

Leave of Absence

Friday, June 02, 2000

HOUSE OF REPRESENTATIVES

Friday, June 02, 2000

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Arouca North and the Member for Port of Spain South that they are unable to attend the sitting today. They have sought leave of absence which has been granted.

**SLIPPERY CORRIDORS
(CAUTION)**

Mr. Speaker: May I also, out of an abundance of caution, advise hon. Members that they should tread very, very carefully on the outside of this Chamber, on our rather slippery corridors; with the rain it is bad.

Mr. Bereaux: Mr. Speaker, I was going to raise that as a matter of definite urgent importance.

Mr. Speaker: I do not think it would work.

PAPERS LAID

1. Report of the Auditor General on the Accounts of the Sport and Culture Fund for the year ended December 31, 1995. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the Accounts of the Sport and Culture Fund for the year ended December 31, 1996. (*Hon. R. L. Maharaj*)
3. Report of the Auditor General on the Accounts of the Arima Corporation for the year ended December 31, 1985. (*Hon. R. L. Maharaj*)
4. Report of the Auditor General on the Accounts of the Arima Corporation for the year ended December 31, 1986. (*Hon. R. L. Maharaj*)
5. The Draft Environmental Code, May 2000. [*The Minister of the Environment (Dr. The Hon. Reeza Mohammed)*]

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

**ASHTANG YOGA ASSOCIATION (INC'N) BILL
Select Committee Report
Presentation**

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Speaker, I wish to present the following report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the Ashtang Yoga Association of Trinidad and Tobago and for matters incidental thereto.

ORAL ANSWERS TO QUESTIONS

**Foreign Lawyers and/or Foreign Law Firms
(Contract of)**

57. Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the Attorney General and the Minister of Legal Affairs:

- (a) Would the Attorney General identify the foreign lawyers and/or foreign law firms retained or contracted by the Government to provide legal advice and/or other legal services between January 01, 1996 and March 30, 2000?
- (b) Could the Attorney General advise as to the nature of the work involved in each case and the respective cost?
- (c) Would the Minister further indicate how many of these cases involved advice or opinions orally presented as opposed to written advice or opinions?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, in order to give a proper response to the question, which seeks details concerning foreign lawyers and/or law firms retained or contracted by the Government from June 1996—March 2000, the nature of the work involved, the respective costs and who have been paid as at March 2000, it is necessary to give to this honourable House material information about the civil law and the criminal law departments of the state.

Mr. Speaker, the Civil Law Department headed by the Solicitor General and the Criminal Law Department headed by the Director of Public Prosecutions are responsible for representing the state in civil and criminal matters respectively. In that regard, I am advised that the Solicitor General's Department handles, on a monthly basis, an average of four to six cases in the Court of Appeal, and an average of 40 cases in the High Court.

Mr. Speaker, apart from appearing in court on behalf of the state, these lawyers in the civil department are engaged, *inter alia*, in advisory work as well as vetting contracts and agreements. The size of this pool of professional staff in the Solicitor General's Department, which has responsibility for court work and various other matters in civil law, is continuously changing to the disadvantage of the department and the ministry. For example, in 1996 this department had 75 per cent of its professional staff, while, at the present time, it barely has 50 per cent of its staff. The level of the staff in the department also had a bearing on the ability of the department to efficiently and effectively perform all its duties.

The Solicitor General's Department has, over the years, continuously lost its middle and senior level staff. Because of more attractive terms and conditions in the private sector, the more experienced senior and junior officers leave the public sector for greener pastures. The Ministry of the Attorney General is trying its utmost to deal with the loss of professional staff whose posts are all within the purview of the Salaries Review Commission, but that drain continues.

In respect of the Criminal Law Departments the size of the professional staff varies from 80 per cent staff in 1996 to 66 per cent staff for the year 2000. Court assignments per month are divided into the Assize Court, the Appeal Court and the Magistrates' Court. With respect to the Assize Court, nine Assize Courts sit daily, occasionally 10, and there is an Assize Court four times per year in Tobago.

Mr. Speaker, each court has a list averaging between 15 to 20 matters. On the average and dependent on the length of the trials, especially if there are short ones, the Assize Courts may try a total of 90 to 100 matters per month.

The Appeal Court on the average hears 12 criminal appeals per month, both capital and non-capital. Every three months magisterial appeals are heard.

With respect to the Magistrates' Court, the Director of Public Prosecution's office represents the state in 40 magistrates' courts throughout Trinidad and Tobago in both indictable and summary matters. On the average per month there may be approximately 100 matters heard, though not necessarily finished. Aside from the court matters, the DPP's office is also involved in restraint and confiscation applications under the Dangerous Drugs Act; extradition matters and in providing legal advice on matters pertaining to the criminal law to the police and all government departments.

As with the Solicitor General's Office, the Director of Public Prosecutions Department also continuously suffers a loss of experienced legal staff. It is, however, recognized and accepted that the Ministry of the Attorney General has

an obligation to ensure that the state is adequately represented in both the civil and criminal courts. The public interest also demands that the state benefits from the best legal advice in respect of complex and difficult cases, even if it means obtaining the services of senior counsel from the private Bar.

As Attorney General I try to redress the staff situation in the ministry by seeking to employ experienced persons on contract, but we have not been successful in attracting senior/junior or senior advocates, but persons who have only just been qualified. It seems that the ministry is a training ground where persons come to gain experience and then are free to accept lucrative positions in the private sector.

Mr. Speaker, when I assumed the office of Attorney General it was the existing practice in the ministry that where the public interest demanded it, private, local and/or foreign senior attorneys with the requisite expertise were retained to appear on behalf of the state in complex civil and criminal cases, since it was important that the state received the best representation it could demand.

This administration took very aggressive measures against drug trafficking, money laundering and transnational organized crime. The Government, for the first time, implemented laws relating to the confiscation of assets derived from drug trafficking. The Government also complied with extradition requests and took a pro-active approach to comply with the time frames in death penalty matters laid down by the Privy Council in Pratt and Morgan.

The cases which were filed by accused and convicted persons as a result of the actions taken by the state mandated the state to get the best legal representation. It is well known that drug lords and those engaged in organized crime and their agents have financial resources to retain whom they consider to be top class attorneys, in order to do battle with the state. The state would have failed in its duty if it did not fight these battles by retaining lawyers with required expertise.

Mr. Speaker, the records in respect of death penalty appeals would show that, whereas before 1995 there were, on the average, 10 murder appeals per year from Trinidad and Tobago before the Judicial Committee of the Privy Council, the numbers increased dramatically to 50 cases in 1999. It would, therefore, mean that between 1995 and 1999 the state would have expended considerably larger sums of money for lawyers in London than it would have had to before 1995.

The last administration expended some \$5.1 million in retaining foreign lawyers for the period of time it was in government. Mr. Speaker, this administration has spent \$13 million between 1996 and March 2000. Our records

show that the major portion of fees for lawyers were paid for murder appeals, constitutional cases arising from murder appeals and prosecution for drug trafficking and money laundering, as well as matters concerning confiscation of assets derived from drug trafficking.

1.45 p.m.

This portion of fees are in the vicinity of \$11.5 million out of the \$13 million, and was paid to the following in the amount indicated:

	\$
Mr. Timothy Cassel, Q.C.	3,688,017.84
Sir Godfrey LeQuesne Q.C.	1,380,025.64
Charles Russell & Co	3,860,846.14
Andrew Mitchell, Q.C.	455,857.51
Peter Knox	595,671.66
Mr. James Gutherie, Q.C.	242,854.17
Mr. Vernon Pugh, Q.C.	480,166.54
Mr. James Dingemans	227,826.15
Mark Strachan, Q.C.	198,947.55

Mr. Speaker, it should be borne in mind that payment to English lawyers is made in pounds sterling and the rate of exchange between 1996 to 2000 has increased over time, thereby causing an increase in the amount of Trinidad and Tobago dollars paid to foreign lawyers for legal services.

Mr. Speaker, in respect of the civil matters the lawyers who have been retained are:

	\$
Mr. David Turner-Samuels, Q.C.	1,656,496.75
Mr. Jeffrey Robertson	307,234.95
Mr. Anthony Shawn Hudson	2,183.69
Mr. Richard Wilberforce	2,649.17
Mr. Jacob Muller	25,200
Prof. Zanda	40,803.33
Excretorio Ventacourt	2,974.13

One sees that the civil matters were very small amounts.

I have sought to put, in context, the circumstances which require the retaining or contracting by Government of foreign lawyers and/or law firms and the procedures that were existing when I assumed office as Attorney General. In so doing, I have informed this honourable House of:

- (1) the staffing situation in the Ministry of the Attorney General and Legal Affairs where over the period 1996 to March 2000 the professional staff in the Solicitor General's Department has been between 75 to 50 per cent and between 80 to 66 per cent in the Director of Public Prosecutions Department compounded by the fact that staff loss has been at the level of the experienced senior/junior and senior staff;
- (2) the share volume and complexity of the cases where the Attorney General representing the state was either the respondent or the defendant;
- (3) The implementation of drug and money laundering legislation; and
- (4) the implementation of the death penalty.

Mr. Speaker, I have all the particulars but in light of all the detailed information requested, and hereby provided from the records of the Ministry of the Attorney General, as at March 2000, I seek your leave to dispense reading all the details and instead to have it circulated to Hon. Members.

Mr. Hinds: Mr. Speaker, a supplemental question. Is the Attorney General indicating that the amounts quoted today are figures in addition to the amounts paid to salaries and fees to contract officers in the Attorney General's Department?

Hon. R. L. Maharaj: Mr. Speaker, the answer is quite clear. The moneys quoted with the names given and the amounts are moneys which have been paid for the retaining of foreign lawyers and law firms in respect of prosecutions like in the Dole Chadee matter, money laundering cases, drug cases and the constitutional cases arising from the death penalty matters.

Mr. Hinds: A further supplemental question, Mr. Speaker. Would the Attorney General indicate whether the functions that he has outlined, which are carried out by the Attorney General's department—whether any new responsibilities have been added since 1995?

Hon. R. L. Maharaj: Mr. Speaker, apart from the success in the prosecutions there is a central authority which monitors the mutual legal assistance in criminal matters, and which monitors extradition matters. Because, under the legislation, that would be done through the central authority. There is a human rights unit which was set up in order to complete the records and the reports which previous governments neglected to do; and there is a human resource unit and other units.

Mr. Hinds: A further supplemental, Mr. Speaker. In the hon. Minister's response he indicated that the amount of appeals going to the Privy Council increased dramatically from about 10 to 50. Would the Attorney General not agree that that is as a result of the speeding up and hearing of appeals by the Court of Appeal of Trinidad and Tobago and, in fact, no other reason?

Mr. Speaker: That does not arise. Whatever the reason for it, it is not one of the things that have been asked. He has given an answer that x,y, z has happened and the expense has been wide. That question does not arise.

Mr. Hinds: One final further supplemental, Mr. Speaker, then. Would the Attorney General indicate whether it is the Government's policy to have only foreign lawyers prosecute these matters abroad, or whether the Attorney General has decided to exclude the services of local attorneys in this regard?

Hon. R. L. Maharaj: Mr. Speaker, the hon. Member is a lawyer in practice. He is well aware that this Government has retained local lawyers to prosecute. What this answer shows is that there were many death penalty matters and appeals which had to be done in London and Trinidad and Tobago, and in respect of the London matters, the English Counsel did them. In some of the major drug matters and major prosecutions in Trinidad and Tobago, foreign counsel was retained in order to do those.

Mr. Hinds: Finally, in light of that response, is the Attorney General suggesting—in respect of the major matters done in Trinidad and Tobago—that the local attorneys are not, in his view, capable or competent enough to do them?

Hon. R. L. Maharaj: Mr. Speaker, I did not say that. But it may be that the hon. Member for Laventille East/Morvant [*Interruption*] wants to say that. Mr. Speaker, one knows that in some of these matters, for example, in money laundering, it was the first time it was done in Trinidad and Tobago and the expert was brought down. In respect of the Dole Chadee matter, for many reasons, Mr. Cassel was very experienced and he was brought down to do it.

Mr. Hinds: A further supplemental question, Mr. Speaker. [*Interruption*] I am entitled to ask.

Mr. Speaker: He does not have to answer anybody. If you want to ask a further supplemental, you could ask a hundred, it does not matter, but just pose it to me, if I think it is fit, I would allow it to be answered.

Mr. Hinds: Mr. Speaker, is the Attorney General able to indicate, at the moment, what are some of the reasons why, for example, Mr. Cassel was chosen as opposed to local lawyers?

Mr. Speaker: You should propose that as another question. Any others?

Mr. Hinds: I am obliged, Mr. Speaker, I would be guided by your ruling.

Mr. Speaker: You have no choice really. *[Laughter]*

Dr. Rowley: Mr. Speaker, had I been made of a different mettle I would have risen with trepidation.

Mr. Speaker: Well, again, trepidation or not, you, as an experienced Parliamentarian, know that all you are permitted to do when I call upon you, in terms of a question, is to ask it and not really make comments concerning what I may have done before. I may have been wrong, but so be it, please.

Dr. Rowley: Mr. Speaker, thank you very much. You must excuse me, Mr. Speaker, I was away for a couple days and I do not know what the changes have been.

Mr. Speaker: The type of first class degree that you have, being away for a few days would make no difference to you. Please proceed. *[Interruption]*

Dr. Rowley: Mr. Speaker, I admire the confidence you expressed in my qualifications.

Mr. Speaker: I am only going by that which you said in this very House.

1.55 p.m.

Dr. Rowley: Thank you, Mr. Speaker, for the observations.

**Haig/Abbe Poujade Street
Self-Help Water Project
(Expenditure Accountability)**

61. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Local Government:

- (a) With respect to the Haig/Abbe Poujade Street Self-Help Water Project, could the Minister state the total amount of URP funds expended on the project and the number of gangs which were involved during each month for the period June 1999 to April 2000?

- (b) Would the Minister further state by what specific document did the Self-Help Commission give its approval for the expenditure of funds on the resurfacing of roads and the purchase and outfitting of a pumping station in Carenage, and could he state the date of this approval?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, the total amount of Unemployment Relief Programme funds expended on the Haig/Abbe Poujade Street Self-Help Water Project for the period June 1999 to April 30, 2000 is \$108,505. The number of gangs that were involved during the period is nine.

Mr. Speaker, the Self-Help Commission has given its approval for the first phase of the project, which involves the digging of the roadways and the laying of the water mains. The Commission is yet to be approached for approval regarding the resurfacing of the roadways and the installation of the booster pump station. This will be done upon completion of the first phase, which has been delayed by the recent suspension of the Unemployment Relief Programme in the Diego Martin Regional Corporation.

Dr. Rowley: Mr. Speaker, supplemental. I wonder if the Minister is prepared to tell this House how many gangs were involved, as the question requests, each month during the period June 1999 to April 2000. The question specifically requested that an answer be given pointing out how many gangs were hired each month in that period.

Hon. D. Singh: Mr. Speaker, at this point in time the answer that was provided by the corporation is that the number of gangs that were involved during the period June 1999 to April 2000 is nine. I will have to look for more specific details.

Dr. Rowley: Is the Minister in a position to tell this House whether any of those gangs were hired after July 1999?

Hon. D. Singh: No, Mr. Speaker.

Dr. Rowley: Is the Minister aware that, notwithstanding what was said in this House, no person appeared for work on this project during July 1999 to 2000?

Hon. D. Singh: Mr. Speaker, I am not aware of that.

Dr. Rowley: Finally, Mr. Speaker, could the Minister tell this House if this project arose out of his visit to Diego Martin and Carenage in the period prior to July 1997?

Hon. D. Singh: Mr. Speaker, this is a self-help project. Self-help projects originate from the community and it is a community-based project. The Unemployment Relief Programme would only assist to see that the project is completed.

Dr. Rowley: Mr. Speaker, with respect to part (b) with respect to the resurfacing of the road, could the Minister confirm today that the Self-Help Commission is prepared to pay the quarter million dollars to pave the road as he told the House recently?

Hon. D. Singh: Mr. Speaker, I am not aware of the details regarding this project. This is a self-help project. In many instances the regional corporation would assist the Self-Help Commission in restoring the roads, but at this point in time I have no details.

Dr. Rowley: Mr. Speaker, as Minister of Local Government could the Minister tell this House whether he is aware of any instance, anywhere in this country, where the Self-Help Commission did road reinstatement to the tune of a quarter million dollars?

Hon. D. Singh: Again, Mr. Speaker, I am not responsible for the Self-Help Commission and I do not monitor their day-to-day operations.

Dr. Rowley: Mr. Speaker, since the Minister is responsible for local government, as I presume he still is, is the Minister in a position to tell us now or confirm that this road would be resurfaced as he promised at an earlier sitting? If so, when?

Hon. D. Singh: Mr. Speaker, I am still the Minister of Local Government and with God's blessing I will certainly do my best. [*Interruption*]

**Diego Martin Regional Corporation
(Allocation of Funds)**

62. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Local Government:

- (a) Would the Minister state how much money was allocated in the Development Programme in the current budget for the Diego Martin Regional Corporation and how much of that allocation has been made available as at April 15, 2000?
- (b) Would the Minister indicate the sums of money from the Road Improvement Fund that have been made available to the Diego Martin Regional Corporation in 1996, 1997, 1998—1999, 1999—2000 to date?

The Minister of Local Government (Hon. Dhanraj Singh): [*Desk thumping*] Mr. Speaker, the allocation in the Development Programme in the current budget for the Diego Martin Regional Corporation is \$2,585,000 comprising \$2,376,000 under the Infrastructure Development Fund and \$208,581 under the Consolidated Fund. As at April 15, 2000 the following were expended: total development programme, \$2,492,000.

For the period 1996 and 1997, the Ministry of Works and Transport had sole jurisdiction over the moneys collected from the road improvement tax. In allocating moneys under the Road Improvement Fund, the Ministry of Local Government has programmed roads in all municipalities in order to bring them up to a reasonable standard. In the first phase, the focus has been on rural oriented roads. Subsequently, roads in suburban and urban areas would be targetted. From 1998 to the present, through the Ministry of Local Government, the Road Improvement Fund has been used to repair the Sierra Leone Road at a cost of \$266,000.

Notwithstanding, because of the approaches made by the burgesses in the Diego Martin region, the Ministry in 1999 assisted in repairing the Diego Martin turnstile from its development programme funding. Additional repairs were done to Scorpion Road at a cost of \$143,000 and Smith Hill at a cost of \$258,000. Recently more approaches have been made to the Ministry of Local Government to fund additional roads in the region and the Ministry of Local Government is considering utilizing some of the Road Improvement Fund to fund urgent repairs under the next phase of the project.

Dr. Rowley: Thank you, Mr. Speaker. Mr. Speaker, first supplemental . Those repairs done at Smith Hill and Scorpion Roads to the tune of approximately half a million dollars, were those done through the Diego Martin Regional Corporation?

Hon. D. Singh: No, Mr. Speaker.

Dr. Rowley: In which case, under what authority were expenditures incurred in the Diego Martin Regional Corporation without the involvement of the corporation?

Hon. D. Singh: Mr. Speaker, these were works that were done through the URP and were done to assist the communities.

Dr. Rowley: In light of the fact that the Minister has admitted that the corporation had not been involved in this expenditure, who is to account for these expenditures to the relevant authorities?

Hon. D. Singh: Mr. Speaker, the Permanent Secretary.

Dr. Rowley: Mr. Speaker, with respect to the second part of the question, is the Minister prepared at all to tell us the individual sums provided to the corporation as requested here for the period 1996—1997 to the present? This is part (b).

Hon. D. Singh: As I said, Mr. Speaker, in the years 1996 and 1997 the Road Improvement Fund was solely under the jurisdiction of the Ministry of Works and Transport. We were not allocated any funds during that time. From 1998 we were allotted a certain portion of the funds and, as I have said here, specifically moneys were allocated to the Sierra Leone Road.

Mr. Valley: Mr. Speaker, would you allow one supplemental? Is it a fact that appropriation from the Road Improvement Fund to local government ought to go via the municipal corporations?

Hon. D. Singh: Yes, Mr. Speaker.

Mr. Valley: If that is so, under what conditions were Scorpion Road and Smith Hill done by the URP from the Road Improvement Fund?

Hon. D. Singh: Mr. Speaker, I was invited by the communities and—
[*Interruption*]

Mr. Manning: “And I broke the law”. Go ahead.

Hon. D. Singh: No, Mr. Speaker. We can undertake any project in Trinidad and Tobago.

Dr. Rowley: Oh, really! Mr. Speaker, is the Minister saying that, because the Road Improvement Fund fell under the Ministry of Works and Transport, funds handed to the corporation cannot be reported by the Minister? I ask him also, how much money from the fund came to the corporation in the period 1998/1999, when the fund had some jurisdiction under his ministry, and also in 1999/2000? I asked for specific figures of expenditure, at least for two years when he was responsible.

Mr. Sudama: That is a separate question.

Dr. Rowley: No, part (b).

Hon. D. Singh: Mr. Speaker, as I said earlier, the Ministry will be prioritizing roads according to the needs. All that I have to say at this point in time is that moneys were allocated for the repaving of Sierra Leone Road.

Dr. Rowley: Is the Minister saying, Mr. Speaker, that no funds were made available in 1998/1999 because no road in the Diego Martin Regional Corporation area fell on his priority list?

Hon. D. Singh: Mr. Speaker, at this point in time I am not aware whether the Ministry had received any request.

**Teak Resources
(Government Policy)**

63. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister state what is the Government's policy which guarantees fair and equitable access for all licensed sawmillers to the teak resources of the state?
- (b) Did the Minister make any recommendations with respect to the distribution of teak fields and if so on what basis were certain sawmillers selected and fields allocated to them whilst others were excluded from the process?

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): [*Desk thumping*] Mr. Speaker, an application was filed on behalf of the Sawmillers Co-operative Society Limited challenging the distribution of coupes for teak and pine to the sawmillers for the year 2000. The matter is part heard before the courts and, therefore, Mr. Speaker, it will not be proper to disclose at this time any facts that may prejudice the proceedings. Thank you.

Dr. Rowley: Mr. Speaker, I am not asking the Minister to disclose any facts prejudicial to the case. The Minister is still a part of the Government and I am asking him—[*Interruption*]

Mr. Speaker: With the greatest deference, he has raised a matter which relates to things being *sub judice* and I, in the circumstances, will not allow any supplemental questions on it. If I were aware that there was a court matter relating to this I would not have permitted this question.

Dr. Rowley: Mr. Speaker, with all due respect, and I bow to your ruling, the question I asked has nothing to do with a court matter. I asked the Minister about the Government's policy. I do not know how that got involved with a court matter.

Mr. Speaker: It is good enough for the Parliament. If a Minister indicates something is *sub judice* and that the answering of this question would possibly prejudice the matter, that is good enough for me. I would not look behind it. So that, in the circumstances, that particular question I will not permit.

**Pigeon Point Crisis
(Government Intervention)**

68. Miss Pamela Nicholson (*Tobago West*) asked the Minister of Tobago Affairs:

Would the Minister state when will the Government intervene on behalf of the public in the Pigeon Point crisis?

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): [*Desk thumping*] Mr. Speaker, the Government of Trinidad and Tobago acts at all times in the interest of and on behalf of all the people of Trinidad and Tobago in all places, including Pigeon Point. [*Desk thumping*]

Miss Nicholson: Mr. Speaker, could the Member for Tobago East, who is the Minister for Tobago affairs, repeat that answer, please?

Mr. Speaker: Member for Tobago East, as a courtesy to the Member for Tobago West who has not heard your response, would you mind?

Dr. The Hon. M. Job: Mr. Speaker, the response to question No. 68 posed by the Member for Tobago West is as I speak. The Government of Trinidad and Tobago acts at all times, and has so done in the past, in the interest of and on behalf of all the people of Trinidad and Tobago and it has done so in all places, including Pigeon Point. [*Interruption*]

Mr. Speaker. Order please. One second, please. With the greatest deference, Member for Laventille East/Morvant, those outbursts should be controlled, please. Please!

2.10 p.m.

Miss Nicholson: Supplementary question, Sir.

Mr. Speaker: Just one minute. I would recognize the Member for Diego Martin West.

Dr. Rowley: In light of what the Minister has said, I would like to ask him if the Central Government still has to approve development fund expenditure for the Tobago House of Assembly? [*Interruption*]

Dr. The Hon. M. Job: That has nothing to do with the question as I understand it.

Mr. Speaker: The Member for Tobago West.

Miss Nicholson: Mr. Speaker, I would like to first ask: Is Tobago a part of the state called Trinidad and Tobago? And if so, could the Minister tell us why the Cabinet of Trinidad and Tobago is not responding to the cries of the people of Tobago re Pigeon Point? [*Desk thumping*][*Interruption*]

Mr. Speaker: There are two questions in that, is Tobago still part of Trinidad and Tobago? That is question No. 1, which I allow and the other one is, why the Cabinet of the country is not responding to the cries of the people of Tobago? That is question No. 2, which I permit.

Dr. The Hon. M. Job: Mr. Speaker, with respect to the first part of the question, the answer is yes. With respect to the second part, since I have come into this Parliament I have tried diligently to maintain the imperatives of my oath of office, which is to obey the Constitution or support the Constitution and the law. The reason I am still in this Government is that, as far as I can judge, this Government acts according to law and the laws in this country do not permit the Government of Trinidad and Tobago *a priori* to become partisan in its involvement in civil matters between citizen and citizen, as individuals, or as groups and individuals, or groups and groups. That is not permissible: there are processes for that. One matter concerning Pigeon Point is now before or rather through the due process of the courts where an allegation was made of the illegal taking of a man's life. So that is *sub judice* as they would say.

Mr. Speaker, the other matters that I have been apprised of have to do with matters that must go through a particular kind of process. The Attorney General has stood in this very Parliament and explained slowly and carefully that there are laws such as the Highways Act and other laws that would give people certain kinds of rights, and that if the processes to identify and demarcate these situations are gone through, the Government as a lawful body will do that.

Mr. Speaker, the Government has always acted fairly, according to law, and I, as a Minister in this Government and, in particular, the Minister of Tobago Affairs have been making contacts with some of the parties involved in these matters. I am not aware that the Government has acted against the interest of the people of Tobago and, indeed, has any plan so to do.

Miss Nicholson: Mr. Speaker, firstly, all my questions were to the Attorney General. I never asked the Minister of Tobago Affairs any question.

Mr. Speaker: With the greatest deference, you cannot still decide for the Government who would answer questions. Right? Are there any further supplemental questions?

Miss Nicholson: Yes.

Mr. Speaker: Please ask it.

Miss Nicholson: Mr. Speaker, there is an Act called the Three Chains Act and there is a road—we are not talking about highways—within the confines of the Three Chains Act that is, from the Milford Road into Pigeon Point and that road has been maintained by the state for decades. *[Interruption]*

Mr. Speaker: Question please.

Miss Nicholson: I am not finished, Sir, I am now going to ask my question.

Mr. Speaker: Well, if it is going to be a long cumbrous question, I would ask you to ask it on the next occasion or to put it in writing. I simply say, that we cannot make statements. If you want to ask a question please proceed. We are almost at the end of the period for questions.

Miss Nicholson: Another one, Sir. Is the Three Chains Tobago Act relevant to the people of Tobago and what is the significance of it, re the legal structure of Trinidad and Tobago? I would like to know. *[Desk thumping]*

Dr. The Hon. M. Job: Mr. Speaker, all the laws of Trinidad and Tobago, those that we acquired as the body of common law that came from the United Kingdom before Independence; those that we passed subsequently apply to the people of Trinidad and Tobago and the Three Chains Tobago Act, in particular, applies to Tobago. The Attorney General and I have said that with respect to roads, highways and pathways, the Three Chains Act applies to Tobago.

Mr. Speaker, there is a thing called “due process”. The Government of this country cannot take it upon itself to intervene in civil matters, *vaille que vaille, ad hoc, a priori* or in a partisan manner. I have said it in clear language that I am not aware and the Government is not aware that any process has taken place that permits the Government to take a side to make partisan judgements or decisions on behalf of any faction of Tobago. Mr. Speaker, what more can I say.

Mr. Speaker: At this stage, any other questions outstanding, the answers to them would be circulated.

The following question was asked by Mrs. Camille Robinson-Regis (Arouca North):

**Crime Statistics
(Arouca North)**

69. (a) Would the Minister of National Security indicate whether there has been a general increase in crime in the constituency of Arouca North?
- (b) Could the Minister provide the statistics on crime in Arouca North for the years 1997, 1998, 1999 and up to this present time in 2000?
- (c) If the answer to (a) is in the affirmative, could the Minister indicate what steps are in place to bring a reduction and alleviation to the present situation being experienced by citizens?"

Vide end of sitting for written answer.

Dr. Rowley: Mr. Speaker just for my own future guidance.

Mr. Speaker: Are we on the topic of questions?

Dr. Rowley: Mr. Speaker, I want to get a clearance from you.

Mr. Speaker: Please, I will entertain you in my Chambers. We have just gone past the stage of questions which is 2.15 p.m. according to the Standing Orders.

DRAFT ENVIRONMENTAL CODE

The Minister of the Environment (Dr. The Hon. Reeza Mohammed): Mr. Speaker, the laying of the draft environmental code before this honourable House earlier today represents the opening salvo in the revolution to transform the legislative framework for protection of the environment—*[Interruption]*

Mr. Speaker: Order please.

Dr. The Hon. R. Mohammed: Mr. Speaker, I was saying, that the laying of the draft environmental code before this honourable House earlier today represents the opening salvo in the revolution to transform the legislative framework for protection of the environment in Trinidad and Tobago. It has been mandated that one of the major functions of the Environmental Management Authority under the Environmental Management Authority Act No. 3 of 2000 was to develop an environmental code. The preparation of this code had to be preceded by a comprehensive evaluation of the written laws and various programmes, which address environmental issues. This evaluation of written laws was accomplished in a two-phased approach. *[Interruption]*

Draft Environmental Code
[DR. THE HON. R. MOHAMMED]

Friday, June 02, 2000

Firstly, a framework was developed which divided the environment into its various components such as air, water, chemicals—Mr. Speaker I am getting a bit of noise pollution over there.

Mr. Speaker: May I ask the Member for Tobago West to be a little softer in her speech. I am actually hearing her here and it is in fact a disturbance. Please proceed.

Dr. The Hon. R. Mohammed: Thank you, Mr. Speaker. As I was saying, firstly, a framework was developed which divided the environment into its various components such as air, water, chemicals, biological resources, natural and cultural heritage, solid waste, toxic and hazardous waste. The evaluation proceeded to identify the presence of laws relevant to the respective components. The evaluation not only identified the appropriate laws, but also looked at legislative weaknesses and made recommendations for future legislative intervention in terms of consolidation, rationalization and modernization of the laws. This phase led to the examination of over 100 pieces of legislation in Trinidad and Tobago to identify environmental components of such legislation.

2.20 p.m.

The second phase involved an examination of the international environmental agreements to which Trinidad and Tobago is signatory in order to determine where domestic legislation was needed to ensure compliance with our international obligations.

Mr. Speaker, in developing the blueprint for the future legislative agenda for the environment of Trinidad and Tobago, with respect to consolidating, rationalizing and modernizing of the law, our international obligations were also considered. Treaties reviewed included: the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Convention on Fishing and Conservation of the Living Resources of the High Seas; the International Plant Protection Convention, 1951; the Geneva Convention on the Continental Shelf; the Vienna Convention on Civil Liability for Nuclear Damage; the Treaty Banning Weapon Tests in the Atmosphere, in Outer Space and Under Water; the United Nations convention on the Law of the Sea; the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region; the International Tropical Timber Agreement; Protocol concerning cooperation in combating oil spills in the Wider Caribbean Region; Montreal Protocol on Substances that Deplete the Ozone Layer; the Vienna

Convention for the Protection of the Ozone Layer; Protocol concerning specially protected areas and wildlife to the Convention for the protection and development of the marine environment of the wider Caribbean Region; the Convention on Wetlands of International Importance especially of Waterfowl Habitat adopted at Ramsar on February 2, 1971 as amended by Protocol of December 3, 1982; the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal; the United Nations Framework Convention on Climate Change; the United Nations Framework Convention on the Conservation of Biological Diversity; the Geneva Convention on the High Seas; the Convention on the Territorial Sea and the Contiguous Zone; and the LOME IV Convention.

Based on the evaluation of our national and international legal obligations, it was observed that despite the presence and proliferation of environmental laws, the legal framework has not always proved an efficient and effective tool in abating our environmental problems. Most of the laws that touch on the environment in Trinidad and Tobago were generally worded with the clear intent being the passage of regulations to provide for specificity. Unfortunately, there is a historical reluctance to use such regulatory powers, and this has resulted in some laws being largely unenforceable. For example, the Pesticides and Toxic Chemicals Act, 1986 clearly contemplates the development of a regulatory regime for dealing with pesticides and toxic chemicals, yet, to date, no such regime has been developed for toxic chemicals, leaving this sector largely unregulated.

In some instances where regulations have been made, these have not been amended with the passage of time. For example, the bulk of regulations made under the Revised Fisheries Act, 1980 to deal with equipment for fishing purposes were originally promulgated in 1926. Since 1997, several pieces of legislation that touch on environmental concerns have made their way to Parliament.

These include the Motor Vehicles and Road Traffic (Amdt.) Act, No. 25 of 1997 which provides for de-registration of motor vehicles posing an environmental hazard and gives authority to the Minister to make regulations with respect to vehicle emissions; the New Standards Act, No. 18 of 1997 which mandates the Bureau of Standards to develop and maintain standards necessary to protect the environment, the Plant Protection Act, 1975 which, although an old piece of legislation, only attained the force of law when it was assented to in 1997; the Livestock and Livestock Products Board Act, No. 40 of 1997 which was passed to administer on behalf of the Government of Trinidad and Tobago, any programme supportive of the livestock industry; the Protection of New Plant Varieties Act, No. 7 of 1997 that was designed to protect a new right to be known

Draft Environmental Code
[DR. THE HON. R. MOHAMMED]

Friday, June 02, 2000

as a plant breeder's right; the Pollution Compensation Regulations made pursuant to Section 29(1)(j) of the Petroleum Act that addressed the thorny issue of compensation for oil pollution claims; and the Theatres and Dance Halls (Amdt.) Act, No. 15 of 1997, which created a new regulation to suspend or cancel a licence, if the Authority is satisfied by proof on oath before it that the conduct of any trade or business on the premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise emanating from electronic or other devices.

Accordingly, what one would see in this Draft Environmental Code, based on the evaluation of existing national legislation, is the need for urgent and immediate legislative intervention in the areas of air pollution, noise pollution, water pollution, biological diversity—that is the protection of both species and ecosystems—waste disposal and hazardous substances. These are all areas where the Environmental Management Act, 2000 can be applied for the making of appropriate subsidiary legislation to provide much needed relief for the environment.

This Draft Environmental Code, Mr. Speaker, is the architectural foundation for the future environmental legislative agenda of Trinidad and Tobago. It adopts the sectoral approach used for the evaluation phase of the environmental laws and programmes of Trinidad and Tobago, and provides a vivid look at the existing laws with a column giving an appropriate comment as to what would be needed for consolidating, rationalizing and modernizing the environmental laws and programmes so as to achieve adequate protection of the environment through the use of laws.

The overriding intention from the laying of this Draft Environmental Code is that when legislative steps are taken in the coming years to protect the environment, there would be an easy reference for this honourable House to see what part of the environment would be affected and the proposed impact of the new law, not only with respect to its immediate sphere of influence, but also with respect to other pieces of legislation operating the same sector.

Mr. Speaker, the Ministry of the Environment and the Environmental Management Authority are working towards the development of policy and their respective pieces of legislation that will take their place in the legislative framework for environmental protection. These would be primarily in the area of rules and regulations made pursuant to the Environmental Management Act, No. 3 of 2000, inclusive of the Certificate of Environmental Clearance Rules and the Certificate of Environmental Clearance Order; the Water Pollution Rules and the Water Pollution Fees Regulations; the Sensitive Species Rules; the Sensitive Areas Rules; the Noise Pollution Control Rules; and the Solid Non-Hazardous Waste Rules.

The progress made to date with the promulgation of these rules is as follows: the EMA has drafted and submitted for public comment the Water Pollution Rules, 1999 over the period October 4 to November 12, 1999 at 15 locations throughout Trinidad and Tobago. These rules were accompanied by a detailed administrative record setting out the rationale behind them.

The Authority also drafted and submitted for public comment the Environmentally Sensitive Areas Rules, 1999 over the period October 4 to November 12, 1999 at 15 locations throughout Trinidad and Tobago. These rules were accompanied by a detailed administrative record setting out the rationale behind the rules. Mr. Speaker, copies of these rules were also sent to Members of both Houses of Parliament for their comments and recommendations. I am, however, unable to say how many of them responded.

Finally, Mr. Speaker, the rationale for the flurry of rules and regulation-making activities would become manifestly clear when superimposed on the environmental sectors identified in this Draft Environmental Code.

I thank you.

CORPORATION TAX (AMDT.) BILL

Bill to amend the Corporation Tax Act, Chap. 75:02, [*The Minister of Finance and Planning and Development*]; read the first time.

INCOME TAX (AMDT.) BILL

Bill to amend the Income Tax Act, Chap. 75:01 [*The Minister of Finance and Planning and Development*]; read the first time.

EQUAL OPPORTUNITY (NO. 2) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [May 19, 2000]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, it is a great honour for me to participate in this debate in respect of a Bill to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal, and for matters connected therewith.

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

This Bill, if enacted into law, would give a new remedy where none now exists. The Bill would give a legally enforceable right to an individual to get redress against persons in the private sector or companies or corporations which are not regarded as a state, where these private sector individuals or companies, or state corporations which are not regarded as a state in law discriminate against individuals in respect of matters covered under the Bill.

Mr. Speaker, the Bill, if made law, would not only do that. It would provide a machinery whereby an individual would be able to go to an equal opportunity commission to complain, and the commission would act on behalf of the individual to investigate and to try to conciliate. So, the aggrieved persons who are affected would not necessarily have to go to a lawyer. They would not have to pay legal fees. The person would go to the commission and the commission would have the power to investigate and determine whether the aggrieved individual has a case.

If the person is dissatisfied with the commission's finding, the person can go to the tribunal, but the fact of the matter is that the individual, whether the person is in Laventille, Cedros, Couva, or Toco, if he feels he is discriminated against on the basis of what is contained in the Bill, he can go to the commission.

When the commission investigates it and finds that there is a basis for the complaint, the commission is mandated to try conciliation. So, the commission would try to resolve the matter. If the matter is not resolved, the commission would then publish its report, and if after that it is still not resolved, the commission, on behalf of the individual—no lawyer; no fees for lawyers; no constitutional motion; no judicial review—would make the application to the tribunal. The concept is that the tribunal would adjudicate on the matter. Therefore, there would be in the commission, a legal department which will, in effect, pursue the complaint before the tribunal on behalf of the individual, but the person would be entitled, if he or she wants, to have his/her own lawyer.

Mr. Speaker, all this talk from the other side about the PNM being of the view that there is adequate protection in cases of discrimination within the existing laws is not correct. The statement made by the Opposition is a statement which is intended to mislead and misinform the population. That is why they could not have produced any law to show that if, let us say, for example, tomorrow a private company discriminates against an individual in Laventille or Morvant, there is no course of action against that company.

Dr. Rowley: Nonsense!

Hon. R. L. Maharaj: Because discrimination is not a tort. It is not a civil wrong in our laws. Mr. Speaker, they go again and try to mislead the population and say, “Yes man. You have a right, because you could go to the Industrial Court”. Mr. Speaker, the only person in whose benefit the matter can go to the Industrial Court is if the matter is connected with a collective agreement and the person is being dismissed on the basis of discrimination.

2.35 p.m.

So, what about the housewife? What about the lady who is a vendor? Is the PNM saying they are not concerned with these people? But, Mr. Speaker, what has happened is that the PNM has consistently opposed legislation which gives greater rights and greater access to justice.

It is on record that when this Government brought the Freedom of Information legislation, the Opposition voted against it. That was legislation in order to help the little man and little woman to get information from the state. They voted against it. When this Government brought the Parliamentary Committees Bill which would give parliamentary committees the jurisdiction to investigate corruption in any ministry and in any state corporation, they voted against it. This is a Bill which, if passed, would give to an individual a legally enforceable right. They come to this Parliament and say they cannot support it because the laws already protect individuals.

Well, Mr. Speaker, under the existing law, if a private company or individual discriminates against any person in relation to employment, education, the provision of goods and services and the provision of accommodation because of the person's sex, race, ethnicity, religion, origin, marital status or disability, that person, under our existing law, does not have a remedy and cannot legally enforce any right to redress.

As a matter of fact, if the private company or individual discriminates against the individual in respect of any other matter apart from employment, education, the provision of goods and services and the provision of accommodation, or on any other grounds apart from sex, race, religion, origin or ethnicity, the private individual does not have any redress at all. As far as the private sector is concerned, the individual, in respect of discrimination, does not have any form of redress.

I am not talking about if a matter goes to the Industrial Court and it is covered under the industrial agreement; if an employer is oppressive or on one of the oppressive matters, if the employer discriminates, he would get extra money for

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

his employment. I am not on that. I am in respect of a right, a legally enforceable right, quite independent of whether you are a worker, whether you have an agreement in the Industrial Court or otherwise. So, here it is they are saying this Bill is not necessary because you could go to the Industrial Court. Could a vendor go and file a claim, if the vendor is discriminated against, in the Industrial Court?

Mr. Hinds: Yes.

Hon. R. L. Maharaj: He says yes. I can now understand why his name does not appear in the law reports.

Mr. Hinds: Would the Attorney General give way? From my understanding, in such circumstances, what is ordinarily done is, that vendor will associate himself or herself with a recognized trade union and his or her matter will be taken to the Industrial Court on that basis. That has been done and that is the practice as I understand it.

Hon. R. L. Maharaj: Mr. Speaker, the hon. Member for Laventille East/Morvant is making his own laws.

The Industrial Court can only deal with certain matters so its jurisdiction is limited. I would have thought that was trite law but they would not be able to produce to this Parliament any matter in which a vendor who is not in a union and is not covered by a collective agreement would have been discriminated against by any private sector company or individual and the court has jurisdiction to award damages. None at all, because there is no remedy. The common law did not give any remedy.

What should have happened, the PNM administration over the years should have introduced legislation like this in order to give effect to the provision in the Constitution of equality of treatment and they have not done so. When this administration is doing it so that the rights of the little man and little woman would be improved, they do not want it because they do not want the little man and the little woman in Trinidad and Tobago to get greater access to justice.

Miss Nicholson: What little? I do not understand these people.

Dr. Rowley: Mr. Speaker, I thank the Attorney General very sincerely for giving way. I would like to ask him, for my own clarification, if this, as we say, is passed into law, to create this inherent right, would it apply in a case where, like in a private sector business there are employees, then the owner's son comes back from abroad and is put in a managerial level position, given the right that he is describing there, would all the employees in that business now be entitled as a right to go to the court and claim they have been discriminated against because a new employee has come in and has been put above them? Would that apply?

Hon. R. L. Maharaj: Mr. Speaker, it shows quite clearly that he has not read the Bill. The Bill makes certain provisions and exceptions if there are family businesses. But what has happened here is, they come here; they do not read the Bill and they are getting up and asking questions but they do not understand it.

Dr. Rowley: If the Attorney General will give way? Having said that, would all the businesses in Trinidad and Tobago be described as family businesses or non-family businesses?

Hon. R. L. Maharaj: I find that is such a ludicrous question to anyone who has read the Bill. The Bill expressly says what is a family business, so read the Bill. The Member will have his chance to make a contribution but, Mr. Speaker, they are only looking for red herrings because they are not interested in giving anybody equality; they are not interested in giving anybody justice. They would use every means to mislead the population.

Here it is the Members spoke, the Member for Arouca North and the Member for San Fernando West, and nobody gave an example of where an individual who is discriminated against by the private sector can go to get redress for that discrimination. They quoted the hijab case. That is a judicial review matter. The hon. Prime Minister said we are not talking about public law.

In judicial review, if somebody is discriminated against, the person would go for judicial review on the basis that it is an illegality under the Constitution, on equal treatment. The judicial review is only against a public body. Mr. Speaker, judicial review is only against a public body—

Mr. Hinds: That is not correct.

Hon. R. L. Maharaj:—and a public body also includes a private body which exercises public functions, but a judicial review is against public bodies and those that exercise public functions.

What this Bill would do is say, listen, we have all those remedies. Judicial review, constitutional motion if it is the state, but as far as the individual as against the private sector is concerned, you are getting a new right, that is, you will go to the Equal Opportunity Commission; then you will go to the tribunal and if you are not happy, you have an appeal to the Court of Appeal—due process of law. That is what this does. Why is it we want to cover this Bill in a lot of red herrings?

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

Mr. Speaker, under our existing law, there is the absence of laws to deal with discrimination and inequality by persons in the private sector and because of the absence of these laws over the years, you would have had several instances where people were discriminated against but they had no right of redress and they had to go away with a feeling of injustice. This Bill, really, is to provide that avenue in order for them to get that justice.

What this Bill does is provide a legal framework, a legally enforceable right of redress, to persons who are discriminated against by individuals in the private sector, if the discrimination relates to employment, education, the provision of goods and services and the provision of accommodation as stated in clause 4 of the Bill and if the discrimination is on the ground of status, as defined in clause 3 of the Bill, in relation to sex, race, origin, ethnicity, religion, marital status and disability.

Mr. Speaker, additionally, under this Bill, the individual can get redress from persons in the private sector if, in relation to employment, education and the provision of goods and services, the person is discriminated against as a result of victimization. Apart from discrimination, if a person is being victimized because he has given evidence to assist someone who has been discriminated against, or he has brought proceedings against the discriminator and the other matters mentioned in clause 6, this Bill will give that person redress.

The Bill is saying that the individual outside there—although at the present time he can file a constitutional motion against the state, that is to say, against the Government, the Parliament or any public body exercising coercive power—if any of those institutions contravenes the right of equality, the individual can file a constitutional motion. We are not disputing that. What this Bill is saying is, if it is not the state, the private individual would also have a right of remedy against the person who has discriminated and the person would also have a right if the discriminator is victimizing him.

Mr. Hinds: Would the Attorney General give way? He made reference to the question of status here and he defined it in accordance with the Bill. At (b), there is the question of race and at (d), there is the question of origin. I would like the Attorney General to point out what is meant by origin here and what is the difference, if any?

Hon. R. L. Maharaj: Mr. Speaker, I will try to do that later in my contribution. If I do not do it, I will do it at the committee stage.

Mr. Hinds: Thank you.

Hon. R. L. Maharaj: Mr. Speaker, the Constitution of Trinidad and Tobago has been in existence since 1962 and there was a new Constitution in 1976 that made it clear at section 4:

"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex the following fundamental human rights..."

So that the Constitution and its fundamental rights are founded upon the principles that persons shall not discriminate by reason of race, origin, colour, religion or sex and I would presume that the hon. Member for Laventille East/Morvant would have read section 4 of the Constitution which talks about origin. I am sure he knows what that means.

Mr. Speaker, I was on the point of the person in the private sector victimizing the person who has tried to bring forward proceedings in relation to discrimination matters or who has assisted someone in bringing forward evidence, *et cetera*.

2.50 p.m.

Mr. Speaker, it is therefore misleading for anyone to give the impression or to state that there is adequate measure to protect persons against acts of discrimination. This is important because, it seems that the whole foundation of the Opposition's disagreement with this measure is that they seem to be under the impression that existing laws can deal with this problem.

Mr. Speaker, I can only attribute the error on their part to failure to understand what a constitutional motion is or what judicial review proceedings are. Under the Constitution of Trinidad and Tobago, a person can file a constitutional motion against the state, if the state body, or the state institution contravenes any of the fundamental rights including the right to the equality of treatment from any public authority in the exercise of any functions. But, Mr. Speaker, it has been held by the courts that the constitutional motion can only be filed against the state or any public authority exercising coercive powers. A public authority exercising coercive powers is like a statutory authority or a municipal corporation. There may be situations where you may have a company owned by the state, but if it does not exercise coercive powers, you cannot file a constitutional motion if the state-owned company violates one's constitutional right to equality.

We have had two different opinions in respect of that matter. The records in the courts would reveal that Justice Cross, in respect of a constitutional motion filed against Caroni (1975) Limited, ruled that although Caroni (1975) Limited was owned by the state, it was not part of the state, because it was said that the state exercises its functions in three arms: the executive, legislative or judicial arm. They said that Caroni (1975) Limited was not part of the executive arm of the state. On the other hand, Justice Deyalsingh—in a case in which the Trinidad and Tobago Television Company (TTT) allegedly treated one party unequally—ruled that a state-owned company is part of the state, in particular TTT is part of the state.

I am mentioning this to show that there is a distinction between a state-owned company and the state. Therefore, even if as you have a state-owned company, and the state-owned company is violating the rights of someone in respect of equality of treatment, there is no guarantee that the courts would hold that that state-owned company is the state. What we have here, however, is for the individual—the poor man, the little man, the little woman—who cannot afford legal fees. If Caroni (1975) Limited, TTT or any state-owned company discriminates against him or her, she does not have to go to the lawyer, she does not have to go to the Legal Aid and Advisory Authority, she can go straight to the Equal Opportunity Commission and the Equal Opportunity Commission would take up her case and deal with the matter—act on her behalf. If the person has money and the person wants a lawyer, the person can retain that lawyer, and the Equal Opportunity Commission would even take up the case before the tribunal. That is giving to the small person in Trinidad and Tobago, access to justice, which the person did not have before.

Mr. Speaker, why is it that the Opposition is opposed to this? They cannot be opposed to it because of that. I am sure they cannot be opposed to it because of that. If they can get up in this Parliament and show that if a little man, an ordinary person is discriminated against by a private sector individual, that person can file an action, we will look at it.

Mr. Speaker, having said that, it would seem to me that this is legislation which any responsible Opposition should support. It is legislation which would give meaning to the rights of an individual. It has been long overdue in Trinidad and Tobago, therefore, it should be supported.

When a person has to file a constitutional motion, the person has to go to a lawyer to get a motion drafted and to get affidavits drafted. When there is a response the lawyer has to prepare an affidavit in response and the individual would either have to get legal aid or will have to have money to pay a lawyer.

Under this set up, the individual would not have to draft all those affidavits and file all those things. There would be a form, to be filled up and the Equal Opportunity Commission will do the work for the individual. That is justice going to the people's door; making justice meaningful to people.

Mr. Speaker, it does not make sense having a constitution, having rights put in black and white, but they cannot be enjoyed. What is the sense of having, in the Constitution, the right to equality of treatment, the right not to be discriminated against by reason of race, origin, colour, religion or sex? What is the sense of having that in a constitution but it is not translated into action, because there are no institutions available in order to give effect to it? It becomes meaningless, Mr. Speaker. That is why the Constitution says that it is not everything that is in a constitution, the fundamental principles are in a constitution. When constitutions are passed, it is expected that governments would take steps to ensure that institutions are created in order to give effect to these rights. That is what we are doing: we are creating institutions to make the right to equality of treatment meaningful. We are creating institutions by this legislation which would make the right not to be discriminated against meaningful and real.

Mr. Speaker, I would like to deal with clause 7, another misconception. I would like to read clause 7:

“A person shall not otherwise than in private do any act which—

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;
- (b) is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and
- (c) which is done with the intention of inciting gender, racial or religious hatred.”

What clause 7 is doing, is saying that the Equal Opportunity Commission and the Equal Opportunity Tribunal would have jurisdiction in respect of any matter which covers clause 7. But, Mr. Speaker, this Bill does not make a violation or contravention of equality or contravention of clause 7 a criminal offence. Let us get it clear once and for all. Anybody who offends clause 7 is not liable for a criminal offence.

3.00 p.m.

If anybody offends clause 7 it is a case in which the aggrieved individual will try to get civil redress. That person who is alleged to be the offender will have an opportunity of being heard; it will go before the Commission first; it will then go

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

before a tribunal and then it can go to the Court of Appeal. So it is not a case where if somebody is said to have done this, the person will have to pay money just like that. The person will have an opportunity of being heard.

Mr. Speaker, I have been reading some of the comments made by the Opposition about clause 7 and I thought I should put this clearly on the record. Clause 7 or its violation does not attract any criminal sanctions. This Bill does not make it any criminal act at all; it only makes it a civil wrong.

Mr. Speaker, there is already existing law which makes conduct that incites racial and religious hatred and cause disaffection a criminal offence. That law was not passed by the UNC; it was passed by the People's National Movement. It was passed by a People's National Movement government. The PNM government passed a law to say that it can be sedition if anybody engenders or promotes feelings of ill will or hostility between one or more sections of the community; that is a criminal offence.

We are not dealing, in this Bill, with criminal matters, but with compensation for redress for people who are treated unequally. When one goes to the criminal court one has to prove it beyond a reasonable doubt. The court does not give you compensation under this Act, the court imposes a fine and the fine goes to the Government. So the People's National Movement government in 1971 amended the Sedition Act—and I am going to read it—to make engendering and promotion of feelings of ill will and hostility between sections of the community a criminal offence. [*Interruption*]

There is no doubt that the law is there, but the law is there only to provide a criminal sanction and to provide money for the state for a fine and to jail people. There is no law which says that you will get damages for discrimination; the law is now coming. Whether you support it or not, the law is coming.

Mr. Speaker, I am referring to the Sedition Act which was first introduced in Trinidad and Tobago in 1920, but amended by the People's National Movement administration in 1971. It has remained on the law books from 1971. During the period of time that the People's National Movement was in office, they never said that this law would divide the community; this law would take away the freedom of expression; this law would take away the freedom of association or this law is draconian; no, they kept it on the law books.

Here is what it says in section 3(1):

“A seditious intention is an intention—

- (a) to bring into hatred or contempt, or to excite disaffection against Government or the Constitution as by law established or the House of Representatives or the Senate or the administration of justice;
- (b) to excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State by law established;
- (c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago.”

So inciting racial hatred, religious hatred, gender hatred and disaffection.

Mrs. Robinson-Regis: It is covered by the laws of Trinidad and Tobago.

Hon. R. L. Maharaj: I know that they would not understand; I am ignoring them. They would not understand, but they must sit down there and take it. They have this: “to engender or promote feelings of ill will”; so a seditious intention to engender or promote—[*Interruption*]

Mr. Speaker: I appeal to the Members of the Opposition who find it necessary while the Attorney General is making a contribution, may I ask you to let it appear that you are allowing what he is saying to be heard, so that every Member on the Opposition Benches could get up and refute it afterwards. It comes over when one keeps trying to distract him when he is making a contribution that he is making telling points and you are behaving like little schoolboys and schoolgirls to try to put him off. Please, let him make his point and let it appear that he is not making a point so, therefore, you are saying nothing and then you get up and say what you want. Let us try that, please. Thank you.

Hon. R. L. Maharaj: I am much obliged, Mr. Speaker.

I was saying that what is contained in clause 7 are matters that if one incites racial hatred, gender hatred and religious hatred it can cause disaffection and feelings of ill will and hostility between one or more sections of the community. Therefore, feelings of ill will and hostility or contempt of any class of persons in the society are matters for which this Bill would provide civil redress; that is to say redress for damages.

There has been a lot of opposition to this, because they are saying that this takes away fundamental rights. But the People's National Movement did not make it a civil wrong, they made it a criminal wrong in which persons could go to jail for engendering and promoting feelings of ill will. I was about to read 3(1)(d) which states:

“A seditious intention is an intention—

(d) to engender or promote—

- (i) feelings of ill-will or hostility between one or more sections of the community on the one hand and any other section or sections of the community on the other hand; or
- (ii) feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment;”

The Sedition Act was amended in 1971 to insert the provision that if any person in Trinidad and Tobago, by either spoken words or published material does anything to engender or promote feelings of ill will towards or hostility to or contempt for any class of inhabitants in Trinidad and Tobago distinguished by race, colour, religion, profession, calling, or employment is a criminal offence liable to imprisonment and fine. That was not considered by the People's National Movement administration to be bad. They said that if you do that you could get “lock up,” pay money and you could be jailed.

All this Bill is saying is:

“A person shall not otherwise than in private, do any act which—

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;
- (b) is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and
- (c) which is done...”

There must be an intention:

“with the intention of inciting gender, racial or religious hatred.”

Then it becomes a cause for damages; not jail, not a fine; damages.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, here it is that this law is providing a remedy in the civil law for acts of discrimination which will produce feelings of ill will or hostility between one section of the community and another section or between persons of one section and persons of another section.

When you have a case and the court wants to order compensations it is called damages. Damages would be different to fines, so under this law if you are discriminated against or if anybody in one group tries to cause religious hatred and it is a group action, the person who does it would have to pay compensation. He would not have to pay a fine or go to jail, but under the sedition law which the People's National Movement passed if you instill feelings of ill will, hostility and contempt for any class by reason of race, colour, religion, profession, calling or employment, you could go to jail. [*Interruption*]

Now they would try to disassociate themselves from the Act. [*Interruption*] They were associating themselves with it then. They talked about it, but they did not remember that it was there.

It is only on May 22nd of this year that the United States Supreme Court made a ruling in respect of a racial slur ban. I would read that. It was reported in the *Newsday* of May 23rd at page 57. The heading is "US Supreme Court confirm ruling on racial slur ban".

"WASHINGTON: The Supreme Court yesterday..."

That is the US Supreme Court, Mr. Deputy Speaker.

"let stand a ruling that banned the future use of racial slurs on the job in a case pitting free-speech rights against workplace harassment. The high court, over the dissent of Justice Clarence Thomas, rejected without comment an appeal by Avis Rent A Car Inc AVI.N and one of its supervisors, John Lawrence, arguing that the judge's order prohibiting the epithets violated constitutional free-speech rights.

The justices declined to review a precedent-setting California Supreme Court ruling that free-speech rights under the First Amendment could be limited to prevent harassment and a hostile work environment."
[*Interruption*]

Mr. Valley: If the Member would give way—

Hon. R. L. Maharaj: Mr. Deputy Speaker:

“The case stemmed from a 1993 dispute in which 17 Latino employees sued Avis, alleging Lawrence constantly called them vulgar and derogatory names in Spanish and English, based on their ethnicity and lack of English skills.”

Here you had in the workplace—[*Interruption*]

Mr. Valley: Would the Member give way now? Is he not supposed to quote the document from which he is quoting?

Hon. Member: He said the *Newsday* and what date.

Hon. R. L. Maharaj: Mr. Deputy Speaker, I do not know why he does not want to listen to this, but I could understand.

As I was saying, when I was rudely interrupted, in this workplace there were 17 Latino employees and the boss, Mr. Lawrence, used derogatory names which related to their ethnicity and lack of English skills. Nothing was done by the employers to restrain Mr. Lawrence and the insults had created an abusive work environment in the company’s office. The jury awarded eight of the workers US \$135,000 in damages and the judge in the case ordered Lawrence to stop using the racially offensive language and directed a ban on any such racial insults and epithets in the future. The United States Supreme court supported that decision.

Although it is recognized in the United States of America that there is freedom of speech, freedom of speech is not absolute, therefore, the right to freedom of speech must take into consideration the public interest. Here it is that it was held by the court that you could not exercise your freedom of speech in order to create hostility and incite racial hatred by using racially offensive language to a class of persons. That is what the Equal Opportunity Commission and the Equal Opportunity Tribunal will do. They will do that without formality, a set of lawyers and without a set of paper. It will do that in a way in which people can have ready access to justice.

3.15 p.m.

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

Motion made and question proposed, That the hon. Member’s speaking time be extended by 30 minutes. (*Hon. G. Singh*)

Question put and agreed to.

Hon. R. L. Maharaj: Thank you very much, Mr. Deputy Speaker. The common law recognizes that, in respect of the Christian religion, people cannot incite religious hatred. There is a common law offence known as blasphemy, and every publication is said to be blasphemous if it contains matters relating to God, Jesus Christ, the Bible or the Book of Common Prayer, intended to wound the feelings of mankind, or to excite contempt and hatred against the church by law established, or to promote immorality. So in Trinidad and Tobago, insofar as the Christian religion is concerned, it is an offence even though there is the freedom of expression to criticize religion; it is an offence if you try to bring the Christian religion into disrepute. It is known as the offence of blasphemy and one can be fined and jailed for that.

Mr. Deputy Speaker, this is not saying as in blasphemy and in the other religions, you are going to be jailed. What this is saying is that if you incite religious hatred against the Christian community; or religious hatred against the Muslim community; or religious hatred against the Hindu community or any other religion—Rastafarian—you can be liable to pay damages.

So that where is all this talk about clause 7—clause 7 takes away people's right? I think what has happened is that the people in Trinidad and Tobago have been misinformed deliberately in order to give the impression that clause 7 is something that is not in other countries; it is something that when passed here it will restrict the rights and freedoms of calypsonians. But this does not restrict the rights of calypsonians; it does not restrict the rights of freedom of expression; what it does is—it is saying that, under the existing law, if you incite racial hatred it is a criminal offence. And if there is evidence to prove that it is a criminal offence, the person can be jailed or the person can pay a fine to the Government. What this Bill is saying is that if you incite racial hatred, the person who is offended may say, "Well, the police has not taken any action, and I am not interested in the person going to jail. I want to be able to get my compensation for the distress and the anguish which he caused me by the action he has taken to incite racial hatred." That is what this is about.

As a matter of fact, when one looks at other countries one sees that this is quite a norm in having matters like these in law. Because no society can allow people's religion and race to be the subject of ridicule to the extent that it can cause damage to society and break the cohesion in the society.

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

We borrowed the Canadian Bill of Rights when our Constitution was drafted in 1962, and a commentary on the Canadian Charter of Rights and Freedom by a Prof. Mr. Tan Nook Pulskee. He said, and I quote:

“Embodied in this concept of freedom of expression, are a number of rights, which together create the entire spectrum of what we label ‘freedom of expression.’ Freedom of expression is not absolute. In drafting its ambit principle must be evolved to reunite the rights of different individuals and groups to free expression. Further, the right to freedom of expression must be reconciled with other valued individual and societal interest.”

So the right of an individual to freedom of expression cannot exist on its own, it must be balanced against the national interest.

Mr. Deputy Speaker, in a very old case in 1909, the *Queen vs. Aldred* reported in 22 Cox cases at pages 1 and 4, and I quote:

“A man may lawfully express his opinion on any public matter however repugnant to others, if, of course, he avoids defamatory matters, or if he avoids anything that can be characterized whether as blasphemous or an obscene libel. But on the other hand, if he makes use of language, calculated to advocate or to incite others to public disorders, to wit rebellious outrage, then whatever his motive, whatever his intentions, a jury would decide he is guilty of seditious publication.”

Mr. Deputy Speaker, it is not uncommon in the law in all parts of the world to have provisions, which would, in effect, prevent conduct which can cause divisions in the society.

As a matter of fact, we would remember in this honourable House that when there was the outcry at some night clubs that persons were being discriminated against, this Parliament passed laws to find a way of preventing that discrimination. Mr. Deputy Speaker, discrimination is a crime against humanity. When Mr. Nelson Mandela was freed he said, “discrimination is the greatest blight that could have happened to mankind.” Mr. Deputy Speaker, discrimination produces human indignity, and I would have thought that any law which provides institutions to strengthen the law to ensure that people do not discriminate against others would be welcomed by any party which is hoping to be in government. It may be that they are not supporting this Bill because they are not hoping to be in government, or they know that they cannot get into government.

I would like to just mention quickly some of the features of the Bill. Before I move on, clause 7, therefore, does not affect churches or religious bodies when they preach their own religion and if they criticize. It is only if conduct amounts to inciting racial and religious hatred, and which would be the subject of review by a tribunal but it does not, in anyway, affect freedom of religion or freedom of speech in churches.

The Equal Opportunity Bill is intended to operate with certain parameters, and only certain types of discrimination would be actionable under the Bill. The Bill prohibits discrimination only on particular stated grounds, recognizing that there are other grounds which can be considered and which are being considered, but to start the Bill one has to start somewhere.

3.25 p.m.

The grounds are sex, race, ethnicity, origin, including geographical origin, religion, marital status and disability. All these grounds have been collectively referred to as “status” in clause 3.

Mr. Deputy Speaker, the Bill is further restricted to dealing with discrimination only in certain fields of activity. It will prohibit discrimination on the ground of a person’s status in four fields of activity: employment, education, provision of goods and services to the public and the provision of accommodation. So under these sections, discrimination against job applicants in the selection procedure, in the terms and conditions of employment and in not offering employment is prohibited. Employers are also prohibited from discriminating against employees in relation to their terms and conditions of employment and their access to promotional and training opportunities.

Clause 15 deals with the field of education. Educational institutions are prohibited from discriminating against applicants and students in their admissions, access to benefits and expulsion on the ground of status of the applicant or the student. Clause 17 provides a valuable means of protection for the public against discrimination in the manner in which persons provide goods, facilities and services to the public.

Mr. Deputy Speaker, the Bill recognizes the need to create certain exceptions to the general prohibition of discrimination. In the field of employment, clause 11 protects an employer from being accused of discriminating against an employee on the ground of that person’s sex, if being of a particular sex is a genuine occupational qualification. The Bill does not apply to the employment of persons in a religious shop where that religion is a factor. This recognizes the need for preserving the discretion of persons who own religious shops to employ persons of their particular religion.

The Bill would also not entertain a complaint of discrimination on any ground where a person is seeking to employ domestic or personal staff of not more than three persons. The hon. Member for San Fernando West has raised the question, "Why three persons?" However, at the Committee Stage we can discuss that point a bit more. On employment in family businesses, it was also thought necessary to protect the widespread phenomena of family businesses. Clause 13(2) was tailored after a provision of the 1993 Hong Kong Equal Opportunity Bill. A person, therefore, would not be able to claim discrimination if only family members are employed, trained or promoted in a family business. However, it is implied that family businesses are not to discriminate on the grounds or in the manner prohibited in the Bill in relation to the employment of those relatives.

In cases of discrimination in employment on the ground of a person's disability, the employer is afforded a defence in certain circumstances under clause 14. Disability is defined in clause 3 of the Bill as the loss or malfunction of a bodily function or bodily part, a mental or psychological disease or a bodily disfigurement. The Bill will not apply to an employer in relation to the employment of a disabled person if that disabled person is unable to carry out the requirements of the job or if the provision of special facilities would impose an unjustifiable hardship on the employer or if there will be a risk of injury.

Mr. Deputy Speaker, in an effort to preserve a desirable *status quo*, clauses 16 and 21 exempt single-sex schools and single-sex clubs respectfully from allegations of sex discrimination under the Bill. The Bill, under clause 18(3) also lends protection in the cases of discrimination in the field of accommodation to small-scale landlords owning not more than three units or residing on the tenanted property. These provisions were constructed by blending some of the features of the provisions in the Australian Act, the Victoria Act and the Hong Kong Bill.

The Bill also contains some general exceptions which were common to almost all of the anti-discrimination legislation of other jurisdictions. The Bill will not apply to aspects of competitive sport, to pregnancy and childbirth benefits of women, to membership in and activities of non-profit voluntary bodies, the ordination of priests and the employment choices of religious bodies. These exceptions are crucial to the effective operation of the Bill. Part VI of the Bill is of great consequence because that deals with the Equal Opportunity Commission and I have given an indication how it will function. Part VII deals with the Equal Opportunity Tribunal and I have already said that there would be an appeal from that tribunal to the courts.

Some jurisdictions have in their anti-discrimination Bills offensive behaviour, as in clause 7. In the South Australia Racial Vilification Act, 1996, racial vilification is described as either inciting hatred or causing serious contempt for or severe ridicule of a person or group on the ground of race. This is punishable in that Act as both a crime and a tort. In Canada they also have provisions to deal with hate propaganda and the public incitement of hatred as criminal offences under its criminal code. Similarly, in the United Kingdom they introduced an expanded criminal offence.

Common to all these jurisdictions is the recognition that the survival of a multi-cultural society demands that the communities that make up that society live in peace and harmony. An Australian Government Minister is noted to observe, when the Racial Vilification (Amdt.) Bill was being introduced in the Australian Parliament, that inciting hatred and hostility against sections of the community is an affront to the whole community and the whole community has an interest in ensuring that it does not happen. So, Mr. Deputy Speaker, I cannot think of a better quotation to describe the philosophy of this Bill.

When anyone is done an injustice by the inciting of hatred, whether on the ground of race or religion, or any other ground, it is an injustice not only to the individual but to the entire community, and the entire community, which includes the Government and the Opposition, has a responsibility to ensure that the injustice stops, the feelings of indignity stop, that blight, as President Mandela said, is removed and, as Dr. Martin Luther King Jr. said, "An injustice to one is an injustice to all". Mr. Deputy Speaker, hatred is defined in many of the laws and hatred in these Bills has been judicially decided to mean intense dislike, animosity or enmity. So it must be grave conduct which we are talking about, which would be looked at in this Bill.

This country, Trinidad and Tobago, is the only country in the Caribbean to have taken this measure. That is not unusual because Trinidad and Tobago is the only country in the region which has passed a Freedom of Information Bill. Trinidad and Tobago is the only country in the region which has passed a Constitution (Amdt.) Bill or laws to give to parliamentary committees, consisting of Government, Opposition and Independent members, the right to investigate every aspect of government, in which you would be able to call any Government Minister before the committee to ask that person any question in respect of corruption, in respect of the misuse and abuse of power.

Equal Opportunity (No. 2) Bill
[HON. R. L. MAHARAJ]

Friday, June 02, 2000

Mr. Deputy Speaker, it is not only a matter of talking, it is also walking the talk. This Bill, if one has to put it in perspective of the Government's policy, is part and parcel of the policy of the Government to reform the laws in order to make the society more open and transparent, in order to give greater access to justice and to make rights meaningful for the people of Trinidad and Tobago. I thank you very much, Mr. Deputy Speaker.

Mr. Colm Imbert (*Diego Martin East*): Mr. Deputy Speaker, like the other speakers before him, the Member for Couva North and the Member for St. Joseph, the Member for Couva South—I am not aware that Tobago East spoke. [Interruption] That is to tell you how irrelevant it was—the Attorney General has come into this House totally unprepared to deal with the issues in this legislation. There are clauses in this legislation that are so offensive to the way in which we in Trinidad and Tobago have come to recognize and understand our personal freedoms that I am amazed to hear the, I guess I will have to say, nonsense, I am sorry, that has emanated from the Member for Couva South.

Before I begin, let me just quote some statements made by the very Member for Couva South in his Green Paper on *Reform of Media Law*:

“The right to freedom of expression is fundamental to a democratic society.”

This is the Member for Couva South speaking.

“It is an essential human right, not only guaranteed by the Constitution of Trinidad and Tobago but guaranteed by every international human rights covenant, to some of which this country is a signatory. It must be guaranteed to every citizen, and even to non citizens, in respect of publications and utterances however shocking or unattractive to the majority, or to powerful sections of society.”

That is the Member for Couva South. I have to repeat it.

“The right to freedom of expression...must be guaranteed...in respect of publications and utterances however shocking or unattractive to the majority, or to powerful sections of society.”

Two-faced, two-tongued, two-mouthed. Then he comes with this repressive, oppressive clause 7 which I will read now for the benefit of this House.

“A person shall not otherwise than in private, do any act which—

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons.”

So you could shock but you cannot offend.

I also have to debunk the nonsense spoken by the Member for St. Joseph. There was never any public consultation on this legislation; none! What occurred is that a *Working Paper On Equal Opportunity Legislation* was sent out for public comment. There was never any discussion on the draft legislation or the Bill before this House. Let me correct the record in terms of certain untruths that the Member for St. Joseph has put on record in this House in terms of public consultation.

The working paper was forwarded to 170 individuals and organizations. It was sent to 170 individuals and only seven replied. Do you know why? It was because they had nothing to look at. There was no legislation. They did not know with what they were dealing. The Inter-Religious Organization did not reply, the Maha Sabha did not reply, the Muslim League did not reply. A total of 170 organizations were asked to comment on that working paper, seven replied, and none of the major institutions or organizations in this country dealing with race relations or with religions replied. The Catholic church did not reply, the Pentecostal movement did not reply. There was nothing to which to reply.

You see, Mr. Deputy Speaker, when one reads the verbatim report of the Joint Select Committee on this matter, one will see exactly what occurred. I need to embarrass now the Member for Fyzabad because the reason there was never any public consultation on this matter or any proper public consultation is because it was done in obscene haste. When you go into the verbatim report you see the Member for Fyzabad complaining, "Why are we rushing this thing? Let us deliberate more on it. Let us not deal with this matter tonight" and so forth. This is what he said.

3.40 p.m.

Mr. Deputy Speaker, I am now going to put into the record exactly what the Member for Fyzabad said, and listen to some of the things he said:

"Mr. Sharma: Mr. Chairman, we find ourselves against time and trying to rush, trying to finalize the report on our own time..."

Sorry.

"We need to have the opportunity to finalize the report on our own time which will give us the benefit of what we want. That will give us an opportunity to make the necessary comparisons with what obtains as well."

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

This is the Member for Fyzabad.

The Chairman of the Committee asked the Member:

“I am trying to pick up what is the essence of your contribution.

Mr. Sharma: That we cannot submit this tonight.”

Mr. Deputy Speaker, there are many other references in here from the Member for Fyzabad proving, beyond a shadow of a doubt, that what the Government was trying to do was to rush the committee report. That is why the Members of the Opposition did not sign it because the Government was trying to railroad this matter through.

Mr. Deputy Speaker, the reasons given were, if we do not deal with it now it will lapse and go into another session, and the committee will be criticized because it did not complete its work but, at least, one Member on the Government side was indicating that the Government was trying to rush this matter. This was in 1997, three years ago! So, three years ago—in the middle of the night or something—the Government hustled through this matter, bullied everybody without the Members of the Opposition being present and sent in a report and then did nothing for three years. Nothing! So all the reasons advanced in 1997 that we have to complete this matter; we do not want it to lapse and so on, were absolutely irrelevant. The Government rushed this matter through in 1997; then they did not produce a Bill for public comment; and did not circulate the clauses for public comment and let three years pass and now in an election year—

Dr. Rowley: Election month.

Mr. C. Imbert: —election month or whatever it is, the Government comes again trying to railroad through this very, very, important piece of legislation which will change the entire culture of Trinidad and Tobago, without any consultation with the churches; with the associations that deal with ethnic matters like the Confederation of African Associations; and the various East Indian organizations and so forth. The Government had no consultation of any kind, of any significance with any of the churches in Trinidad and Tobago on this matter. None whatsoever!

Mr. Deputy Speaker, I wish to put on the record the objections of the Trinidad Christian Centre. If the Government does not want to hear me, let me read into the record the objections of the Trinidad Christian Centre to this oppressive piece of legislation.

“Far from ensuring equal rights and equal opportunity, this proposed Bill is pregnant with the seeds of destruction, destruction of the relative harmony in which we the people have been accustomed to living.”

This is Reverend Austin J. De Bourg, President of the Trinidad Christian Centre and he is completely opposed to clause 7, as am I. I will not support this legislation with that oppressive clause in it and he is completely opposed to the clause—*[Interruption]* You could go ahead, it is unconstitutional. The Member could say what he wants, it is unconstitutional. The Government could pass whatever it wants inside here this afternoon it will not stand up in the courts. *[Interruption]* The Government could pass whatever it wants and it will not function. The commission would be deemed *functus*. The Government could do whatever it wants because Pastor De Bourg makes a very important point.

Mr. Assam: Who he represents?

Mr. C. Imbert: Or, who he represents? So you are against the Trinidad Christian Centre now. Do you speak for the UNC? You are against the Trinidad Christian Centre? *[Interruption]* All right. Okay. Go ahead. Listen to the point Pastor De Bourg made:

“We are in dangerous waters when we allow ourselves to be deluded by the seeming innocence of the description of a public place. ‘Public place’ includes any place to which the public has access as of right by invitation whether expressed or implied.”

Mr. Deputy Speaker, clause 7(2) makes reference to sounds, mere sounds may cause an offence. Are the Shouter Baptists now going to be in trouble once again with the law because the sound of their various ceremonies causes an offence? Orisha drums will cause an offence; the Hare Krishna Movement will now cause an offence because they are communicating sounds in public. Will those who beat their drums in their ceremonies or sing bajans or quasidas loudly now cause offence?

Mr. Deputy Speaker, quoting again from Pastor De Bourg, he refers to the aspect of clause 7 which is done with the intention of inciting gender, racial or religious hatred, and he asked:

“How is intention to be determined? What yardsticks would apply? Who will be the guardians of this law?”

Dr. Rowley: Ramesh.

Mr. C. Imbert: Who? There is one religious faith complaining about another religious faith before a tribunal composed of people of various different religious faiths, how are they going to determine what is offensive to one religion and not offensive to another religion? How? I would really like to know. I mean this reminds me of Nazi Germany. In Nazi Germany people could not assemble, they could not practise their religion. That is a fact. This clause 7 reminds me of Nazi Germany. *[Interruption]*

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Mr. Deputy Speaker, I simply wish to make this intervention. You would have seen Pastor Duncan and all the evangelical movements making their objections to clause 7 in this Bill. I ask the Government to take heed, listen to what the churches are saying. The Government is going to make this country ungovernable. That is what the Government is going to do. [*Desk thumping*] It is going to promote religious intolerance. In fact, what clause 7 will do is create a climate for religious intolerance in this country. As my colleague from Diego Martin West has pointed out, anybody can trigger this legislation; anybody can make a complaint to the commission that sounds and images offend them and they are insulted. Anybody can trigger that they are humiliated; anybody can trigger clause 7 in this legislation; and then you go before a commission.

Mr. Deputy Speaker, what the Member for Couva South did not say is what are some of the penalties. Listen to clause 36:

“A person who, without reasonable excuse, refuses or fails to comply with any requirement of a notice under sections 33 and 35(2), is liable on summary conviction—

- (a) in the case of an individual, to a fine of one thousand dollars;
 - for every day that the individual...refuses...to comply with any requirement of a notice.”

Hear what the requirements are and what clauses 33 and 35 say:

“The Commission may by notice in writing—

- (a) require any person to furnish such information as may be described in the notice;
- (b) specify the time within which the required information is to be furnished; and
- (c) require the person to attend at such time and place specified in the notice and to give oral evidence about and produce all documents in his possession relating to, any matter specified in the notice.”

Dr. Rowley: Hitler and the Third Reich.

Mr. C. Imbert: Mr. Deputy Speaker, if I do not do that somebody triggers clause 7, and say that he or she is humiliated because somebody is making a set of noise in religious observances. They trigger it; they are offended, insulted, and so on; and the church is then hauled before this commission. The church must produce all documents required and if it does not, one thousand dollars a day, for every day. Does that not remind you of Hitler and the Third Reich? [*Desk thumping*]

Mr. Deputy Speaker one has to ask: do the Members on the other side—those with any gumption; those with any substance—have any knowledge of the country we are living in? Look at the *Express* newspaper today.

3.50 p.m.

Look at the classified advertisements at the employment section of the *Express*: “Attractive waitresses and cleaner”. That is now illegal! One cannot advertise for attractive people. That is discrimination! Listen to this: “Babysitter/maid with experience. Single female”. Under the legislation, one cannot discriminate against someone because of his marital status. So, one can no longer advertise in the newspapers for a single female. As a matter of fact, one cannot even advertise for a female, because that is discriminatory against someone because of his gender. This is all in the classifieds in one newspaper on one day! Listen to this: “Experienced male drivers to do bread van sales”. They have to take the word “male” out of that now. “Experienced male grocery worker wanted”.

Let me use the example of a construction company employing labourers. Suppose 10 men and 10 women show up and the contractor hires 10 men and nine women? The tenth woman says: “You are discriminating against me”, but on a construction site there may be certain activities, because of the difference between genders, which are more suitable to men than women. The contractor is not discriminating, but according to this legislation he is discriminating, and that triggers the process. That triggers the Bill and sends the contractor before the Equal Opportunity Commission to face a fine of \$1,000 a day if he does not explain why he did not hire the tenth woman on the construction site.

Let us go to restaurants and bars. “Barmen and attractive waitresses needed for sports and entertainment bar in Tunapuna”. Even the term “barmen” will be discriminatory. It cannot be barmen anymore. It has to be bar persons. It cannot be waitresses. It has to be attendants. So, one is telling me that I am an owner of a bar and I have decided that I want the majority of my table attendants to be women—I have my own reasons—that I cannot do that anymore? If 100 men and 100 women come, and I have 20 places, I must pick 10 women and 10 men; 10 waiters and ten waitresses. If I have two driving jobs in a company, one must be a man and one must be a woman. As for BWIA stewardesses on the planes, they do not understand what they are doing. They are destroying the culture of our country. [*Desk thumping*] There is now a whole series of men who can apply to BWIA and one has to work a quota system now.

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Mr. Deputy Speaker, the Members on the other side disappoint me so much. If there are 300 persons working for BWIA who attend to people on planes and 280 of them are women and 20 are men, they now have to hire 280 men or face the commission.

Mr. Assam: What rubbish.

Mr. C. Imbert: Of course, BWIA will now have to face the commission, because I am certain that if one looks at the employment records and the applications for employment in BWIA, one will see that more men are refused employment than women. One will see it. One will see that they hire more women than men to deal with the activity of attending to passengers on the planes.
[Interruption]

Mr. Bereaux: Mr. Deputy Speaker, I am having great difficulty in hearing the Member because of the shouting by the other side.

Mr. Deputy Speaker: Member for La Brea, the Member for Diego Martin East has not complained.

Mr. Bereaux: I have complained because I am not hearing him.

Mr. Deputy Speaker: You are not hearing the Member?

Mr. Bereaux: No.

Mr. Deputy Speaker: I hope that advice pervades for all debates here now.

Mr. Bereaux: Yes, Mr. Deputy Speaker.

Mr. C. Imbert: Thank you, Mr. Deputy Speaker. I want all artistes in this country to know—all painters, all composers, all musicians, anybody dealing with the arts—that clause 7 is a direct attack on the arts and the artistes in this country. It is not just calypsonians. It is anybody who portrays any image, someone could have a painting, one could have a theatrical performance to which someone of a particular religion, ethnicity or gender can attend and then complain to the commission that they felt insulted, offended and humiliated. This is a direct attack on all artistes in Trinidad and Tobago. *[Desk thumping]*

With all the “ole” talk from the Member for Couva South about rulings in the United States, he failed to mention that the right of freedom of expression where it relates to art has been tested in the United States on many occasions, and the Supreme Court has always come down on the side of arts, Mr. Deputy Speaker. There was a recent exhibition where an artist had a portrayal of the American flag which he put on the ground. That was his portrayal of art. *[Interruption]*

Mr. Deputy Speaker: Member for St. Joseph!

Mr. C. Imbert: Get them to simmer down, Mr. Deputy Speaker. I know I am upsetting them. There was an American artist who did a portrayal where he put the American flag on the floor—this is just last year—and citizens took him to court because they said that the flag was sacred and it should not be on the ground where people could walk on it. That was tested by a District Court, an Appeal Court and by the Supreme Court, and the Supreme Court allowed the artist to keep the flag on the ground because it was his way of expressing himself. People have burned the flag in the United States and people have tested that as well. The Supreme Court has ruled that people are entitled to that because it is their way of expressing themselves.

I was listening to a calypso from 1986 just the other day where they were talking about parties and manifestos, and the calypsonian Bally, in the calypso, referred to the texture of a person's hair and indicated that in his opinion, if a certain political party won the election, persons with a particular kind of hair would be in trouble. Under this legislation, that would go before the commission. If this was around when Raymond Quevado, "Attila the Hun", was singing against the Governor and all the established authority figures in Trinidad and Tobago, he would have had to face the commission.

They tried and they failed, but do not let the Member for Couva South fool you. Fines and damages are the same thing. It is money. The commission can make any order. They could make a calypsonian pay \$100,000 to somebody who feels offended because the calypso insulted him because of his religious belief, his ethnic origin or his gender. This law is crazy, Mr. Deputy Speaker.

I also want to sound a warning to the established denominational schools in this country. This Government is truly two-faced. They have spent the whole of 1999 in discussions with the denominational boards for a new Concordat. They spent the whole of last year, and towards the end of last year, the beginning of this year, they came up with the draft policy that would inform the new Concordat for the management and the administration of denominational schools.

They agreed that the quota system where principals have the right at the present time to select 20 per cent of the intake into schools run by denominational boards would remain. This Government agreed, just a couple months ago in discussions with them, that the 20 per cent quota system that is the privilege of principals which would allow somebody in because of his religious beliefs—if it is a Catholic school, Hindu school or Muslim school—will remain in force. Now, they come and bring this legislation, just two months later, which abolishes that.

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Let me go to the specific clause. This is why I have to agree with my colleague from Diego Martin Central that this is just window dressing. When one goes into the legislation as it deals with schools, it is very specific, Mr. Deputy Speaker, where it says at clause 15 that:

“(1) An educational establishment shall not discriminate against a person—

(b) in the terms and conditions on which it admits him as a student.”

That means that the quota system now enjoyed by the Catholic denominational boards, the Anglicans, the Hindus, the Muslims, the Adventists and the various other East Indian denominational boards, is out the window now. They have destroyed the Concordat in just one clause in this legislation, and that is why I say this Bill is going to cause major cultural and religious disruptions in this country. [*Desk thumping*]

Mr. Deputy Speaker, they are not sincere. When they defined the grounds on which someone can be discriminated against, they left out political beliefs deliberately. Let me go to the definition of status. Status in relation to a person means the sex, race, ethnicity, origin, religion, marital status or any disability. It does not refer to political beliefs. What discrimination is more pervasive in Trinidad and Tobago today than discrimination on the grounds of political beliefs? [*Desk thumping*]

I remember, Mr. Deputy Speaker, the Minister of Finance going public on television and saying that if two persons tender for state contracts and both of them are more or less the same, then the person who is a member of the UNC will get the contract. He went public and said that. It was raised in the committee. It was one of the first issues raised in the committee when they were discussing the Working Paper on Equal Opportunity Legislation.

There was a member, someone before the commission saying this: “I understand that at the last meeting, one of the members raised the question of whether political ideology should be included. I do not know. There might be an argument which can be advanced that it might be possible for a person to be discriminated against on the grounds of beliefs and tenets that he holds with respect to certain political ideologies”. That was raised. They left it out deliberately!

4.05 p.m.

To reinforce my point about the fact that all the persons who have spoken on this Bill do not understand it, have not read it and have no idea about what is in this Bill, let me deal with the clause on family business. We heard the Attorney General saying that "family business" is defined in this Bill.

Let me go in the definition section to see what is in there—"Commission", "Commissioner", "disability", "employment", "ethnicity", "man", "marital status". This is in alphabetical order so after "ethnicity", the next one is "man". There is no "family business" defined in this Bill. But, he gets up in this House and indicates that "family business" is defined in the Bill. I would like to know in which clause.

What is a family business? Is it a business where everybody who is employed in that business is a member of one family? Is it a business that is owned by a family? Is it a business where the majority shareholders are one family? Is it a business started by a family? I mean, there are many businesses in Trinidad and Tobago today which are owned by a family that employ hundreds of persons but it may have only 10 or 20 family members working in that company and the other 200 or 300 persons are not family members. Is that a family business?

Let us look at clause 13 which says:

"Notwithstanding sections 8 to 10, a family business may employ only relatives."

Clauses 8 to 10 of the Bill speak about discrimination with regard to employment. This is all the Bill talks about with respect to family businesses:

"...a family business may employ only relatives."

What does that mean? That means once there is one person in that family business who is not a member of the family, then you can trigger this Bill. Utter nonsense! So that the example used by my hon. colleague from Diego Martin West in which there may be a business owned by a family in which there may be 200 employees; the son is abroad studying; you have a very effective and disciplined general manager who is not a member of your family; the son comes back; they fire the general manager and replace him with the son. Under this Bill, is that discrimination or is it not discrimination? I would like to know.

So, you are telling me as a father, I cannot hire my son in my business. I may have trust in my family members but because a family business is one that only has relatives in it, it appears that I cannot employ my family. I cannot put them in positions of trust. I have to employ everybody in the business based on some

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

ambiguous concept of equity. Right now, there are so many businesses in Trinidad and Tobago, so many construction firms, which are owned and operated by families, but most of their employees are not family members. They will face the court, all these businesses. All those asphalt paving companies, all those construction companies, all those family groceries and so forth, will face the court once they have one person working in there who is not a family member because he is being discriminated against.

One of the things that struck me about this legislation is that in Trinidad and Tobago, as employers, persons treat with people differently because of their situation. You might have an employee who is not punctual, who is not performing, but you are aware that he has family problems. He may have marital problems; he may be a recovering addict or a recovering alcoholic and so forth, and you are lenient. You treat that employee differently to the way you may treat others because you feel empathy; you understand his problems and you hope that over time, he will improve and become a very effective employee.

But, under this legislation, Mr. Deputy Speaker, now everything is cut and dried. Where in the past you might know that someone was having problems at home and that is why he was not coming to work or not performing, you might not have put a letter on his file indicating that his time-keeping was not satisfactory or that he has not been performing, where now you may not do that because you understand his situation, now you have to do it. Now, everything that happens in the workplace has to be documented. Now, the whole question of sympathy and empathy for personal situations is out of the window. Now, everybody has to be treated the same, irrespective of their own personal situation.

Is this what they want? They want to create a hard, cruel and intolerant society. When I listen to the Member for Couva North, when he is in one of his fits of anger and the real Couva North is coming out, and he talks about no one shall remain unscathed and so forth, no one shall attack my Government, this legislation, which is going to create a cruel, intolerant and repressed Trinidad and Tobago, one wonders if the oppressive clauses in this Bill are not the personal stamp and personal feelings of the Prime Minister coming through here. One really wonders.

Clause 7 cannot be constitutional; it just cannot. When I go to section 4 of the Constitution, Mr. Deputy Speaker, which states:

"It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms..."

It also talks about:

- "(e) the right to join political parties and to express political views.
- (h) freedom of conscience and religious belief and observance.
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and.
- (k) freedom of the press."

Now, these are all the freedoms that we as citizens of Trinidad and Tobago are guaranteed by the Constitution. But they are now bringing legislation where they are telling me, or anybody in this country, in clause 7, that if we do anything that:

“is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person...”

They are curbing my freedom of expression.

The argument that the Member for Couva North advanced, that freedom is not absolute, is a feeble defence. Who more than he, when he was in Opposition, was fighting for the rights of persons to associate with the political party of their choice, to express themselves? Who more than he? But he comes into office—I am talking about the Member for Couva North—and all of a sudden, all those rights and freedoms which he fought for when he was in Opposition, suddenly are no longer absolute and must be fettered and constrained from the trade unions and all. He, in his previous incarnation, as a trade union leader. Do you think you would have ever heard the Member for Couva North saying, "No work; no pay"? If any Prime Minister in Trinidad and Tobago had said that when he was in his previous incarnation as a trade union leader, he would try to close down the entire country, Mr. Deputy Speaker.

But, you see, I do not think the Members on the other side understand the dangers of this quota system. Look at a company like Caroni (1975) Limited where there are 10,000 or 11,000 employees, about 9,000 or 8,000 of them are of East Indian origin. What happens now? Now, every application to work in Caroni (1975) Limited must be given to persons—

Hon. Member: Are you going to apply to cut cane?

Mr. C. Imbert:—who are not of East Indian origin so it can be brought up to a quota of 41, 42 or something like that. You must have 10 persons of Chinese origin; 15 persons of Syrian origin; a thousand of mixed race and so forth, because anybody who applied to Caroni (1975) Limited for employment and was

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

refused employment, can trigger this piece of legislation and can justifiably say that he was refused employment in Caroni (1975) Limited because of his ethnicity, his geographic location, or the fact that he is not a member of the All Trinidad Sugar Workers Trade Union. He can justifiably go and say that he was denied employment.

What about all those family businesses which are predominantly of one ethnic group? What about them? They now have to look very carefully at how they employ people. They have to go and get the demographics from the last census and they have to ensure that they match that within 3 or 4 per cent, which is what is going on in the United States. That is what is going on in the United States.

That is where they want to take this country. They want to bring this country to a quota system where persons are employed, not on the basis of merit, not on the basis of ability, but simply to satisfy various quotas.

Hon. Member: You are wrong.

Mr. C. Imbert: There are Members on the other side, Mr. Deputy Speaker, who espouse those views. Look at the Bill which says at clause 26(4):

"The membership of the Commission shall reflect, as far as possible, a balance of race and gender."

The policy is in the Bill on the membership of the commission. So that, Mr. Deputy Speaker, I have to go back to the "Classified Ads". No longer can you have advertisements. I saw one there where someone wants a person to work as a chef—Chinese Chef wanted.

Hon. Member: It is a Chinese restaurant.

Mr. C. Imbert: That does not matter. Mr. Deputy Speaker, they do not understand.

Mrs. Robinson-Regis: Because they have not read it.

Mr. C. Imbert: No longer can you have an ad in the newspaper saying "Chinese Chef wanted". I saw another advertisement. "Young single females wanted. Must be Christian." There are about five advertisements there for employment in a particular establishment. It is not a religious shop but the person has said they wish the applicants to be Christian. All these advertisements will now be illegal under this piece of legislation.

They do not have a clue. They are going to get one backlash from the churches and schools in this country if they proceed with this folly, because you are going to create a creature like this commission which has superior powers to a court. A court cannot fine somebody \$1,000 a day for every day they do not produce a document that the court requires. No High Court in Trinidad and Tobago has the power to do that, that if they call on you, you must come now and if you do not come to bring all the documents they ask of you, they could charge you \$1,000 a day for every day that you do not come. This thing has superior powers to the High Court.

There are so many utterances made by Members on the other side. I remember the Member for Couva North, I think he referred to me as a sewer rat or something like that.

Mr. Panday: I apologize to the sewer rats.

Mr. C. Imbert: The thing is, I treated that as a joke; I treated it with the contempt that it deserved for the trivia that it was. But that is me. I thought it was trivial and foolish but he might call somebody else that and he is going before the commission. That is what is so foolish.

Mr. Panday: Yes. I want to go.

4.20 p.m.

Mr. C. Imbert: So the Prime Minister would be appearing before a Commission of Inquiry every day of his life.

Mrs. Robinson-Regis: True. [*Desk thumping*]

Mr. C. Imbert: Because there will be about 5,000 persons lining up to take him before the commission, every day of his life. He is insulting. He humiliates people.

Mrs. Robinson-Regis: He incites them.

Mr. C. Imbert: He incites all sorts of hatred in this country.

Mrs. Robinson-Regis: He incites hatred.

Mr. C. Imbert: I could tell you that there are at least 100,000 persons in this country who believe that of the Prime Minister of Trinidad and Tobago. [*Desk thumping*] They believe that now; that he insults them—

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

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

Question put and agreed to.

Mr. C. Imbert: And that is why we in the PNM are not going to vote with you on this oppressive piece of legislation. *[Desk thumping]* We will not allow you to mash up this country. *[Desk thumping]* We respect the religious beliefs of persons in this country.

Dr. Rowley: And our diversity.

Mr. C. Imbert: And our diversity, and we respect the right of persons to criticize. *[Desk thumping]*

Mr. Deputy Speaker, it is a feature of religion to criticize. *[Desk thumping]*

Mrs. Robinson-Regis: Exactly.

Mr. C. Imbert: If you take the Qur'an. The Qur'an does not accept Christ as divine. It does not accept Christ as Saviour. The Muslim faith does not accept Christ as Saviour. So I, as a Christian, could be offended.

Mrs. Robinson-Regis: Exactly.

Mr. C. Imbert: I could be offended about that.

Dr. Rowley: Christians do not accept idol worshiping.

Mr. C. Imbert: Yes, Christians do not accept idol worshiping.

Dr. Rowley: Hindus worship idols.

Mr. C. Imbert: But Hindus worship idols. They worship Lord Ganesh, Kali, Mother Lakshmi and so on. These are all idols. If one goes into any Hindu Temple one would see a number of idols which are worshipped by Hindus. But according to the Ten Commandments—

Mrs. Robinson-Regis: Thou shalt have no other God but me.

Mr. C. Imbert: Thou shalt have no other God but me. Many adherents of the Christian faith feel very strongly about their religion. As many adherence of the Hindu faith feel strongly about their religion, as many members of the Muslim faith feel strongly about their religion, and they feel that they have the right to criticize other religious beliefs. I say they are guaranteed that right. *[Desk thumping]*

Who is the UNC to create an environment of religious intolerance in this country? *[Desk thumping]* Who is the UNC to do that? Who gave them the right with 17 seats with a minority of votes? Who gave the UNC the right to create a climate of religious intolerance in this country? *[Desk thumping]* Who gave them the right to do that? *[Desk thumping]* To tell the Christian churches that they

cannot preach what they want from the pulpit? Who gave them the right to do that? *[Desk thumping]* Who gave them the right to say that the Imams in the Mosque cannot preach what they want in the Mosque? Who gave UNC the right to do that, Mr. Deputy Speaker? *[Desk thumping]* You see they want to send the army and troops into a church, Mr. Deputy Speaker. That is what they want to do. They want to send police into the places of worship now. That is what they want.

Mr. Hinds: Yes, Sir.

Mr. C. Imbert: You see, I cannot believe, with the historical antecedents of the Member for Couva North and the Member for Couva South—on something as fundamental and crucial to the history of Trinidad and Tobago—that they will try to railroad and bully through this legislation, bully it through this Parliament, without any consultation with any of the established churches in this country. *[Desk thumping]* No consultation whatsoever! None whatsoever! They are going to create religious strife. They will be guilty of the very items in that Sedition Act that the Member for Couva South read out. They will be guilty of promoting and endangering feelings of ill-will and hostility between people in this country. *[Desk thumping]*

Mr. Deputy Speaker, I remember a famous case when I was living in St. Augustine. There was a Hare Krishna Temple just 100 feet away from my house.

Dr. Rowley: Outside my door.

Mr. C. Imbert: And every day they were beating their drums and chanting and ringing bell, every day for hours. I could not sleep. I could not study.

Mr. Assam: That is why “yuh” mad now. *[Laughter]*

Mr. C. Imbert: But, Mr. Deputy Speaker, there were persons in the neighbourhood who took that particular religious group to court, for creating a public nuisance, and they lost the case, Mr. Deputy Speaker. *[Desk thumping]* They lost the case. Let the Member for Couva South go and check that case. The court ruled, freedom of religion, freedom of expression. In their religion they beat drums, they beat cymbals and they chant; they chant as loudly as possible. Whether it offends, insults, humiliates, or incites anybody, they have a right to do that. *[Desk thumping]* And that is precedent in our courts.

Dr. Rowley: They want to change that.

Mr. C. Imbert: But they want to change that, Mr. Deputy Speaker. They have all sorts of persons writing in the newspapers every day, questioning the various religious beliefs of various religious movements and so on. Every day people are doing that.

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Even within the Christian religion itself, one group believes in the full gospel, another group does not. One group recognizes the Book of Revelations, another group does not. One group is very offended about that whole aspect of what should be in the Bible and what should not be in the Bible. There are so many versions of the Bible. There is the King James version, the Douay version, the New International version and so on. They are all different and they all—in terms of what they include and what they exclude and so on—could offend, insult or humiliate various people within the Christian faith. Mr. Deputy Speaker, they know. They are just ashamed and embarrassed. They know what they are doing. They are embarrassed. They know what they are doing.

I have to come back to the Concordat. How could the Member for Siparia have the audacity to be involved in discussions with the leaders of denominational schools in this country and agree, in principle, to the extension of the Concordat, which allows the quota system, just a couple months ago, and then come here with this piece of legislation, which makes it discriminatory to refuse admission to persons or to admit persons to a school on different terms and conditions. How are you going to explain that? [*Desk thumping*] How is the Member for Siparia going to go back to all the denominational boards and explain that: “Yes, I agreed that the Concordat will continue, but I was overruled by the Cabinet and the Cabinet has now decided that is discriminatory?”

Dr. Rowley: The Common Entrance Examination marks alone apply.

Mr. C. Imbert: Yes, the Common Entrance Examination marks alone apply. One’s religious beliefs do not apply, Mr. Deputy Speaker.

You see some of them understand and some of them do not understand. Those on that side who want to understand know exactly what I am talking about. I know that, quietly and privately, they agree with me. Because their constituents are going to be in an uproar when the full effect and impact of this oppressive piece of legislation is felt in this country.

Dr. Rowley: There is going to be disorder.

Mr. C. Imbert: There is going to be disorder in Trinidad and Tobago. [*Desk thumping*] There is going to be disorder.

Dr. Rowley: Instability.

Mr. C. Imbert: There is going to be disorder when all of the organizations and companies in their constituencies, who now have to face this legislation, and the disruption it would cause to entire villages and towns who have been

accustomed to operating in a particular way. It is now going to be completely disrupted. They are now going to be breaking the law and they have to go before a commission, Mr. Deputy Speaker. They do not understand. You see—
[Interruption] Yes all “yuh” go ahead. You do not understand what you are doing.

When the Members on this side say that this is not the way to deal with this problem, this is not the way. Do you know what the way is? Have proper public consultation with all the interest groups in the country. *[Desk thumping]* Go and convene a convention down in Chaguaramas or Queens’ Hall or somewhere, and bring all the established and minority churches together. *[Desk thumping]* Ask people what they want, do not try to force it down their throat! There has never been any meaningful public consultation on the legislation before this Parliament.

Dr. Rowley: Government by danger!

Mr. C. Imbert: This is government by decree.

Mr. Deputy Speaker: On that note, hon. Members, the sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

[MR. SPEAKER *in the Chair*]

Mr. C. Imbert: Mr. Speaker, before the tea break I was making the point that the advocates of this legislation either have not read it, do not understand it or they are engaging in window dressing for election purposes. Again, I return to this clause 7:

“A person shall not otherwise than in private, do any act which—

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of persons;
- (b) is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and
- (c) which is done with the intention of inciting gender, racial or religious hatred.

The question is: Who determines that? I would like to think that this piece of legislation is aimed at Evangelical churches that believe in missionary pursuits.

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Let me now read from the Bible. [*Crosstalk*]

Mr. Sudama: “Who give yuh dat”, Mr. Manning? Is it a born-again Bible?

Mr. Speaker: Order please!

Mr. C. Imbert: The Good News Bible, Ezekiel Chapter 8, I am going to read it in its entirety and I will show how the Members on the other side, if this Bill becomes law, can accuse me of inciting religious hatred.

“God said to me, mortal man do you see what is happening, look at the disgusting things that the people of Israel are doing here, driving me further and further away from my holy place. You will see even more disgraceful things than this. He took me to the entrance of the outer courtyard and showed me a hole in the wall. He said, mortal man break through the wall here. I broke through it and found a door. He told me, go in and look at the evil, disgusting things that they are doing there. So I went in and looked. The walls were covered with drawings of snakes and other unclean animals and other things which the Israelites were worshipping.”

It continues in this way.

Let us now go to the relevant section:

“Then the Lord said to me, you are going to see them do even more disgusting things than that. So he took me to the north gate of the temple and showed me women weeping over the death of the god Tammuz. He asked, mortal man do you see that? You will see even more disgusting things.”

Hon. Members: Devil quoting the Bible!

Mr. C. Imbert: “So he took me to the inner courtyard of the temple...”

Here is the relevant part:

“There near the entrance of the sanctuary, between the altar and the porch were about 25 men.”

Mr. Manning: That is the Cabinet!

Mr. C. Imbert: That is the Cabinet of Trinidad and Tobago.

“They had turned their backs to the sanctuary and were bowing low towards the East worshipping the rising sun.” [*Desk thumping*]

Hon. Member: An abomination!

Mr. C. Imbert: Mr. Speaker, the passage continues:

“Mortal man, the Lord said, you see that. These people are not satisfied with merely doing all the disgusting things you have seen here and with spreading violence throughout the country. No, they must come and do them right here in the temple and make me even more angry. Look how they insult me in the most offensive way possible.”

He is referring to people worshipping the rising sun. [*Desk thumping*]

Now, if I go on a microphone or on my loud speaker and I read Ezekiel Chap. 8 all throughout Couva North and Couva South and teach the people there that when you worship the rising sun you are engaging in abominations against God, [*Desk thumping*] certainly, somebody is going to get offended. [*Laughter*] Certainly, at least, one person is going to get offended, and all I would be doing is quoting the Holy Scriptures. That is all I would be doing, quoting the Holy Scriptures.

Mr. Humphrey: You will turn into a pillar of salt!

Mr. C. Imbert: If I seek to interpret the passage and say that the 25 men is the Cabinet of Trinidad and Tobago [*Desk thumping*] and the abomination is the worship of the rising sun, [*Desk thumping*] certainly, at least, one person would get offended.

I have read that passage so that they will understand how foolish they are. You see, Mr. Speaker, the criticism of religious beliefs is essential for the development of religion. It is essential; that is the way religions develop, correct and improve themselves. In the middle ages, you had the Catholic Inquisition; that was a dark period in the Catholic Church. Through criticism and through persons who opposed that, the church has now reformed and you no longer have these—they apologized also—oppressive tenets in the church. But if such a bill was in place that could never happen, because what this Bill does—notwithstanding any views that the Prime Minister may have—is stifle criticism. It stifles dissent, and clearly that is the intention. What is a clause like this doing in a bill on equal opportunities? The very name of the legislation, Equal Opportunity.

I must have equal opportunity to criticize whoever I wish to criticize. [*Desk thumping*] What is a clause that is taking away my opportunity to criticize doing in a bill on equal opportunities? Anyhow, as far as I am concerned, it is totally unconstitutional, so they could pass whatever they want here this afternoon, it “doh” matter to me.

Mr. Hinds: God will deal with them!

Mr. C. Imbert: The courts will deal with them even before God deals with them. [*Laughter*] Let me give them some quotations now. I am sure the Member for St. Joseph, if he is going to be honest, will be aware of these things.

Let me quote from John Stuart Mill from his book on liberty:

“Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for the purposes of action. On no other terms can a being with human faculties have any rational assurance of being right.”

Then we have Thomas Jefferson in his Bill for establishing religious freedom:

“Truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error and has nothing to fear from conflict, unless by human interposition. Disarmed of her natural weapons, free argument and debate, error ceasing to be dangerous when it is permitted freely to contradict them.”

That is Thomas Jefferson; I am sure the Member for Tobago East, that great scholar, would be aware of that.

Dr. Rowley: How could you call the man a skull?

Mr. C. Imbert: Again Thomas Jefferson, *Notes on Virginia*, 1782:

“It is error alone which need the support of government; truth can stand by itself.” [*Desk thumping*]

Let me repeat that:

“It is error alone which need the support of government; truth can stand by itself.

Benjamin Franklin also said:

“When a religion is good I conceive that it will support itself and when it does not support itself and God does not choose to do so then its professors are obliged for the help of civil power. It is a sign I apprehend of its being a bad one. Whenever religions have to call upon civil powers for help it is a sign that it is a bad religion.”

That is Benjamin Franklin.

Mr. Speaker, here we have the Member for Couva North again *in the Express* of Friday 8th November, 1996, Mr. Panday's words about criticism:

“First of all as an individual you can't avoid it; father, mother, brother, sister, not even a government. I do not believe anybody can avoid it, much less a government.”

He is talking about criticism; that is the hon. Basdeo Panday. Yet he comes into this Parliament under the guise of equal opportunity and tries to pass the most repressive law ever brought into this Parliament in the history of modern politics. [*Desk thumping*] It goes to the core of beliefs in Trinidad and Tobago on our freedoms and fundamental rights as citizens of this country.

I just have a feeling—I do not know—what is the origin of this Bill? Is it a press release issued by the Attorney General in March 1998? Ministry of the Attorney General, the Hon. Ramesh Lawrence Maharaj stated that the Government is expected to introduce legislation within the next two weeks. This is March 1998. Two years ago he issued a release. The Government is expected to introduced legislation within the next two weeks for the establishment of an Equal Opportunity Commission. What happened between March 1998 and March 2000?

Hon. Member: Election coming.

Mr. C. Imbert: No public consultation; nothing was done, Mr. Speaker. The select committee was before that, to tell you how they do not know what they are talking about. What happened? Where was the consultation with the religious bodies in this country? When was it held? Where are the proceedings? Where are the verbatim notes?

5.15 p.m.

What did they say? Were they asked to comment on the various clauses in the Bill? What did the Catholic churches have to say? What did the Maha Sabha have to say? What did Swaha have to say? What did the Trinidad Muslim League have to say on the clauses in this Bill? Were they asked? Do they know? [*Interruption*] You see, he talked about the Sedition Act but he would not read the whole Act. Listen to section 3(2):

“But an act, speech, statement or publication is not seditious by reason only that it intends to show that the Government has been misled or mistaken in its measures....”

Equal Opportunity (No. 2) Bill
[MR. IMBERT]

Friday, June 02, 2000

Do you understand? So that you have to prove that what the people were doing was deliberate and they intended—yes, you have to prove it and the Sedition Act has a *caveat*, it has a qualification. It continues:

“...an act, speech, statement or publication is not seditious by reason only that it intends to show that the Government has been misled or mistaken in its measures, or to point out errors or defects in the Government or Constitution as by law established, with a view to their reformation, or to excite persons to attempt by lawful means the alteration of any matter in the state by law established,...”

So the Sedition Act is qualified. You see, he would not read the whole thing. And it recognizes in its language, freedom of expression, freedom of association, freedom of conscience. Because it says that if what you are doing is a genuine effort through lawful means, to reform the society, to point out the errors of the Government, then you are not seditious. [*Desk thumping*] He would not read that part of the Act.

Let us go back. Speaking at the Edinburgh Hindu Temple in Chaguanas, the Attorney General stated that the Constitution of Trinidad and Tobago guarantees every individual or organization the right to practise their religious beliefs or observances. But, at the same time, he says that within two weeks he is going to introduce equal opportunity legislation. But it was not two weeks; it was two years. And in here he is suppressing people’s freedom to practise their religious beliefs or observances.

As I have outlined—and there are many examples in terms of the established churches and the minority churches, which are offensive to other churches. I have given you an example from the Bible. I have given you an example where the Bible can be viewed as insulting and offensive to Muslims who worship facing the East. Ezekiel spoke about 25 men bowing to the sun in the East. That could be taken as a reference to Muslims. It spoke about abominations done by 25 men worshipping the rising sun. That could be the UNC, that could be the Hindus. That is what my Bible says, and I have a right to read it; and I have a right to preach it, but it can be interpreted as being offensive and calculated to incite racial and religious hatred. That is just one example I have given.

There are many things preached in the Vedas and in the Qur’an that are offensive to other religions. Deeply offensive to women. The Qur’an, for example, is discriminatory. Some people say that the Qur’an teaches discrimination against women. Some people say so! Many people have

interpreted the Qur'an as espousing teachings that are discriminatory against women. Many people all over the world have interpreted the Qur'an that way. If someone decides to go to the Mosque and preach the Qur'an—and I could hear it; a woman could hear it and she says, “no, no, no, that is discriminatory. I am offended; I am humiliated; I am insulted.” I mean the Qur'an, for example, prescribes the dress that women must wear. They must cover their faces and so on. If they do not, it is considered to be sacrilegious.

In fundamentalist Muslim states like Iran and Iraq and so on, women must cover their bodies and so on, if they do not they are offending the religion. That is in the Qur'an. There could be people in Trinidad and Tobago who could preach that and it could be offensive to women. That is another example I have given you, Mr. Speaker. *[Interruption]* The Bill has not even been passed as yet. *[Interruption]*

Mr. Speaker: Order please! Order please! Standing Order 36(5) does not apply. Order please!

The speaking time of the hon. Member has expired. So if you would just wind up, please.

Mr. C. Imbert: Thank you very much, Mr. Speaker. That is a perfect example of what is wrong with this Bill. The Member felt insulted—so he referred to 36(5)—because I was making certain pronouncements about his Holy Book. *[Desk thumping]* He felt insulted! This is a piece of rubbish! I do not support it, and we do not support it, Mr. Speaker! *[Desk thumping]*

Mr. Speaker: Order please! Order please!

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I want to thank Members on the other side for their contribution in this matter. I have been trying to pinpoint—until the last speaker spoke—the reasons the Opposition was objecting to this Bill. When the hon. Member for Arouca South spoke, she said—and I paraphrase—that the PNM's view is that there is adequate protection in cases of discrimination with existing laws. So that she was not objecting to the concept of equality and equal opportunity provisions, but she thought that the existing laws were adequate and took care of it. She said that she was speaking on behalf of the PNM. But it seemed as though the PNM changed its mind over the weekend, or the Leader of the Opposition has pulled a most cunning political coup on his erstwhile colleague, the Member for Diego Martin East. Because what he has done is—if you note it, he has not spoken on a Bill that is so fundamentally rotten, bad, this, that and the other and so on. *[Desk thumping]* The Leader of the Opposition has not spoken! And the Leader of the Opposition has not spoken because he set up the Member for Diego Martin East for the fall. *[Desk thumping]*

Equal Opportunity (No. 2) Bill
[HON. B. PANDAY]

Friday, June 02, 2000

When we go to the public, as we intend to, and read this Bill to the public and tell them that this was the Bill which the PNM rejected, my friend the Member for San Fernando East would say, “not me nah, it is the Member for Diego Martin East who was the cause.” [*Desk thumping*] Read about the sensible contribution made by the Member for Arouca South. Read it! And you will see that she was saying, “that the Bill is not bad; nothing is wrong and so bad with the Bill and all that sort of thing, but there is enough legislation.” [*Interruption*]

5.25 p.m.

Mr. Speaker: Hon. Members, it is unnecessary for me to identify you by name, but let us lift the level a bit. You could expect schoolboys and girls to react like—[*Interruption*] It may be an insult. May I ask—[*Interruption*] May I call the Member for Diego Martin Central to order! I am saying that I am seeing behaviour which is akin to that of children, and for you to say that is quite improper.

Mr. Valley: I am saying it is an insult to me.

Mr. Speaker: The sitting of the House is suspended and I call for the Leader of the House and the Opposition Chief Whip to come to my Chambers immediately.

5.25 p.m.: *Sitting suspended.*

6.26 p.m.: *Sitting resumed.*

MR. KENNETH VALLEY
(OBJECTIONABLE BEHAVIOUR)

Mr. Speaker: Hon. Members, I wish to apologize to the House for having kept you waiting for such a long time, having suspended the sitting of the House. I wish to advise that—as you know, I asked the Leader of the House and the Opposition Chief Whip to come to my Chambers. I am very unhappy to report that the behaviour of the Member for Diego Martin Central in my Chambers was even more objectionable than it was in this Chamber.

I wish to advise the Member for Diego Martin Central that he is, certainly in the first instance, suspended immediately from the sitting of the House for the day, and I ask him immediately to withdraw.

[*Opposition Members leave Chamber*]

EQUAL OPPORTUNITY (NO. 2) BILL

Hon. B. Panday: [*Desk thumping*] Mr. Speaker, when this House was adjourned I was making the point that the objection from the Member for Arouca South was that there was adequate protection in cases of discrimination within the existing laws, and she cited as examples cases brought before the Industrial Court. The Attorney General answered that point by saying—which is of course the relevant point—that those situations are restricted to employer/employee relationships. It has nothing to do with people who are discriminated against before they are employed. More importantly, Mr. Speaker, one can only come under the Industrial Relations Act where there is a recognized union and the union has to agree to take up one's case. There are provisions for where there are no recognized unions but it is very, very restrictive and the legislation before us goes much further than that.

The other point that the hon. Member for Arouca South made to substantiate her argument that there was enough protection under existing law related to the incident involving the child with the hijab at school. She indicated that was dealt with by constitutional motion. Actually, she is wrong. It was dealt with by motion for judicial review. In any case, constitutional motion and judicial review apply to the area of public law and, really, it is when the state discriminates against one for the reasons stated in the Constitution, that is to say a public body, or a private body performing public functions. This Bill is much wider than that. She states that because of the Industrial Relations Act there was no need for the Equal Opportunity Bill and, of course, that cannot apply.

Mr. Speaker, the Member for Diego Martin East, however, seemed to have contradicted most of the attitude that was expressed by the Member for Arouca South and, perhaps, the Member for San Fernando West who did not really criticize the contents of the Bill. What they criticized was the need for it. We have shown you that there is need for it because we are, with this Bill, in the area of private law.

When asked, “Well, what do you suggest that we do—rather, before I go on to that, Mr. Speaker, I cannot do better than quote from the *Working Paper On Equal Opportunity Legislation* which was prepared by the Law Commission of Trinidad and Tobago with respect to this Bill. I read it the last time and I will read it again. It says:

“In a society rich in diversity as ours, it is important to safeguard the integrity of different races, social groups and men and women from unjust and unequal treatment and the denial of equal opportunity. Equally important is the need to arrest institutionalized and historically entrenched patterns of discrimination all of which are evident in Trinidad and Tobago society in varying degrees.”

Equal Opportunity (No. 2) Bill
[HON. B. PANDAY]

Friday, June 02, 2000

So here is a commission saying, yes, there is this kind of discrimination taking place. The commission went on to say that:

“It is clear, therefore, that the Constitution only protects individuals from discrimination by the State and its agents.”

So there is need for a mechanism to provide for discrimination by persons, groups or companies other than the state, and that is what this Bill is seeking to do. This paper to which I refer also says:

“Discrimination on the basis of race, origin, colour, religion or sex...”

So that they considered it:

“...in the private (sphere), is left to be redressed under the ordinary law. What then is the ordinary law which regulates discrimination as between individuals? As will be seen later, the common law is rudimentary and has not developed any discrimination law per se.”

That is what we are doing here, Sir.

“There is also no law on our statute books which purports to regulate the activities of private individuals in the interest of equal opportunity.”

That is the justification for the Bill. I cannot say it better.

What is important, Mr. Speaker, is that this paper was considered by members of the Opposition yet they have raised not a single amendment. When asked, “Well, what is your objection to the Bill?” “We should have had consultation”. Since 1997 there has been—I am quoting from “A report of the Joint Select Committee of Parliament appointed to consider the *Working Paper On Equal Opportunity Legislation* and to submit recommendations to Parliament thereon”. Since 1997 this matter was being discussed when the motion was moved here.

On that committee was Mr. Wade Mark, Dr. Daphne Phillips, Mrs. Carol Cuffy Dowlat, Miss Penelope Beckles, Prof. Kenneth Ramchand, Dr. Eric St. Cyr, Mr. John Humphrey, Mr. Trevor Sudama, Dr. Fuad Khan, Mr. Chandresh Sharma, Mr. Jarrette Narine and Mr. Roger Boynes. You will see from this that there were three persons from the Opposition who have actually been considering this since 1997. The committee that was set up interviewed several persons. So that, there has been adequate consultation and it has been going on for several years.

6.35 p.m.

Mr. Speaker, I do not wish to repeat the Bill and the exceptions from the Bill, which really answer the point raised by the Member for Diego Martin East. It appears to me that the Member has either not read the Bill or having read the Bill has decided to just deliberately be mischievous because there are several exceptions to clauses 8 to 10 where it does not apply. It has to deal with special cases to prevent people from appointing into religious shops people of different religions. That and family businesses are taken care of.

Mr. Speaker, an objection was raised to clause 7 which says:

“A person shall not otherwise than in private, do any act which—

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate, or intimidate another person or a group of persons;
- (b) is done because of the gender, race, ethnicity, origin or religion of the other person or of some or all of the persons in the group; and”

I think the Members on the other side did not see that two sets of conditions must exist, not one. It is not enough to insult or to make statements which insult, offend, intimidate, humiliate persons of another group because of race, religion and so forth, but it must also be done with the intention of inciting gender, racial or religious hatred. This “and” at the end of clause 7(1)(b) is a conjunction, it is not “or” it is “and”. So you must make these statements but in making them you must do it with the intention of insulting, humiliating and creating problems.

Mr. Speaker, I have said that in three-quarters of the world today this is the problem. The problem is we cannot manage human diversity. Look at what is happening in Eastern Europe, Bosnia, Kosovo and so on, it is because Muslims and Christians have been permitted to insult and humiliate one another’s religion. We do not want that. Look at what has happened in Ireland; look at what has happened in Lebanon; and look how much blood is being shed. And why? Because groups are allowed to intimidate, insult, humiliate and offend other groups on the basis of religion.

Mr. Speaker, religion is very, very close to people’s heart. It is the nurturing of their soul. We cannot have a society in which you permit people to offend others in a matter as sensitive as their religion. So, the Bill merely says in clause 7, please do not offend, insult, and do things such as make statements which will “...in all the circumstances...” offend, insult, humiliate or intimidate persons or groups with the intention of inciting gender, racial or religious hatred.

The Member for Diego Martin West asked: who will decide that? That is why we have a tribunal. The purpose of the tribunal is to decide that. For example, when the PNM itself passed the Sedition Act, Chap. 11:04, which says:

“A seditious intention is an intention—

- (a) to bring into hatred or contempt, or to excite disaffection against the Government...
- (b) to excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State..
- (c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;”

This is very similar to what is happening here but it says, it must be done: with the intention

“to engender or promote—

- (i) feelings of ill will or hostility...”

Who decides that? The courts, of course, and here it is made a criminal offence. We have not criminalized discrimination. I believe it should be myself but we have not gone that far. We have provided people who are offended with a civil remedy. That is all we have done. Who has the Government provided with this civil remedy?

The Member for Arouca South asked why the Government does not bring a constitutional motion or a judicial review. Mr. Speaker, anybody who makes a statement like that is totally insensitive to the feelings of the poor and the dispossessed; the people who are most likely to be affected by acts of discrimination and who are least able to defend themselves or to get redress. That is the purpose of this Bill; that is why we have not established a court; and that is why we have said before you go to a tribunal, you go to the commission and try to resolve the matter and bring harmony and peace. Is this not what this Bill is intended to avoid? To avoid antagonism that militates against the management of diversity in the society. That is why the mechanisms set up under the Bill are so conciliatory—not to punish, not to jail.

Under the Sedition Act, if you are guilty of misdemeanour, two years’ imprisonment or \$5,000.00 or something like that, and if it is on an indictment, five years imprisonment. This is merely to provide poor, humble and innocent people who cannot afford protection against those in this society who would discriminate against them. That is simply what it is.

Mr. Speaker, it was said that it will offend certain religious groups. If one religious group intends to deliberately and with intention to create problems in the society and behave in a particular manner, of course, that group should be prevented from doing so. Why should we in Trinidad and Tobago become like Lebanon? Why should we become like Ireland? Why should we become like Kosovo and Bosnia? Why? Why should we allow that? There is no reason. Why can people not propagate their religion without insulting, humiliating, offending and degrading others? Why is that necessary? Why? [*Desk thumping*] That is why I could not understand the arguments on the other side.

Have we not done so in Trinidad and Tobago? Have we not lived in that way? But we have seen that the society is moving into an era where things like this are beginning to happen. Have the Christians preached their religion? As a matter of fact, the Presbyterians who came to Trinidad and Tobago came especially to work among the Indian indentured labourers and, indeed, succeeded in converting many to Christianity without offending, humiliating and degrading. The Presbyterians did it and nothing was wrong with that, but when one begins to attack other peoples' religion with the intention of inciting gender, racial or religious hatred that has got to be compensated for at this stage. In my view, it should be prohibited in law as a criminal offence but the Government has not gone that way.

As a matter of fact, it is probably—Am I not right, Attorney General?

Mr. Maharaj: Yes.

Hon. B. Panday: Under this Seditious Act that I have just read it constitutes an act of sedition "...to excite any person..." no—

“(c) to raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;”

(d) to engender or promote—

(i) feelings of ill-will or hostility between one or more sections of the community on the one hand and any other section or sections of the community on the other hand; or

(ii) feelings of ill-will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment;”

It is there in the law. It is a criminal offence in the law.

Equal Opportunity (No. 2) Bill
[HON. B. PANDAY]

Friday, June 02, 2000

6.45 p.m.

Mr. Speaker, all we are saying is, give this same protection to simple, ordinary people to receive compensation to have their matter resolved amicably if necessary. I am sorry that the Members took the attitude they have taken, because I do not mean to be offensive, but I do not think they were genuine. There is blasphemy already in the law, although blasphemy applies to an attack on Christianity. We have not even changed the laws so that there is blasphemy when other religions are attacked. None of that has been done.

I think one can only understand the attitude of the Opposition in some of the speeches they have made when they said that this is being done for political purposes. I just want to say something. Everything we have done in this House is for political purposes. We have done nothing in this House without a political purpose! That is our function! That is why we are politicians! We did it when we abolished the Common Entrance Examination. That is for political purposes, because it is our political duty to serve people. Why are we politicians if our political duty is not to serve? In serving our people politically, of course we perform political acts, and every Act we have passed in this Parliament has had political consequences and were done for political reasons. So, they are totally correct if they say we are doing this for political reasons. I say yes, but so what! That is our job here.

Mr. Speaker, it is a pity that they were not here to hear. I almost said listen, because they would have heard, but they would not have listened. So, in the circumstances, Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 45 ordered to stand part of the Bill.

Clause 46.

Question proposed, That clause 46 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 46(c):

Delete the words “trade dispute” and substitute the word “complaint” instead.

Equal Opportunity (No. 2) Bill

Friday, June 02, 2000

Clause 46, as amended, ordered to stand part of the Bill.

Clauses 47 to 57 ordered to stand part of the Bill.

First and Second Schedules 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 amendment, read the third time and passed. [Desk thumping]

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Monday, June 5, 2000 at 1.30 p.m. On that date, we will do the Representation of the People (Amdt.) Bill, the Dangerous Drugs (Amdt.) Bill, and the Supreme Court of Judicature Bill.

Mr. Speaker, may I also put on the record that I indicated to the Opposition Chief Whip that the House would be sitting on Monday, Thursday and Friday of next week. I would like to put on the record that on Thursday, we would have a Finance Committee meeting and on Friday, we would be debating the Variation of Appropriation Bill in relation to the Finance Committee meeting.

Mr. Speaker, there were some matters to be raised on the Motion for the Adjournment but, in light of the absence of the Members, I think the Motions would lapse.

Mr. Speaker: On the question of the matters to be raised, obviously, if the Members are not here to raise the matters and they have not been excused, they would lapse. However, there is one in respect of the one from the Member for Tobago West which was posed on the last occasion and, in respect of which there is an answer today. I will call on the Member for Tobago East to answer it.

Tobago Health Care (Deficiency in Delivery)

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Speaker, the matter to be raised concerns the deficiency in the delivery of primary and secondary health care in Tobago due to an inadequately functioning health care administration and the subsequent failure of the Tobago House of Assembly to rectify this problem.

Tobago Health Care
[DR. THE HON. M. JOB]

Friday, June 02, 2000

In recent times there has been much discussion in Tobago and in the national media concerning the issues surrounding the poor delivery of health care in Tobago. I have the duty to report in response to this honourable House that with respect to this issue, the establishment of medical staff at the Scarborough Regional Hospital is as follows: There is one Hospital Medical Director; there are eight Specialist Medical Officers; there are seven Registrars; there are 11 House Officers and two Leave Reliefs. Six of these House Officers are to be assigned to wards and five to the Accident and Emergency Department. Two of them are to be utilized as Leave Reliefs when required.

At present, of the establishment of 11 House Officers, there are nine, since two are on vacation leave.

7.00 p.m.

With respect to the operating theatre, repairs to the theatre commenced in August 1999. Emergency surgery is being performed in the minor theatre located in the Accident and Emergency Unit. The project has experienced several delays. However, the following works, some of which have been completed, I will state now:

1. Purchase and installation of air-conditioning units were completed on May 26, 2000.
2. Electrical work was completed on June 1, 2000, which was yesterday.
3. Servicing of equipment—they are still looking for funds for awarding that contract. Outstanding payments to the contractor who is refurbishing the operating theatre is also being looked at.

It is reported that the outstanding works at 1 and 2, with respect to the air-conditioning unit and the electrical work has been completed, as I did say.

Arrangements are being made for development of contracts for maintenance and repair of equipment in the operating theatre with a reputable medical equipment firm.

With respect to scans and laboratory services, ultrasound scans have been provided weekly by a visiting radiologist. The Tobago House of Assembly has advised that they have problems with funding and due to an inadequacy of funds, some services have to be cut back. However, plane x-rays are provided and IBPs are not available. Limited supplies of reagents are available and routine complete blood count (c.b.c.) is provided to clients. However, sugar and blood urea nitrogen (BUN) is provided in urgent cases only.

Critical issue for consideration is the fact that the Port of Spain General Hospital has discontinued the provision of some services like histology, biochemistry and microbiology services to the Scarborough Hospital since November 1999.

They are saying that the hospital has blood pressure apparatus in every area, reagents are available and the hospital has been rationing the use of some of these reagents for urgent use.

There are other matters that have to do with the employment of staff and the non-payment of workers. The Tobago House of Assembly is in discussion with the National Union of Government and Federated Workers concerning these matters.

It is reported that there was a problem with the Tobago House of Assembly administration and the Ministry of Health concerning the grant of a scholarship. I do not see that this impacts directly on the health services in Tobago so I would not consider it important in the context of the Motion.

The question of the Regional Health Authority Board which was also alluded to in the contribution of the Member for Tobago West, has been settled. At the next Cabinet meeting, the board will be confirmed. We did recommend a board. However, the functions of the board have been carried out in the interim and that will be so until next Wednesday when Cabinet confirms. The functions of the board have been done by a team consisting of the Hospital Medical Officer, the County Medical Officer of Health and the Administrator of the Health and Social Services.

On the question of transporting patients to Trinidad, Air Caribbean has been very generous in assisting in transporting patients who can be stretcher borne onto the aircraft and this has been working well. However, in cases of emergencies, the National Helicopter Services Limited is utilized. So that, substantially, I am saying that patients who can be stretcher borne onto Air Caribbean do get to come to Trinidad for upgraded health care and in the cases where there are accidents and emergency, they call in the National Helicopter Services Limited.

The Tobago House of Assembly has also advised me that they have problems with paying outstanding funds to the National Helicopter Services Limited.

I think, substantially, the issues raised have been covered in terms of what has been done to deal with the matter of health services and I assure you that at the next Cabinet meeting, the Board for the Regional Health Authority will be confirmed and put in place immediately thereafter.

Thank you, Mr. Speaker.

Friday, June 02, 2000

Mr. Speaker: Out of an abundance of caution, I would just formally call on the Member for Diego Martin East to raise the matter that I gave him leave to raise: The adverse effect on the country's image as a result of the apparent irregularities in the process of evaluation by the Government of tenders for the supply of cellular telephone services.

In the absence of his raising it, the matter therefore lapses.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.07 p.m.

WRITTEN ANSWERS TO QUESTIONS

Foreign Lawyers and/or Foreign Law Firms (Contract of)

57. Pursuant to his reply to question No. 57 earlier in the proceedings the Attorney General and Minister of Legal Affairs (The Hon. Ramesh Lawrence Maharaj) caused to be circulated to Members of the House the following statistics:-

NAMES	COST
David Turner Samuels Q.C.	1,656,496.75
Geoffrey Robertson Q.C.	307,234.95
Timothy Cassel Q.C.	3,688,017.84
Sir Godfray Le Quesne Q.C.	1,380,025.64
Charles Russell & Co.	3,860,846.14
Andrew Mitchell Q.C.	455,857.51
Peter Knox	595,671.66
James Guthrie Q.C.	242,854.17
Howard Stevens	480,166.54
Vernon Pugh Q.C.	374,087.68
James Dingemans	227,826.15
Mark Strachan Q.C.	198,947.55

*Written Answers to Questions**Friday, June 02, 2000*

NAMES	COST
Anthony White Q.C.	23,892.98
Anthony Sean Hudson	2,183.69
Pullig & Co.	11,436.61
Richard Wilberforce	2,649.17
Jakob TH Moller	25,200.00
Professor Z ander	40,803.33
Escritorio Calcano Vetancourt	2,974.13
TOTAL -	13,577,172.49

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
David Turner Samuels Q.C.	<p>Advice in the following:-</p> <ol style="list-style-type: none"> 1. Jamaat al Muslimeen matters. 2. Former Speaker O. Seepaul actions against the State. 3. Legal options available to the State to implement the death penalty in light of the decision of Pratt and Morgan 4. Categorising murder into three (3) different categories. 5. Advice and assistance in drafting Constitution Amendment Bill which was published for public comment (delays were not to be a bar to carrying out the death penalty.) 	Oral and written	110,677.20

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
	<p>Advice in the following matters:-</p> <ol style="list-style-type: none"> 1. Tobago House of Assembly Bill and drafting amendments to that Bill. <p>Advice so that Bill would not require a special majority of the votes in Parliament.</p> <ol style="list-style-type: none"> 2. Amendment to Financial Services Act. 3. State vs M. Ramdhanie and Ors. 4. Relating to Capital Cases, (Murder, Appeals) Bill (to fix time frames for the appeal process and the hearing and determination of murder appeals.) 5. Freedom of Information Bill. 6. Constitution Amendment Bill (Parliamentary Committee) 	Oral and written	369,260.45
	<p>Fee on brief and refreshers for appearances and advice in the following matters:-</p> <ol style="list-style-type: none"> 1. Ministry of Labour and Cooperatives and T&TUTA (Injunction). 2. Judicial Review of I. Galbaransingh vs Airports Authority and Attorney General. 		458,055.04

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
	3. Applications of Patrick Manning vs the Speaker of the House of Representatives and the Attorney General. 4. Advice in respect of Offences against the person Amendment Bill (categorisation of murder)		
	1. Advice on Judicial Sector Reform Project. 2. Advice in respect of Amended Regulations relating to terms and conditions of Judges. 3. Further advice in respect of further amendments to Tobago House of Assembly Legislative measures.	Oral and written	100,000.00
	Advice and assistance in drafting the following:- 1. Compensation for Victims of Crime Legislation 2. Criminal Justice Bill. 3. Drugs and Firearms Court Bill. 4. Revised Freedom of Information Bill following public Consultations. Advice obtained after a request was made to the Attorney General for him to take steps to prosecute an Editor for Contempt of Court.	Oral and written	578,504.06

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
	5. Advice to Solicitor General in several matters.		
	Advice in relation to the Pensions Act and in particular Duty and Services Allowances under the Pensions Act.	Oral and written	40,000.00
			1,656,496.75
Geoffrey Robertson Q.C.	Advice on Habeas Corpus Bill.		10,233.19
	Advice on preparation of proposals for the Reform of Defamation Laws of Trinidad and Tobago.	Written	92,213.00
	Advising and preparing opinions on the change of the Financial Year, proposed National Racing Commission Legislation and Constitution Bill 1998.	Oral and written	82,124.42
	Advising on the Constitutionality of Dangerous Drugs Act, Proceeds of Crime Bill, Mutual Assistance in Criminal Matters Bill, and Equal Opportunities Bill 1998.	Oral and written	70,724.53
	Advice in respect of the Administration of Justice (Mis.) Provision Bill 1999.	Oral and written	51,939.81
			307,234.95

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
Timothy Cassel Q.C.	Preparation of briefs, conferences, representing the State in the matter of: The State vs Dole Chadee & Ors.		123,149.81 22,620.72 535,536.05 203,409.36 589,055.58
	Representing the State in the appeal of Dole Chadee & Ors.		444,739.22 827,528.40
	Leading evidence in the matter of DPP (T&T) vs Maharaj & Ors; Advising AG's Department and representing the State before the Privy Council in the matter of N. Sooklal & F. Mansingh vs the State		715,688.70
	Privy Council appeals of Mohammed Allie vs State.		97,600.00
	Naresh Boodram & Ors. vs State. Application for special leave to Privy Council and UN HRC, drafting responses		95,490.00
	Naresh Boodram & Ors. vs State. Application for special leave to Privy Council and UNHRC, drafting responses.		33,200.00
			3,688,017.84

ATTORNEYS/FIRMS	CASE/MATTER	MANNER OF PRESENTATION	AMOUNT
Sir Godfray Le Quesne Q.C.	Perusing papers and advising on the CJ's address and opinion relating to Independence of the Judiciary and Rule of law.	Oral and written	109,095.00
	Opinion in the matter of Clarence Charles and Samuel Winchester vs State.	Oral and written	28,050.00
	Perusing papers and advising Solicitor General in the matter of Anthony Briggs vs State Advising, preparing documents and discussing on matter involving Seereeram Bros. Ltd.	Oral and written	78,549.00
	Prosecuting in the appeal of Dole Chadee and Ors. vs State.		495,478.20
	Representing State in Privy Council Appeal - Darrin Roger Thomas vs State.		351,860.62
	Representing State in Privy Council Appeal - Anthony Briggs vs State.		144,659.19
	Advice and drafting response to Inter American Court of Human Rights.	Oral and written	172,333.63
			1,380,025.64
Sir Godfray Le Quesne Q.C.	Perusing papers and advising on the CJ's address and opinion relating to Independence of the Judiciary and Rule of law.	Oral and written	109,095.00

ATTORNEYS/FIRMS	CASE/MATTER	MANNER OF PRESENTATION	AMOUNT
	Opinion in the matter of Clarence Charles and Samuel Winchester vs State. Perusing papers and advising Solicitor General in the matter of Anthony Briggs vs State.	Oral and written	28,050.00
	Advising, preparing documents and discussing on matter involving Seereeram Bros. Ltd.	Oral and written	78,549.00
	Prosecuting in the appeal of Dole Chadee and Ors. vs State.		495,478.20
	Representing State in Privy Council Appeal - Darrin Roger Thomas vs State.		351,860.62
	Representing State in Privy Council Appeal - Anthony Briggs vs State.		144,659.19
	Advice and drafting response to Inter American Court of Human Rights.	Oral and written	172,333.63
			1,380,025.64

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
Charles Russell & Co.	Preparation of brief for Counsel in the appeal of Dole Chadee & Ors.		284,357.71
do	Taxing fees in the matter of N. Boodram & Ors.		9,090.35
do	Solicitors fees, disbursements and Privy Council fees for representing the State before the Privy Council in the appeals of the following in forma pauperis matters: D. Sukram vs State E. Penny vs State K.' Teesdale vs State M. Wanza vs State F. Khan vs State		226,140.04
do	Solicitors fees, disbursements and Privy Council fees for representing the State before the Privy Council in appeals of the following in forma pauperis matters: S. Jurisingh, P.. Matthews, F. Mohammed vs		11,092.09

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
do	Solicitors fees, disbursements and Privy Council fees for representing the State before the Privy Council in appeals of the following in forma pauperis matters: Ramdhan, G. Francis, S. Sandy vs State		81,298.41
do	Meeting and advising SG; preparing documents for Counsel and instructing Counsel in the matter of N. Boodram & Ors.	Oral and written	39,205.72
do	Communicating with the SG; researching and drafting proposed new rules to govern criminal petitions from T&T to the Judicial Committee of the Privy Council		42,975.50
do	Solicitors fees, disbursements and Privy Council fees for representing the State before the Privy Council in the appeals of the following in forma pauperis matters: H. Ferguson vs State H. Yatali vs State		8,149.12

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
do	Representing the State before the Privy Council in the appeals of the following pauperis matters: Dole Chadee and Ors. vs State Darrin Roger Thomas vs State		537,790.02
do	Solicitors fees, disbursements and Privy Council fees for representing the State in the Privy Council appeals of the following pauperis matters: C. Peters vs State A. Mohammed vs State W. Bernard vs State W. James vs State D. Baptiste and H. Hillaire vs State M. Reid vs State H. Hillaire vs State W. Caesar vs State L. Ramjattan vs State N. Boodram & Ors. vs State W. Jackson vs State M. Francois vs State		455,446.19

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
Charles Russell & Co.	Solicitors fees, disbursements and Privy Council fees for representing the State in the Privy Council appeal of Anthony Briggs vs the State in forma pauperis matter		201,055.43
do	Solicitors fees, disbursements and Privy Council fees for representing the State in the Privy Council appeals of Dave Carter vs State and Giselle Stafford vs State in forma pauperis matter		116,641.47
do	Solicitors fees, disbursements and Privy Council fees for representing the State in the Privy Council Appeal of Natasha De Leon and Mario Pedro vs the State.		62,137.04
			3,860,846.14
Andrew Mitchell Q.C.	Advice in Dangerous Drugs Laws of Trinidad and Tobago.	Oral and written	9,707.40
	Drafting legislation on Dangerous Drugs Act and advising on money laundering cases.	Oral and written	126,768.00

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
	Providing advice in the matter of the State vs Albert Baboolal for money laundering	Oral and written	16,613.47
	Advising and Conferences with AG/DPP on Proceeds of Crime Legislation		95,322.64
	Prosecuting in the matter of State vs Albert Baboolal and Ors.		207,446.00
			455,857.51

NATURE OF WORK INVOLVED IN EACH CASE AND THE RESPECTIVE COST

ATTORNEY/FIRM	NATURE ,OF WORK	COST
Peter Knox	Representing the State in the following Privy Council appeals informia pauperis:	
	Mc. Collins Vs State	12,179.79
	S. Sandy vs State	11,545.94
	M. Pedro vs State	22,308.22
	N. De Leon vs State	10,695.72
	Dave Carter & G. Stafford vs State	15,722.70
	H. Ferguson Vs State	13,242.32
	A. Moses Vs State	77,821.41
	A. Thomas Vs State	9,046.23
	A. Johnson Vs State	12,263.55

ATTORNEY/FIRM	NATURE ,OF WORK	COST
	K. Thomas Vs State	12,472.08
	P. Holder Vs State	76,222.68
	W. Jackson Vs State	11,903.78
	C. Charles Vs State	14,098.08
	S. Dwarika Vs State	16,449.60
	G. Stafford Vs State	7,988.54
	W. Solomon Vs State	97,114.46
	T. Barrow Vs State	74,214.30
	Miguel Francois Vs State	8,800.00
	W. Bernard Vs State	9,120.00
	C. Peters Vs State	8,896.00
	Martin Reid Vs State	17,800.00
	W. Bernard Vs State	11,320.00
	A. Edwards Vs State	9,963.76
	Consultation and hearing of petition re Naresh Boodram & Ors. Vs State	34,482.50
	TOTAL	595,671.66

NAMES OF ATTORNEYS/FIRMS	CASE/MATTER	AMOUNT
James Guthrie Q.C	Privy Council Appeals-Dave Carter and Giselle Stafford vs State	149,931.85
	H. Yatali vs State	13,242.32
	W. Jackson vs State	79,680.00
		242,854.17
Howard Stevens	Representing state in Privy Council Appeal of Dole Chadee and Ors. Vs State	230,043.45
	Darrin Roger Thomas vs State	162,294.39
	A. Briggs vs State	87,525.70
		480,166.54

NAMES OF ATTORNEYS/FIRMS	CASE/MATTER	AMOUNT
Vernon Pugh Q C .	Appearing for the State in the extradition of G.A. Stokes	356,983.88
	Appearing for the State in the extradition of G.A. Stokes	17, 1 03.80
		374,087.68

NATURE OF WORK INVOLVED IN EACH CASE AND THE RESPECTIVE COSTS

ATTORNEY/FIRM	NATURE OF WORK	COST
James Dingemans	Perusing papers and advising Attorney General on Chief Justice's address and drafting responses	15,300.00
	Representing State in Privy Council Appeals of the following matters in forms pauperis:-	
	Ramdhan G. Francis Vs State	31,862.64
	M. Allie Vs State	10,580.80
	W. James Vs State	7,400.00
	D. Baptiste & H. Hillaire Vs State	12,360.00
	I. Ramjattan Vs State	8,880.00
	D. Baptiste Vs State	8,202.18
	E. Lawrence Vs State	14,460.00
	G. Constantine Vs State	11,469.15
	H. Constance Vs State	7,665.96
	D. John Vs State	13,991.37
	A. Mohammed Vs State	13,133.41
	A. Campbell Vs State	15,979.29
A. Garcia Vs State	13,268.97	
H. Hillaire Vs State	8,533.92	

ATTORNEY/FIRM	NATURE OF WORK	COST
	I. Ramjattan Vs State	11,062.08
	D. Ross Vs State	14,369.66
	T. Briggs Vs State	9,306.72
	TOTAL	227,826.15
Mark Strachan Q.C.	Appearing before the Privy Council in the matters of:	
	A. Moses vs State and	99,647.55
	P. Holder vs State	99,300.00
		198,947.55

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
Anthony White Q.C.	Opinion to Solicitor General in respect of: 1. Shareholders Agreement of T&T Methanol Co. Ltd. 2. Judicial Review by T&TUTA.	Oral and written	23,892.98
Anthony Sean Hudson (Junior Counsel to Mr. G. Robertson Q.C.)	Fees paid for advice in respect of the Administration of Justice (Mis.) Provision Bill 1999 and advice to the Solicitor General on Jamaat al Muslimeen vs J. Bernard, Col. R. Brown and Attorney General.	Oral	2,183.69
Pullig and Co.	Advice given to the Ministry of the Attorney General on Air Transport Agreement between Government, USA and Venezuela with respect to Air Caribbean and BWIA.	Oral and written	11,436.61

ATTORNEYS/FIRMS	NATURE OF WORK	MANNER OF PRESENTATION	COST
Richard Wilberforce	Consultation and advice in relation to strengthening the appeal process in the event that the appeal process in Trinidad and Tobago would have been the final avenue for appeals in capital cases.	Oral and written	2,649.17
Jakob T.H. Moller	Opinion in relation to withdrawal re accession of Trinidad and Tobago to the optional protocol to the International Covenant on civil and political rights.	Written	25,200.00
Professor Zander	Opinion in relation to a comparative study of the philosophy which underpins the proposed Rules of Court of Trinidad and Tobago and which philosophy forms part of the Rules of Court of the UK.	Oral and written	40,803.33
Escritorio Calcano Vetancourt	Providing legal advice to Trinidad and Tobago Embassy in Caracas with respect to two labour cases involving its locally recruited staff.	Oral	29,074.13

**Crime Statistics
(Arouca North)**

69. Could the Minister of National Security kindly state:
- (a) Would the Minister indicate whether there has been a general increase in crime in the constituency of Arouca North?

- (b) Could the Minister provide the statistics on crime in Arouca North for the years 1997, 1998, 1999 and up to this present time in 2000?
- (c) If the answer to (a) is in the affirmative, could the Minister indicate what steps are in place to bring a reduction and alleviation to the present situation being experienced by citizens?"

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): This Honourable House is asked to note that the Trinidad and Tobago Police Service does not collect and process crime statistics on the basis of Electoral Districts, but rather by police stations and police divisions. From discussions held with personnel from the Election and Boundaries Commission and also with officers of the Police Service it was determined that the area designated "Arouca North" includes within its boundaries three (3) police stations of the Northern Division of the Police Service—the Arima and Arouca Police Stations and the Maloney Police Post.

With respect to part (a), whilst the total number of serious crimes reported at the three stations fluctuated over three years from 1997 to 1999, there was no drastic increase or decrease evident during that period. There was a decline by approximately 11 per cent between 1997 and 1998 and a subsequent increase by the same percentage between 1998 and 1999.

It would be incorrect, therefore, to conclude that there was a general increase in crime in that area within the period.

With respect to part (b), of the question, serious crime statistics for the area are provided.

The police service has adopted a number of strategies aimed at reducing and alleviating criminal activities, as well as promoting a feeling of safety amongst citizens in the area. Such measures include:

- (i) The deployment of mobile patrols, with greater emphasis on the E999 Rapid Response System, to ensure that there is an increased police presence in the area.
- (ii) An on-going exercise involving searches, raids, roadblocks and other anti-crime operations to nab the criminal elements.
- (iii) There has also been a strengthening of the Community Policing activities in the area with the aim of enhancing the police/community relationship for the purpose of reducing and solving crime. Only recently, on May 11th, the Commissioner of Police and members of his Executive held a Town Meeting with the citizens in the Northern Division in an attempt to foster a deeper relationship between the police and the public for the purpose of fighting crime in that Division.

STATISTICS ON CRIME IN ARIMA**1st January – 30th April****1997**

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	1	-
Wounding and Shooting	7	6
Rapes, Incest, Sexual Offences	10	8
Serious Indecency	1	-
Burglaries and Break-ins	136	24
Robberies	80	15
Fraud Offences	18	17
Larceny (including Motor Vehicles)	65	15
Larceny (Dwelling House)	7	1
Narcotic Offences	21	21
Other Serious Crimes	21	16
Total Serious Crimes	367	123

1998

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	2	2
Wounding and Shooting	5	3
Rapes, Incest, Sexual Offences	23	15
Serious Indecency	3	2
Burglaries and Break-ins	124	22
Robberies	46	10
Fraud Offences	13	13

*Written Answers to Questions**Friday, June 02, 2000*

Larceny (including Motor Vehicles)	32	6
Larceny (Dwelling House)	9	-
Narcotic Offences	27	27
Other Serious Crimes	12	7
Total Serious Crimes	246	107

1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	3	2
Wounding and Shooting	3	1
Rapes, Incest, Sexual Offences	8	3
Serious Indecency	4	2
Burglaries and Break-ins	132	24
Robberies	70	7
Fraud Offences	1	1
Larceny (including Motor Vehicles)	54	4
Larceny (Dwelling House)	4	-
Narcotic Offences	21	21
Other Serious Crimes	12	7
Total Serious Crimes	312	72

1997 – 1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	6	4
Wounding and Shooting	15	10
Rapes, Incest, Sexual Offences	41	26
Serious Indecency	8	4
Burglaries and Break-ins	392	70
Robberies	196	32

*Written Answers to Questions**Friday, June 02, 2000*

Fraud Offences	32	31
Larceny (including Motor Vehicles)	151	25
Larceny (Dwelling House)	20	1
Narcotic Offences	69	69
Other Serious Crimes	45	30
Total Serious Crimes	975	302

STATISTICS ON CRIME IN AROUCA**1st January – 30th April****1997**

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	3	1
Wounding and Shooting	3	3
Rapes, Incest, Sexual Offences	3	-
Serious Indecency	1	-
Burglaries and Break-ins	80	2
Robberies	71	4
Fraud Offences	1	1
Larceny (including Motor Vehicles)	33	-
Larceny (Dwelling House)	4	-
Narcotic Offences	2	2
Other Serious Crimes	8	4
Total Serious Crimes	209	17

1998

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	2	2
Wounding and Shooting	1	1
Rapes, Incest, Sexual Offences	11	3

*Written Answers to Questions**Friday, June 02, 2000*

Serious Indecency	3	1
Burglaries and Break-ins	102	13
Robberies	56	7
Fraud Offences	-	3
Larceny (including Motor Vehicles)	13	3
Larceny (Dwelling House)	3	1
Narcotic Offences	5	5
Other Serious Crimes	7	3
Total Serious Crimes	203	39

1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	2	-
Wounding and Shooting	6	2
Rapes, Incest, Sexual Offences	7	1
Serious Indecency	1	-
Burglaries and Break-ins	95	11
Robberies	57	5
Fraud Offences	6	6
Larceny (including Motor Vehicles)	34	1
Larceny (Dwelling House)	6	-
Narcotic Offences	7	7
Other Serious Crimes	10	7
Total Serious Crimes	231	40

1997 - 1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	7	3
Wounding and Shooting	10	6

*Written Answers to Questions**Friday, June 02, 2000*

Rapes, Incest, Sexual Offences	21	4
Serious Indecency	5	1
Burglaries and Break-ins	277	26
Robberies	184	16
Fraud Offences	7	7
Larceny (including Motor Vehicles)	80	4
Larceny (Dwelling House)	13	1
Narcotic Offences	14	14
Other Serious Crimes	25	14
Total Serious Crimes	643	96

STATISTICS ON CRIME IN MALONEY**1st January – 30th April****1997**

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Wounding and Shooting	2	1
Rapes, Incest, Sexual Offences	8	3
Serious Indecency	4	4
Burglaries and Break-ins	33	1
Robberies	16	2
Fraud Offences	-	-
Larceny (including Motor Vehicles)	2	1
Larceny (Dwelling House)	2	-
Narcotic Offences	3	3
Other Serious Crimes	3	3
Total Serious Crimes	73	18

1998

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Wounding and Shooting	-	-
Rapes, Incest, Sexual Offences	5	5
Serious Indecency	-	-
Burglaries and Break-ins	47	2
Robberies	7	1
Fraud Offences	-	-
Larceny (including Motor Vehicles)	2	-
Larceny (Dwelling House)	3	-
Narcotic Offences	5	5
Other Serious Crimes	5	2
Total Serious Crimes	74	15

1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Wounding and Shooting	2	2
Rapes, Incest, Sexual Offences	4	2
Serious Indecency	3	1
Burglaries and Break-ins	13	1
Robberies	11	3
Fraud Offences	-	-
Larceny (including Motor Vehicles)	12	2
Larceny (Dwelling House)	1	-
Narcotic Offences	8	8

176

Written Answers to Questions

Friday, June 02, 2000

Other Serious Crimes	1	1
Total Serious Crimes	55	20

1997 – 1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Wounding and Shooting	4	3
Rapes, Incest, Sexual Offences	17	10
Serious Indecency	7	5
Burglaries and Break-ins	93	4
Robberies	34	6
Fraud Offences	-	-
Larceny (including Motor Vehicles)	16	3
Larceny (Dwelling House)	6	-
Narcotic Offences	16	16
Other Serious Crimes	9	6
Total Serious Crimes	202	53

STATISTICS ON CRIME IN MALONEY, AROUCA AND ARIMA

JANUARY TO APRIL, 1997 – 2000

1997

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	4	1
Wounding and Shooting	12	10
Rapes, Incest, Sexual Offences	21	11
Serious Indecency	6	4
Burglaries and Break-ins	249	27

*Written Answers to Questions**Friday, June 02, 2000*

Robberies	167	21
Fraud Offences	19	18
Larceny (including Motor Vehicles)	100	16
Larceny (Dwelling House)	13	1
Narcotic Offences	26	26
Other Serious Crimes	32	23
Total Serious Crimes	649	158

1998

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	4	4
Wounding and Shooting	6	4
Rapes, Incest, Sexual Offences	39	23
Serious Indecency	6	3
Burglaries and Break-ins	273	37
Robberies	109	18
Fraud Offences	13	13
Larceny (including Motor Vehicles)	47	9
Larceny (Dwelling House)	15	1
Narcotic Offences	37	37
Other Serious Crimes	24	12
Total Serious Crimes	573	161

1999

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	5	2
Wounding and Shooting	11	5
Rapes, Incest, Sexual Offences	19	6
Serious Indecency	8	3

178

Written Answers to Questions

Friday, June 02, 2000

Burglaries and Break-ins	240	36
Robberies	138	15
Fraud Offences	7	7
Larceny (including Motor Vehicles)	100	7
Larceny (Dwelling House)	11	-
Narcotic Offences	36	36
Other Serious Crimes	23	15
Total Serious Crimes	598	132

2000

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	3	1
Wounding and Shooting	12	4
Rapes, Incest, Sexual Offences	14	2
Serious Indecency	4	2
Burglaries and Break-ins	208	13
Robberies	153	16
Fraud Offences	12	12
Larceny (including Motor Vehicles)	113	9
Larceny (Dwelling House)	8	-
Narcotic Offences	30	30
Other Serious Crimes	25	11
Total Serious Crimes	582	100

1997 - 2000

<i>Crimes</i>	<i>Reported</i>	<i>Detained</i>
Murders	16	8
Wounding and Shooting	41	23

*Written Answers to Questions**Friday, June 02, 2000*

Rapes, Incest, Sexual Offences	93	42
Serious Indecency	24	12
Burglaries and Break-ins	970	113
Robberies	567	70
Fraud Offences	51	50
Larceny (including Motor Vehicles)	360	41
Larceny (Dwelling House)	47	2
Narcotic Offences	129	129
Other Serious Crimes	104	61
Total Serious Crimes	2402	551

N.B. There was a 10% decrease in serious crimes over the period 1997 – 2000.

ARIMA POLICE STATION

	<u>1997</u>	
<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	4	1
Woundings and Shootings	25	8
Rapes, Incest and other Sexual Offences	19	9
Serious Indecency and Unnatural Offences	10	3
Burglaries and Break-ins	369	28
Robberies	204	21
Fraud Offences	24	23
Larceny	165	12
Larceny (Dwelling House)	16	1
Narcotic Offences	80	80
Other Serious Crimes	60	32
Total Serious Crimes	976	218

1998

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	5	4
Woundings and Shootings	10	6
Rapes, Incest and other Sexual Offences	58	27
Serious Indecency and Unnatural Offences	10	6
Burglaries and Break-ins	363	59
Robberies	148	26
Fraud Offences	20	17
Larceny	115	23
Larceny (Dwelling House)	20	-
Narcotic Offences	62	62
Other Serious Crimes	39	18
Total Serious Crimes	850	248

1999

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	4	3
Woundings and Shootings	16	6
Rapes, Incest and other Sexual Offences	30	10
Serious Indecency and Unnatural Offences	10	4
Burglaries and Break-ins	328	55
Robberies	237	23
Fraud Offences	4	1
Larceny	166	16
Larceny (Dwelling House)	20	2
Narcotic Offences	100	100

181

*Written Answers to Questions**Friday, June 02, 2000*

Other Serious Crimes	42	22
Total Serious Crimes	957	242

01/01 – 30/04/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	1	-
Woundings and Shootings	6	3
Rapes, Incest and other Sexual Offences	6	2
Serious Indecency and Unnatural Offences	3	1
Burglaries and Break-ins	124	7
Robberies	79	11
Fraud Offences	12	12
Larceny	56	5
Larceny (Dwelling House)	5	-
Narcotic Offences	22	22
Other Serious Crimes	22	11
Total Serious Crimes	336	74

1997 – 30/4/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	14	8
Woundings and Shootings	57	23
Rapes, Incest and other Sexual Offences	113	48
Serious Indecency and Unnatural Offences	33	14
Burglaries and Break-ins	1184	149
Robberies	668	81
Fraud Offences	60	53
Larceny	502	56
Larceny (Dwelling House)	61	3

182

Written Answers to Questions

Friday, June 02, 2000

Narcotic Offences	264	264
Other Serious Crimes	163	83
Total Serious Crimes	3119	782

TOTAL SERIOUS CRIMES 1.1.97 – 30.04.00

ARIMA, AROUCA AND MALONEY

<i>Offences</i>	<u>1997</u> <i>Reported</i>	<i>Detained</i>
Murders	8	2
Woundings and Shootings	37	15
Rapes, Incest and other Sexual Offences	62	36
Serious Indecency and Unnatural Offences	30	20
Burglaries and Break-ins	748	42
Robberies	417	35
Fraud Offences	31	29
Larceny	268	17
Larceny (Dwelling House)	34	3
Narcotic Offences	95	95
Other Serious Crimes	95	51
Total Serious Crimes	1827	345

<i>Offences</i>	<u>1998</u> <i>Reported</i>	<i>Detained</i>
Murders	9	7
Woundings and Shootings	16	12
Rapes, Incest and other Sexual Offences	92	41
Serious Indecency and Unnatural Offences	16	9

183

Written Answers to Questions

Friday, June 02, 2000

Burglaries and Break-ins	753	99
Robberies	303	43
Fraud Offences	25	21
Larceny	221	31
Larceny (Dwelling House)	40	4
Narcotic Offences	98	98
Other Serious Crimes	64	31
Total Serious Crimes	1637	396

1999

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	9	5
Woundings and Shootings	34	16
Rapes, Incest and other Sexual Offences	57	18
Serious Indecency and Unnatural Offences	24	10
Burglaries and Break-ins	620	90
Robberies	530	73
Fraud Offences	13	9
Larceny	292	22
Larceny (Dwelling House)	35	4
Narcotic Offences	146	146
Other Serious Crimes	69	37
Total Serious Crimes	1829	430

01/01 – 30/04/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	3	1
Woundings and Shootings	12	4
Rapes, Incest and other Sexual Offences	14	2

*Written Answers to Questions**Friday, June 02, 2000*

Serious Indecency and Unnatural Offences	4	2
Burglaries and Break-ins	208	13
Robberies	153	16
Fraud Offences	12	12
Larceny	113	9
Larceny (Dwelling House)	8	-
Narcotic Offences	30	30
Other Serious Crimes	25	11
Total Serious Crimes	582	100

1.1.97 – 30.04.00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	29	15
Woundings and Shootings	99	47
Rapes, Incest and other Sexual Offences	225	97
Serious Indecency and Unnatural Offences	74	41
Burglaries and Break-ins	2329	244
Robberies	1403	167
Fraud Offences	81	71
Larceny	894	79
Larceny (Dwelling House)	117	11
Narcotic Offences	369	369
Other Serious Crimes	255	130
Total Serious Crimes	5875	1271

MALONEY POLICE STATION1997

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Woundings and Shootings	4	1

*Written Answers to Questions**Friday, June 02, 2000*

Rapes, Incest and other Sexual Offences	34	25
Serious Indecency and Unnatural Offences	13	12
Burglaries and Break-ins	96	4
Robberies	35	2
Fraud Offences	-	-
Larceny	10	1
Larceny (Dwelling House)	3	-
Narcotic Offences	7	7
Other Serious Crimes	9	4
Total Serious Crimes	211	56

1998

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	1	0
Woundings and Shootings	1	1
Rapes, Incest and other Sexual Offences	6	5
Serious Indecency and Unnatural Offences	-	-
Burglaries and Break-ins	94	13
Robberies	15	2
Fraud Offences	-	-
Larceny	10	2
Larceny (Dwelling House)	2	0
Narcotic Offences	14	14
Other Serious Crimes	9	3
Total Serious Crimes	152	40

1999

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	-	-
Woundings and Shootings	3	2

*Written Answers to Questions**Friday, June 02, 2000*

Rapes, Incest and other Sexual Offences	8	3
Serious Indecency and Unnatural Offences	4	2
Burglaries and Break-ins	33	3
Robberies	45	13
Fraud Offences	1	1
Larceny	20	3
Larceny (Dwelling House)	3	-
Narcotic Offences	13	13
Other Serious Crimes	2	1
Total Serious Crimes	132	41

01/01 – 30/04/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	1	-
Woundings and Shootings	1	-
Rapes, Incest and other Sexual Offences	3	-
Serious Indecency and Unnatural Offences	-	-
Burglaries and Break-ins	19	-
Robberies	10	1
Fraud Offences	-	-
Larceny	6	-
Larceny (Dwelling House)	1	-
Narcotic Offences	-	-
Other Serious Crimes	-	-
Total Serious Crimes	41	1

1997 – 30/4/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	2	0
Woundings and Shootings	9	4

*Written Answers to Questions**Friday, June 02, 2000*

Rapes, Incest and other Sexual Offences	51	33
Serious Indecency and Unnatural Offences	17	14
Burglaries and Break-ins	242	20
Robberies	105	18
Fraud Offences	1	1
Larceny	46	6
Larceny (Dwelling House)	9	0
Narcotic Offences	34	34
Other Serious Crimes	20	8
Total Serious Crimes	536	138

AROUCA POLICE STATION**1997**

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	4	1
Woundings and Shootings	8	6
Rapes, Incest and other Sexual Offences	9	2
Serious Indecency and Unnatural Offences	7	5
Burglaries and Break-ins	283	10
Robberies	178	12
Fraud Offences	7	6
Larceny	93	4
Larceny (Dwelling House)	15	2
Narcotic Offences	8	8
Other Serious Crimes	28	15
Total Serious Crimes	640	71

*Written Answers to Questions**Friday, June 02, 2000*

	<u>1998</u>	
<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	3	3
Woundings and Shootings	5	5
Rapes, Incest and other Sexual Offences	28	9
Serious Indecency and Unnatural Offences	6	3
Burglaries and Break-ins	296	27
Robberies	140	15
Fraud Offences	5	4
Larceny	96	6
Larceny (Dwelling House)	18	4
Narcotic Offences	22	22
Other Serious Crimes	16	10
Total Serious Crimes	635	108

	<u>1999</u>	
<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	5	2
Woundings and Shootings	15	8
Rapes, Incest and other Sexual Offences	19	5
Serious Indecency and Unnatural Offences	10	4
Burglaries and Break-ins	259	32
Robberies	248	37
Fraud Offences	8	7
Larceny	106	3
Larceny (Dwelling House)	12	2
Narcotic Offences	33	33
Other Serious Crimes	25	14
Total Serious Crimes	740	147

*Written Answers to Questions**Friday, June 02, 2000***01/01 – 30/04/00**

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	1	1
Woundings and Shootings	5	1
Rapes, Incest and other Sexual Offences	5	0
Serious Indecency and Unnatural Offences	1	1
Burglaries and Break-ins	65	6
Robberies	64	4
Fraud Offences	-	-
Larceny	51	4
Larceny (Dwelling House)	2	-
Narcotic Offences	8	8
Other Serious Crimes	3	-
Total Serious Crimes	205	25

1997 – 30/04/00

<i>Offences</i>	<i>Reported</i>	<i>Detained</i>
Murders	13	7
Woundings and Shootings	33	20
Rapes, Incest and other Sexual Offences	61	16
Serious Indecency and Unnatural Offences	24	13
Burglaries and Break-ins	903	75
Robberies	630	68
Fraud Offences	20	17
Larceny	346	17
Larceny (Dwelling House)	47	8
Narcotic Offences	71	71
Other Serious Crimes	72	39
Total Serious Crimes	2220	351