St. Vincent for redress. We want them to come to Tobago to redress this action.

Mr. Speaker: No. As the Member knows, the question of deciding on the person who responds, is in their hands. I am sorry, but—[*Interruption*]

Miss P. Nicholson: You gave him, Sir. This was not the person I really wanted.

Mr. Speaker:—neither you nor I have any control over that.

The Minister for Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, my name was called in my official capacity to indicate to the public that I have no interest in the welfare of Tobagonians generally and the people who use Pigeon Point particularly. Nothing could be further from the truth. My sojourn on this planet, since I have come to the age of reason, has been guided from an early age by my experience with my mother reading the Bible, the Old Testament, and I have been infused and guided to this day by a sense of law and a sense of right—always. People who do not listen to me carefully do not discern this. I oftentimes used to tell people, “If you want to understand my implications publicly you must read the book of Jeremiah”, one of my heroes.

Jeremiah used to be all over implicating against the whoredom of Judah, against the viciousness of the king, and law we must understand, Mr. Speaker. If we do not want to be guided by law we will all go back to the bush, all of us. So that I am not going to apologize for everything I said concerning emulation of Mr.

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Sabga, and I am not going to encourage anybody in Tobago to believe that they must be guided by a mob. [*Interruption*] I listened to the speech, Mr. Speaker. Would I be—[*Interruption*]

Miss Nicholson: Well, I cannot listen to you saying that Tobagonians are mobs. How am I going to listen to that?

Mr. Speaker: No, no, no, the experienced Member—[*Interruption*] All I am trying to say to the—[*Interruption*]

Miss Nicholson: He called us mobs.

Mr. Speaker: All I am trying to say to the experienced Member for Tobago West is that her experience would prevent her from intervening when the Minister is responding.

Miss Nicholson: Sorry, Sir.

Mr. Speaker: Thank you.

Dr. The Hon. M. Job: Yes, Mr. Speaker, I was talking about law and discretion. Exodus, Chap. 23 tells me, “Thou shalt not follow a multitude to do evil”. I am serious about that. There is a thing called the Tobago House of Assembly Act. That is a law here. I have problems with the interpretations of the Chief Secretary and the Act and everybody knows that. I have expressed my position on that. There is also a thing called the Constitution of Trinidad and Tobago, and I understand those two documents to be acting in a certain manner. So I agree with you, MP for Tobago West, that the Government has a certain jurisdiction and responsibility in this matter. But should the Government deliberately subvert the Tobago House of Assembly Act which gives the Tobago House of Assembly certain responsibilities and duties?

I, Mr. Speaker, in pursuance of what I thought was the decent and the right thing to do—[*Interruption*] Mr. Speaker, could you please ask this MP for Tobago West to be silent?

Miss Nicholson: You cannot ask me to be silent.

Dr. The Hon. M. Job: I asked the Speaker.

Miss Nicholson: He has to put me out.

Mr. Speaker: What I would say to the experienced Member for Tobago West is that if it ever gets to the stage of having to put somebody out, I would not do it, it is the Marshall who will do it, on my instructions if it ever gets to that. So that you need not worry about that. But I do ask you to allow him to give his explanation.

Dr. The Hon. M. Job: Yes, Mr. Speaker, as leaders we all have to be concerned with the kind of example we set for other people, especially for children. This country is too lawless and part of the reason is because of the examples of some leaders. This MP for Tobago West would advise this nation that I should encourage the Government to act in a lawless manner. I cannot do that. I will not do that.

I, when this matter came up, did the decent thing. I sent a telephone message, via my Permanent Secretary, to the Chief Secretary advising him that I would have to respond to this thing and would he please guide me in terms of the position of the Tobago House of Assembly. Subsequent to that I did not get any information from him and I asked the Permanent Secretary this morning, this is May 5, and I want to put on the record what she advised me concerning the response from the Chief Secretary.

“Minister,

I sent the letter to Mr. Charles as directed and I then spoke to him on the telephone this morning. He apologized for not preparing a response as he had promised. He explained that he has had to meet with numerous persons over the last few days and did not get time to prepare the response.

However he did indicate that the THA met with Mr. Sabga and company to discuss the matter and it was agreed that public access would be provided to the beach and the fishing facility. Engineers from the THA are currently working with staff of the company to determine the best way to provide road access. One possibility is realigning the existing road.”

This Government, of which I am a part, notwithstanding the fact that all of us on this side know that the actions of people in the Tobago House of Assembly, and in particular some actions of the Chief Secretary, indicate that there is an interpretation of sovereignty of Tobago that does not derive from any law about which I know, we still intend to do the best and most lawful thing in terms of the relationship between Trinidad and Tobago, which is what I am doing. Your demands here this evening are in fact saying that the Government must act in a manner to obviate and to injure the law that is called the Tobago House of Assembly Act. How could I do that, Mr. Speaker? I do not have any mandate to do that. The Cabinet does not have any mandate to do that. We have a mandate to act in the interest of the people of Tobago and I, as Minister of Tobago Affairs representing their interest, I do that.

I did write a letter which I want to put on the record also. This letter is dated May 1.

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“Mr. Hochoy Charles,
Chief Secretary,
Tobago House of Assembly
Jerningham Street
Scarborough
Tobago

Dear Mr. Charles,

The Member for Tobago West was granted leave to raise the matter with the appropriate Minister, on the Motion for the Adjournment of the House”

I then quoted the topic. The letter continues:

“The matter qualifies for debate on the next sitting of the House, at which time I am expected to respond. In this regard I would appreciate obtaining the Tobago House of Assembly’s views on the matter.

I look forward to receiving an early response from you.

Sincerely,

Morgan Job
Minister of Tobago Affairs and
Minister in the Ministry of Finance,
Planning and Development.”

Now, that is the lawful and decent way to do things and the Chief Secretary, in his capacity, must have consulted his Executive, I hope, and is proceeding in his way to do what he thinks is in the best interest of Tobago. He had made some comments which I cannot be sure that he did make because the press sometimes is very mischievous but the press quoted him as saying that the people in Tobago do not understand that they have to pay for services and things like that. The MP for Tobago East is joining me with that statement and other statements to say that I am callously disregarding the rights and the life of people in Tobago and introducing into this discussion matters that have no relationship to it.

The matter at Pigeon Point is not an Alabama situation where there are state authorities that were not federal authorities imposing injurious and prejudicial rules on the non-white population in Alabama. This is not the case in Tobago. As I speak here, Mr. Speaker, I know of no Tobagonian who has said that they believe the Mc Al Group does not want black people to go to Pigeon Point. I have

not heard it so said. Before the man unfortunately lost his life I did go and avail myself of the opportunity to discuss with the people at the Mc Al Group what I was reading in the newspapers and I raised that specific issue.

Miss Nicholson: Could I ask you a question?

Dr. The Hon. M. Job: I do not think she could ask me a question, Sir.

Miss Nicholson: Because there is already access. I do not know what you are talking about.

12.05 a.m.

Dr. The Hon. M. Job: Mr. Speaker, would I be permitted to make my contribution. *[Laughter]* Mr. Speaker, I am trying to deal with the question of Alabama. I am saying, that the issue with respect to payment of fees and access cannot be joined to any issue of racial discrimination or colour prejudice. *[Desk thumping]* No way! That does not come into the issue.

Mr. Speaker, I had made certain public statements which are being misrepresented by the Member for Tobago West, where I wrote certain press releases. I want to put on the record the one after Mr. Melville's unfortunate death. I think it is important that the public should understand the role of Government. A government is not a government for a partisan group. When you have a government it is a government of Trinidad and Tobago for all the people of Trinidad and Tobago.

Mr. Speaker, the Government is here to impose the laws fairly on behalf of all the people of Trinidad and Tobago including corporate bodies and persons. *[Desk thumping]* That is the role of Government. The Government cannot *a priori* discriminate against the Mc Al Group. What kind of absurdity is that? If there is an issue in which the Government must intervene, it must do so lawfully. There has to be evidence in some way that the rules of this country must apply to the case.

Mr. Speaker, anyhow, I want to put this on the record where I issued a press release concerning the shooting of Michael Melville at Pigeon Point Beach. I said:

“I offer sincere condolences to both families involved in the tragedy: the family of the security guard who shot Melville and including my sympathy for the guard in his time of trial;...”

Now, I am not a judge. I was not there. I do not know. I heard here on the *Hansard* record tonight that Mr. Melville was shot in the sea. I was not there. I do not know. There is a matter before the court. I do not know if the Member of

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Parliament for Tobago West was there and saw Melville being shot in the sea.
[*Interruption*]

“...and the mother and relatives of Mr. Melville, the deceased.

I repeat that, ‘Justice demands that all Tobagonians join with hoteliers, property owners, the Government, the Tobago House of Assembly and citizens of goodwill to work for a resolution of the claims to the asset that is Pigeon Point. The interests of all citizens are served by the promotion of peace, respect for private property, avoidance of disharmony and the encouragement of conditions for the continued investment in developing the tourism capital located within the three chains around Tobago’.

The unemployed youths of Roxborough, Zion Hill, Mason Hall and other villages in Tobago need skills. They need help to acquire the entrepreneurial culture without which all the services providing incomes to foreigners and citizens resident in Trinidad will be denied to them; and they need to know that tourism development means more than jobs as maids, gardeners, bell boys, security guards and opportunities for sex.

The welfare effects of tourism on the villagers of Tobago is what this tragedy must focus our mind on and the adaptation of village life to the culture shock of the daily presence of thousands of outsiders who are culturally very different from the Tobago villager. These issues, not racism, not state monopoly of the tourism industry, are the critical issues Mr. Melville’s death forces us to challenge and to do...”

Meaning to do something about it.

Mr. Speaker, there is a situation where all around Tobago there are properties that are within the three chains. Crown Point, Blue Waters Inn at Speyside, Turtle Beach and all these places. This Government cannot, irresponsibly, particularize the matter without understanding the need for universalistic rules that apply to everybody in some kind of fair way, and we ought not to set precedents that might come to injure the development of the tourism industry in Tobago. It is not as simplistic as you would have heard in a mob, and some people trying to build political careers from the unfortunate demise of Mr. Melville. That is what you see all along. I am not seeing that sense of *noblesse oblige* where you rise above the issue, in order therefore, to lead in a proper way and deal with the substance of the matter which is, I would say, a legitimate cry on behalf of some people who alleged that they are being discriminated against unfairly.

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Mr. Speaker, the Tobago House of Assembly has assured everyone that the fishermen issue is being dealt with by Mr. Potts, who is the Fisheries Officer there. The people from Mc Al Group, to whom I spoke, indicated to me that, in fact, all those matters have been dealt with. So in terms of the demand that the Central Government steps in and use the Three Chains Act, I do not see at this point in time, the Central Government has any duty to respond to that request. I think that we will continue monitoring the situation and try to do what a government and good government must do, which is to see to the best interest of the corporate people; the corporate citizens; private citizens and everyone else in the country of Trinidad and Tobago.

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

Question put and agreed to.

House adjourned accordingly.

Adjourned at 12.13 a.m.